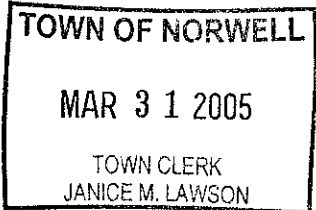


Norwell Planning Board Meeting Minutes  
March 23, 2005 Special Session



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 7:02 p.m.

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

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

**DISCUSSION. Registry/Land Court Signatures. 7:01 p.m.**

Member Joseph moved and Member Ianiri seconded that the Board vote to authorize the Clerk (Member Barry) and Alternative Clerk (Member Ianiri) to execute ANR (Approval Not Required Plans) voted to be endorsed by a majority of the Board. The motion was approved 4-0, with Member Turner absent.

**DISCUSSION. Minutes. 7:02 p.m.**

**March 16, 2005 Minutes**

Member Ianiri moved and Member Barry seconded that the Board vote to approve the March 16, 2005 minutes. The motion was approved 5-0.

**DISCUSSION. Affordable Housing Partnership Committee. 7:04 p.m.**

Member Turner moved and Member Ianiri seconded that the Board vote to appoint Member Graham as the Planning Board's representative to the Affordable Housing Partnership Committee. The motion was approved 5-0.

Member Ianiri moved and Member Turner seconded that the Board vote to appoint Member Barry as the Planning Board's alternative representative to the Affordable Housing Partnership Committee. The motion was approved 5-0.

**DISCUSSION. Town Meeting Preparations. 7:10 p.m.**

The Board discussed budget issues and the proposal by the Selectmen for a Proposition 2 ½ operational override to address budget shortfalls. Given the operational deficits that the Town is facing the Board discussed the potential of withdrawing its article requesting \$10,000.00 in technical consulting services and \$10,569.00 in additional clerical services.

Member Ianiri moved and Member Joseph seconded that the Board voted to withdraw its article requesting \$10,000.00 in technical consulting services and to amend the Board's budget to withdraw the request for an increase of \$10,500.00 in clerical services. The motion was approved 5-0.

TOWN OF NORWELL  
MAR 31 2005  
TOWN CLERK  
JANICE M. LAWSON

**DISCUSSION. Trunnel Subdivision Modification (Mullaney) 7:20 p.m.**

The Board noted the receipt of an application by Mr. Sean Mullaney and Mr. Steve Waitekaitis to modify the Trunnel Subdivision by adding a driveway to serve Mr. Mullaney's residential lot at 944 Main Street. Member Turner recused herself because she is an abutter.

Member Ianiri moved and Member Joseph seconded that the Board vote to accept the submission of the subdivision modification application, together with the plan sheets prepared by McKenzie Engineering Group, Inc., dated February 20, 2003, as revised through March 23, 2005, for consideration. The motion was approved 4-0, with Member Turner abstaining.

The Board discussed scheduling of the public hearing and the Board's three-week rule that materials be received by noon at least three weeks before the meeting at which the materials are to be discussed. The materials submitted today were submitted to the Board after noon occurred. The review fee check was submitted mid-afternoon. Delivery to the Board's engineering consultant occurred mid-afternoon as well. Mr. Mullaney has asked the Board to grant an exception to the three-week rule and schedule the public hearing on his application for April 13, 2005. The Planner noted that Mr. Mullaney and his engineer were reminded several times about the rule and they indicated that they understood that they needed to submit the application and all supporting materials by noon on March 23, 2005 in order to be scheduled for a public hearing on April 13, 2005. The engineer phoned at noon and indicated that the submission would be late.

The Board discussed the inclination to be sympathetic with someone who is a few hours late, but the need to be firm about the three-week rule, as many applicants are not adhering to the requirement. If exceptions are granted, then applicants will continue to request exceptions. It was noted that the three-week time frame is just barely enough time for the application to be properly reviewed and reported on and for the Board and staff to prepare for the public hearing. The technical report is received late on the Wednesday before the meeting, leaving only a 3 ½ business days for the Board and staff to review the report and for staff to prepare and circulate a draft decision, based upon the engineering report. The Board also discussed the fact that the April 13, 2005 agenda has two public hearings scheduled already.

