

TOWN OF NORWEL
 SEP 22 2005
 TOWN CLERK
 JANICE M. LAWSON

Norwell Planning Board Meeting Minutes
September 14, 2005 Regular Session

The meeting was called to order at 7:04 p.m. Present were Board Members Richard Parnell Barry, Bruce W. Graham, James M. Ianiri, Karen A. Joseph and Sally I. Turner and Town Planner Ilana Quirk.

DISCUSSION. Draft Agenda. 7:04 p.m.

Member Ianiri moved and Member Joseph seconded that the Board approve the draft agenda. The motion was approved 5-0.

DISCUSSION. Minutes. 7:04 p.m.

August 17, 2005 Minutes.

Member Ianiri moved and Member Joseph seconded that the Board vote to approve the August 17, 2005 minutes. The motion was approved 5-0.

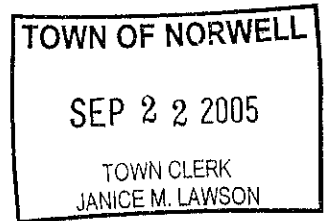
DISCUSSION. Bills. 7:05 p.m.

I.	Return Review Fees:	John Neil Drive: Taylor's Way:	\$1,389.85 \$1,513.55
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Member Ianiri moved and Member Joseph seconded that the Board vote to return the outstanding balances in the review fee accounts, as set forth above, for the John Neil Drive and Taylor's Way Subdivision projects to the applicants, as the projects have terminated. The motion was approved 5-0.

II.	C&C Bills:	Barrel Lane: Cowings Lane: Forest Ridge: Joshua's Landing: Laurelwood: 91 Longwater Circle: Trunnel Estates: Turner's Way: Wildcat: Winslow Commons:	\$3,606.48 \$ 475.00 \$ 180.00 \$ 455.40 \$ 255.83 \$1,357.80 \$ 65.24 \$ 90.00 \$ 130.00 \$ 65.00
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Member Turner recused herself from the discussion of the above-referenced bills. Member Ianiri moved and Member Joseph seconded that the Board vote to approve and pay the above-referenced bills from the relevant escrow review fee accounts. The motion was approved 4-0-1, with Member Turner abstaining.



III. Office: Compuclassroom: \$ 62.50
Excel Training for Asst.

Member Joseph moved and Member Ianiri seconded that the Board voted to pay the above-referenced office bill, which represents one-half of the cost of the excel training provided to the office assistant, with the Conservation Commission to bear the other half. The motion was approved 5-0.

DISCUSSION. 25 Cedar Point. Chapter 91 License. 7:07 P.M.

The Board reviewed the Chapter 91 License notice. Member Ianiri moved and Member Joseph seconded that the Board sign the notice without taking any further action, as DEP will provide a thorough review of the application. The motion was approved 5-0.

DISCUSSION. Holly Berry Subdivision. Surety Reduction Request. 7:10 P.M.

Applicant Michael Solimando was present. The Board reviewed the surety reduction request. The Town is holding \$143,500 in cash surety. On September 12, 2005, Coler and Colantonio, Inc. provided a surety estimate, recommending that the Town continue to hold surety in the amount of \$95,400. Mr. Solimando provided a written authorization on behalf of the Holly Berry Trust to transfer \$8,700.00 of any funds released from the surety escrow to the Pedestrian Enhancement Fund.

Member Ianiri moved and member Joseph seconded that the Board vote to reduce the required surety escrow account from \$143,500 to \$95,400, with \$39,400 to be returned to the Trust and \$8,700 to be transferred to the Pedestrian Enhancement Fund. The motion was approved 5-0.

There was a brief discussion regarding Mr. Hague's intention to request landscaping changes regarding the area above the underground drainage basin. Mr. Solimando indicated that he is aware of Mr. Hague's intention to make the request, but noted that the grassing of the area in question must take place very soon. If Mr. Hague has not made his request and received permission for it very soon, then Mr. Solimando will proceed with the original landscaping.

