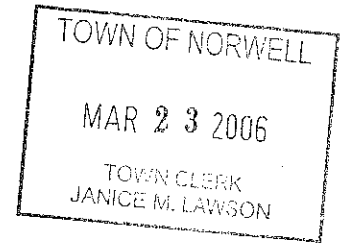


Norwell Planning Board Meeting Minutes
March 15, 2006 Regular Meeting



The meeting was called to order at 7:02 p.m. Present were Board Members Bruce W. Graham, Karen A. Joseph, and Sally I. Turner and Planner Ilana Quirk. Member Charles R. Markham arrived at 7:05 p.m. Member Richard Parnell Barry arrived at 7:15 p.m.

DISCUSSION. Draft Agenda. 7:02 p.m.

Member Joseph moved and Member Turner seconded that the Board approve the draft agenda as amended. The motion was approved 3-0, with Members Barry and Markham absent.

DISCUSSION. March 1, 2006 Minutes. 7:02 p.m.

Member Joseph moved and Member Turner seconded that the Board vote to approve the March 1, 2006 minutes. The motion was approved 3-0, with Members Barry and Markham absent.

DISCUSSION. Trunnel Lane Lot 2 Planting Plan. 7:05 p.m.

Member Turner recused herself. The Board reviewed a plan sheet, entitled "Proposed Site Plan of Land Lot #2 Trunnel Estates, Norwell, MA," as prepared for Liam Vickers, dated March 2, 2006, depicting a proposed row of Bradford Pear trees above the drainage basin easement, located on Lot 2.

Member Joseph moved and Member Markham seconded that the Board vote to approve the proposed site plan and proposed tree plantings, provided that the trees are planted far enough above and away from the drainage basin access easement to avoid interfering with the required access. The motion was approved 3-0, with Member Barry absent and Member Turner abstaining.

DISCUSSION. Capital Budget Committee Report. 7:07 p.m.

Member Joseph gave a Capital Budget Committee update, noting that \$1.2 million in capital requests have been made by town agencies. The town hall boiler needs to be replaced and there is discussion regarding the potential of bonding a new fire truck, which would cost approximately \$300,000.

DISCUSSION. Stormwater Committee Report. 7:10 p.m.

Member Joseph gave a Stormwater Committee Report update. During October of 2005, the Planning Board recommended that the Selectmen create a stormwater committee to

review draft stormwater by-law language provided by the Planning Board to the Selectmen. A committee was formed by the Selectmen during January, with Selectmen Don Mauch, Highway Surveyor Paul Foulsham, Water Superintendent John McInnis and Planning Board Member Karen Joseph as members. The Committee met on January 19, 2006 and once during February. On March 13, 2006, Selectmen Mauch resigned from the Committee as his schedule will no longer allow him to serve. The Committee will wait for the Selectmen to appoint a new representative from the Board of Selectmen.

The Planning Board discussed its hope that the draft by-law language could be placed on the warrant. Member Joseph noted that there is a placeholder for the language in the draft warrant, but the deadline for closing the warrant is approaching and the Committee has not yet discussed the language.

DISCUSSION. Advisory Board Report. 7:15 p.m.

Member Graham gave a brief update, noting that Advisory Board Member Skip Joseph is opposed to the proposed stormwater definition changes that the Planning Board has proposed. Advisory Board Member Jason Brown expressed opposition also. Advisory Board Member Joseph wants to see a change that would allow determinations to be made under G.L. c.40A, §6 without a public hearing before any more zoning changes are made.

DISCUSSION. Pinson Lane Easement Petition. 7:15 p.m.

This item was postponed to March 22, 2006. The Board will review draft language provided to them today that reflects the Board's recent discussions on this matter.

DISCUSSION. Board Reorganization. 7:15 p.m.

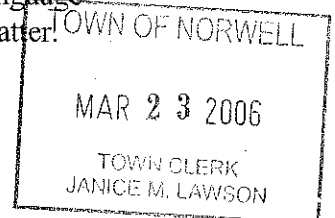
The Board discussed reorganization and took the following votes.

