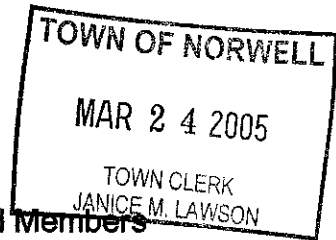


Norwell Planning Board Meeting Minutes
March 16, 2005 Regular Session



The meeting was called to order at 7:00 p.m. Present were Board Members Richard Parnell Barry, Bruce W. Graham, James M. Ianiri and Karen A. Joseph and Town Planner Ilana Quirk. Member Sally I. Turner joined the meeting at 7:05 p.m.

DISCUSSION. Draft Agenda. 7:00 p.m.

Member Graham moved and Member Ianiri seconded that the Board vote to accept the draft agenda as written. The motion was approved 4-0, with Member Turner absent.

DISCUSSION. Reorganization. 7:01 p.m.

The members postponed discussion on this item until all members are present.

DISCUSSION. Minutes. 7:02 p.m.

March 2, 2005 Minutes

Member Graham moved and Member Ianiri seconded that the Board vote to accept the March 2, 2005 minutes. The motion was approved 4-0, with Member Turner absent.

DISCUSSION. Bills. 7:04 p.m.

Member Graham moved and Member Ianiri seconded that the Board vote to approve the following bills submitted by Coler & Colantonio:

Barrel Lane:	\$1,802.55
Cedar Point:	\$ 65.00
John Neil Drive:	\$1,117.00
Joshua's Landing:	\$ 972.29
Turner's Way:	\$1,647.96
Wildcat Hills:	\$3,635.10
Winslow Commons:	\$ 277.37

The motion was approved 4-0, with Member Turner absent.

PUBLIC HEARING. Barrel Lane. 7:30 p.m.

All members were present. Member Ianiri read the public hearing notice to open the public hearing. Engineer Michael Carter was present for the Applicant and asked that the Board continue the public hearing. The reason for the request

was that there are revised plans, but they were not submitted in time to be discussed at tonight's meeting.

The Board discussed possible dates for continuation and repeated the Board's policy of requiring that applicants seek realistic continuances that do not result in wasting the Board's time or in plan revisions that overlap and cause multiple and expensive plan sets to be generated that need review and discussion.

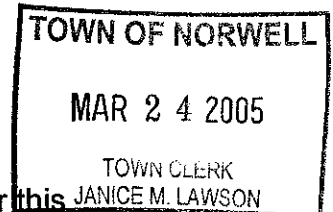
Engineer Carter requested in writing that the Board extend the deadline for final action from March 18, 2005 to June 10, 2005.

Member Graham moved and Member Ianiri seconded that the Board approve the Applicant's request to extend the deadline for final action to June 10, 2005. The motion was approved 5-0.

Member Graham moved and Member Ianiri seconded that the Board continue the public hearing for Barrel Lane to April 13, 2005 at 7:30 p.m. The motion was approved 5-0.

DISCUSSION. Reorganization. 7:05 p.m.

All members were present and a determination was made to postpone discussion on this item until following the public hearings scheduled for this evening's meeting.



DISCUSSION. Affordable Housing Partnership Committee. 7:10 p.m.

The Board discussed the invitation from the Board of Selectmen for the Planning Board to appoint a representative to the Affordable Housing Partnership Committee. The members had a number of questions regarding the authority, scope and budget for the committee. The Planner will ask the Town Administrator to provide information regarding these questions. The item was tabled until the additional information is provided.

DISCUSSION. Turner's Way. 7:15 p.m.

Applicant David Turner spoke to the Board and indicated that he would not be able to attend the public hearing for Turner's Way scheduled for 8:30 p.m. He asked that the Board continue the public hearing until a later date and gave the Board a written request for an extension of the deadline for final action.

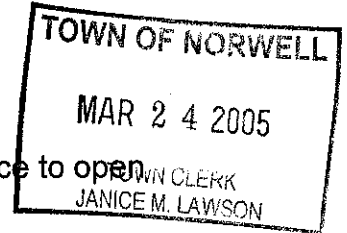
The Board explained that it could not act on any request outside of the public hearing and would consider his requests at the appropriate time.

