

Norwell Planning Board Meeting Minutes
May 11, 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 Sally I. Turner and Town Planner Ilana Quirk. Member Karen A. Joseph joined the meeting at 7:15 p.m.

DISCUSSION. Agenda. 7:00 p.m.

Member Ianiri moved and Member Barry seconded that the Board approve the draft agenda, with two new discussion items: (1) a progress report on the Affordable Housing Partnership Committee; and (2) the GIS article and possible support by the Planning Board for reconsideration of this article at the continuation of the Annual Town Meeting. The motion was approved 4-0, with Member Joseph absent.

DISCUSSION. Minutes. 7:03 p.m.

April 27, 2005 Minutes

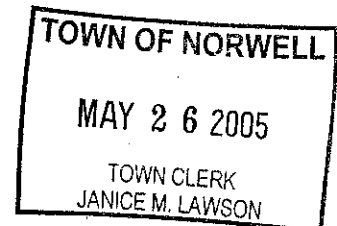
Member Ianiri moved and Member Barry seconded that the Board vote to accept the April 27, 2005 minutes. The motion was approved 4-0, with Member Joseph absent.

DISCUSSION. Bills. 7:04 p.m.

Member Turner moved and Member Barry seconded that the Board vote to approve the following bill:

Corporate Express: \$23.79
(Staple removers
and 15 tape cassettes)

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



DISCUSSION. Indian Trail 2001 ANR Plan Remand Decision. 7:05 p.m.

All members, except member Joseph were present. The Board discussed the April 28, 2005 draft decision generated from the votes taken by the Board at the April 27, 2005 meeting. The April 28, 2005 draft proposes an additional finding regarding the lack of evidence presented to the Board regarding the existing uses of Indian Trail. The Board members discussed that potential finding and determined that it was appropriate.

A May 11, 2005 draft was generated to correct the Exhibit lettering. Member Barry pointed out three additional typographical errors. The word "with" in line 2 of paragraph C on page 7 should be "when"; the word "structures" in line 4 on page 8 should read "structure"; and the term "Wood Road" in paragraph b.4, line 1 on page 8 should be "Woods Road." The Board agreed that these typographical errors should be corrected.

Member Ianiri moved and Member Barry seconded that the Board adopt the changes reflected in the April 28, 2005 and May 11, 2005 draft decisions, with the typographical corrections noted by Member Barry. The motion was approved 4-0, with Member Joseph absent.

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

All members, except Member Joseph were present. Member Graham gave a brief update on the status of this committee. The committee will have eleven members and the newly appointed committee members are exchanging contact information and are waiting for the Board of Selectmen to call the first meeting. Member Ianiri informed the Board that the Community Preservation Committee would like to have a joint meeting with the Affordable Housing Partnership Committee soon after it begins its work to discuss strategies and funding issues. There was a discussion about the lack of staff to support the committee to make sure that meetings are posted and minutes are prepared and filed. At the May 9, 2005 Town Meeting, Board of Selectmen Chairman Mariano told Town Meeting that, if the secretarial floater positions are restored, then a floater would be made available for these purposes.

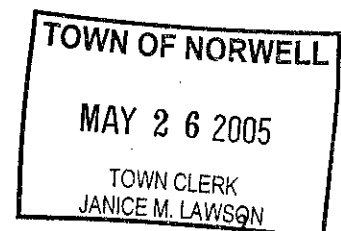
DISCUSSION. GIS Support Article. 7:15 p.m.

All members were present. The Board discussed the recent defeat by Town Meeting of an article, sponsored by the Highway Surveyor, which would authorize the Town to borrow \$300,000, using a low interest loan from state funding sources, so that the Town can begin drainage mapping and other activities that are necessary for the Town to come into compliance with federal stormwater drainage laws. If the Town does not come into compliance with federal law, the potential for heavy fines against the Town exists.

Member Ianiri moved and Member Barry seconded that the Planning voted to support an effort on May 23, 2005, at the continued Annual Town Meeting, to reconsider the mapping drainage article and to provide support for favorable action on the article as failure to do so could result in the Town losing the opportunity to take advantage of the very favorable low interest loan program offered by the State and in the incurrence by the Town of heavy fines for not complying with federal law. The motion was approved 5-0.

