

Norwell Planning Board Meeting Minutes
October 12, 2005 Regular Session

The meeting was called to order at 7:00 p.m. Present were Board Members Bruce W. Graham, James M. Ianiri, Karen A. Joseph and Sally I. Turner and Town Planner Ilana Quirk. Member Richard Parnell Barry joined the meeting at 7:15 p.m.

The Board discussed a new policy of not taping the meetings and relying upon the next day turn around that is being provided by staff.

DISCUSSION. Draft Agenda. 7:02 p.m.

Member Ianiri moved and Member Joseph seconded that the Board approve the draft agenda. The motion was approved 4-0, with Member Barry absent.

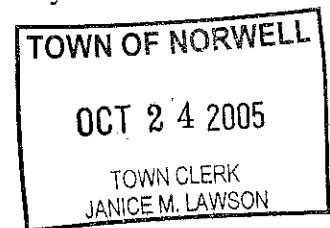
DISCUSSION. Minutes. 7:02 p.m.

October 5, 2005 Minutes.

Member Joseph moved and Member Ianiri seconded that the Board vote to approve the October 5, 2005 minutes. The motion was approved 4-0, with Member Barry absent.

DISCUSSION. Bills. 7:03 p.m.

Mileage Reimbursement: \$44.19 (Planner)
Postage Reimbursement: \$ 9.58 (Planner)
Corporate Express: \$99.75 (Office Supplies)



Member Turner moved and Ianiri seconded that the Board vote to pay the three bills referenced above. The motion was approved 4-0, with Member Barry absent.

DISCUSSION. 25 Cedar Point. Surety Reduction Request. 7:05 p.m.

The Planning Board reviewed a surety status report, dated October 12, 2005, prepared by staff. The Town is holding \$391.00 in cash surety to guarantee completion of compaction of the Cedar Point cul-de-sac. The Board reviewed the Coler & Colantonio surety report, dated October 11, 2005, which indicated that the compaction tests were adequate. The Town is still holding review fees, which, once the final C&C bill is received and paid, will need to be returned to the applicant as well.

Member Ianiri moved and Member Joseph seconded that the Board vote to return the \$391.00 in cash surety to the applicant. The motion was approved 4-0, with Member Barry absent.

DISCUSSION. Holly Berry Trail. Surety Reduction Request. 7:10 p.m.

Member Barry joined the discussion at 7:15 p.m.

The Planning Board reviewed a surety status report, dated October 12, 2005, prepared by staff. The Town is holding \$95,400.00 in cash surety. The Board reviewed the Coler & Colantonio surety report, dated October 11, 2005, which recommended that the Board continue to hold \$35,500.00 to guarantee completion of the remaining improvements.

The Planner noted that the C&C report indicates a grading issue with Lot 3 and noted further that the \$35,500.00 would not reserve any funds to create and implement a drainage redesign, should one prove necessary. The Board reviewed Conditions 9 and 10 of the decision approving the project, which required that, before final surety release, each lot shall obtain site plan review and the final grading shall be certified to be in accordance with the approved plan.

The October 11, 2005 C&C report noted the grading changes at Lot 3 included the relocation of the driveway relocated, installation of an above grade, rather than a below grade garage and the grading along the frontage and abutting property for Lot 3 is steeper than what was proposed and approved. The C&C report noted that the "drainage pattern off of this lot was a key factor in achieving a compliant stormwater management system."

The Board reviewed an October 12, 2005 letter, delivered by Mr. Solimando, from Brendan Sullivan, PE of Cavanaro Consulting. Engineer Sullivan's letter stated that the driveway at Lot 3 was relocated, but that the "impact of the modification to the overall system is minimal...." Engineer Sullivan was present and stated that he thought that there was no problem.

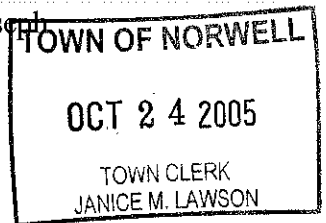
Member Graham noted that he would not vote to hold more than \$35,500.00 at this point, as any additional cost to redesign the drainage system would be speculative at this point.