DISCUSSION. Capital Budget Update. 7:20 p.m.

Member Joseph gave the Board an update on the progress being made by the Capital Budget Committee in preparing for Town Meeting. Over \$1million in capital budget requests is under discussion, however, the budget is grim. After a discussion, the Board agreed that it wished to support public safety equipment requests before all other requests.

PUBLIC HEARING. Winslow Commons. 7:35 p.m.

All members were present. Member Ianiri read the public hearing notice to open the hearing.



Member Joseph read a statement explaining the process that the Board will follow in hearing the matter and then making a decision and noted that the Board will have to make a decision as to whether the 1986 Subdivision Rules and Regulations apply or the 2004 Subdivision Rules and Regulations. The Board discussed the issue of the regulations.

Member Graham moved and Member Ianiri seconded that the Board voted to apply the 1986 Subdivision Rules and Regulations to the project. The motion was approved 4-1, with Member Barry dissenting.

Member Ianiri announced the documents and plans submitted to the Board regarding the project.

The Board discussed the current deadline for final action by the Board of April 1, 2005. If an extension is not requested and granted, then the Board would need to close the hearing this evening and being deliberating toward a decision as only one regular meeting remains between now and the deadline. The Applicant's representative, Engineer Jeremy Downs of GCG Associates stated that the applicant wished to ask for at least a two month extension in the deadline for final action. The Board emphasized very strongly that any extension requested should be realistic and should allow for the applicant to review all the comments received so far and respond to them with one revised plan set that the Board may then act upon. The Board reminded Engineer Downs that any revised plan set and other submittals must be received at least three weeks prior to any continued public hearing date, so that a review can be conducted by the Board's engineering consultant. Engineer Downs stated that he was aware of the requirement and would adhere to it strictly.

Engineer Jeremy Downs of GCG Associates gave the Board a written request to extend the deadline for final action to June 10, 2005. Member Graham moved and Member Ianiri seconded that the Board vote to accept the request by the applicant's representative that the deadline for final action by the Board be extended to June 10, 2005. The motion was approved 5-0.

Mr. Michael McDonald of 184 Tiffany Road stated that he believes he is an abutter, but he was not notified by mail. There was a discussion and it appeared that Mr. McDonald purchased his property recently and that notice may have gone to his predecessor.

Engineer Downs made a presentation. The property consists of 16.6 acres on Tiffany Road and the applicant proposed to construct an 1100 foot long roadway with a cul-de-sac, to create frontage for 6 residential lots.

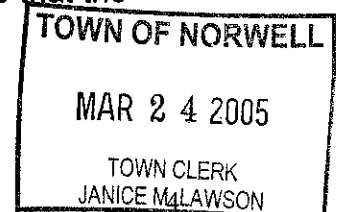
Member Joseph asked if a vernal pool is located on the property. Engineer Downs stated that no certification has taken place, but there is discussion about one. The location of the potential vernal pool is not shown on the plan. It is proposed to fill approximately 4,000 square feet of wetlands and provide at least 8,000 square feet of wetlands replication, using a retaining wall. There will be two drainage ponds. His office has been in receipt of Coler & Colantonio's technical report for some time now and Engineer Michael Carter has meet with C&C Engineer John Chessia. The applicant would like the opportunity to respond to the comments and address as many of the issues raised in the technical report as can be addressed. A compliance plan is being developed.

Member Graham asked about the intersection of the roadway with Tiffany Road and the fact that the two roads would not meet at a 90 degree angle. Engineer Downs stated that the applicant is asking for a waiver and that there are site constraints that do not allow the applicant to satisfy the requirements of the regulations.

Engineer John Chessia of Coler & Colantonio gave a brief overview of the technical report he prepared for the Planning Board regarding the plans and other submittals. He noted that the report, as is the practice of the Board and his office, addresses each regulation and indicates the plan complies or not and, if not, why not.