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

All members were present. Member Joseph told the Planning Board that the Board must appoint a representative to the Capital Budget Committee, as her appointment has expired. Member Turner moved and Member Barry seconded that the Board vote to appoint Member Joseph to the Capital Budget Committee. The motion was approved 5-0.



DISCUSSION. Pinson Lane. Surety Release Request. 7:25 p.m.

All members were present. Developer John Tedeschi was present. Planning Board consultant, Engineer John Chessia of Coler & Colantonio, Inc. was present also.

The Board reviewed the history of the project. The project was approved in 1999 and the roadway and three homes have been built. The Board is holding a Letter of Credit for \$106,000 to guarantee completion of infrastructure of the project. The Board reviewed the 1999 decision and noted that the streetlight, 'no activity' easement, homeowners association and contribution to the sidewalk fund required under the decision cannot be located. Mr. Tedeschi was asked to research his records and provide evidence of the recording of the easement and homeowners association and a cancelled check for the contribution to the sidewalk fund. The Board and Mr. Tedeschi will have to discuss the street light issue as well and why it was not provided.

In an April 25, 2002 surety report, Engineer Chessia recommended that the Board retain surety in the amount of \$14,500.00 for remaining work. He noted that after the roadway was constructed and paved to the binder course, the Town eliminated a drainage trench that Mr. Tedeschi proposed to tie into. As a result, water is draining onto a neighboring driveway during spring melt conditions and heavy rains. When the Town eliminated the trench, however, it installed a drain. Engineer Chessia noted that one potential solution for the current problem would be for Mr. Tedeschi to tie into the Town's drain. The Town has adjacent land available that it owns and uses for drainage.

The Board noted that Mr. Tedeschi has no legal right to tie into the Town's drainage system without first obtaining the Town's permission. Mr. Tedeschi noted that he does not have that permission and did not have that permission when the subdivision was approved in 1999.

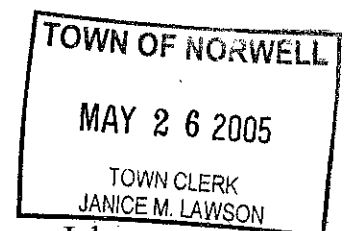
The Board asked Mr. Tedeschi to discuss the drainage issue with Highway Surveyor Paul Foulsham and the Town Administrator to see if the Town would be willing to sell him the right to drain into the Town's system. Mr. Tedeschi agreed to explore this option. He also will research the other outstanding items as well. The matter was tabled until May 25, 2005.

At 7:35 p.m., the Board adjourned from Room 112 to the Gym.

PUBLIC HEARING. Wildcat Hill Subdivision. 7:40 p.m.

All Members were present, together with Planning Board consultant Engineer John Chessia of Coler & Colantonio, Inc. Applicant William Constable, Esq. was present, together with Mr. Michael Abend of Abend Associates, Mr. Jay Gallagher, Mr. Paul Gallagher, Mr. Thomas Jordan, Engineer Bradley C. McKenzie of McKenzie Engineering Group, Inc. and James Orbach of OHI.

Member Barry read the public hearing notice and Member Ianiri recused himself.



Member Barry announced the submittals received since the February 16, 2005 portion of the public hearing.

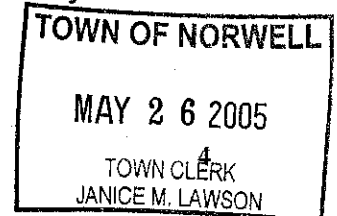
Member Graham introduced himself and explained that the Planning Board has reorganized since the last meeting on February 16, 2005 and he is the new chairman and so all comments should be directed to and through him.

Engineer McKenzie introduced Mr. Constable and the team of consultants that will be available to answer questions this evening. Engineer McKenzie noted that Engineer Chessia recently provided a very thorough technical report and that there are very items left to be resolved and the Applicant can and will resolve all of the remaining issues.

