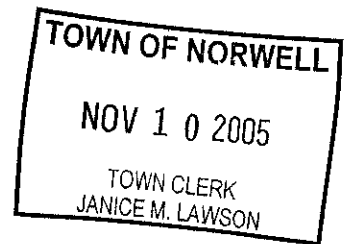


Norwell Planning Board Meeting Minutes
October 26, 2005 Regular Meeting



The meeting was called to order at 7:06 p.m. Present were Board Members Richard Parnell Barry, Bruce W. Graham, James M. Ianiri, Karen A. Joseph and Sally I. Turner and Planner Ilana Quirk.

DISCUSSION. Draft Agenda. 7:06 p.m.

The Board agreed to add Cedar Point, Cowings Lane, Wildcat typos, a Conservation Commission request and the AG's materials on stormwater as discussion items. Member Ianiri moved and Member Joseph seconded that the Board approve the draft agenda as amended. The motion was approved 5-0.

DISCUSSION. Minutes. 7:10 p.m.

October 22, 2005 Minutes.

Member Ianiri moved and Member Joseph seconded that the Board vote to approve the October 22, 2005 minutes. The motion was approved 5-0.

DISCUSSION. Bills. 7:12 p.m.

BWG Mileage Reimbursement:	\$ 2.42
BWG Copying Reimbursement:	\$42.00

Member Joseph moved and Member Ianiri moved that the bills presented be approved and that the vouchers be signed. The motion was approved 4-0, with Member Graham abstaining.

DISCUSSION. Grove Street/Kelly ANR Plan. 7:15 p.m.

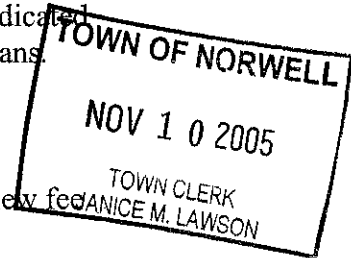
(Deadline for final action: November 16, 2005)

The Board discussed an ANR Plan, entitled: "ANR Plan of Land at Grove Street, Norwell, MA," dated October 24, 2005, prepared by Ralph H. Cole, PLS, for James P. and Eileen L. Kelly of 278 Bowker Street. The ANR Plan was delivered to the Planning Office on October 25, 2005 and was submitted to the Board at this evening's meeting.

The Board reviewed the ANR Plan and a draft decision prepared by staff, dated October 26, 2005. The Planner informed the Board that Ralph Cole brought a preliminary plan in for review and that minor matters had to be fixed and that those minor matters had been addressed. The Planner reviewed the location of the property with the Board and noted that her review indicated that the Plan appears to be fully compliant with the Board's

regulations. In addition, on September 13, 2005, the Conservation Commission approved the wetland line delineated on the Plan.

Member Ianiri moved and Member Barry seconded that the Board vote to adopt the findings recommended in the October 25, 2005 draft decision and that the October 24, 2005 ANR Plan be endorsed. The motion was approved 5-0. Member Barry indicated that he would be available the next morning to sign the final decision and the plans.



DISCUSSION. 25 Cedar Point. Review Fees. 7:20 p.m.

The Board discussed the fact that the project is completed and that the final review bill has been received and processed for payment.

Member Ianiri moved and Member Barry seconded that the Board vote to return the balance in the review fee escrow account, plus any accumulated interest, to the applicant. The motion was approved 5-0.

DISCUSSION. Cowings Lane. 7:25 p.m.

The Planner notified the Board that the applicant was notified on October 18, 2005 that the review fee balance would drop nearly to zero when the C&C review bill, received on October 18, 2005, was paid. Mr. Mattie was notified by e-mail and telephone of this issue on October 18th and asked to replenish the account immediately as a revised set of materials was due and then was received on October 19th. Mr. Mattie was informed that a delay in the receipt of the funds would jeopardize timely completion of the review by C&C. As of today, October 26, 2005, the required review fees had not been received. The Planner spoke with Mr. Mattie today and he indicated that the funds would be provided by tomorrow. The Planner explained that, at this point, the project's review may be delayed as C&C would then have less than a week to prepare its report. The Board noted that this is unfortunate, but that C&C must be given the proper review time. It would be entirely understandable if the report is not ready for the November 9, 2005 public hearing continuation date. If that occurs, the applicant should seek a continuance.