He reviewed a number of the technical ways in which the plans do not conform to the requirements of the Board's regulations, including failure to:

- 1) Deduct the are of the drainage basins from the upland available to the individual lots;
- 2) Provide sufficient grading to show that the 100 foot buffer for Route 3 will be honored as required;
- 3) Conform to sight distance requirements; '
- 4) Provide test pit locations so that there can be a determination as to whether one in two lots have successfully perced as required;
- 5) Clearly and accurately depict the abutters;
- 6) Provide sufficient information regarding Tiffany Road so that the intersection proposed can be analyzed;



- 7) Document the culvert in Tiffany Road so that flooding potential can be evaluated;
- 8) Conform to the typical cross section requirements in many respects, including basic requirements for depth of paving; however a waiver has been requested;
- 9) Establish the drainage divide for the property, without which the drainage cannot be properly evaluated;
- 10) Show major features such as large trees;
- 11) Establish that the land is suitable, since the ground water is high and there will mounded systems and insufficient information has been provided;

Engineer Chessia noted that the plans do not provide the required 50 foot right-of-way width for the roadway. A waiver has been requested to allow this and to allow a non-uniform width, however, he is not aware of this type of waiver ever having been granted previously;

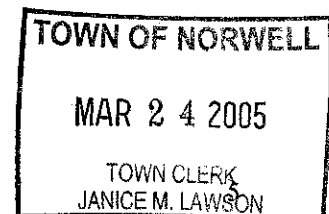
He noted that the plans do not conform to DEP Stormwater Phase II Policy as retaining walls for basins are not allowed and he noted that the proposed walls would be difficult to construct and difficult to maintain.

Engineer Chessia noted there are many drainage related concerns. The chief concern is the volume of stormwater that would be discharged from the site during storms. He is familiar with the area and has witnessed this portion of Tiffany Road in a flooded condition. The project will be required to prove that it will not make the existing flooding any worse. To do that the applicant must establish that there will not be any increase in the volume of water discharged from the site during a storm. Engineer Chessia's review of the project indicates that the current design would increase the volume of stormwater discharged from the site and, therefore would increase flooding. This is not allowed.

Engineer Chessia noted his concern that any work proposed for replication of wetlands or for drainage basins be subjected to soil testing because the soil is wet in many areas. He noted that five years ago the delineated wetlands were more extensive and that a previous subdivision project was withdrawn because the applicant was unable to resolve flooding issues.

Engineer Chessia noted that the relevant portions of Tiffany Road must be carefully surveyed as to the pitch of the road and how the catch basin system works. Unless this is carefully documented, the runoff will miss the catch basins and cause more flooding.

Engineer Chessia noted that drainage easements should be provided to the property lines for the detention basins and include any wetland areas.



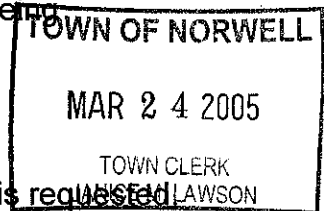
Engineer Chessia noted that the required information regarding nearby driveways on Tiffany Road had not been provided.

Engineer Chessia noted that the required sidewalks are not shown on the initial portion of the roadway because it is not wide enough and that the required tree information and locations has not been provided.

Engineer Chessia noted that he just summarized some of the concerns. There are many others detailed in his report.

Member Joseph noted her dismay that the plans fail to meet so many of the Board's requirements and that they fail to meet the DEP Stormwater Phase II Policy requirements, which clearly apply as there are four or more lots proposed.

The Board asked Engineer Downs to review the waivers that are being requested.



Dead-end Street Length:

A waiver from the 500-foot maximum length for a dead-end street is requested to allow an 1100-foot roadway with a cul-de-sac. Member Ianiri noted that this waiver has been granted in the past, but only for more generally compliant plans, and only to serve a public interest such as avoiding a slope or a wetland area. Here, the proposed roadway goes right through the wetland.

Tangent Length Between Reverse Curves:

A waiver has been requested from the tangent length requirement because of the configuration of the site, which does not permit a 90 degree angle for the intersection. Engineer Chessia noted that the waiver of the tangent length would make the proposed intersection safer, but that this begs the question of whether the waiver on the intersection not being between 60 and 90 degrees is proper and whether it should be allowed.