Member Ianiri moved and Member Barry seconded that the Board vote to deny the applicant's request for an exception to the three-week rule and to schedule

the public hearing on the Mullaney Application to Modify the Trunnel Subdivision for April 27, 2005 at 7:30 p.m. The motion was approved 3-1-1, with Member Joseph opposing and Member Turner abstaining.

**PUBLIC HEARING. Demolition Delay ZBL §3400 Amendment. 7:30 p.m.**

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

Mr. Joseph R. Carty of 253 River Street, chairman of the Historical Committee, presented the proposed by-law change on behalf of the Historical Committee. He explained that the Historical Committee wishes to expand the jurisdiction of the Demolition Delay By-law to include all buildings and structures that are 75 years or older. The proposed amendment to the Demolition Delay Zoning By-law would impose a rolling 75-year rule and subject all buildings and structures that are older than 75 years at the time of demolition to the jurisdiction of the By-law. The Committee prefers a rolling 75-year rule, rather than a specific date. Mr. Carty noted that the Committee wants a rolling date, but that a firm date of 1925 could be used. Member Joseph noted that a specific year would be 1930, not 1925, if the by-law wish to reach back 75 years and beyond.

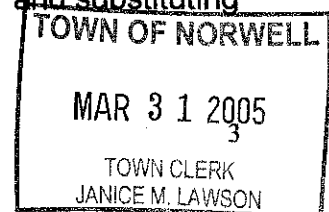
The members questioned Mr. Carty about the rolling nature of the 75-year rule. Mr. Brian S. Noble of 114 Norwell Avenue and chairman of the Advisory Board addressed the 75-year rolling rule and noted that he strongly recommends that the rule not be a rolling one. If a rolling 75-year rule is used, then, in 75 years, every existing building and structure in Town would be subject to the rule. There was a very lengthy discussion regarding how the Demolition By-law works now. Members Turner and Barry spoke in favor of the rolling 75-year rule and Members Graham and Joseph spoke in favor of a firm date.

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

Member Turner moved and Member Barry seconded that the Board vote to provide a favorable report to Town Meeting, recommending that the Historical Committee's proposed rolling 75-year rule be adopted. The motion was approved 3-2, with Members Graham and Joseph opposing.

Member Ianiri moved and Member Joseph seconded that the Board vote to reconsider its vote and entertain further discussion. The motion was approved 4-1, with Member Barry opposing.

Member Joseph moved and Member Ianiri seconded that the Board voted to recommend to Town Meeting that the Historical Committee's proposed amendment to the Demolition Delay Zoning By-law be approved, but only with an amendment that would delete the phrase "in excess of 75 years" and substituting



therefore the phrase "built on or before 1930." The motion was approved 3-2, with Members Barry and Turner opposing.

**PUBLIC HEARING. Isolated Lots ZBL §1650(2). 8:00 p.m.**

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

Attorney Walter Sullivan presented the petitioned article, which is requested by at least 10 registered Norwell voters. The article would amend Zoning By-law §1650(2) to make it consistent with state law. Under G.L. c.40A, §6, ¶4, any separately held lot, which predates the application of a zoning provision that made it nonconforming and that has at least 5,000 square feet of area and 50 feet of frontage and was continuously held in separate ownership, shall be "grandfathered" from certain dimensional zoning changes that are adopted thereafter. The current provision in the Town's Zoning By-law contains an additional restriction regarding when a lot is eligible for the protection provided by state law. There was a discussion that the Town cannot be more restrictive than state law in this situation and that the current by-law appears to be in sharp conflict with state law.

Member Ianiri moved and Member Joseph seconded that the Board vote to recommend this article to Town Meeting. The motion was approved 5-0.

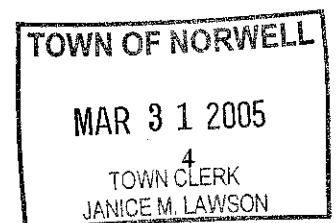
**PUBLIC HEARING. 483 Washington Street Rezoning Proposal. 8:07 p.m.**

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

Mr. Michael Serode of 483 Washington Street made a presentation to the Board. He explained that he and Mr. Michael McMann, the co-owner of the property, wish to change the zoning designation for 483 Washington Street from Residence B to Business B. They wish to have an interior design and landscaping business.