DISCUSSION. Wildcat Hills Subdivision. Deliberations. 7:30 p.m.

Member Ianiri recused himself from the deliberations and did not participate. A copy of a list of typos, prepared by Member Turner, was circulated, with an indication that the typos have been corrected.

Member Joseph moved and Member Turner seconded that the Board formally determine that the Board's 1986 subdivision regulations apply to the definitive subdivision plan application. The motion was approved 4-0, with Member Ianiri abstaining.

Regulation §4.8.

Member Barry asked for a correction as to §4.8, that the motion reflect that the roads are not dead-ends.

The Board reviewed two findings of fact that were not voted upon on October 22, 2005, regarding §§4.13 and 4.20.

Regulation §4.13.

The Board noted that no waiver was requested by the applicant from the requirement that granite curbing be provided at points where the grade is over 3%.

Member Joseph moved and Member Barry seconded that the Board vote to find that the Subdivision Plan conforms to the requirements of §4.13, provided that the plan shall be revised before endorsement to provide for granite curbing at all locations required under the regulation, including at grades greater than 3%. The motion was approved 4-0, with Member Ianiri abstaining.

Regulation §4.20.

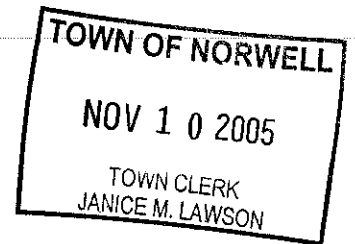
Member Joseph moved and Member Turner seconded that the Board voted to find that the Subdivision Plan satisfies the requirements of §4.20, provided that any approval of the project shall be conditioned to require that the project shall be built as designed. The motion was approved 4-0, with Member Ianiri abstaining.

Other Findings.

Member Graham moved and Member Joseph seconded that the staff conclusions and Coler & Colantonio conclusions be incorporated into the findings of fact, if they were not already explicitly incorporated into the motions made and approved by the Board under the Findings of Fact section. The motion was approved 4-0, with Member Ianiri abstaining.

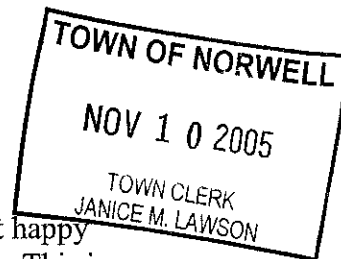
Conditions.

The Board members discussed the various conditions.



Condition No. 8.

The Board discussed the Homeowners Association requirements. Member Graham moved and Member Barry seconded that the Board require a minimum annual contribution by the homeowners of \$1,000. The motion was approved 4-0, with Member Ianiri abstaining.



Condition 44, et. seq.

The Board discussed the drainage conditions. Member Barry stated that he is not happy with the field change process and very uncomfortable with the proposed process. This is a tight drainage job. If anything goes wrong, it would be a problem. He stated his concerns about the resources to process requests for field changes. Member Graham stated that he thinks that the field change process is a reasonable compromise and that it is designed to be as streamlined as possible. Member Turner stated her reservations about the field change process.

Member Barry moved and Member Turner seconded that the Board vote to require that all impervious surface shall be finally allocated before endorsement occurs and to eliminate the option of allowing field changes to occur. The motion was not approved, with Members Barry and Turner voting "Yes"; Members Graham and Joseph voting "No"; and Member Ianiri abstaining.

Regulation §3.1.2. Substantial Compliance with the Regulations.

No member had any further issues as to findings or conditions that required discussion.

Member Joseph moved and Member Turner seconded that the Board determine that the Subdivision Plan substantially conforms to the requirements of the Board's regulations, provided that all of the conditions of approval are followed. The motion was approved 3-1-1, with Member Barry dissenting and Member Ianiri dissenting.

