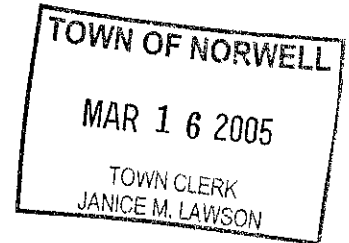


Norwell Planning Board Meeting Minutes
March 2, 2005 Regular Session



The meeting was called to order at 7:00 p.m. Present were Board Members Richard Parnell Barry, James M. Ianiri, Karen A. Joseph and Sally I. Turner and Town Planner Ilana Quirk. Member Bruce W. Graham joined the meeting at 7:10 p.m.

DISCUSSION. Agenda. 7:00 p.m.

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

DISCUSSION. Cedar Point Surety Release Request. 7:00 p.m.

Mr. Joseph Timmons was present to represent the Applicant, the Shrinewell Realty Trust, together with Project Manager Spencer Joseph.

The Planner gave a brief overview. The modification to the Cedar Point Subdivision to allow changes in the required improvements to allow the last lot in the subdivision to be built was approved on October 7, 2003. The Applicant posted \$30,000 in cash surety to guarantee completion of the roadway improvements. On October 27, 2004, the Board determined that the three required sand barrels had not yet been installed and that additional road compaction was still needed for the roadway, at an estimated expense of approximately \$800.00. As a result, the Board released \$29,000 of the \$30,000 surety and retained \$1,000 to guarantee completion of the remaining work.

On February 4, 2005, Coler & Colantonio submitted a surety report indicating that compaction testing indicated a failing grade on 4 out of 7 tests taken. The sand barrels were in place and compaction testing results were provided from Briggs Engineering & Testing that indicated that 7 tests were performed. The standard of compaction required under the regulations is 95%. Three of the 7 tests indicated a compaction rate of 96% or greater. Four of the 7 tests indicated a compaction rate of between 87% and 90%. The Applicant did not perform formal compaction by rolling the road with a vibratory steel drum. Instead the Applicant relied upon car traffic to perform the compaction. This worked for the upper part of the roadway, but not for the cul de sac, which receives less traffic. Based upon these results, C&C estimated that an additional \$381.00 of compaction work remained to be performed.

On February 8, 2005, the Applicant requested release of the remaining surety. During the March 2, 2005 meeting, Mr. Timmons asked the Board to waive the 95% compaction rate for the cul de sac and to return all of the surety to the Applicant.

Member Ianiri moved and Member Graham seconded that the Board release \$609.00 if the \$1,000 in surety being held to the Applicant, based upon the recommendation in the February 4, 2005 surety report prepared by Coler & Colantonio. The motion was approved 5-0.

The Board then addressed the request for the release of the remaining \$381.00 of surety. Mr. Timmons asked that the \$2512.34 in review fee money also be returned to him. It was explained that the review fee funds would not be returned until after all surety had been released and the project was closed out.

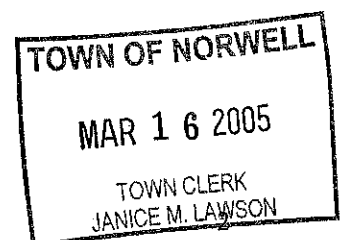
Project Manager Spencer Joseph argued that the 95% roadway compaction standard should not have been imposed on this project because the roadway is just a gravel road and will not be paved. Member Graham noted that the time to request a waiver in the applicable construction standard was during the subdivision modification approval process, not now.

Project Manager Joseph asked that the Board have Engineer John Chessia state the justification for the 95% compaction standard. Engineer Chessia stated that the justification was that the roadway would need less maintenance and repairs if it were properly compacted.

Member Barry asked why the roadway wasn't properly compacted with a roller machine when the roadway work was originally performed. Project Manager Joseph stated that car traffic was thought to be enough to do the job and so they didn't roll it. Project Manager again challenged the 95% compaction standard and argued again that it should be waived for the cul de sac because that area gets no traffic. Members Barry and Joseph both noted that emergency vehicles would have to use the cul de sac in the event of an emergency in order to turn around, to avoid getting stuck.

Member Ianiri noted that he was concerned that the Applicant should be required to deliver a properly constructed roadway to the Homeowners Association, since it is going to take over the maintenance. He noted that if all members of the Association were to agree that the lesser construction standard, then that might help, but there is no evidence of that.

Project Manager Joseph complained that the Board's consulting firm had attended the road construction and the compaction testing and, therefore, it had approved the work already. It was explained to him that compaction testing is required and that it depends upon a soil analysis that is done in a lab and that determines a "proctor" number for the soil. The proctor number then is applied to the compaction testing results. The Applicant's compaction testing consultant did not have the proctor available during the testing, so the results of the testing were not available until after the inspections occurred.



