

JAN 19 2006

TOWN CLERK  
JANICE M. LAWSON

Norwell Planning Board Meeting Minutes  
January 4, 2006 Regular Meeting

The meeting was called to order at 7:00 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. Member Graham left the meeting at 7:30 p.m.

**DISCUSSION. Draft Agenda. 7:00 p.m.**

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

**DISCUSSION. Minutes. 7:05 p.m.**

December 21, 2005 Minutes.

Member Turner moved and Member Joseph seconded that the Board vote to approve the December 21, 2005 minutes. The motion was approved 5-0.

**DISCUSSION. ANR Plan. 18 Stetson Shrine Lane. Runge. 7:05 p.m.**

The Board noted that a new ANR Plan was delivered to the Planning Office on January 3, 2006 for 18 Stetson Shrine Lane.

Member Ianiri moved and Member Barry seconded that the Board vote to accept the submission of an ANR Plan entitled "Plan of Land Stetson Shrine Lane/Norwell, Massachusetts," dated December 23, 2005, prepared by Merrill Associates, Inc., 427 Columbia Road, Hanover, MA 02339 and signed and stamped by PLS Peter E. Tuttle for Applicant Stephen G. Runge. The motion was approved 5-0.

The Board deferred action on the December 23, 2005 ANR Plan to January 18, 2006, as the plan was received too late for the members to review it in time for the meeting.

**DISCUSSION. Trunnel Estates. Surety Change Request. 7:05 p.m.**

Member Turner recused herself.

Mr. Steve Waitekaitis of Trevlex Construction today e-mailed a request to the Planning Office indicating that he wishes the Planning Board to vote to change the surety being held by the Town to guarantee completion of the project.

Presently, the Town is holding both a Lender's Agreement (in the amount of \$150,000) and a Subdivision Bond (in the amount of \$154,000). On April 27, 2005, the Planning

Board voted to release the Lender's Agreement, provided that Mr. Waitekaitis first submit an updated construction schedule to the Board and that confirmation be provided that all erosion and sedimentation control requirements are up to date. Mr. Waitekaitis did not provide the Board with an updated schedule or evidence that erosion and sedimentation control measures are up to date. As a result, the Lender's Agreement has not been released.

Today, Mr. Waitekaitis requested via e-mail that the Lender's Agreement be retained and that the Subdivision Bond be released, instead.

Member Ianiri moved and Member Barry seconded that the Planning Board vote to keep the Lender's Agreement (\$150,000) in place and release the Subdivision Bond (\$154,000), provided that Mr. Waitekaitis first provide an updated construction schedule and provide confirmation that the erosion and sedimentation control measures are up to date. The motion was approved 4-0, with Member Turner abstaining.

**DISCUSSION. Lot 54 Longwater Drive Site Plan. 7:10 p.m.**

The Board reviewed the status of the matter. On December 21, 2005, revised drainage calculations were provided to the Board and Engineer Chessia and the matter was continued to January 18, 2006, with the requirement that the applicant provide updated landscaping information by January 4, 2006 and that understanding that a review of the revised drainage materials would be ready by January 18, 2006.

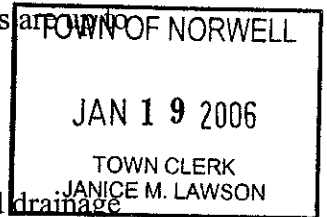
On December 28, 2005, a new set of revised drainage calculations and a revised plan set were provided to the Planning Office and to Engineer Chessia's Office, together with a 17-paged report from Engineer Man. Engineer Chessia advised the Board that the materials received on December 28, 2005 can be reviewed by his office in time for the January 18, 2006 meeting.

The Board members acknowledged that updated landscaping information was included in the revised plan set.

**DISCUSSION. Brattle Street. Surety Return Request. 7:10 p.m.**

The Board reviewed the history of surety for the project. On February 23, 2004, the Board voted to require the developer to post \$100,000 in surety to obtain releases of additional lots. The binder coat was laid during the Fall of 2003; however, no credit was given for the binder coat work as the developer did not request and obtain an inspection of the paving work and the work occurred during a rain event.

On December 21, 2005, the Board reviewed C&C's most recent surety report, which did not state that no return of surety could be granted, unless credit for the uninspected paving work were given. The Board discussed the options of dealing with the lack of inspection and determined that it did not want to require the developer to rip up the pavement and install it again, but did not want to require no penalty. The Board offered a



choice to the developer of the Baby Binder option or the bond option. Mr. Collins chose the Baby Binder option and Engineer Chessia agreed to provide a final recommended number by January 4, 2006.

