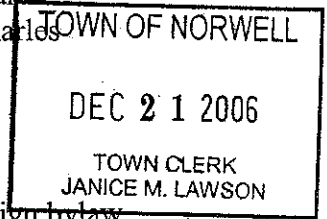


Norwell Planning Board Meeting
December 6, 2006

Minutes

The meeting was called to order at approximately 7:00 P.M. Present were Board Members: Richard Parnell Barry, Bruce W. Graham, Karen A. Joseph, and Charles Markham. Member Sally I. Turner was absent.



DISCUSSION: Draft Agenda.

Member Graham moved to add discussions of an Open Space Residential Design bylaw and an update on the progress of the 1642 Committee. Noting these additions, Member Barry moved and Member Joseph seconded that the Board accept the amended agenda as presented. The motion was approved 4-0.

DISCUSSION: Regular Session Minutes, November 8, 2006.

Member Barry moved and Member Markham seconded the motion to accept the minutes as presented. The motion was approved 4-0.

DISCUSSION: Bills.

Todd Thomas (Nov. Reimb: Mileage, etc.)	\$ 157.45
W.B. Mason (Inv. #W22230-Supplies)	\$ 39.96
Chessia Consulting (Clapp Brook/Inv. #76)	\$ 110.00
“ “ (Cowings Ln./Inv. #77)	\$ 277.23
“ “ (Hawthorne/Inv. #78)	\$ 333.56
“ “ (Henry’s Ln./Inv. #79)	\$2,831.70
“ “ (Laurelwood/Inv. #80)	\$1,000.68
“ “ (May Elm Woods/Inv. #81)	\$2,036.78
“ “ (S.Shore Med./Inv. #82)	\$ 247.23
TOTAL	\$7,034.59

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

DISCUSSION: Paul Foulsham – Plowing Plan

Highway Department Head Foulsham appeared before the Board at 7:05 to offer his take on Chairman Graham’s proposal to ask the Selectmen to have the Town plow private subdivision roads. This proposal would apply to new subdivisions and calls for the Town to plow private subdivision roads, in exchange developer agreeing to signing and recording a covenant that the new road would always remain private. This would result in the Homeowners’ Association taking permanent responsibility for upkeep and maintenance of the drainage basins, via a covenant running with the land. In essence, plowing private subdivision roads alleviates the pressure to have the Town accept roads

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in new subdivisions that are adequate to travel, but where the subdivision drainage capacity or maintenance is unrealistic for the Town's purposes.

Chairman Graham suggested that, if this approach proved successful, the program could be expanded to other existing private roads that met to-be-established minimum width and construction standards which would provide an incentive to the owners of private ways that did not presently meet such standards to make the necessary improvements in order to be relieved of the responsibility of plowing their road.

Mr. Foulsham first asked who would be expected to upgrade these roads. Chairman Graham responded that the first phase of this plan only dealt with new subdivision roads, whose construction would otherwise be acceptable for street acceptance. Chairman Graham also added that the Homeowner's Association would be required to pay for street sweeping and catch basin cleaning. Member Markham added that he thought proof of Homeowner Association maintenance on these items should be a prerequisite to getting the roads plowed in the winter and that the process of a yearly release form from the residents being a prerequisite to plowing would minimize the chance that residents would forget about their responsibility to maintain the road and drainage system in the future.

In closing, Member Graham added that the covenant keeping each of these roads private should be more than adequate insurance against any of these roads successfully gaining street acceptance. Finally, Member Graham asked Mr. Foulsham if he could supply any financial analysis to see if the plan to plow private roads was financially viable. He is concerned that the additional cost to the town to plow new private ways might exceed the cost of maintaining and repairing the related drainage systems. Mr. Foulsham agreed to look into this and reply back to the Board at their next meeting – scheduled for 12/20 at 7:05 P.M.