Existing Conditions Scale:

A waiver has been requested to allow the existing conditions plan to be shown at a scale of 60 feet to an inch, rather than 40 feet, to allow the plan to be shown one page. Member Joseph noted that the Board has never allowed this as it prevents the Board from coordinating the information from one sheet to another. She stated her view that two sheets should be provided at the proper scale.

Large Trees:

A waiver has been requested to eliminate the requirement that large trees be shown. Member Joseph noted that the Board has not been allowing this type of

waiver and has been requiring everyone to show trees with a caliper of 24 inches or greater.

Contours:

A waiver has been requested from the required contours that must be shown. Engineer Chessia noted that more information will be needed to establish the location of the watershed divide and the percent slope proposed.

ROW Width:

A waiver has been requested to allow a ROW of less than 50 feet (as narrow as 45 feet in places) and a ROW with a non-uniform width. Engineer Chessia noted that, to his knowledge, this type of waiver has not been granted previously.

The hearing was opened to public comment.

Mr. Michael Hnatkovich of 190 Tiffany Road noted his concerns regarding the accuracy and completeness of the test pit information, the potential vernal pool that may exist in the layout of the proposed roadway; the existence of rare wildlife that has been documented recently and the failure to satisfy minimum sight distance requirements. He noted that the incidence of traffic accidents has increased significantly over the past 18 years. He provided the Board with correspondence and photographs on these points.

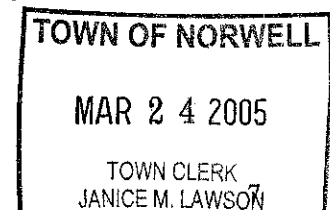
Mr. Mark Aigen of 51 Tiffany Road asked Engineer Downs to indicate the location of the brook near the property on the plan. Engineer Downs responded that no such brook was identified during the ANRAD process with the Conservation Commission.

Attorney Walter Sullivan noted that he represents a number of abutters and that their concerns are outlined in the letter that he delivered earlier today and that was announced to the public at the beginning of the hearing. He noted that the main concern is flooding.

Member Barry noted that Tiffany Road is a scenic road and that all of the requirements for removal of trees and stone walls must be adhered to by the applicant.

Member Joseph emphasized again that the project must adhere to the requirements of DEP's Phase II Stormwater Policy. Member Barry noted that the retaining walls in the drainage basins are not a favorable design.

Member Joseph asked why an island in the cul-de-sac was not provided. Engineer Downs said that one would be added.



Mr. Aigen asked whether the subdivision way is proposed as a private way or whether it will be offered as a public way. Engineer Downs stated that it is the applicant's intention to offer the way as a public way.

Member Graham noted that he has been on the Planning Board for a number of years and this project is seeking the most number of waivers that he has ever seen. If a project complies with all of the Board's regulations, of course, it is entitled to automatic approval, but the more waivers that are sought, the more difficult it is to obtain approval. He reminded Engineer Downs that the Board wants to see a compliance plan that shows what the project would look like without any waivers, so that the Board can evaluate whether the waivers are within the public interest.

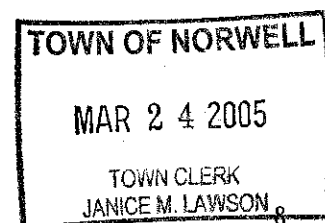
Member Graham emphasized that any revisions that are proposed to the plan set should take into account all of Engineer Chessia's comments and all of the Board's comments, so that the Board and the applicant and the public can avoid the frustration and expense and delays caused by endless revisions to plans. Her urged Engineer Downs to make all of the changes that the applicant is able or willing to make in the next plan set, so that the Board can close the hearing and act on the proposal.

Member Barry reminded Engineer Downs that revising the plans has a serious cost attached to it and that he wanted to know that this was understood by Engineer Downs and by his clients. He cautioned Engineer Downs against having his client express surprise that the review of the revised plans cost review fees money. If the applicant wants to submit revised plans, they must undergo technical review and that will cost money and the applicant must be willing to pay for it. Engineer Downs stated that he understands the costs involved.