The Planner noted that Mr. Serode and Mr. McMann should be aware that 483 Washington Street is an undersized lot, as it has less than an acre of land. As a result, even if the proposed zoning change were approved, they should be aware that further zoning relief would be required before they could use the property the way that they wish. They stated that they were unaware of this issue and would research it and discuss it with the Building Inspector.

The Board Members discussed the potential spot zoning issue and noted that the proposal would not create a continuation of an existing zoning district. There would be a small gap between the 483 Washington Street and the nearest business district, on either side.



Ms. Cynthia Rousseau of 3 Jacobs Trail, who lives directly opposite the property, across Jacobs Trail, noted that she has no objection to what Mr. Serode and Mr. McMann proposed, but she is concerned for what could happen in the future, when Mr. Serode and Mr. McMann are gone. She stated that she is very concerned about traffic and parking.

Mr. John McLaughlin, Jr., also of 3 Jacobs Trail, noted that traffic to 483 Washington Street would access over Jacobs Trail and would require entry to 483 Washington Street into a driveway situation that already creates issues. He stated that he was not really concerned about what Mr. Serode and Mr. McMann would do with the property, but was very concerned about future expansion of the property, when they leave.

There was a lengthy discussion about the nature of the building, which was constructed in 1734, and what it could be converted to and that it could be torn down in the future as the Demolition Delay By-law provides only for a delay and would not prohibit demolition.

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

Member Barry moved and Member Ianiri seconded that the Board vote to recommend approval of the article at Town Meeting. The motion failed 3-2, with Members Graham, Joseph and Turner voting against and Members Ianiri and Barry voted in favor. The motion failed and a report recommending against the article will be submitted.

**DISCUSSION. Taylor's Way Draft Decision. 8:40 p.m.**

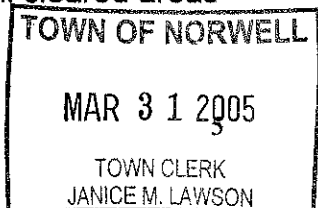
All members were present and discussed the March 21, 2005 negative draft decision, prepared and distributed to the Board by staff, at the direction provided by the Board to staff at the March 16, 2005 meeting.

Applicable Subdivision Regulations:

Member Ianiri moved and Member Joseph seconded that the Board vote to find that the Board's 1986 Subdivision Regulations apply to the Taylor's Way Subdivision project. The motion was approved 5-0.

Findings of Fact:

The Board reviewed Findings of Fact §XI, as set forth in the March 21, 2005 Draft Decision. Member Joseph moved that the Board correct two typographical errors in the Draft, insert the correct tree caliper requirements of 2 ½ to 3 inches and that Finding §R be amended to delete the phrase "and that all cleared areas



exceeding 100 square feet shall be planted with native trees having a caliper of 2 inches." Member Ianiri seconded that the March 21, 2005 draft be so amended. The motion was approved 5-0.

Member Joseph moved and Member Ianiri seconded that the Findings of Fact, §§A through U, as set forth in the March 21, 2005 draft and as amended this evening, be adopted by the Board. The motion was approved 5-0.

Waivers:

The Board discussed Waivers §XII as set forth in the March 21, 2005 Draft Decision.

Member Joseph moved and Member Turner seconded that the Board vote to grant no waivers from the Board's Subdivision Regulations, express or implied. The motion was approved 5-0.

Conditions of Approval:

The Board discussed Conditions of Approval §XIII as set forth in the March 221, 2005 Draft Decision.

Member Joseph moved and Member Ianiri seconded that the Board delete draft condition 13 as redundant. The motion was approved 5-0.

Member Joseph moved and Member Ianiri seconded that the Board voted to subject any approval of the Taylor's Way subdivision project to the draft conditions of approval set forth in the March 21, 2005 Draft Decision, as amended to remove draft condition 13. The motion was approved 5-0.

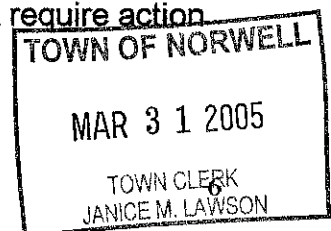
Decision:

Member Ianiri moved and Member Joseph seconded that the Planning Board vote to disapprove the Application and Subdivision Plan for Taylor's Way Subdivision for the reasons enumerated in the Findings of Fact adopted by the Board that detail the ways in which the Subdivision Plan does not conform to the Board's Subdivision Rules and Regulations. The motion was approved 5-0.