DISCUSSION. 91 Longwater Circle Site Plan. 7:20 P.M.

All members were present. The Board reviewed the most recent drainage submittals and the Coler & Colantonio, Inc. reports in response. The Board reviewed an updated draft decision, dated September 14, 2005, prepared by staff. The Board discussed the landscaping and determined that it is properly sized and discussed and determined that Longwater Circle is not a highway that would require additional plantings. Member Ianiri moved and Member Barry seconded that the Board, with the prior two determinations, adopt the September 14, 2005 draft decision and recommend that the Board of Appeals approve the requested zoning relief, with the conditions set forth in the draft decision. The motion was approved 5-0. The draft decision was revised while the

applicant waited. The final decision was signed and filed with the Town Clerk's office and two copies were provided to the applicant, one for the applicant and one for delivery to the Board of Appeals at its meeting at 7:30 p.m.

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DISCUSSION. Cowings Lane. 7:25 pm.

All Board members were present. Mr. Eugenie Mattie was present for the applicant. The Board reviewed the draft preliminary plan decision prepared by staff and dated September 7, 2005.

Member Joseph noted that she would not be in favor of granting the waivers requested from the regulations requiring specific information regarding profiles and drainage, except in a case such as this one, where the definitive plan, with profiles and drainage information, was filed simultaneously with the preliminary plan. The applicant requested the waivers because he does not intend to proceed with all of the 9 lots proposed on the preliminary plan; instead, he will proceed with 7 proposed lots, as shown on the definitive plan. He did not wish to expend funds on providing information regarding a plan that he does not intend to move forward. Since that is the case and only in such a very limited circumstance, the Member Joseph and the other members indicated that they could tolerate the waivers requested for the preliminary plan.

Member Ianiri moved that the Planning Board approve the July 25, 2005 Cowings Lane Preliminary Plan, with the express condition that any definitive plan derived from this plan shall conform to all of the requirements enumerated in the draft decision prepared by staff and that no waivers be granted at this time and with the express condition that the waivers sought from the preliminary plan requirements shall be tolerated in this specific instance only because the applicant filed a simultaneous application for definitive subdivision approval, which enclosed the required information for evaluation for that plan. The motion was seconded by Member Joseph. The Motion was approved 5-0.

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

All Members were present. Donald E. Shute and Peter J. McClelland were present, with Engineer Michael Carter of GCG Associates. Engineer John Chessia was present.

The Clerk read the public hearing advertisement to reopen the public hearing and announced the correspondence and other materials received since the last iteration of the public hearing.

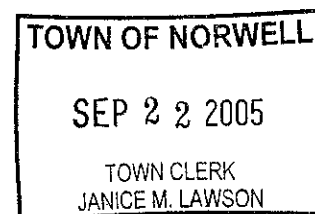
Mr. Shute provided a letter setting forth a request that the name of the subdivision way and the project be changed to Henry's Lane. The roadway is off of Norwell Ave. The Town and Norwell Avenue are named for Henry Norwell. The letter also asked the Board to provide clarification regarding traffic issues.

The Chairman discussed the status of the project. It had been hoped that this would be the final meeting; however, the most recent Coler & Colantonio, Inc. report indicates a

few remaining drainage design issues that still have to be resolved. Engineer Chessia was asked about the need for restrictions on grading and impervious surface allotments. Engineer Chessia stated that the impervious surface assumptions should be put on the lotting plan, but that they are plenty big enough and should not be of great concern. As to the grading restrictions, he recommends that Lot 5, 6, 7 and 8 have grading restrictions similar to the language under consideration for Wildcat.

Engineer Carter gave a presentation. He identified and discussed the remaining drainage issues. Engineer Chessia gave his response. The following issues will need to be addressed before the next meeting.

- 1) The standpipe profile
- 2) The Vortech Design and Spreader Swale
- 3) Spot Elevations and contours will be provided as requested.
- 4) The software for the outlet structures will be provided
- 5) The street trees will be relocated
- 6) A waiver to allow 18-inch berms will be requested
- 7) The plan will be printed so that the contours are visible.