Member Ianiri noted that the plan as presented this evening raises serious environmental and safety concerns, which need to be addressed.

Engineer Downs noted that the applicant is willing to provide a looped water main that would improve water pressure in the area. He argued that this would be a public benefit and make the waivers requested in the public's interest.

Ms. Christine Patterson of 178 Tiffany Road noted that if the subdivision is going to be offered for acceptance as a public way, then the public would be asked to take on the added expense of what will be a high maintenance roadway, due to the drainage problems that will cause damage to the road and due to the retaining walls that are proposed that will be expensive to maintain and repair and replace. She noted that the benefit of a water main loop would be erased quickly by the additional costs of the maintaining the way and its drainage systems.



No further comments from the public or Engineer Downs were made. The Board discussed a continuance of the public hearing with Engineer Downs and emphasized the schedule for submitting revised plans to the Board's technical consultant and to the Board.

Member Graham moved and Member Ianiri seconded that the Board vote to continue the public hearing to May 25, 2005 at 7:30 p.m. The motion was approve 5-0.

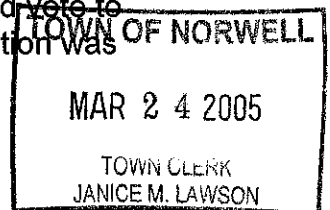
PUBLIC HEARING. Turner's Way. 8:50 p.m.

All members were present. Member Ianiri read the public hearing notice to open the public hearing. Member Turner recused herself and left the table. Member Barry did not participate because he missed one earlier session of the public hearing.

The Board discussed the fact that a revised plan set was not received in time to be reviewed and a report provided by March 9, 2005. As a result, the revised materials are not ready for discussion for this meeting. The Planning Office received the revised plans on Thursday, March 3, 2005. Engineer John Chessia of Coler & Colantonio received the revised materials this afternoon. Engineer Chessia indicated, however, that the changes on the revised plans are minimal enough so that he can have a technical report to the Board by March 23, 2005, allowing a potential continuation of the public hearing on March 30, 2005.

The Board reviewed a signed request for an extension of the deadline for final action received from Applicant David Turner. Member Graham moved and member Ianiri seconded that the Board vote to accept the Applicant's request that the deadline for final action be extended to April 29, 2005. The motion was approved 3-0, with Members Barry and Turner not voting.

Member Graham moved and Member Ianiri seconded that the Board vote to continue the public hearing to March 30, 2005 at 8:30 p.m. The motion was approved 3-0, with Members Barry and Turner not voting.



PUBLIC HEARING. Taylor's Way. 9:00 p.m.

All members were present. Member Ianiri read the public hearing notice to open the public hearing. No one was present to represent the applicant.

The Board noted that it has received a copy of the Conservation Commission's denial of an Order of Conditions for the project.

The Board noted that, on February 16, 2005, the Board granted the Applicant's last minute, faxed request for a continuance of the public hearing to this evening, to allow the applicant more time to revise the plans. The Applicant's engineer

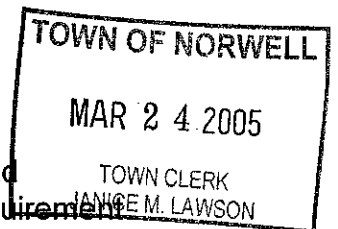
was informed via e-mail on February 17, 2005 that the continuance was granted and reminded of the deadlines for submission of materials in order to allow the materials to be considered at tonight's meeting. No revised plans were submitted. The Planning Office has received no word from the Applicant or the Applicant's engineer since the request for a continuance was received on February 16, 2005.

Member Graham moved and Member Ianiri seconded that the Board vote to close the public hearing. The motion was approved 5-0.

The Board members discussed the draft decision prepared by staff and distributed to the Board on February 15, 2005. Member Graham moved and Member Ianiri seconded that the Board vote to have the Planner prepare and circulate a draft decision denying the project based upon the comments and recommendation received from the Board's engineering consultant, staff and town boards and agencies. The motion was approved 5-0.