**DISCUSSION. John Neil Drive Draft Decision. 9:00 p.m.**

All members were present and discussed the March 10, 2005 Draft Decision, prepared and distributed to the Board by staff.

The Board discussed the approach that it would take to the review of the decision and determined that it would take votes on the various points that require action.



and then staff will prepared a revised final draft and vote on the final draft on March 30, 2005.

**Findings of Fact:**

The Board reviewed §IV Findings of Fact under the March 10, 2005 Draft Decision.

Member Ianiri moved and Member Graham seconded that the Board adopt, under §3.3.1, the existing conditions findings as drafted, with two amendments, which shall indicate that the frontage on Circuit Street is 364.83 feet and insert the word "has" before "one single-family dwelling". The motion was approved 5-0.

Member Joseph moved and Member Ianiri seconded that the Board adopt, under §3.3.1, the proposed division findings as drafted, with two amendments, which shall indicate frontage of 364.83 feet on Circuit Street and adopt the finding that the log cabins "are" dilapidated. The motion was approved 5-0.

Member Joseph moved and Member Ianiri seconded that the Board adopt, under §3.3.1, a finding that creation of Lot 4 as shown on the plan would violate zoning by creating an unlawful nonconformity under Zoning By-law §2311(a), §2421 and §2422. The motion was approved 5-0.

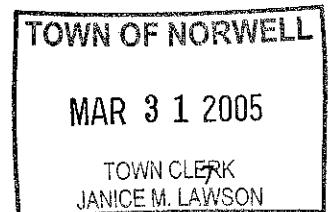
Member Joseph moved and Member Ianiri seconded that the Board find that the two unlabeled parcels shown on the plan would violate zoning as they are not buildable lots and are not properly labeled. The motion was approved 5-0.

Member Ianiri moved and Member Joseph seconded that the Board find that Lot 3 has the minimum lot area, but shall be subject to a restrictive covenant not to build upon Lot 3 until after an as-built plan for the drainage basin has been provided and confirms that the required lot area is still available.

Member Ianiri moved and Member Joseph seconded that the Board find that Lot 1 does not conform to ZBL §2432 and violates zoning because the applicants did not satisfy the burden of proof to establish that lot width requirements are satisfied. The motion was approved 5-0.

Member Ianiri moved and Member Joseph seconded that the Board find that Lot would violate the 80-foot width requirement under ZBL §2433, based upon the Building Inspector's comments. The motion was approved 5-0.

Member Ianiri moved and Member Joseph seconded that the Board find that Lot 3 appears to conform to the 150-foot circle requirement under ZBL §2540, but that the applicants should be aware that the Building Inspector has an issue with the plan. The motion was approved 5-0.



Member Joseph moved and Member Barry seconded that the Board determine that the February 10, 2004 Subdivision Plan, as revised through February 5, 2005, would not comply with the minimum applicable zoning dimensional requirements as required under §3.3.1.

Member Ianiri moved and Member Turner seconded that the Board find that the proposed roadway would satisfy the adequacy of street connection requirement under §3.1.4. The motion was approved 4-1, with Member Joseph opposed.

Member Ianiri moved and Member Turner seconded that the Board find that the percolation testing requirements of §3.3.2 were satisfied as the March 8, 2004 Board of Health report indicates that successful percolation tests were performed on Lots 1 and 2. The motion was approved 5-0.

Member Ianiri moved and Member Barry seconded that the Board find that the requirements of §3.3.4 were not satisfied as the plan set sheets are not consecutively numbered. The motion was approved 5-0.

Member Joseph moved and Member Turner seconded that the Board find that the requirements of §3.3.4.1 were not satisfied because the required benchmarks are missing. The motion was approved 5-0.

Member Joseph moved and Member Turner seconded that the Board find that the requirements of §3.3.4.3 were satisfied. The motion was approved 5-0.