On January 4, 2006, the Planning Board reviewed the December 30, 2005 report of Coler & Colantonio, which recommended that the Planning Board continue to hold \$69,500.00 in surety, including the cost of using the Baby Binder option to provide additional paving to make up for the lack of inspection when paving occurred and provide a greater likelihood that the paving will last as long as it should. This option was adopted because the Baby Binder will provide greater strength to the roadway.

Member Ianiri moved and Member Barry seconded that the Planning Board vote to reduce the existing cash surety deposit of \$100,000 for the project to \$70,000 and to direct the Treasurer to release \$30,000 of the deposit to the applicant. The motion was approved 5-0.

**DISCUSSION. ANR Plan for 533 Grove Street. 7:15 p.m.**

Mr. Robert Cashin and Ms. Dana Cashin were present. The Board reviewed the December 19, 2005 ANR Plan for 533 Grove Street and the draft decision recommending endorsement, dated December 20, 2005.

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Member Ianiri moved and Member Barry seconded that the Planning Board voted to adopt the recommended findings and determinations set forth in the December 20, 2005 draft decision. The motion was approved 5-0.

Member Ianiri moved and Member Barry seconded that the Planning Board vote to endorse the December 1, 2005 ANR Plan for 533 Grove Street. The motion was approved 5-0.

**DISCUSSION. Master Plan. 7:20 p.m.**

Member Graham provided the Planning Board on an update. This Fall, the Master Plan Steering Committee realized that the final draft of the Master Plan needed to be updated as too much time had elapsed between the drafting of the plan and its publication. Certain factual details have been updated, to reflect 40B developments that have been approved and to acknowledge publication of the Open Space and Recreation Plan. The Committee obtained the services of an editor and the editing of the document is now complete. The document is now undergoing a final review by the Committee and then will proceed to printing and then distribution. The expected distribution date is mid to late February of 2006. It is expected that the project will be completed without expending all of the funds authorized and some number of thousands of dollars may be able to be returned to the General Fund when the project is complete.

**DISCUSSION. White Barn Lane Litigation. 7:25 p.m.**

The Planning Board noted that it received notice this afternoon from Town Counsel that, on October 7, 2005, he entered into a Stipulation of Dismissal in the litigation concerning White Barn Lane. The litigation was known as French Street Construction Co., Inc. v. Twigg, et al. (Norwell Planning Board) and Lawson (Norwell Town Clerk), Plymouth Superior Court, C.A. No. 99-0903-B.

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**DISCUSSION. Planning Board Policies and Procedures. 7:25 p.m.**

Member Turner noted her concern that at times the Selectmen misunderstand the Planning Board's policies and procedures and take up a great deal of staff time in asking questions that perhaps should be brought directly to the Planning Board. The Board discussed the issue and determined that, while it does require an expenditure of staff time, it is preferable for staff to try to resolve questions and issues that a Selectman may have, directly, rather than referring all questions and issues to the Planning Board

**PUBLIC HEARING. Cowings Lane. 7:30 p.m.**

Member Graham left the meeting as he missed an earlier iteration of the Cowings Lane public hearing and was ineligible to participate. The four other Board members were present. Engineer John Chessia was present to assist the Planning Board. Engineer Josh Bows of Merrill Associates, Inc. was present for the Applicant.

Member Joseph chaired the public hearing. The Clerk read the public hearing notice to open the public hearing. The Clerk announced all of the documents and materials submitted to support the application.

Engineer Bows made a brief presentation, noting that the only substantive changes to the plans were changes to the construction plan to add sedimentation ponds and to provide a blow up of the culvert under the road and additional details for the culvert.

Member Joseph asked about the construction sequence for the temporary sedimentation pond to support the roadway. Engineer Bows acknowledged that he needs to add a note to clarify that this pond shall be built as part of the initial earthwork and that it shall be in place before the road is roughed into place.

Member Joseph asked if the staging area would be big enough to contain all of the fill and all equipment. Engineer Bows assured the Board that the area is of sufficient size and that the amount of fill to be stored is not substantial.

Engineer Chessia provided a brief overview of the project and noted that, with one exception, all of the issues raised in his report could be dealt with by way of conditions of approval, if the project were to be approved, except for the sight distance issue. This issue is a problem. He noted that the public hearing was continued from November 21, 2005 to this evening to allow the developer an opportunity to try to address the sight distance problem; however, no changes have been provided on the plan.

Engineer Chessia noted also that the culvert under the roadway requires a headwall, but noted that could be a condition. In addition, a note on the plan should be added, as detailed in his report, to clarify the location of equipment storage. Finally, he deferred to the Water Department on any water main issues.