Member Joseph nominated Member Graham for chairman and Member Turner seconded the nomination. The Board voted 5-0 to appoint Member Graham chairman.

Member Graham nominated Member Joseph for vice-chairwoman and member Turner seconded the nomination. The Board voted 5-0 to appoint Member Joseph vice-chairwoman.

Member Joseph nominated Member Turner for Clerk and Member Graham seconded the nomination. The Board voted 5-0 to appoint Member Turner as Clerk.

Member Graham nominated Member Barry as Assistant Clerk and Member Joseph seconded the nomination. The Board voted 5-0 to appoint Member Barry as Assistant Clerk.



DISCUSSION. Wildcat Endorsement Extension Request. 7:20 p.m.

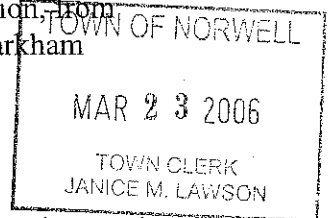
All Board members were present. Member Markham recused himself.

A.W. Perry, Inc. Asset Manager Richard P. Beal was present for the developer. Mr. Beal noted that the developer had requested a 90-day extension of the time for endorsement, but would prefer an extension of 180 days.

The Board discussed the extension request. The Planner noted that 180 days is the full extension that could be granted and reminded the Board that the zoning and regulation freeze afforded to the project does not begin until endorsement occurs. Mr. Beal noted that there are still discussions going on concerning a potential affordable housing project.

Member Graham stated that the proposed request was acceptable to him. Member Joseph stated that she would not vote for 180 days, only 90 days and asked for an update on the progress of permitting the wastewater treatment plant. Mr. Beal did not have that information. Member Turner stated that she would only agree to a 90-day extension at this point. Member Barry stated he would only agree to a 90-day extension at this point and understood that the abutters did not need to be notified, but would prefer that they be notified.

Member Joseph moved and Member Turner seconded that the 90-day extension, from April 24, 2006, be granted. The motion was approved 4-0, with Member Markham abstaining.



PUBLIC HEARING. Barrel Lane Subdivision. 7:30 p.m.

All members were present. Member Markham did not attend the previous meetings and will not sit on this project. Applicant Donald E. Shute and Professional Engineer Michael Carter of GCG Associates were present. Professional Engineer John Chessia was present to advise the Board.

The Clerk read the public hearing notice and announced the materials received since last iteration of the public hearing on December 7, 2006.

The Board reviewed the February 7, letter from Mr. Walter R. Hall, Jr., regarding drainage issues. The Board directed that the chairman respond to Mr. Hall by thanking him for his letter and informing him of the Board's drainage requirements and the materials that are available for his review.

Engineer Carter gave a brief overview of the changes made to the plan since the last iteration of the public hearing on December 7, 2006. He used different software to model the drainage and, using HydroCAD, established that the proposed design would result in no increase in flood elevations. There were some reconfigurations of the drainage and those reconfigurations were reflected on the revised sheets 10, 11, 12 and 15 recently

submitted and peer reviewed. A driveway was moved to avoid a potential conflict and all drainage issues now have been addressed.

Member Joseph asked for clarification of the frontage lots. Engineer Carter stated that the frontage lots are part of the subdivision. Member Joseph noted that the frontage lots are not numbered consistently on the plan. Engineer Carter noted the problem and stated that it would be fixed.

Member Joseph asked if the driveway proposed for Lot 8 would be drivable, given the topography of the nearby water main easement. Engineer Carter stated that it would be as the grade is around 3%. Member Joseph noted that it is greater than 3% in places. Engineer Carter agreed that a condition of approval that the grade not exceed 3% would be reasonable.

Member Joseph noted that she believes there should be a condition that the drainage swale shall be sodded or jute meshed. Engineer Carter agreed.

Member Joseph noted that she believes there should be a condition of approval that the sight lines on Circuit Street should be maintained by the developer and then the homeowners association. Engineer Carter agreed.