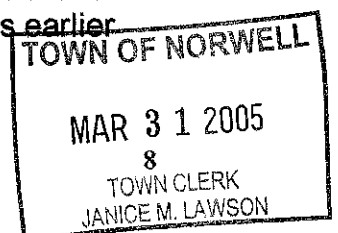
Member Ianiri moved and Member Joseph seconded that the Board find that the requirements of §3.3.4.4 were satisfied as sketch plans were provided. The motion was approved 5-0.

Member Joseph moved and Member Barry seconded that the Board voted to find that granting a waiver from §3.3.4.8, major site features, would not be in the public's interest and would not be consistent with the provisions of the Subdivision Control Law and that the Board deny the waiver. The motion was approved 5-0.

Member Joseph moved and Member Barry seconded that the Board determine that a Conservation Plan under §3.3.19 and §3.3.4.15 shall be required as a condition of approval and that a satisfactory plan shall be provided and reviewed by the Planning Board's technical consultant and approved by the Board prior to endorsement of the Subdivision Plan.

In addition, the Board further found that the hours of construction shall be limited as follows:

- a. Monday – Friday: 7 a.m. to 6 p.m., or dusk whichever is earlier
- b. Saturday: 8 a.m. to 5 p.m., or dusk whichever is earlier





- c. Sunday None
- d. Federal Holidays None

The motion was approved 5-0.

Member Turner moved and Member Ianiri seconded that the Board find that granting the requested waiver from the requirement under §4.6.2 that the bearings and distances be shown on the plan would not be in the public's interest and would be inconsistent with the Subdivision Control Law and that the Board deny the requested waiver. The motion was approved 5-0 and this portion of the requested Waiver was DENIED.

Member Turner Moved and Member Ianiri seconded that the Board find that granting the requested waiver from the requirement under §4.6.2 that the right of way width be uniform so that the right of way width between stations 0+00 to 0+50 would be wider than 50 feet, would be in the public's interest and consistent with the Subdivision Control Law and that the Board grant the requested waiver. The motion was approved 4-1, with Member Joseph objecting, and this portion of the Waiver was APPROVED.

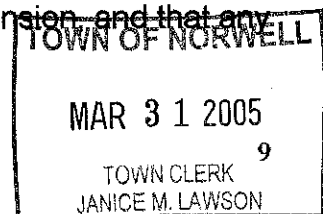
Member Turner moved and Member Barry seconded that the Board find that granting the waiver would not be in the public's interest and consistent with the provisions of the Subdivision Control Law and, therefore deny the waiver. The motion was approved 5-0 and the Waiver was DENIED.

Member Turner moved and Member Barry seconded that the Board find that granting the requested waiver to allow the tapered road width would not be in the public's interest and would be inconsistent with the Subdivision Control Law and deny the waiver, due to the slope of the road. The motion was approved 5-0 and the Waiver was DENIED.

Member Joseph moved and Member Barry seconded that the Board find that the requested waiver from §4.7.14, regarding parallel way lines, would not be in the public's interest and would not be consistent with the Subdivision Control Law and deny the waiver. The motion was approved 4-1, with Member Turner opposed, and the Waiver was DENIED.

Member Joseph moved and Member Barry seconded that the Board find granting the requested waiver from §4.8, dead-end street limits, would be in the public's interest and consistent with the Subdivision Control Law and grant the waiver, but only if all of the conditions of approval voted hereunder are satisfied. The motion was approved 5-0.

Member Joseph moved and Member Ianiri seconded that any approval of the project shall be conditioned upon the project complying with the requirements of §4.8.5, elimination of turn around upon construction of an extension, and that any



permission necessary to be obtained to do the work be obtained. The motion was approved 5-0.

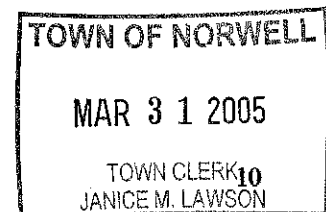
Member Joseph moved and Member Ianiri seconded that the Board find that the Subdivision Plan does not conform to the requirements of §4.9 and that any approval of the project shall be conditioned upon compliance with this requirement. The motion was approved 5-0.

