

SEP 14 2006

TOWN CLERK  
JANICE M. LAWSONNorwell Planning Board Meeting Minutes  
August 30, 2006

The meeting was called to order at approximately 7:00 p.m. Present were Board Members Bruce Graham, Karen Joseph, Charles Markham, and Sally Turner. Member Richard Parnell Barry was absent. Assistant Town Counsel Robert W. Galvin attended part of the meeting per Planning Board request.

**DISCUSSION. Draft Agenda**

Member Joseph moved and Member Markham seconded that the Board accept the agenda as amended, with the additions of discussions on the upcoming deadline for Wildcat endorsement and the need to update our zoning maps. The motion was approved 4-0.

**DISCUSSION. Minutes, August 16, 2006**

Member Joseph moved and Member Markham seconded the motion to table the August 16, 2006 minutes. The motion was passed 3-0-1 until member Barry could sign the minutes as he authored them. Member Turner abstained from the vote as she was absent from the previous meeting.

**DISCUSSION. Bills.**

Chessia Consulting Services (Finagle-a-Bagel)	\$994.45 (Inv. #15)
Chessia Consulting Services (Henry's Lane)	\$2,676.23 (Inv. #17)
W.B. Mason Company, Inc. (Office Supplies)	\$43.61 (Inv. #W43223)

Member Joseph moved and Member Markham seconded that the bills be approved for payment and the vouchers signed. The motion was approved 4-0.

**DISCUSSION. ANR Plan / Spataro (River Street-Stetson Shrine)**

The Board reviewed and discussed an ANR Plan entitled "Plan of Land, River Street and Stetson Shrine Lane, Norwell, MA," dated August 18, 2006, prepared by PLS Peter Tuttle. Mr. Tuttle was presenting a plan similar to one that was previously denied by the board. At the Board's request, Bob Galvin, Assistant Town Counsel, attended this portion of the meeting. Board members engaged in a long discussion about the validity of the plans, as a common driveway was proposed to provide access to a newly created lot, which has only illusory access on River Street. The Board asked for Attorney Galvin's advice as to the interpretation of the common driveway by-law and whether access had to be provided over the legal frontage of the lot. Attorney Galvin returned an opinion that it was within the authority of the Planning Board to deny the ANR with the common driveway that offered the only access to the lot in question. This would be a policy decision and create a precedent, so his advice was to consider the request carefully since it would likely lead to similar future requests. However,

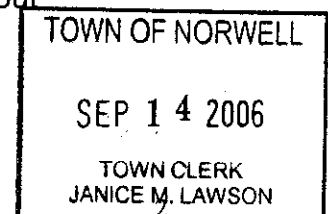
the ANR application could only be approved if the common driveway was first granted a permit by the building inspector. It is the opinion of Attorney Galvin that the building inspector can indeed grant the common driveway permit, if it is contingent upon securing the necessary easements and ANR endorsement from the Planning Board. Besides the question of the common driveway satisfying access while not being sited through the legal frontage, the application had some other minor technical issues. As such, Mr. Tuttle was given the opportunity to withdraw the plans and represent them with both the technical requirements satisfied, as well as the common driveway permit in place. The Board voted unanimously to approve the applicant's request to withdraw the ANR application without prejudice.

**DISCUSSION. ANR Plan / Hanna (Green Street)**

The Board then reviewed and discussed a plan entitled "Plan of Land for 26 Green Street in Norwell, MA," dated June 13, 2006, prepared by PLS Paul J. Mirabito of Ross Engineering Company, Inc. of Norwell, MA. The plan was found to have a few minor technical problems, which will need to be addressed before the plan can be accepted. The plan was missing an abutter as well as the category of an easement title. Most importantly, the plan was missing the ownership signature of Six Horses Realty Trust, John S. Hanna Trustee. With this established, Mr. Mirabito acted on the opportunity to withdraw said plan. As such, the Board voted unanimously to approve the applicant's request to withdraw the ANR application without prejudice.

**DISCUSSION. ANR Plan / Liddell (Stetson Road-Fox Hill Lane)**

The last ANR plan that the Board formally reviewed and discussed was entitled "Plan of Land for 82 Stetson Road in Norwell, MA." dated August 7, 2006, and prepared by PLS Paul Mirabito of Ross Engineering Co., Inc. of Norwell, MA. After a lengthy discussion pertaining to the existing plans with regard to the structures thereon, the Board elicited the opinion of Attorney Galvin. It was Attorney Galvin's opinion that since the two lots shown on the subdivision plan were under the same ownership and that one lot was a nonconforming lot, a merger had occurred making the two lots one large lot. As of now, there is only one house on this merged lot. However, there had been two houses on the one lot for as long as the merger had been in existence. One structure had been razed in 2005 according to Mr. Mirabito. Per Attorney Galvin, the ANR in front of the Board constituted a subdivision, unless a zoning variance was obtained by the Zoning Board of Appeals. Mr. Mirabito took the opportunity to withdraw the plan until the ownership issues are settled. The Board voted unanimously to approve the applicant's request to withdraw the ANR application without prejudice.