Member Ianiri moved and Member Turner seconded that the Board voted to reduce the cash surety held to guarantee the completion of the required improvements from \$95,400.00 to \$35,500.00. The motion was approved 4-0-1, with Member Joseph abstaining.

DISCUSSION. Turner's Way. Surety Reduction Request. 7:20 p.m.

Member Turner recused herself from the discussion and left the meeting.

The Board reviewed a surety status report, dated October 12, 2005, prepared by staff. The Town is holding surety in the form of a restrictive covenant that prevents the new lots from being built upon and prevents any of the lots from being sold. Mr. Turner seeks a release of Lot 4 from the restriction that it cannot be sold or built upon and wishes to provide surety in the form of a cash deposit. The Board reviewed the October 11, 2005 Coler and Colantonio surety report, which recommended that the Board require money-



based surety in the amount of \$55,450.00 to guarantee completion of the improvements required to serve Lot 3.

Member Ianiri moved and Member Joseph seconded that the Board vote to set the required cash surety in the amount of \$55,450.00. The motion was approved 4-0, with Member Turner absent.

Mr. Turner stated that he made an arrangement with the Treasurer to wire the necessary cash to the Town and provided the Board with a written, executed and notarized cash deposit agreement to support the deposit. He inserted the amount of \$55,450.00 into the agreement and initialed it. The Board countersigned the agreement.

Member Ianiri moved and Member Joseph seconded that the Board vote to release Lot 4 from the portion of the restrictive covenant that prohibits its sale or for it to be built upon, but all other restrictions will continue to apply, provided that the release instrument shall be held in escrow by the Planner until confirmation is received from the Treasurer that the required \$55,450.00 has been wired to the Town's account and the Treasurer is satisfied that the money is available. The motion was approved 4-0, with Member Turner absent.

The Board members and Engineer Chessia discussed the status of the project and emphasized that paving cannot occur during a rain event. If it rains while paving occurs, then the paving will not be accepted. Mr. Turner stated that he understood.

Mr. Turner praised Coler & Colantonio, Inc. for providing timely inspections and for being very cooperative.

It was noted that Mr. Turner has installed a street sign; however, the sign is incomplete as it does not state: "Dead-End" or "Not a Through Way." Mr. Turner noted that he does not wish to put up such a sign. The Board noted that the appeal period has passed.

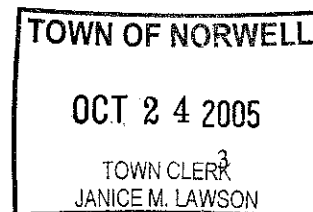
PUBLIC HEARING. Joshua's Landing. 7:35 p.m.

All members were present. Engineer John Chessia of Coler & Colantonio, Inc. was present as the Board's consultant. Present for the applicant were Mr. Donald Shute, Peter McClelland and Engineer Michael Carter of GCG Associates.

The Clerk read the public hearing notice to reopen the public hearing. The Clerk announced all of the materials submitted since the last iteration of the public hearing on September 14, 2005.

Mr. Shute submitted a corporate clerk's certificate to support the revised application, which changed the applicant to a corporate entity.

Engineer Carter summarized the changes made to the plans since the last meeting. Engineer Chessia noted that there are two issues.



The first issue is the outlet pipe at Norwell Avenue. Engineer Chessia stated that the redesign of the outlet pipe as proposed is acceptable, provided that the construction details surrounding the outlet are provided on the plan. Engineer Carter noted that the same protections for this pipe will be provided as the other pipe shown on the plan.

The second issue is the foundation drain for one of the existing houses. Engineer Chessia noted that having an outlet of a pipe ten feet from a boundary line is a problem and that it either needs to be dealt with differently or there needs to be an easement against the adjacent property.

The Board discussed this issue with Mr. Shute who indicated that it is his view that the foundation drain is not necessary and that the drain can be removed. He indicated that he did not want to burden the adjacent property with an easement. Engineer Chessia noted that he is concerned that no water run from the drain, off the property into the street and that no water run off of the property onto adjacent land.