Under §4.11.1, a plan shall conform to the typical cross-section contained in the appendices. The following waivers were requested:

- A. Waiver to allow a variable road width, from 26 to 20 feet, from station 1+50 to 0+00. Member Joseph moved and Member Barry seconded that the Board deny this waiver as inconsistent with the public's interest and the Subdivision Control Law. The motion was approved 4-1, with Member Turner opposed, and the Waiver was DENIED.
- B. Waiver to allow use of an 18-inch modified cape cod berm, instead of the required 24-inch width. Member Ianiri moved and Member Joseph seconded that the Board grant this waiver as consistent with the public's interest and the Subdivision Control Law. The motion was approved 5-0 and the Waiver was APPROVED.
- C. Waiver to eliminate sidewalks. Member Ianiri moved and Member Joseph seconded that the Board grant the waiver as consistent with the public's interest and the Subdivision Control Law, provided that the Applicant pay \$10,000.00 to the Sidewalk Improvement Fund. The motion was approved 4-1, with Member Barry opposing, and the Waiver was APPROVED.
- D. Waiver to allow variable shoulder width between stations -0+32 and 0+62. Member Joseph moved and Member Barry seconded that the Board vote to deny the waiver as inconsistent with the public interest and the Subdivision Control Law. The motion was approved and the Waiver was DENIED.

Under §4.20, drainage calculations shall be submitted and reviewed for compliance with the requirements of the Permanent Drainage Committee.

Member Joseph moved and Member Barry seconded that the Board find that the February 10, 2004 Subdivision Plan, as revised through February 4, 2005, does not conform to the drainage requirements set forth under §§4.20.1 through 4.20.2 for the reasons stated in the February 17, 2005 engineering report of Engineer John Chessia of Coler & Colantonio to the Planning Board regarding the project. (Note: A copy of the report was provided to the applicant.) The motion was approved 5-0.



Under §4.21, et. seq., water mains and hydrants and other related equipment shall be installed within a subdivision to provide adequate water to provide for domestic use and fire protection. Proper connection to existing public water shall be made if reasonably accessible under §4.21.1.

Regulation §4.21.3 requires that the Fire Chief shall approve the location of hydrants. Member Joseph moved and Member Ianiri seconded that the Board find that the February 10, 2004 Subdivision Plan, as revised through February 5, 2005, conforms to §§4.21 through 4.21.3 et seq. The motion was approved 5-0.

Regulation §4.21.4 requires the water main to be looped. A waiver was requested. Member Joseph moved and Member Ianiri seconded that the Board deny the waiver requested that the water main not be looped as it would be inconsistent with the public's interest and the Subdivision Control Law. The motion was approved 5-0 and the Waiver was DENIED.

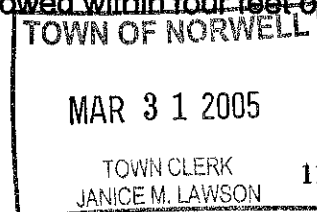
Under §4.23, streetlights shall be provided at intersections, dead-ends and at all vertical and horizontal curves. The plan depicts no streetlights and a waiver has been requested. Member Joseph moved and Member Ianiri seconded that the Board deny the requested streetlight waiver as inconsistent with the public's interest and the Subdivision Control Law. The motion was approved 5-0 and the Waiver was DENIED.

Under §4.30, five feet wide sidewalks shall be placed along the layout of the roadway, on either side. The February 10, 2004 plan, as revised through February 5, 2005 showed sidewalks along part of the roadway. A waiver has been requested to eliminate sidewalks.

Member Ianiri moved and Member Joseph seconded that the Board voted to grant the sidewalk waiver as consistent with the public's interest and the Subdivision Control Law, provided that the Applicant contribute \$10,000.00 to the Pedestrian Enhancement Fund, with the monies to be paid before endorsement of the plan. The motion was approved 4-1, with Member Barry objecting, and the Waiver was GRANTED.

Regulation 4.31 requires that existing trees shall be shown on the plan. A waiver was requested, so that individual existing trees within the proposed ROW need not be shown. Member Joseph moved and Member Ianiri seconded that the waiver be granted only as to trees under 24 inches in caliper and that the Board find that this would be in the public's interest and consistent with the Subdivision Control Law, but that trees over 24 inches shall be shown. The motion was approved 5-0.

Regulation §4.31 requires that street trees shall be provided and planted (2 ½ to 3 inch caliper) at intervals of 50 feet. No trees shall be allowed within four feet of the finished travel way.