Member Joseph noted that she believes that there should be a condition of approval that requires all of the grading to be finished as shown on the plan, to the extent that the drainage calculations rely on the grading.

Member Joseph reminded the developer that a construction plan will be required prior to endorsement.

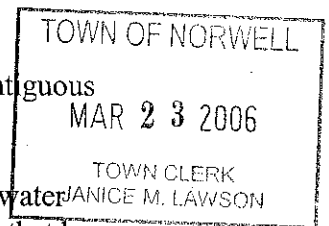
Member Joseph noted that she would vote for a waiver from the requirement that large trees not be shown, but not for walls and rock croppings.

Member Turner noted that she is concerned that the upland for Lot 4 is not contiguous and that the usable portion of the lot is quite limited.

Member Barry asked that the applicant confirm that a 20-foot easement to the water department will be given allowing access to Barrel Lane. Mr. Shute explained that he would give the easement, to the extent that he has a right to do so.

Mr. Barry asked Engineer Carter to read the 12 waiver requests set forth on the plan and Engineer Carter complied.

Engineer Chessia gave a brief overview. He noted that his report highlights the waivers and suggested conditions of approval, should the project be approved. He noted that the big issue with this project was the drainage. He is satisfied that the design would not be make existing conditions worse, post-construction. All of the comments and concerns he raised have been answered.



Member Joseph asked about the amount of fill to be brought to the site. There would be 2800 truckloads. Mr. Shute noted that he is agreeable to a condition that would limit trucking during school bussing hours. Engineer Carter noted that the 2800 truckloads would not happen all at once. First, there would be truckloads of fill brought to the site to allow for the building of the road. Later, there would be truck loads of fill brought to the site for the individual lots, first for the septic systems and then the houses. He could not quantify the timing. He estimated, though, that it would be customary to have 5 or 6 trucks working to bring fill and they would arrive and then leave to get more and then come back and repeat that process throughout the day. The number of trips would be driven by how far away the truck had to drive to obtain the fill.

Mr. Shute noted that he is considering building houses with no basements and with geothermal wells. There are good tax credits for the wells now. While it is unusual for New England homes not to have a basement, he is aware that the groundwater is high at the site and of the Board's concern that the basements not intercept seasonal high groundwater.

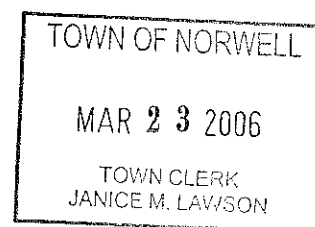
Mr. Barry noted that he would insist upon a contribution to the Pedestrian Enhancement Fund in exchange for the sidewalk waiver.

Mr. Walter Hall of 184 River Street asked whether, if the project were approved, the current drainage problem would not be exacerbated. Member Graham responded that the requirement for approval is that the Board be satisfied that the design would not make the problem worse. Mr. Hall asked what his recourse would be if the problem were to be made worse. Member Graham responded that no legal advice to him could be given, but that his recourse would be private.

Mr. Tom Vorderer of 228 River Street asked what lots have been successfully percolated. Engineer Carter stated that all of the lots, except lot 8, were successfully percolated last fall and they ran out of time to finish lot 8.

Mr. Vorderer asked where the septic system for lot 8 would go. Member Graham noted that the Board of Health and the Conservation Commission would regulate the location.

Mr. Vorderer asked if there would be a conservation restriction on lot 8, meaning the unlabeled parcel behind it. Mr. Shute stated that there would not be one at this time and that he would consider a donation in the future, but probably would seek to percolate the lot first, to maximize his tax deduction. He noted that he might keep this parcel vacant and use it toward the aggregate loading requirements for the septic systems for other lots in the development. The parcel currently is "non-buildable," but could be combined with other land in the future, either through the ANR process (to add land to another lot) or through a subdivision modification process to create another lot, however that would require a new assessment of the drainage.



Mr. Jonathan Detweiler of 152 River Street asked for an estimate of the duration of the roadwork. Engineer Chessia could not provide an estimate.