The Board and Mr. Shute discussed a potential condition of approval, if the project is approved, that would require that the drain be removed or, if it stays, that would prohibit the discharge of water within 50 feet of a boundary line and the discharge of any water to the subdivision roadway. If any other solution is desired, after approval, then a modification would have to be sought and obtained, before the solution is implemented.

Engineer Chessia also noted that that the construction details should be reviewed and approved before endorsement occurs.

Member Joseph expressed concern that surface water from the conceptual grading shown for the septic systems could cause an off site run off problem.

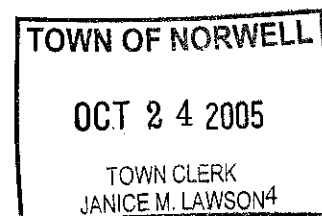
Member Barry asked about the emergency access easement. Engineer Carter showed the easement on the plan and Mr. Shute stated again for the record that the easement would be provided. It will be for emergency access and utility access.

Member Ianiri moved and Member Joseph seconded that the public hearing be closed. The motion was approved 5-0.

PUBLIC HEARING. Barrel Lane Commons. 8:10 p.m.

All members were present. Engineer John Chessia of Coler & Colantonio, Inc. was present as the Board's consultant. Present for the applicant were Donald Shute and Engineer Michael Carter of GCG Associates.

The Clerk read the public hearing notice to reopen the public hearing. The Clerk announced the materials received since the last iteration of the public hearing on August 17, 2005.



Chairman Graham noted that many members of the public had taken the time to attend the meetings and to provide written comments and materials and a consulting engineers report. He thanked them for their efforts and explained that their comments will be taken into careful consideration. He explained again the requirements of state law and how the decision will be made.

Engineer Carter summarized the changes made since the last iteration of the public hearing. It noted that the changes are fairly significant and included removal of basin #2 and the labeling of 8.4 acres as not a building lot. The water utility easement has been added back into the plan again. The drainage basin outlet detail requested by Engineer Chessia in his report can easily be provided. The off-site drainage issues raised by Engineer Chessia will be less easy to fix, but can be fixed without any problem.

Engineer Chessia summarized his concerns. As to on-site issues, the construction detail for the outlet structure should be provided and reviewed and approved before endorsement, if there is an approval. In addition, there should be adequate conditions to guarantee that the project will be built as designed. As to off-site issues, there will be an increase in volume and the downstream restrictions must be analyzed and a design provided that would work. As designed, the off-site drainage does not work. He noted that he can't say that there is no way to fix it, but he cannot suggest a way to fix it.

Member Graham noted that the off-site drainage issue seems to present a more difficult problem than Engineer Carter is accounting for. This is a serious issue and must be resolved in order for there to be an approval of the project. Member Graham asked how Engineer Carter can make the design work.

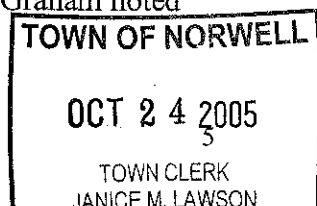
Engineer Carter stated that he will perform a HEC 2 analysis and that's all that's required. He stated that he would need only one more try at the design in order to make it work.

Member Graham noted his concerns about the expense of the constant and repetitive redesigns for the applicant and his concerns about the time that the Board and the public have been investing in this project. The public hearing opened on January 5, 2005 and tonight is the seventh iteration of the public hearing and the Board is reviewing the fifth plan set iteration.

Engineer Carter stated that there is just one off-site spot that he has to fix. While it is not a minor matter and not something that could merely be a condition of approval, it can be fixed and he can do it with one more try.

Engineer Chessia noted that the crux of the issue with the project is the off-site drainage and it must be made to work.

The members discussed the abutters' consulting engineer's report. It was based upon the April 2005 regulations, rather than the old regulations, but has valid points and issues that both Engineer Chessia and Carter agreed need to be addressed. Member Graham noted



that, since the report was just received, everyone should take some time with it and it should be reviewed at a future meeting.