Member Joseph moved and Member Ianiri seconded that the Board find that the street tree requirement of §4.31 has not been satisfied as there are not enough trees and the species of the trees is not identified as required. The motion was approved 5-0.

Under §4.33, bounds shall be placed on both sides of the street at all angle points, at the beginning and end of all curves and at all intersections of streets and ways.

Member Joseph moved and Member Ianiri seconded that the Board find that §4.33 is satisfied. The motion was approved 5-0.

Under §4.8.1, a dead-end street shall not exceed 500 feet the proposed way would exceed 500 feet by 276 feet. A waiver was requested.

Member Ianiri moved and Member Turner seconded that the Board grant the requested waiver as consistent with the public's interest and the Subdivision Control Law, provided that all of the conditions of approval adopted hereafter are fully satisfied. The motion was approved 5-0.

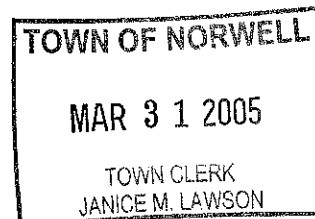
#### OVERALL COMPLIANCE WITH THE SUBDIVISION REGULATIONS.

Member Joseph moved and Member Barry seconded that the Board determine that the February 10, 2004 Subdivision Plan, as revised through February 5, 2005, does not comply with the minimum applicable zoning dimensional requirements as required under Regulation §3.1.3, based upon the findings and determinations voted above; and, therefore, unless an express waiver was granted above, the plan set must be revised to conform to all applicable requirements. The motion was approved 5-0.

Member Turner moved and Member Ianiri seconded that the Board vote to agree that the Board allowed the applicants to withdraw the original subdivision plan, dated November 12, 2002, as prepared by Vautrinot Land Surveying, Inc. of Plympton, MA, and substituted the February 10, 2004 subdivision plan, prepared by Barbara J. Thissell, P.E., Inc., of Norwood, as revised through February 5, 2005. The motion as approved 5-0.

The Board discussed the draft conditions of approval set forth in the March 10, 2005 Draft Decision. The Board noted that the final version of the maintenance document needs to be inserted into the conditions of approval.

Member Ianiri moved and Member Joseph seconded that the Board amend the Conditions of Approval set forth in the March 10, 2005 Draft Decision by deleting "shall," and accepting "may" in ¶18; by inserting 4 as the maximum number of lots in ¶31. The motion as approved 5-0.



Member Joseph moved and Member Barry seconded that, as to draft condition 36, a water main "shall be constructed and connected to the public drinking water supply so as to serve the three new proposed lots in accordance with the requirements of the Board of Water Commissioners." The motion was approved 5-0.

Member Ianiri moved and Member Joseph seconded that, as to draft condition 38, the Applicants "shall be required to establish a 20' wide utility easement along the northwesterly side of lot 3 and the southeasterly side of the subject property to Circuit Street in order to facilitate the future extension of the water main to connect with Circuit Street. The motion was approved 5-0.

The Board discussed and determined that draft condition 42, regarding site plan review requirements should be deleted as unenforceable.

Member Ianiri moved and Member Joseph seconded that the Board adopt the draft conditions of approval set forth in the March 10, 2005 Draft Decision, as amended and that the conditions of approval shall be imposed on any approval of the February 10, 2004 Subdivision Plan, as revised through February 5, 2005 and that the conditions shall be conditions precedent for any waiver from the regulations granted by the Board.

The Board discussed the draft motion on the decision on the project under March 10, 2005 Draft Decision.

Member Ianiri moved and Member Barry seconded that the Board vote to approve the February 10, 2004 Subdivision Plan, as revised through February 5, 2005, subject to the terms and conditions enumerated by the Board in the final decision. The motion was approved 5-0.

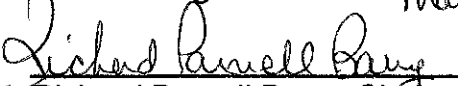
**DISCUSSION. 166 South St. Notice of Intent to Sell 61A Land. 10:15 p.m.**

The Board decided to postpone discussion of this item to a later date.

**DISCUSSION. Adjournment. 10:15 p.m.**

Member Joseph moved and Member Ianiri 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 30,* 2005.

  
Richard Parnell Barry, Clerk