DISCUSSION. Application and Review Fee Audit. 9:15 p.m.

The Board discussed the application and review fee audit prepared and circulated today by the Planner. The Board reviewed the statutory requirements that application fees be sent to the General Fund, under G.L. c.44, §53, and the statutory authorization that review fees may be imposed and kept in a special account, provided that an accounting is performed, under G.L. c.44, §53G.



The Board reviewed the history of how records have been kept and monies segregated over the past 5 or 6 years. The Board discussed the practices that were used in the past and noted that the current practices are designed to conform strictly to all statutory requirements. Since application fees may have inadvertently been placed in planning accounts, rather than in General Fund accounts, the Board discussed the need to authorize the immediate transfer to the General Fund of any such funds, which are confirmed during the audit that is being conducted to have been mistakenly diverted from the General Fund.

Member Graham moved and Member Ianiri seconded that the Board vote to authorize the Planner to request the Town Accountant to transfer any funds, which are confirmed as application fees that were mistakenly deposited in a planning account, to the General Fund. The motion was approved 5-0.

DISCUSSION. Office Security Issues. 9:25 p.m.

The Board and the Planner discussed office security issues and the increasingly hostile environment that has developed in the Planning and Conservation Office, with applicants not maintaining basic civil behavior. The Board determined that it would review and then send a letter to the Police Chief, notifying him of the sometimes abusive and threatening behavior of members of the public, both in

person and over the phone. The Board discussed a number of strategies to try to promote a more positive environment. One strategy that the Board discussed is a potential effort to reduce the permitting time by limiting the number of plan sets that may be submitted. This would drive down the cost of review and shorten the review time and be less frustrating for the Board, the applicants and the public. The Board also discussed creation of an information sheet for applicants and their engineers providing the hourly rates of the technical review services that are to be provided and rough estimates for initial reviews and subsequent revision reviews. While applicants request continuances and submit multiple plans, they frequently express anger at the resulting delay and costs. Each applicant must be required to make informed decisions about continuances and submissions of additional plans.

DISCUSSION. Deliberations on John Neil Drive Subdivision. 9:45 p.m.

The Board members discussed the latest draft decision prepared and distributed by the Planner. The Board briefly discussed the compliance plans presented and the requests that the dead-end street length and 26 feet of paved width be waived. The Board determined that the members needed to spend more time reviewing the factual findings section of the draft decision. The Board will attempt to vote on the individual factual findings at the March 23rd meeting. Once that is ready, the Board will be in a position to vote on the waivers and then direct what kind of a final draft decision should be prepared for final action.

DISCUSSION. Reorganization. 10:05 p.m.

The members decided to go forward with reorganization of the Board, as the Town Election has been completed and it is traditional for the Board to appoint new officers.

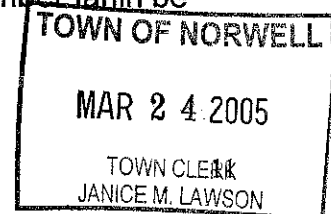
Member Joseph moved and Member Ianiri seconded that Member Graham be voted to be chairman. The motion was approved 5-0.

All members thanked Member Joseph profusely for her excellent service as chairman over the past year. The year was busy and productive as the Board's subdivision regulations were overhauled for the first time in 18 years, resulting in 5 last minute subdivision filings, which added greatly to the Board's workload.

Member Graham moved and Member Turner seconded that Member Joseph be voted to be vice chairman. The motion was approved 5-0.

Member Ianiri moved and Member Joseph seconded that Member Barry be voted to be clerk. The motion was approved 5-0.

Member Turner moved and Member Graham seconded that Member Ianiri be alternate clerk. The motion was approved 5-0.



DISCUSSION. Adjournment. 10:10 p.m.

, Member Turner moved and Member Joseph seconded that the Board vote to adjourn. The motion was approved 5-0.

I certify that the above minutes were reviewed and approved by majority vote by the Planning Board on *MARCH 23,* , 2005.


James M. Janiri, Clerk