Member Turner noted that she is concerned about control over the "frontage lots." Engineer Carter reminded the Board that the ANR or frontage lots have been included in the subdivision and will be under the Board's control if approval is given.

Member Turner asked about the water utility easement and asked that it be given also as a future emergency access easement. Mr. Shute stated that that would devalue the property and he does not want to do it. Member Turner noted that she did not want to give a dead-end street length waiver with the emergency access easement.

Member Joseph noted that she has many drainage questions, but will wait until everyone is prepared to discuss them. She noted that the spot grades for the wetlands that were to be provided in exchange for the wetland profile waiver have not been shown on the plan. Engineer Carter stated that the additional spot grades requested appear on Sheet 5 of 15 and were provided every 80 feet. If additional spots are necessary, he will provide them as directed.

Member Joseph noted that the symbols on the plan do not match the legend and the tree types have not been specified. She noted that she is concerned about an increase in volume of runoff and about the need to recharge water in the APD.

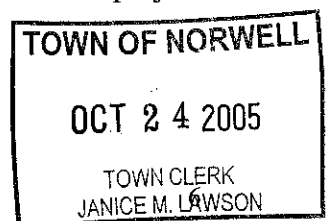
Member Barry noted that he wanted to see the tree types also and that this was specifically requested at the August 17, 2005 meeting. He expressed concern that requests are made and that Engineer Carter does not follow up.

Chairman Graham opened up the meeting to the public to ask questions and make comments.

Mr. Thomas Vorderer of 228 River Street noted that he is concerned that there is an extra pond that was not considered in the drainage calculations. Engineer Carter stated that he needs to know where the pond is. Mr. Vorderer tried to explain, but it was determined that Engineer Carter and Engineer Chessia should have a conference call with Mr. Vorderer's engineer regarding this issue.

Member Joseph noted that she is concerned that there will be an increase in volume and that the recharge issue needs to be addressed. Engineer Carter stated that the volume issue will be addressed by the basin and there cannot be recharge due to the nature of the soils. He will look again at the rate of flow.

Mr. Vorderer asked what could happen with Parcel A in the future and whether it could be developed as Mr. Shute indicated to him that it could be. Member Graham stated that there would have to be a condition that would restrict development of the lot if the project were approved.



Mr. Vorderer noted that he wanted to see additional elevations for the abutting property lines and how they would change. Member Graham noted that there are wetlands in the areas indicated, so no changes are planned.

Mr. Vorderer asked about the location of the percolation test holes. Member Graham noted that the locations are shown on the plan.

Mr. Vorderer asked about drainage going down Barrel Lane and whether it was part of the drainage calculations. Engineer Carter stated that this was taken into account.

Mr. Jonathan Detweiler of 152 River Street stated that the slopes shown on the plans are not realistic. He believes that the water from one of the divides will miss the basin and go onto Mr. Claude Smith's land and cause a problem. Engineer Carter stated that the abutters' engineer made a good point that a high point must be established and direct the water properly in the area referred to by Mr. Detweiler. Engineer Carter noted that the water that Mr. Detweiler is referring to was never intended to go into the basin. It is designed to go around and go where it went before.

Mr. Detweiler noted that a berm planned for the basin would create a choke point for the existing flow and that this restriction would create a back up and a flow that would go through the stone wall and then stream out onto Mr. Smith's property. This would cause an increase in flooding on Mr. Smith's property.

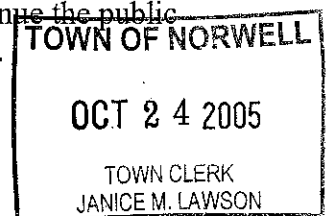
Engineer Chessia noted that the abutters' consultant does have a good point. The stonewall area between the basin and Mr. Smith's property needs to be looked at very carefully. Mr. Detweiler is correct that the berm for the basin would direct water now held by the stonewall and push it through the stonewall and onto Mr. Smith's land. This is an important issue and it needs to be addressed. One solution might be to move the basin.