Engineer McKenzie gave a ten-minute overview of the changes made to the plans. The changes include moving one of the entrances for Road A on Wildcat Lane, due to sight distance problems. One of the 44 residential lots that was planned for now will be dedicated to a wastewater treatment plant and so the development will proposed 43, not 44 residential lots. DEP has issued a conceptual approval for the wastewater treatment plant. Road B has been shortened by 100 feet, solving some of the grading and drainage problems that previously existed. A traffic report that has been reviewed by Coler & Colantonio revealed that there are no traffic problems that would result from the development. While not required to do so, the Applicant has agreed to level a portion of Wildcat Lane to a 5% grade as requested by C&C. In addition, C&C raised three drainage issues and all three will be resolved, including the issue of drainage to Route 3, which the Applicant believes is not a problem. But, the plan will be revised so that there will be no increase in run off to Route 3. Finally, the Applicant has offered to the Water Department to provide an 1,100-foot water main connection on Wildcat Lane, between the Subdivision Project and Old Pottery Lane.

Engineer McKenzie provided a cut and fill sheet, detailing the amount of cuts that are anticipated and the areas of fill and estimating how much fill would be brought to the site. The total amount of fill anticipated to be brought to the site is 58,000 cubic yards, with approximately half of the fill being necessary for the construction of the roadway and the other half for the house lots.

Engineer Chessia gave a brief overview of his most recent report. There are six issues. Traffic has been satisfactorily resolved. Drainage is mostly resolved and likely will be fully resolved by three minor changes that have been discussed and that will be finalized by Engineer McKenzie and provided to Engineer Chessia not later than May13, 2005. Engineer Chessia emphasized that if the plan is approved and then changes to contours that impact drainage are required by DEP, then a subdivision modification should be required. Zoning issues are not fully resolved and he cannot really give recommendations on this point, only flag issues. There is a question as to whether the treatment plant is allowed and, if so, whether it would require a special permit. He noted that the subdivision plan has not gone to Conservation yet and that any changes required by Conservation may require a modification of any plan that may be approved by the Planning Board.



Member Graham then indicated that the Board would review the outstanding issues and try to determine what additional materials need to be submitted. A memo by the Planner, setting forth a list of outstanding issues and additional materials to be submitted, was circulated to the Members, the Applicant and the public. The hope is that all remaining materials that anyone wants to submit will be received in time for the Board's May 25th meeting. There is additional time on the Board's agenda that evening to allow the public hearing to be continued to that date, if appropriate. If so, the hope would be that all information would be submitted and in place and that the public hearing can be closed.

Water Issues:

Member Graham noted that the water main issue appears to be on its way to being resolved. The Water Superintendent still needs to review the sewer collection system and that report should be ready by May 25, 2005. The Applicant was requested to be in touch with the Board of Water Commissioners and obtain evidence of its assent to the offer to install the water main.

Traffic:

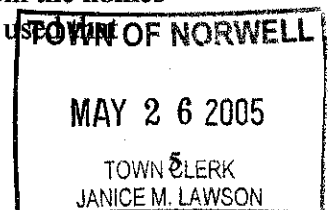
Member Graham introduced the topic of traffic and noted that the Applicant's traffic report, regarding the future use of the site, appears to be in order.

Member Barry noted that he has concerns about the heavy truck traffic that will be required during construction to bring in fill. Engineer McKenzie estimated that approximately 30,000 cubic yards of fill would be brought in for the roadway. Attorney Constable noted that the roadway fill will be brought to the site in a short period of time, but the remainder of the fill will arrive over a much longer period of time as the houses are built.

Member Joseph asked Attorney Constable whether he would agree, on behalf of the Applicant, to a requirement that fill not be trucked into the site during those times when the school buses are active. The times of activity would have to be coordinated with the School Superintendent. Attorney Constable responded that he could agree to that requirement for the construction of the roadway, but could not agree to that for the construction of the house, since he would not have control over that, once the lots are sold. Member Joseph stated that this was reasonable.