Member Joseph asked Engineer Bows to provide an update as to any progress achieved on the Sight Distance issue. Engineer Bows noted that the Applicant is out of the country, but it appears that he made no progress before tonight's meeting in obtaining a sight easement to support the required sight distances.

Engineer Bows gave an overview of the intersection sight distance and the stopping sight distance and advocated that the issue is not a big problem.

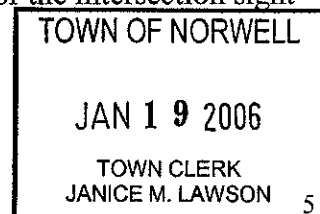
Engineer Chessia stated that he disagreed with Engineer Bows' sight distance analysis. As configured, the plan may show enough intersection sight distance to warrant a waiver from the requirements under the rules, provided that adequate warning signage were to be required and duly installed. As configured, however, the plan does not provide enough stopping sight distance. This requirement is in place to require that a car exiting from the new roadway could safely exit without requiring a potential panicked stop by a car traveling along Summer Street, from the direction of First Parish Road.

Engineer Chessia noted that the existing landscaping on the property next to the Apts, towards First Parish Road, is a problem as the hedge and the cedar tree combine to create a visual barrier that prevents the developer from reaching the basic engineering standard required for minimum stopping sight distance. He also emphasized that the issue is not just the existing landscaping. The issue also relates to the need for a sight distance easement to prevent the installation of a fence that could impair the sight distance in the future. There should be an easement to control the required sight distance triangles and prevent them from being blocked.

Engineer Chessia summarized that there is not enough stopping sight distance provided, as the plan is configured, in order to prevent panicked traffic stops and potential accidents when a car moves out onto Summer Street and a vehicle is coming down Summer Street from the direction of First Parish Road. It is a public safety issue. He does not recommend a stopping sight distance waiver. The Board may wish to consider a waiver for the intersection sight distance, as this requirement is more of a convenience than a public safety issue, provided that there is warning signage in place.

Member Joseph noted that she would not be willing to waive the stopping sight distance for reasons of public safety and that she would be guided by the Board's engineer on this issue. Member Ianiri expressed his great concern that a fence could be put up, making the problem even worse.

Engineer Bows asked that the Board consider granting a waiver for the intersection sight distance.



Member Turner stated that she wants to see the Applicant pursue a sight distance easement that would resolve these issues. A straw vote was conducted and all four members agreed that the Applicant should pursue a sight distance easement that would resolve the issues.

The Board reviewed the updated waiver request. Member Barry noted that there are 17 waiver requests and that this seemed excessive to him. Members Joseph and Ianiri both noted that the waiver request is detailed and thorough and that waiver of one propose item often may take a waiver request for 3 or more portions of the regulations as there is overlap in the regulations. The Board reviewed the waiver request and gave the following indications, without taking any votes.

#### §7B.1 Dead-End Street Length.

There was a consensus that this waiver would be acceptable, as so much upland and other open land would be preserved by this development and the land to be preserved would have a unique benefit because it immediately abuts South Swamp, Scituate's main water supply source.

#### §7H.1 Sidewalks.

Member Barry asked for a sidewalk on the left hand side of the roadway and a sidewalk along Summer Street. Members Joseph and Ianiri indicated that they would forego the sidewalk on Summer Street because of the bus stop area that is proposed on the plan and that they would be willing to forego any sidewalks and any contribution of the Pedestrian Enhancement Fund due to the low density of the project and the preservation of so much open land directly abutting South Swamp. No consensus was reached.

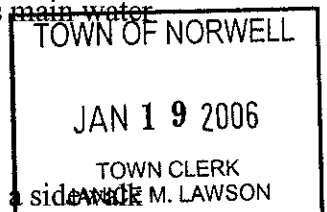
#### §7C Catchbasins

Member Barry was concerned that the Planning Board cannot provide a waiver from a General By-law requiring catchbasins every 200 feet. It was explained that the Board may waive its own regulations if the standard for doing so is satisfied and that, if a further approval from the Permanent Drainage Committee is required, then that approval would have to be sought and obtained. Engineer Chessia stated that the project would work as designed.

#### §6.4.4.15 Profiles to Assess Drainage.

Member Barry expressed concern that a profile of Herring Brook was not provided. Engineer Bows notes that the waiver is requested because it is so far from the project. Member Barry noted that it is one the property. Engineer Chessia noted that the brook is hundreds of feet from any activity that is proposed and is surrounded by land that is proposed to remain vacant and be permanently protected.

Members Joseph and Ianiri noted that they are in favor of the waiver request.