Conditions of Approval.

Member Joseph moved and Member Graham seconded that the Board vote to require that any approval of the Application and endorsement of the Subdivision Plan shall be subject to the terms and conditions set forth in the draft decision, dated October 26, 2005, and as revised this evening; and, furthermore, to impose a requirement that, if any condition is overturned on appeal, then the approval shall be automatically revoked due to noncompliance with the underlying regulation. The motion as approved 4-0, with Member Ianiri abstaining.

Decision.

Member Joseph moved and Member Turner seconded that the Planning Board vote to approve the Application and Subdivision Plan with the enumerated findings and conditions. The motion was approved 4-0, with Member Ianiri abstaining and with Member Barry noting his exception to Conditions 44A and 44B.

DISCUSSION. Joshua's Landing Subdivision. Deliberations. 8:20 p.m.

The Board tabled the discussion until an updated draft decision is ready.

DISCUSSION. Wildcat Typos. 8:20 p.m.

Member Turner indicated that she did not understand why there was a memo explaining what typos have been corrected. The Planner explained that, since Member Turner's information was received a half hour before the meeting began, the corrections were not incorporated into the draft circulated to the Board on October 24th, following the changes made by the Board at the October 22, 2005 meeting, so a sheet was circulated to the members before the meeting to advise of the changes. If a change is made, it needs to be tracked in a draft or in a motion.

Member Turner stated that she did not understand why typos were being discussed at a meeting. Member Graham noted that Member Turner is the one who raised the subject for discussion.

DISCUSSION. Conservation Commission Request. 8:30 p.m.

Member Graham informed the Board that the Vice-chairman of the Conservation Commission indicated to him that the Commission intends to send a letter to the Planning Board asking the Board to hold its meetings, from 7:00 to 7:30 p.m. in a different location. No letter has been received as yet. Member Graham explained that Commission Member McBride indicated that the Conservation Agent feels disrupted for the half hour period from 7:00 p.m. to 7:30 p.m., when the Planning Board is having a meeting.

TOWN OF NORWELL
NOV 10 2005
TOWN CLERK
JANICE M. LAWSON

The Board members noted that it is very cumbersome to move to another location for part of the meeting. All members were opposed to the idea. Member Joseph noted that moving the starting time for meetings to 7:00 p.m., while she was originally opposed to it, has worked out well. It means that the meetings end that much earlier and the members are that much fresher when the meetings begin. It was generally noted that sharing an office between Planning and Conservation is not an easy proposition and, certainly, the Board is aware that the Planning Office is disrupted many times in the course of each day by Conservation Office activities. Those disruptions appear to be unavoidable.

The Board noted that, rather than disrupt the entire Planning Board, by asking it to move to a different location for a half hour, it would seem more appropriate for the Conservation Agent to move for the half hour involved to Room 3 or for her to adjust her hours and leave at 7:00 p.m. on those Wednesdays when the Planning Board has a meeting and then work an extra half hour at a different point during the week. Member Graham stated that he would convey this information back to the Conservation Commission.

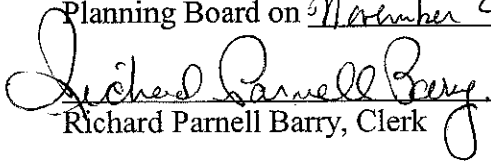
DISCUSSION. AG Stormwater Materials. 8:40 p.m.

Member Joseph noted that she has reviewed the AG stormwater materials provided by Member Graham on October 22, 2005 and found them to be very helpful. The other members agreed and thanked him for providing the information. The information will be provided to the Selectmen as well.

DISCUSSION. Adjournment. 8:50 p.m.

At approximately 8:50 p.m., Member Ianiri moved and Member Joseph seconded that the Board vote to adjourn. The motion was approved 5-0.

I certify that the above minutes were reviewed and approved by majority vote by the Planning Board on November 9, 2005.


Richard Parnell Barry, Clerk