Chairman Graham asked how much time Engineer Carter would need to revise the plans and emphasized that this needs to be the last iteration of the plan. So, he should take all the time he needs, but should not expect another automatic extension of time. Engineer Carter indicated that he could be ready in time to have his revisions reviewed and considered at the Board's December 7th meeting.

Mr. Shute provided a written request for an extension of the deadline for final action from November 18, 2005 to January 20, 2006.

Member Ianiri moved and Member Turner seconded that the Board approve the request for an extension of the deadline for final action from November 18, 2005 to January 20, 2006. The motion was approved 5-0.

Member Ianiri moved and Member Turner seconded that the Board continue the public hearing to December 7, 2005 at 7:30 p.m. The motion was approved 5-0.



DISCUSSION. Wildcat. 9:25 p.m.

The Board determined that insufficient time remains to discuss this issue and tabled the item.

DISCUSSION. Laurelwood. 9:30 p.m.

The entire Board was present. Engineer Chessia was present. Project Manager Marie Nyhan was present and the applicant's counsel T.J. Recupero arrived at 9:40 p.m.

The Board reviewed the status of the project and noted that the roadway was paved without the applicant requesting and obtaining the necessary inspections from Coler & Colantonio, Inc. Ms. Nyhan indicated that the contractor was told to request the inspection and, for no good reason that can be discerned, just didn't make the request. She apologized for the oversight and noted that the applicant is responsible for the contractor's oversight.

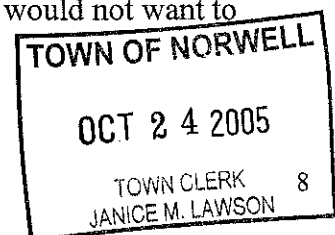
Engineer Chessia noted that there are issues as to whether the paving is thick enough and uniform enough and whether the conditions were proper and whether the broken structures were fixed before paving occurred. All of these elements, if not implemented properly, can detract from the longevity of a roadway, which normally should last 20 years before anyone has to do anything to it.

Ms. Nyhan stated that the paving occurred on August 18, 2005 and that she did not know what the conditions were on that day.

After a lengthy discussion, it was agreed that Attorney Recupero and Ms. Nyhan would research the weather conditions for the day in question and research and provide the truck slips to Engineer Chessia and the Board. This will happen within the next two weeks. Once Engineer Chessia has the information, within the next few weeks he will have the road inspected and issues a report as to what issues exist. He still will not know the thickness of the roadway surface. Attorney Recupero offered to have core samples done; however, the Board did not want to have the road damaged in this way. The truck slips will at least indicate an idea of what was delivered. The Board noted that they would not want to take it on faith that everything noted was actually delivered.

Member Graham noted and the rest of the Board agreed that there should be a third party bond provided to guarantee that the road will hold up as required over the next twenty period.

Attorney Recupero and Ms. Nyhan noted that the property owners do not want the walking paths to be installed that are shown on the plan and that were a condition of approval. Member Turner noted that this requirement was an important element of the approval. Member Graham noted that the master plan encourages the use of such walking paths. Member Ianiri stated that it is clear that the Board would not want to remove this requirement.

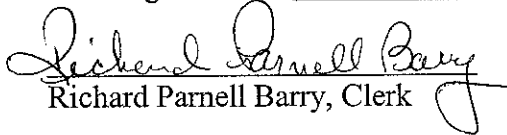


Attorney Recupero and Ms. Nyhan noted that the property owners do not want the playground and equipment required under the conditional approval to be installed and want an alternative. The Board that it would listen to an alternative proposal, but would need to know what the alternative is before giving a reaction. There will be a meeting of the neighbors in the next week or so to discuss this issue. Attorney Recupero and Ms. Nyhan will get back to the Board when they provide the paving information.

DISCUSSION. Adjournment. 10:05 p.m.

At approximately 10:05 p.m., Member Ianiri moved and Member Barry moved 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 October 22, 2005.


Richard Parnell Barry, Clerk