The Board discussed the need for a condition as to the pumping of groundwater on Lot 2 and the need to require that all water shall be controlled on site and that an enforceable condition must be developed. A restrictive covenant will be crafted so that the HOA can enforce it. In addition, there will be a restriction that the Town can enforce as well.

The Board discussed the traffic issues. The Board agreed that an "Intersection Ahead-500 feet" sign and an Advisory Speed limit sign will be provided.

Member Joseph reminded the applicant, again, that the application needs to be amended to reflect the accurate ownership situation and have the necessary signatures.

Member Joseph requested that note 6 on the cover sheet be corrected.

Engineer Carter indicated that he needed a week to do the necessary changes and Engineer Chessia indicated that he needed a week to do the review. The next available meeting is October 12, 2005.

Mr. Shute filed a written request for an extension of the deadline for final action until November 18, 2005. Member Ianiri moved and Member Turner seconded that the deadline for final action be extended until November 18, 2005. The motion was approved 5-0.

Member Ianiri moved and Member Turner seconded that the public hearing be extended to October 12, 2005 at 7:30 p.m., with the expectation that the public hearing will be closed at that time. The motion was approved 5-0.

PUBLIC HEARING. Wildcat Lane. 8:35 p.m.

All members were present. Engineer Chessia was present for the Board. Attorney William Constable, Engineer Brad McKenzie and Mr. Jay Gallagher were present for the applicant.

The Clerk read the public hearing notice and announced the correspondence and other materials received since the last iteration of the public hearing. The Clerk read the August 23, 2005 Coler & Colantonio report.

Attorney Constable noted that he received a copy of the latest draft condition for ¶44, 44A and 44B of the draft decision, prepared by staff and dated September 12, 2005. Copies of the September 12, 2005 document were distributed to the public, along with a staff memo analyzing the most recent impervious surface matrix prepared for the applicant by McKenzie Engineering.

Attorney Constable noted that the recommendation by staff was that drainage subareas 1C and 3B be included in a field change scenario, if the Planning Board approves the plan, but that subarea 1E not be included, because it would create an administrative problem to deal with so many field changes. As a result, Attorney Constable suggested to the Board that subarea 1E just be left out. The Board members agreed that this would be the best solution. If subarea 1E were included, then there would be the potential of 39 field changes. If each one took only half an hour, that would still overload the Board's time.

Attorney Constable indicated that he understands why the Board would want a restriction that would keep the foundations out of the groundwater. He thinks that allowing flexibility would make for a better development, but indicated that he would acquiesce to this proposed requirement.

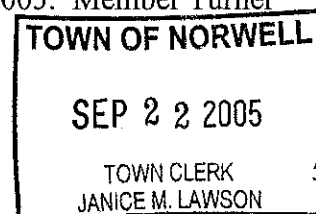
Attorney Constable reviewed the proposed field change process for allowing grade changes and agreed that the proposed process is reasonable

Chairman Graham asked Attorney Constable if that meant that he has reviewed the September 12, 2005 draft conditions for ¶¶44, 44A and 44B and in agreement with them. Attorney Constable agreed.

Neither Engineer McKenzie or Engineer Chessia had any further comments. The Board members had no further questions or comments. Members of the public had no further questions or comments.

Chairman Graham asked if the applicant had any additional information to submit. Attorney Constable indicated that no further information is necessary.

The Board discussed the deadline for final action. Attorney Constable submitted a written request to extend the deadline for final action to November 14, 2005. Member Turner



moved and Member Joseph seconded that the deadline for final action be extended to November 14, 2005. The motion was approved 4-0-1, with Member Ianiri abstaining.

Member Joseph moved and Member Turner seconded that the Board moved to close the public hearing. The motion was approved 4-0-1, with Member Ianiri abstaining.

DISCUSSION. Affordable Housing Policies. 9:00 p.m.