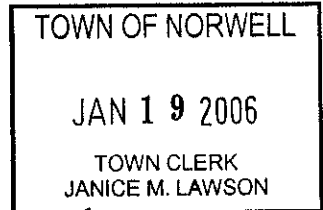


§6.4.4.20a Contour Intervals

Members Joseph, Barry and Ianiri indicated that they favored this waiver as the requested spot grades were provided.

§6.4.4.20c Contours outside of property

Members Joseph, Barry and Ianiri indicated they favored this waiver.



§7A.4 Pavement Width – 26 Feet Required/Waiver to 23 Feet Requested

Member Barry noted that he would support only a waiver to 24 feet, not 23 feet of width.

Member Joseph asked if the drainage calculations would support 24 feet. Engineer Bows stated that the drainage calculations were designed for 24 feet and would support 24 feet of paved width without a design change. Member Joseph stated that she would support only a waiver to 24 feet, not 23 feet.

Member Turner stated that she would support a waiver to 23 feet as the grades are not steep and there are no sharp curves.

Member Ianiri stated that he would support a waiver to 23 feet.

§7A.20 Curbing.

The Board wished to wait to see if there is input from the Highway Surveyor.

§7H.5 Street Tree Easements

The Board had no problem with this easement and this is something that the Board has been asking for.

§6.4.7 Traffic Analysis

Engineer Chessia noted that the level of service on Summer Street is not an issue. The Board had no problem with this waiver request.

§6.4.4.18 Road Cross Section

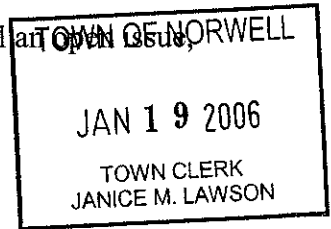
The Board had no problem with the waiver.

§6.4.4.19 Profiles of Water Bodies

The Board had no problem with the waiver.

§7A.2 Appendix Cross Section

The Board noted that the issues of the paved width and sidewalks are still an open issue, but the other issues probably can be waived.



7E-1 and 2 Location of Utilities

The Board had no problem with the waiver.

7F.1 and 4 Easements Along Lot Lines and Segregation of Drainage Parcels.

It was explained that the waiver is necessary for the easement for the drainage basin and access road, as the overall parcel will be owned by a land trust and the easement will be in the middle of the parcel.

There was a discussion that, of course, should the project be approved, the HOA would have to be responsible for the drainage and hold a permanent easement to allow the repairs and access. This would have to be a condition of approval.

In addition, there would have to be a condition of approval that the proposed open space would be restricted by a permanent restriction of some kind.

§6.4.5.3 Traffic Analysis

The Board had no problem with the waiver.

Member Barry asked whether the interim as built referred to on Sheet 17/Note 20 would be required to undergo peer review and asked that this requirement be added.

Member Turner asked what land trust will be taking the land. Engineer Bows stated that he would ask the developer to get back to the Board.

Public Comment.

Ms. Kathleen Narkiewicz of 194 Summer Street noted that she spoke with the owners of the property with the tree and hedge that are blocking the sight distance. As of 7:00 p.m. this evening, the owners of that land confirmed to her that they have not been approached by the Applicant about an easement. She thanked the Board for its diligence in reviewing the project.

Engineer Bows stated that the Applicant wished time to revised the plans as to the sight distance issues and the headwall for the culvert. He stated that he has the authority to ask for an extension in the deadline for final action and requested an extension from January 20, 2006 to February 17, 2006.



Member Ianiri moved and Member Turner seconded that the Planning Board vote to accept the Applicant's request to extend the deadline for final action from January 20, 2006 to February 17, 2006. The motion was approved 4-0, with Member Graham absent.

Member Ianiri moved and Member Turner seconded that the Planning Board vote to continue the public hearing to February 1, 2006 at 7:30 p.m. The motion was approved 4-0, with Member Graham absent.

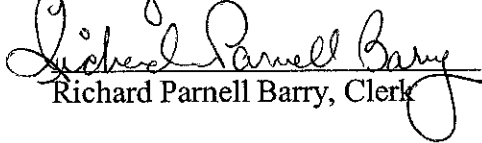
**DISCUSSION. White Barn Lane. 9:05 p.m.**

Member Joseph noted that informal word has been received that a project eligibility letter will be filed shortly for White Barn Lane.

**DISCUSSION. Adjournment. 9:05 p.m.**

At approximately 9:05 p.m., Member Barry moved and Member Ianiri seconded that the Board vote to adjourn. The motion was approved 4-0.

I certify that the above minutes were approved by majority vote by the Planning Board on January 18, 2006.

  
Richard Parnell Barry, Clerk

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