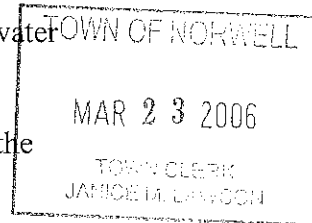
Mr. Robert Littlehale of 140 River Street asked if there is a precedent for the type of water control issues in this project. It was noted that the 15 lots in this project will require a similar amount of fill for the 44-lot project proposed by Wildcat and that, in general, water control issues are becoming more complicated.

Mr. Darryl Mayers of 6 Parsons Walk asked where the subdivision way would be in relation to Parsons Walk. Engineer Carter responded that the entrance would be approximately 600 feet down Circuit Street, away from Parson's Walk.

Member Barry noted that the flow of water off the property will have an increase in volume, but the rate will be controlled. Engineer Carter stated that there would be an increase in volume at the River Street culvert, but not at the Green Street culvert, and that the rate will be controlled.

Engineer Chessia noted that the drainage pond is designed to drain out all of its water within a 24 to 36 hour time period, even for a 100-year storm.

Engineer Carter provided the wetlands resource delineation for the property, for the Board's file.



Chairman Graham asked if anyone had anything else to submit or any other comments to make. There were no further questions or comments or requests to submit additional materials.

Member Joseph moved and Member Barry seconded that the Planning Board vote to close the public hearing. The motion was approved, with Member Markham abstaining.

DISCUSSION. 400 Washington Street Site Plan. 8:40 p.m.

All members were present. Present for the Applicant were Brian Farrow, Brian Griffin, Esq., Engineer Jack O'Leary, Professional Engineer Kelsey Richards, and Landscape Architect Ed Fuller.

Attorney Griffin gave a brief overview, noting that the pervious pavers have been removed and the parking and size of the building reduced accordingly. Engineer Richards noted that the Aquifer Protection District impervious surface maximum of 35% has been satisfied. She noted that the drainage has been designed to control the stormwater flow so as to result in no post-construction increase in either rate or volume. The design conforms to use, parking and traffic requirements. The amount of lighting previous proposed has been significantly reduced

Landscape Architect Fuller gave a brief presentation. He tried to provide more native species that would provide a better habitat and be respectful of the drainage.

Member Graham asked why test pits are recommended by C&C and whether there are questions regarding the soil types. Engineer Chessia noted that are required to locate the groundwater height.

Member Joseph noted that the new planting plan is much improved and will make a big difference, but she is concerned about potential conflicts with the westerly drainage swale. She asked that two cross-sections for this area be provided to make sure that installation of the plantings would not conflict with the drainage.

Member Joseph inquired about the interaction of wheel stops, columns and handicap signage. Attorney Griffin stated that the signs could go on the columns and the detail will be changed to reflect that.

Member Joseph asked about lighting and was told that there would be more than one light on a pole.

Member Joseph asked how the guardrails would be imbedded. Engineer O'Leary stated that they would be 3 feet into the ground. Member Joseph asked that this be shown on the drawing.

Member Joseph noted that there should be consistent details showing that 6" of loam are required.

Member Joseph asked if there would be cape cod berm throughout. It was explained that the state highway currently uses berm and that the applicant will do whatever the highway wants.

Member Turner noted that she is concerned about the traffic patterns and that the trucks be able to make the designed turns. Engineer Richards stated that the turns work. Member Turner asked for a diagram to show that it works. Member Turner asked about truck deliveries. The applicant responded that, since the tenants have not been identified, that question couldn't be answered at this point.

DISCUSSION. Aquifer Protection District By-law. 9:20 p.m.

Member Graham gave an update and explained that the Water Commissioners are considering changes to the APD that would update the APD map and impose new standards and conditions for impervious surface maximums in relation to new recharge requirements. He noted that the Planner sent some draft language to the Commissioners, at their request. The idea would be to allow a little more impervious surface in the APD, perhaps up to 50 percent, in exchange for 85% recharge of the imperious surface and to allow changes to grandfathered situations, provided that they did not add any more impervious surface and provided that they at least recharge all roof runoff. The Board members discussed the concepts and agreed that approach is sound. The Water

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Commissioners may propose the changes to the Selectmen and ask that the warrant be reopened.