All members were present. Also present were Pat Bordewieck and David Mayers.

Chairman Graham gave an overview of the work of the Affordable Housing Partnership. The AHP has adopted the August 2003 affordable housing plan prepared by Larissa Brown. The AHP has asked the Planning Board to consider and vote on the policy issues set forth in the housing plan.

Member Joseph asked whether the Board of Selectmen has indicated what aspects of the 2003 plan that it does not like. Chairman Graham stated that the Selectmen were asked and indicated in June that they would give a response, but one has not been received, to date.

1. Deed restricted, affordable, accessory apartments.

The Board discussed this issue and determined that the long-term affordability of the units is a serious concern and should be guaranteed for the full 20-year period and then should revert to family members only if the restriction is not renewed.

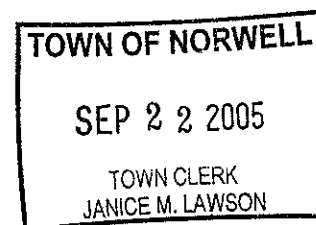
Member Ianiri moved and Member Barry seconded that the Planning Board voted to support the concept of amending the Town's Zoning By-law to allow accessory apartments for non-family members, provided that a deed restriction requires that the apartment be rented to income eligible tenants and provided further that if the restriction expires for any reason that the apartment may be occupied only by family members. The motion was approved 5-0.

2. Affordable, age-restricted units.

The Board discussed this issue and the members were agreed that they could support this concept, but only if it were allowed in all residential districts.

Member Ianiri moved and Member Graham seconded that the Board voted to support the concept of amending the Town's Zoning By-law to provide for an overlay district in which a special permit would be available to allow the creation of small, age-restricted, multi-unit developments with a requirement that 25% of the units be affordable and for duplexes with an affordable component. The motion was approved 5-0.

3. Inclusionary zoning with a density bonus.



The members discussed this issue and the members all agreed that density bonuses are problematic. Member Joseph stated her preference that every building permit be subject to an inclusionary affordable housing contribution. Member Ianiri stated his concern that something be done and that the Board not refuse to support an aspect of inclusionary zoning just because it does not go far enough. The Board discussed the need to obtain legal advice as to the permissibility of inclusionary zoning and what is required in the way of studies and models before it can be allowed.

Member Ianiri moved and Member Barry seconded that the Board vote to support the concept of revising the Zoning By-law to require inclusionary zoning, but without a density bonus, and with the option of a payment, in lieu of units, to an Affordable Housing Trust and provided that legal advice be obtained before an attempt to craft a by-law is undertaken to ensure that the by-law will be approved by the Attorney General and that it could survive a challenge. The motion was approved 4-1, with Member Joseph dissenting.

4. Cluster Subdivisions with an affordable component.

Member Ianiri moved and Member Barry seconded that the Board vote to support the concept of revising the Zoning By-law to allow cluster subdivisions on parcels of 5 acres or more.

5. Mixed use in the Village Center.

Member Ianiri moved and Member Joseph seconded that the Board vote to support the concept of revising the Zoning By-law to permit apartments, by special permit, in the Village Center, with design guidelines and safeguards and an affordability restriction.

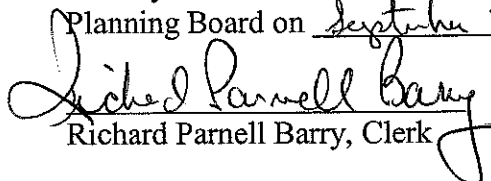
6. Collaboration between the Housing Partnership and CPC on projects that will link open space and affordable housing.

Member Ianiri moved and Member Joseph seconded that the Board voted to support a collaboration between the Housing Partnership and the Community Preservation Committee on potential projects that would link affordable housing creation to open space preservation and historic preservation. The motion was approved 5-0.

DISCUSSION. Adjournment. 10:10 p.m.

At 10:02 p.m., Member Barry 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 September 21, 2005.


Richard Parnell Barry, Clerk