Project Manager Joseph exclaimed that Coler & Colantonio was just saying no to the release of the final surety because it results in more money for Coler & Colantonio. Engineer Chessia noted that this is a small project and the remaining work for his office, if there were additional testing, would probably take less than an hour.

Member Graham moved and Member Ianiri seconded that the Board deny Mr. Timmons' request for a waiver of the 94% compaction requirement for the cul de sac and, therefore, deny the requested release of the remaining \$381.00 of surety. The motion was approved 4-0, with Member Turner abstaining.

Project Manager Joseph became agitated and left the meeting room, slamming the door behind him. Mr. Timmons apologized for this behavior.

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.

PUBLIC HEARING. John Neil Drive Extension. 7:44 p.m.

All members were present. Member Ianiri read the public hearing notice to open the hearing. Member Ianiri read or announced all submittals since the last meeting, including: (1) A revised plan set, a drainage memo and a potential future abutter extension plan, dated February 5, 2005 and received from the Applicant by the Planning Office on February 99, 2005; (2) A February 10, 2005 comment memo request to Town Boards; (3) February 14, 2005 correspondence

from Water Superintendent John McInnis; (4) February 15, 2005 correspondence from Fire Chief Paul Rosebach; (5) February 17, 2005 correspondence from Building Inspector Tim FitzGerald; and (6) the February 17, 2005 report of Coler & Colantonio, regarding the February 5, 2005 plan set.

Attorney Marlin Hawthorne, representing the Applicants, Elvoid and David Mayers, both of whom were present, made a presentation. He noted that the Applicants are willing to install a water main, but are adamant that they will not provide an easement to allow a through connection to Circuit Street. He noted that the roadway width was changed from 26 feet to 20 feet in the most recent plan and that sidewalks were eliminated. He stated that the Conservation Commission has approved the drainage for the project and so the Planning Board should be satisfied.

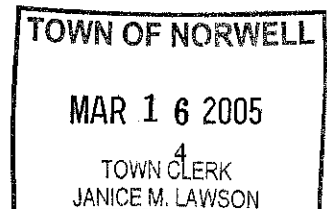
Mr. Robert Hilson of 45 Old Pottery Lane noted that he has filed an appeal from the Commission's approval of the project, so he stated that there should be no assumption that the approval is final.

Engineer Barbara Thissel made a brief presentation for the Applicants. She noted that the project would not result in an increase in the rate of runoff, although there will be an increase in the volume of the runoff.

Engineer Chessia made a presentation of his February 17, 2005 report. He noted that the major issue, from the very beginning, was the offsite impact of the post-construction drainage. There is a culvert nearby for Circuit Street that causes concern. He explained that it is not necessary to avoid an increase in the amount of volume of water that is being discharged, but there must not be any flooding as a result of the increase in volume. He has asked for and never received drainage studies that document the impact of the post-construction drainage on the nearby culvert. It explained that if water is discharged into a large, unrestricted area, then there is no way to measure and no concern about increases in flooding. If there is a nearby restriction, such as the culvert at Circuit Street, then there is a concern that stormwater water will flow to and back up at the point of restriction and cause flooding. This is not allowed and this what he has asked for information about repeatedly, but it has not been provided.

Member Joseph noted that the main issues are water, roadway width, sidewalks, zoning compliance and the compliance plan.

Member Graham noted that there was a discussion about a potential willingness by the Board to waive sidewalks for this project, but that was as to a plan that showed 26 feet of paved width. The plan now has been changed not only to eliminate the sidewalks, but also to reduce the width of the roadway from 26 feet to 20 feet. He noted that he was not inclined to vote to waive the sidewalks and waive the width of the roadway to 20 feet also. Member Barry agreed. Member Turner stated that she would be willing to consider waiving both.



Mr. Mayers stated that Main Street is 26 feet wide and has no sidewalks and he should not have to have a roadway that is as wide as Main Street and have sidewalks when Main Street does not.

Mr. Hilson spoke and noted that he appealed the Order of Conditions because he believes the wetland delineation is incorrect. He asked why the original plan showed a detention basin that was 8 to 10 feet deep and why it now is much shallower. Engineer Thissel responded that the original plan was designed without test pit information. The test pit results showed high groundwater, which meant that the basin had to be much larger and shallower. He asked whether the detention basin would be maintained and by whom. It was explained that it would be subject to a Homeowners Association and the Association would maintain it. He asked about percolation testing and was told that the final testing would be at the building permit stage. He noted that parts of Main Street do have sidewalks.