Drainage:

Member Barry raised a concern about the stormwater basin near Centennial Way. Provision is made for emergency overflow, but Member Barry asked what would happen if the emergency overflow area overflows. Engineer McKenzie stated that he does not think that this would ever happen. Member Barry noted that the houses on Centennial are lower than the basin. Engineer McKenzie noted that the basin is 300 feet from the homes in question. At C&C's request, the Applicant surveyed all of the homes and used



information to design the basin. The top of the basin is at an elevation of 77 feet and the emergency overflow is at an elevation of 73 feet. The emergency overflow would go to a natural depression, which has a low point of 67 feet. The nearby houses, based on the survey work, have their top of foundations at an elevation of 73 feet.

Member Barry asked Engineer McKenzie to explain the concept of 'mounding'. Engineer McKenzie explained that when a high rate of water flow is introduced into the ground, the water mounds underground and then dissipates.

Traffic:

Member Graham asked that the discussion on traffic be finished before drainage is discussed. Mr. Abend noted that he wanted to clarify that the work that is proposed to be done by the Applicant to level a portion of Wildcat Lane will not eliminate the crest that exists now, but it will be made more gradual.

Member Turner asked about the drainage issue raised by C&C regarding Route 3 and asked why that has not been resolved. Attorney Constable explained that the plan is being revised so that there will no increase in the rate of runoff to that area.

Member Turner asked why the 150-foot circles are not shown on the plan. Engineer McKenzie noted that they were in the previous plans and that layer must have been accidentally turned off. That layer will be turned on for the next plan set and the circles will be shown again.

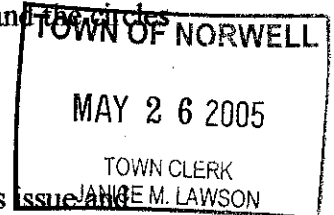
Wastewater Treatment Plant:

Member Graham asked Mr. Jordan to address the nutrient loading analysis issue and whether DEP's policy in this regarding is being followed and whether this type of plant would be allowed in a Zone II. Mr. Jordan stated that DEP does not require nutrient loading analysis to be performed for projects of this type, but that the type of treatment that will be provided would bring the contaminant levels to below 5mg/l. It will go as low as 3.2 mg/l. As result, even if the nutrient analysis formula were used, the open space and other requirements required if the load is above 5 mg/l would not be triggered.

Mr. Jordan noted that this type of plant is what is required in a Zone II as it removes phosphates and nitrogen and disinfects. There would be additional inspection requirements if the plant were in a Zone II, but there would be no additional treatment requirements.

Member Joseph asked about limitations on the number of houses. Mr. Jordan stated that the treatment plant would be designed to take the flow from 45 5-bedroom dwellings.

Member Joseph asked whether the cost of replacement of the wastewater treatment plant will be made clear to prospective purchasers. Mr. Jordan replied that it will be made clear. He noted that the system has a life of approximately 20 years, but replacement of



equipment will occur on an ongoing basis and there will be a Grade 4 operator on site every day to check the plant and do testing and monitoring the operation.

Wetlands:

Member Graham noted that the Applicant has not gone to Conservation and asked the Applicant to confirm that they do not want the public hearing to stay open until the wetland issues are resolved. Attorney Constable stated that the Conservation Commission's approval will be sought later. There is still a chance that a different project will be done and he does not want to obtain approval from Conservation for one project and then have to go back again.

Member Joseph asked about wetland replication, as none is shown on the plan. Engineer McKenzie stated that additional room is available on lot 27 and lots 5 and 6 and he anticipates that any replication required can be done without losing any lots. He noted that the expectation is that it would be a limited project.

Member Joseph asked if there would be a loss of more than 5,000 square feet of wetlands. Engineer McKenzie stated that there would be more than 5,000 square feet.