DISCUSSION: Laurelwood Status Report – Bond Reduction

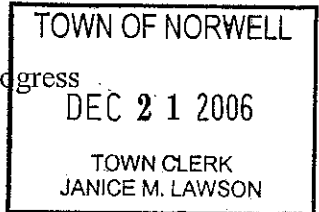
At 7:30, the Board agreed to wait until the scheduled time of 8:15 to discuss Laurelwood, as the representatives from that project were not present as of yet. As the result of Town Planner Thomas' introduction, Chairman Graham noted that tonight might be a good time to talk about uninspected work at the site. Furthermore, he added that he thinks a secondary legal agreement will be needed to offer a performance guarantee type bond for the uninspected road paving.

At 8:15 P.M., with the Laurelwood team now present, Mr. Graham again spoke about uninspected work on the project and how it would be dealt with in the future. He offered that his main concern was having a vehicle to deal with the possibility of pavement failure in the future. Marie Nyhan of Simeone Properties, representing Laurelwood, agreed with Chairman Graham's sentiments. She noted that her team had also discussed bonding the road and would be happy to discuss this with the Planning Board when the project nears completion. Technical Consultant Chessia further noted that he thought if the road failed, a worst-case scenario was simply another topcoat of pavement needing to be applied, as well as raising the structures to the new grade. Chairman Graham noted

Mr. Chessia's comments and turned his attention to Laurelwood's request for bond reduction. Based on a bond balance of \$335,640.58, a reduction request of \$96,260.69, and Mr. Chessia's remaining work estimate, Chairman Graham advanced a figure of \$82,640.00 to be released. With a reduction figure of \$82,640.00 supported by Chairman Graham, Member Barry moved and Member Markham seconded that this funding be released to Simeone Properties.

With bond reduction finalized, Marie Nyhan offered a brief progress report. She noted that the subdivision sign and the new fence are in place. She further added that they are still exploring new designs and solutions for the malfunctioning drainage basins. In reply, Member Graham alerted Laurelwood representatives that he had an additional concern regarding Lot 13's grading towards the drainage easement. He noted that during the summer he had spoken to the owner of the lot and notified him that the easement for the berm of the drainage basin appeared to be encroached upon. Chairman Graham notified the Laurelwood team that this issue would need to be rectified either by their own actions or the actions of the lot owner before the Planning Board gives final approval to the subdivision.

Finally, the Laurelwood team scheduled an appearance before the Board for a progress report at 7:30 on 1/24/2007.



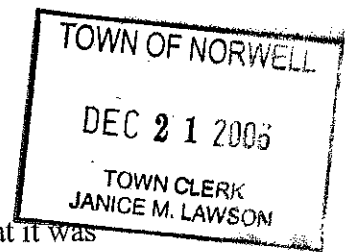
DISCUSSION: White Barn Village (40B)

Member Graham opened the discussion of the draft response to the Selectmen's comment request for the White Barn Village 40B. He added that the draft letter was acceptable and asked for comments from individual Board members. Member Joseph noted that she had helped draft the letter and would only like one addition to it. She noted that the letter's conclusion should note that it is the Planning Board's opinion that White Barn Village should not be granted Project Eligibility. Upon the Town Planner agreeing to add this language, with Member Barry moving and Member Joseph seconding, a unanimous 4-0 vote authorized the revised letter to be sent to the selectmen with Chairman Graham's signature on 12/7/2006.

DISCUSSION: PROPOSED ZBL UPDATES

ZBL 1650 – Isolated Lots:

Chairman Graham walked the Board through this proposed change to the ZBL regarding isolated lots. The intent of the small wording change of the proposed ZBL is to eliminate the language in the bylaw that mentions the "erection, extension, alteration, or moving of a structure." The bylaw is intended to apply to lots and not structures. Chairman Graham further added that has he talked to Town Counsel on Section 1650, and they both believe the inclusion of structures in this bylaw makes it flawed when compared with the less stringent state regulation. Member Barry and Member Markham ended the discussion of this bylaw by agreeing to the language and agreeing to move forward in the process of getting this amended ZBL before Town meeting.



ZBL 2423 – Storm Water Management System:

Member Graham began a brief discussion of proposed ZBL 2423 by noting that it was eligible to be readdressed during the 2007 Town Meeting. This proposal will make all elements of a stormwater management system ineligible to be included in minimum lot size calculations. Discussion of this bylaw ended by the Board Members agreeing to the language and agreeing to move forward in the process of getting this amended ZBL before the 2007 Town Meeting.