Mr. Ned Dunford of 92 Pleasant Street noted that the only sidewalks on Main Street are in the center.

Mr. Robert Napoli of 41 Old Pottery Lane stated his concerns about public safety and the roadway width.

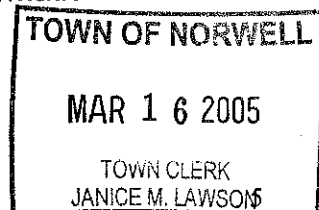
Member Turner noted her view that 20 feet is acceptable in some cases.

Mr. Mayers noted his engineering and legal costs. Mr. Hilson noted that Mr. Mayers should consider that he has changed lawyers and engineers twice and stated that he wants a less intrusive project. Mr. Napoli stated that he wants this process to end as there have been 20 meetings and he is incurring costs as well. Member Joseph directed that there be no further discussion on these points as they are not relevant to the decision to be made by the Board on the plans before it.

The Planner noted that there have been 16 iterations of the public hearing and suggested that the Board consider whether it is going to close the public hearing or allow more information and, if so, do discuss extensions with the Applicants.

Engineer Thissel asked for time to go through Engineer Chessia's February 17, 2005 report.

As to the requirement under §3.3.4 that the survey source be provided, Engineer Thissel noted Note 4 on the Cover Sheet for the plan provides the required information under §3.3.4. Engineer Chessia noted that it stated who did the survey and the date, but did not provide the other required information. Member Joseph noted that there are no benchmarks.



As to the requirement under §3.3.18, Engineer Thissel noted that the Grading and Utility Sheet provides a note regarding the size of the rip rap and that the drainage committee's standards will be used. Engineer Chessia noted that his question has always been whether the rip rap is sized for flow that will be generated. The drainage committee's standards predate the use of detention basins. He has asked for the calculations, but they have not been provided.

As to §4.8.5, Engineer Thissel stated that she could provide further documentation.

As to the drainage comment on the sizing of grates, Engineer Thissel asserted that this information is not needed.

As to the slopes of pipes, Engineer Thissel stated that Note 1 on the Cover Sheet for the plan addressed this issue. Engineer Chessia stated that the information provided does not provide information regarding the slope of the pipes.

As to the requested erosion and sedimentation controls requested, Engineer Thissel stated that this would be done later as part of the Conservation Plan.

Engineer Thissel provided an 8 ½ x 11 revised compliance plan that shows the lot area for the lots depicted. Engineer Chessia noted that the radius information is still not provided and would result in a need for waivers and that Lot 5 would need a larger basin and would have to be reconfigured.

Member Joseph asked the Applicants whether they had more information to present or whether they wished the public hearing to be closed. Attorney Hawthorne stated that the current plan is what the Applicants wish the Board to act upon.

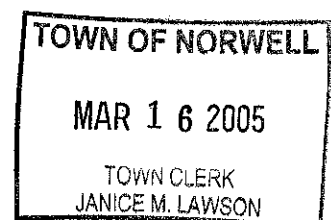
Member Ianiri moved and member Graham seconded that the Board close the public hearing for John Neil Drive. The motion was approved 5-0.

DISCUSSION. Minutes. 9:30 p.m.

February 17, 2005 Regular Session Minutes.

February 19, 2005 Barrel Lane Site Walk Minutes.

Member Ianiri moved and Member Graham seconded that the Board vote to approve the February 17, 2005 Regular Session and February 19, 2005 Barrel Lane Site Walk minutes. The motion was approved 5-0.



DISCUSSION. BILLS. 9:30 p.m.

The Board considered the following bills:

Edwards & Kelsey Taylor's Way:	\$381.45
Corporate Express Folders:	\$ 18.06

Member Graham moved and Member Ianiri seconded that the Board vote to approve the above bills. The motion was approved 5-0.

DISCUSSION. Indian Trail. 9:35 p.m.

The Board noted that Attorney Devin did not provide the promised material by the required deadline for discussing the material tonight.

Member Graham moved and Member Ianiri seconded that the Board vote to continue the discussion to April 13, 2005 at 8:45 p.m.

DISCUSSION. Annual Town Meeting Preparations. 9:40 p.m.

The Board review the citizen petition articles referred on February 23, 2005 by the Selectmen to the Board for public hearings. Member Graham moved and Member Ianiri seconded that the Board hold the three public hearings on Wednesday, March 23, 2005 and schedule them for 7:30 p.m., 7:45 p.m. and 8:00 p.m., respectively. The motion was approved 5-0.

DISCUSSION. Adjournment. 9:45 p.m.

, Member Ianiri moved and Member Graham seconded that the Board 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 16*, 2005.


James M. Ianiri, Clerk