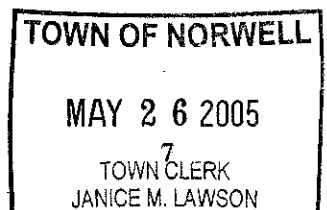
PUBLIC COMMENT PERIOD

Mr. William F. Malloy, Jr. of 31 Wildcat Lane expressed his concerns about the treatment plant and traffic. He asked the Applicant indicate what the cost of the treatment plan will be. Attorney Constable stated that the final figure isn't available, but that it will be over one million dollars. Mr. Malloy stated his concern that, if the system needs to be replaced in twenty years, it would be very difficult for the residents to have that kind of money in place. Attorney Constable responded that the system will cost over one million dollars to build, but it will not cost nearly that much to replace. The building will still be there and it won't have to be replaced. One of the biggest expenses to build the system is the grading and that will still be there and won't have to be replaced. In addition, some of the equipment will be replaced on an ongoing basis over time and won't have to be done all at once. There will be a reserve area for replacement of the leaching fields.

Mr. Mark A. Lupo of 52 Wildcat Lane stated his concern about the need for the residents of the project to put aside substantial funds over a long period of time. He asked what would prevent the residents from not putting the money aside.

Mr. Jordan responded that DEP looks at the financials annually as part of the permitting process and requires a set aside for replacement.

The Board followed up and asked Mr. Jordan whether DEP sets a specific amount that the residents must set aside and then require that it be done. The concern is that the target amount is known, but that the residents simply decide not to set it aside and leave it to as



a problem for the future. Mr. Jordan said that he did not think that DEP had such a specific requirement, but he would check and get back to the Board.

Mr. Lupo asked the Applicant to identify one similar project that has been granted a ground water discharge permit. Engineer McKenzie stated that there are many such projects all around the state. Mr. Lupo asked him to name one similar to this project, involving single-family residential homes. Neither Engineer McKenzie or Attorney Constable could name a specific project.

Mr. Malloy raised a number of traffic questions. He lives on the opposite end of Wildcat Lane and is familiar with the steep curve and with the trees and rocks that are on the edge of the pavement. He is very concerned about the curve and that it is a dangerous road. He stated that he is concerned that there is not a sidewalk to allow kids to get back and forth from the different developments. He does not want to see children walking in the roadway. He stated that he believes that a sidewalk should be added to Wildcat Lane. Member Graham noted that such a request must be made to the Highway Surveyor and to the Board of Selectmen. That is not an issue over which the Board has control.

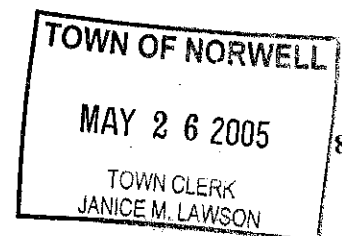
Mr. Malloy noted that the lots proposed along Route 3 are just barely an acre in size. Engineer McKenzie assured Mr. Malloy that all of the lots conform to applicable zoning requirements. Mr. Malloy stated that he is aware that the State is planning, within the next 5 years, to expand the highway and a portion of these lots would be taken. Attorney Constable said that he is not aware that this is what is proposed, but that, if is proposed, then it will have to be dealt with at that time.

Mr. Malloy asked about the drainage calculations for the treatment plant and whether the calculations took into account the extra surface runoff that would result from removing the trees. Engineer McKenzie replied that this was taken into account.

Mr. Malloy asked if the Town would be allowed to tie into the wastewater treatment plant to serve the two adjacent lots that the Town owns. Attorney Constable replied that there is willingness to look at the Town's site and to try and do a joint project, but that is not what the plan under discussion is about. The wastewater treatment plant for the plan under discussion would be limited to 44 5-bedroom dwellings. No room for expansion of the system has been provided for in the plan.

Mr. Stanley W. Bates of 235 Wildcat Lane asked about the truck traffic to bring in the fill. He asked what for an explanation of what the Town plans to do about the existing inadequacies of Wildcat Lane. Member Graham explained that the Planning Board can only respond to the project before it and has no control over off-site improvements by the Town. He noted that requests for improvement can be made to the Highway Surveyor and the Board of Selectmen.

Engineer McKenzie noted that, while installing the new water line, the Applicant essentially will end up constructing trench patches for 1/3 of the south side of Wildcat.



Attorney Constable noted that timing-wise, he will work with the Town and the DPW to make sure that any improvements are coordinated.