ZBL 2450 – Lot Shape:

Chairman Graham began the discussion of this zoning bylaw by alerting the Board that the intent of the proposed change to Section 2450 item “d” is twofold. First, the proposed amendment would clear up the wording for the 150-foot building circle. Upon a question from Member Barry, Member Graham added that this change is in line with the intent of the original section, in that it does not require the house be built within the circle. Member Graham noted that the second change to ZBL 2450 comes in the exclusion of wetlands and easements within the 150-foot building circle. While this change does make the section more restrictive, it is rational in that it requires that the building circle for the lot be free of wetlands and easements, which are by definition not buildable lot area.

ZBL 3100 – Off Street Parking:

Town Planner Thomas briefly led the Board through a rough draft of ZBL 3100, designed to update the parking bylaw. After the Planner’s preamble, general discussion of what the Board Members envisioned in an updated parking bylaw took place. Member Joseph noted that she thought the proposal, with its reduction of parking in the industrial park and inclusion of loading zones, was headed in the right direction but still needed a lot of fine-tuning. Member Markham noted that he thought reduced minimum parking requirements were not needed in the commercial district along Route 53.

Member Joseph added to the parking discussion by noting that she thought the uses should be more detailed and segmented in terms of parking requirements. She also instructed the Town Planner to look at the Institute of Transportation Engineers (ITE) land use codes to help draft the parking requirements. In addition, Member Joseph noted that parking requirements for the industrial areas should be calculated by using employees per shift, as opposed to total employees. In creating this regulation, she instructed the Town Planner to look at drafting the parking regulation to be specific to existing zoning districts – in effect tying them to the zoning map. Finally, the Board agreed to continue this discussion with the Selectmen on January 10, 2007 at 6:30 P.M.

New ZBL – Wind Energy Facility Bylaw:

At approximately 8:50 P.M. Town Planner Thomas introduced a rough draft of a wind energy facility bylaw to the Planning Board. He informed the Board Members that the

intent of this bylaw was to give the Town the ability to regulate any proposed wind energy facilities. This draft bylaw has been based largely on Plymouth's standing wind energy bylaw and the existing bylaw in town for personal wireless facilities.

Upon a question from Member Markham, the Town Planner noted that wind turbines would be limited to the height of the tree line in residential areas. Member Markham noted that he thought the Board would need to discuss this proposed zoning bylaw more carefully at a later date.

DISCUSSION: 1642 Committee Update

Member Graham updated the Board as to the progress being made and noted that the Committee has concluded its work on the bylaw. He added that the participants had done a good job compromising and that the proposal was a good first step, as it would likely reduce Section 6 Zoning Board of Appeals caseload by 50%. Member Joseph closed out this discussion by noting that the Selectmen would be presenting the augmented ZBL to Town Meeting.

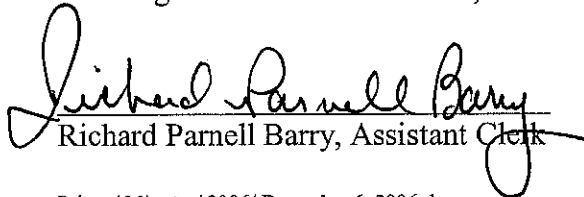
New ZBL – Open Space Residential Design (OSRD)

Member Graham commenced the discussion of the last agenda item by noting that he would like to see the Planning Board present an OSRD zoning bylaw to Town Meeting in 2008. After a brief discussion, Member Graham agreed with Member Joseph that an OSRD bylaw should be by Special Permit of the Planning Board, and not be by right. Member Graham closed the discussion on OSRD by noting that it is already currently employed in fifty towns throughout the state and that he thought the concept and the prerequisite education process would be invaluable.

ADJOURNMENT.

At 9:10 P.M. Member Barry moved and Member Joseph 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 December 20, 2006.


Richard Parnell Barry, Assistant Clerk