**DISCUSSION. Otis Hill Road – Paul Mirabito**

The Board then discussed an informal presentation by Mr. Mirabito regarding Otis Hill Road. Otis Hill Road is a speculative two-house subdivision at the end of Otis Hill Road. The drawings showed what appeared to be a cul-de-sac at the end of a cul-de-sac. Otis Hill Road is a dead end road that already substantially exceeds the 550-foot maximum permitted under the Board's Rules and Regulations. The plan did offer some assurances for deeded open space. However, the board was concerned about public access to the open space. Mr. Mirabito was open to the Board's comments about removing the first cul-de-sac and simply lengthening the road.

**Arthur Rowe / Forest Ridge – Surety Issues & Site Review**

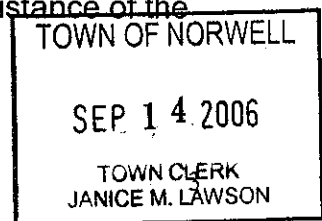
Arthur Rowe of Forest Ridge Realty was back before the Board in hopes of exchanging the covenant for lot release with substitution surety in the form of a Lender's Agreement supported by a second mortgage. The Board was previously unsure if a second mortgage could be accepted. After a short discussion at the meeting in which an A versus B comparison was done with our standard agreement and Arthur Rowe's agreement mentioning the second mortgage, the board accepted the agreement as is. Upon a motion made and seconded, the board voted unanimously to officially accept Mr. Rowe's request to substitute the lender's Agreement as surety.

**Laurelwood**

The Laurelwood team came before the Board for a voluntary review of the remaining punch-list items in regards to the finished construction of the subdivision. They informed the Board that sidewalk work began last week and brought forth a construction schedule for the sidewalks in addition to intending to address the issues with Drainage Basin #3 (once the technical review is finished). A good deal of the discussion focused on the 12-inch berms that were built below specification. Finally, member Joseph moved and member Markham seconded that \$200,000 be returned to the Laurelwood team, as that amount was in excess of the remaining cost of the work left to be completed. The vote to return the \$200,000 lump sum was unanimous.

**DISCUSSION: Wildcat Environmental Notification Form & The Zoning Map**

Member Turner then began the discussion period by bringing up the potential need to come up with an updated zoning map. After some discussion about whether this effort was the responsibility of the Town Clerk or the Planning Board, the Board decided to look into the issue further with the assistance of the Town Planner.



The Board then briefly discussed the Wildcat Environmental Notification Form, which was received by the Planning Office on 8/16/2006. Member Joseph mentioned that she had looked it over and things appeared to be in order.

### **Finagle-a-Bagel / Site Review – Draft Letter to ZBA**

The Board was then given their last presentation of the night relating to the Finagle A Bagel plans at 69 Washington Street. The Finagle A Bagel team alerted the Planning Board to the fact that Design Review had signed off on their most recent site design modification. John Chessia advised the Board that the site included about 8 feet of fill including old pavement from a parking lot below the intended construction site and recommended that the Board's letter to the ZBA condition any approval upon removing this fill and underlying pavement from below the proposed detention basin. Upon a motion made and seconded, the Board voted unanimously to draft a letter to the ZBA to ensure that the proper materials are removed.

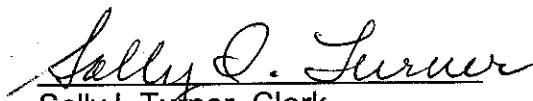
### **Land Donation – off Winter Street (Selectmen's Memo)**

The last issue before the Board was a donation of land to the Town at 66 Winter Street. The Board saw no reason not to accept said donation. Upon a motion made and seconded, the Board voted unanimously to send a letter to the selectmen stating that the Board recommends the Town accept said donation.

### **DISCUSSION. Adjournment.**

At 10:15 PM Member Joseph moved and Member Markham seconded that the Board adjourn. The motion was approved by a unanimous vote of 4-0.

I certify that the above minutes were reviewed and approved by majority vote by the Planning Board on August 30, 2006.

  
Sally I. Turner, Clerk