Member Joseph asked if a gas line would be installed and, if so, who would install it. Engineer McKenzie stated that the project hopes to have gas installed and, if it is, it would be installed by the gas company's contractor.

Member Joseph asked if the gas line installation would be coordinated with the water main installation. Engineer McKenzie stated that he hoped so.

Ms. Anne M. Horgan of 213 Wildcat Lane noted that she is having a problem with stormwater runoff that may be coming from the access road built by the developer across the Town's land. She stated it began last March and she phoned the DPW. She related that she waited six weeks for someone to respond and the DPW person who came to look at the problem said that he thought the access road was the problem. She stated that she could not endure 5 years of truck traffic.

Member Graham responded to Ms. Horgan by stating that, if there is runoff from the road coming onto her property, she should contact the Board of Selectmen and Town Administrator about the problem.

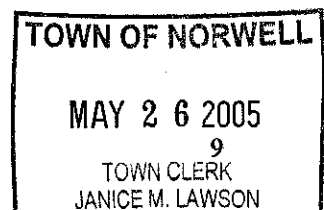
Attorney Constable responded to Ms. Horgan by acknowledging that the Town's land was used as an access point for the project's heavy equipment to go in and do the percolation testing. He stated, though, that an access road was not created for this purpose. There was a cart path already in place and the heavy equipment just ran over the path. Only 2 trees were removed. He could not see how that could have caused her problem.

Attorney Constable noted that Wildcat Lane is an old, substandard road, but it is a public way. All drainage issues raised by the Subdivision Plan will be addressed on site, but he cannot fix any existing problems with the road. He recommended that the residents lobby the DPW

Mr. Josh Schneider of 65 Wildcat Lane stated that he is concerned that installation of the water main and improvements to Wildcat Lane be coordinated. Attorney Constable stated that the project will try to coordinate with the DPW and the Town.

Mr. Michael G. Fortin of 29 Centennial Waye stated that he is concerned about the drainage impact on his land and that of his neighbors. He is concerned that his basement will be lower than the bottom of the wastewater system. Engineer McKenzie noted that the properties in question were surveyed and the most accurate information was used to design the plan.

Mr. Schneider asked what security measures will be taken at the wastewater treatment plant and how will it be powered? Mr. Jordan responded that the equipment will be fully



contained in a locked building and the leaching fields and tanks will be underground. The plant will be powered by piped natural gas and there will be a back up generator.

Mr. Schneider asked about the noise attenuation of the generator. Mr. Jordan stated that it will be a sound dampened generator.

Member Joseph asked what type of testing will be relied upon to determine the high ground watermark for the basements. Engineer McKenzie stated that the design of the basements would be based on mottles observed in pits.

Member Joseph asked what percentage of the property will be disturbed with land movement. Engineer McKenzie stated about 50%.

Member Joseph asked for the average rise in lot elevation due to fill being brought in. Engineer McKenzie said that he did not have that number. In places, fill will be brought to an elevation of 8 feet.

At 9:55 pm., Member Joseph moved and Member Barry seconded that the public hearing be continued to May 25, 2005 at 7:45 p.m. The motion was approved 4-0, with Member Ianiri absent.

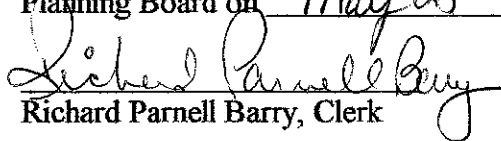
DISCUSSION. Laurelwood. Consultant. 10:00 p.m.

The Board discussed the potential conflict of interest issue with Engineer Chessia. Member Turner moved and Member Barry seconded that the Board authorized Member Graham to appoint a consultant to replace Engineer Chessia, should it prove necessary. The motion was approved 4-0,

Adjournment. 10:05 p.m.

At 9:30 p.m., Member Turner moved and Member Barry seconded that the Board vote to adjourn. The motion was approved 4-0, with Member Joseph absent.

I certify that the above minutes were reviewed and approved by majority vote by the Planning Board on May 25, 2005.


Richard Parnell Barry, Clerk