DISCUSSION. Holly Berry Street Acceptance. 9:40 p.m.

The Planner noted that Selectmen Mariano expressed his anger to her just before tonight's meeting as he has heard that the Planning Board might not give a favorable report to the Road Commissioners and Town Meeting for street acceptance for Holly Berry.

The Planner stated that she carefully reviewed the drainage and cost issues, relating to Holly Berry, with Selectmen Mariano and told him that the Planning Board has discussed recommending that the street be placed on the list of private streets to be plowed under G.L. c.40, §6C, but that the street and drainage repairs and costs be left for the Homeowners Association to take care of privately. She explained to Selectmen Mariano that the Highway Surveyor has indicated that he does not have the resources and so cannot provide the type of maintenance that this development (or any development with a drainage basin) needs. The drainage calculations (upon which the project's drainage design relies) are based upon an Operation and Maintenance Plan, which requires that the catchbasins and stormceptor be cleaned out four times a year. The Highway Surveyor cannot clean out catch basins, with his limited resources and staff, more than once every three years. This is a problem for all subdivisions with drainage basins. An additional problem for aboveground basins is that they need to be mowed regularly as well, which the Highway Surveyor does not have the resources to accomplish. An example of the problem this causes is E.A. Joseph Drive. The basin at that project is overgrown now and may be losing its storage capacity. And, this is a particular problem for Holly Berry as it both is dependant upon an Operations and Maintenance Plan, which requires the stormceptor and catch basins to be cleaned out four times a year, and has an underground drainage system of concrete galleys. If the underground system becomes clogged, it will be very expensive to repair or replace.

The Planner reported that Selectmen Mariano was not persuaded and stated that he believed that the Planning Board has misled the developer by not telling him that the Board would not recommend street acceptance. The Planner pointed out that street acceptance is not at issue when subdivision approval is granted. The issue of street acceptance does not come up until an application for street acceptance is made. She noted that a planning board couldn't, at the subdivision approval stage, bind a future planning board as to street acceptance. She also noted that the Holly Berry developer was informed many times by the Board that the Homeowners Association would have to maintain the underground drainage and that the underground design was not one that was favored by the Board. Selectmen Mariano continued to express his anger and dismay.

The Board discussed its options and the need for the Town to address the cost of taking care of drainage basins and that the Town does not have the resources to do the work. The Board discussed the problem that, if streets with drainage basins are accepted as public ways and then not maintained by the Town due to budget and resource problems,

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then that will lead to drainage failures that then could cause property damage and threaten public safety and lead to expensive repair or replacement costs for which the Town could be liable.

DISCUSSION. Master Plan. 9:50 p.m.

Member Barry asked for an update as to when copies of sections of the master plan will be circulated for proof reading. Member Graham stated that the master plan is still with the layout consultant.

DISCUSSION. 13 and 21 Barstow Ave ANR Plan. Hoover. 9:55 p.m.

The Board noted that a new ANR plan has been received by the Planning Office on March 14, 2006.

Member Barry moved and Member Turner seconded that the Board vote to accept submission of the "Plan of Land Barstow Ave/Stetson Rd/Norwell, MA," dated February 16, 2006, as revised through March 11, 2006, and prepared by PLS Patrick Roseingrave of CCR Associates, 40 Mears Ave, Quincy, MA and to defer action on the ANR Plan until March 22, 2006. The motion was approved 5-0.

DISCUSSION. Adjournment. 9:55 p.m.

At approximately 9:55 p.m., Member Joseph moved and Member Barry seconded that the Board vote to adjourn. The motion was approved 5-0.

I certify that the Planning Board approved the above minutes by majority vote on *March 22, 2006.*

Sally I. Turner
Sally I. Turner, Clerk

