

Norwell Planning Board Meeting Minutes
May 24, 2006 Regular Meeting

The meeting was called to order at 7:00 p.m. Present were Board Members Richard Parnell Barry, Bruce W. Graham, Karen A. Joseph, Charles R. Markham and Sally I. Turner and Planner Ilana Quirk.

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

Member Joseph moved and Member Barry seconded that the Board approve the draft agenda, with the addition of discussions regarding Harbor Lane and Stormwater issues. The motion was approved 5-0.

DISCUSSION. May 10, 2006 Minutes. 7:00 p.m.

Member Barry moved and Member Joseph seconded that the Board vote to approve the May 10, 2006 minutes. The motion was approved 5-0.

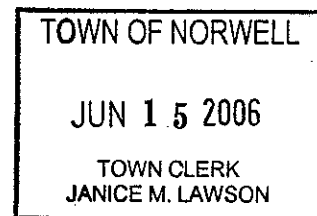
DISCUSSION. Bills. 7:05 p.m.

Member Graham explained that there was an error with the amount of postage funds calculated for the mailing of the master plan summary. The check authorized on May 10, 2006 was cancelled and a new, greater amount needs to be voted this evening to cover the cost of the mailing, which has already taken place.

Coler & Colantonio, Inc . Review Fee Payments:

Barrel Lane:	\$ 36.25
Forest Ridge:	\$ 113.16
Henry's Lane:	\$ 680.43
Laurelwood:	\$ 98.51
Turner's Way:	\$ 237.32
104 Washington St:	\$2,378.80
134 Washington St:	\$ 278.04
400 Washington St:	\$ 840.60

Master Plan Postage:	\$ 606.51
Reimburse CIB, Inc.	



Member Joseph moved and Member Barry seconded that the above bills be authorized for payment. The motion was approved 3-0, with Members Graham and Turner abstaining.

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DISCUSSION. Town Meeting. §1642. 7:10 p.m.

The Members discussed the joint meeting that is to take place tomorrow evening with the Selectmen and Board of Appeals and the Planning Board. Everyone except Member Barry indicated an ability and willingness to attend. A meeting will be posted for 6:30 p.m. on May 30, 2006, just prior to Town Meeting, to deal with any issues that may need to be voted upon.

DISCUSSION. Harbor Lane. 7:15 p.m.

Member Turner noted that she observed a great deal of fill in the cul-de-sac island at Harbor Lane and spoke to James Kelliher of 79 Harbor Lane about the fill. Mr. Kelliher told Member Turner that he intends to make cuts in the cul-de-sac pavement and install brick and place a landscaping berm in the cul-de-sac island. The Board discussed the fact that any change to paving specifications and in the configuration of the drainage that the cul-de-sac island would, at a minimum, require field changes. The Board decided that the Board should send a letter to Mr. Kelliher, to make sure that he is aware of this requirement, before proceeding with any work that he might be planning and warning that changes to the pavement might cause a problem with Town plowing.

DISCUSSION. Henry's Lane Endorsement. 7:20 p.m.

The Board reviewed the Mylars and accepted Engineer Chessia's opinion that the Mylars now comply with the conditions of approval and are ready for endorsement.

The Board reviewed the documents provided by the applicant's representatives (Peter Dillon and for endorsement, including: (1) the Homeowner's Trust; (2) Declaration of Restrictions and Easements; (3) Restrictive Covenant; (4) Subdivision Easements; (5) Temporary Access and Construction Easements; (6) Board of Health Covenant; (7) Surety Covenant; (8) Trustees' Certificate; (9) Attorney McAuliffe Certificate of All owners and Mortgagees of record; and (10) Dillon Quitclaim Deed. In addition, the Board reviewed documentation indicating that an appropriate bank account, with funds in the amount of \$5,000, has been set up for the Homeowners Association. The applicant also provided a check in the amount of \$10,800 for the Pedestrian Enhancement Fund.

After reviewing the Mylars and documents, the Planning Board found everything to be in order and that the Mylars are ready for endorsement, provided that Town Counsel provide one final review of the final, executed endorsement documents and that the endorsed plans shall be held in escrow until all of the necessary documents are confirmed to have been recorded. The applicant agreed to pay for a Planning Board escrow agent to arrange for copying of the Mylars and to attend the closing to confirm simultaneous recording of all instruments.

Member Barry moved and Member Joseph seconded that the Planning Board vote to endorse the Mylars for Henry's Lane, dated November 2, 2004, as revised through May 7, 2006, and to accept and execute the surety covenant, with the conditions that the final,

signed endorsement documents shall be reviewed and approved by Town Counsel and that the endorsed plan shall be held in escrow by the Planner until confirmation is provided that all of the necessary endorsement documents have been recorded either prior to or simultaneously with the plan.

The Motion was approved 5-0.

**PUBLIC HEARING. High Street (104 Washington Street/ Marsh and CVS Project)
Joint Scenic Road and Tree Hearing. 7:30 p.m.**

All members of the Planning Board were present, together with Highway Surveyor/Tree Warden Paul Foulsham. Applicant Steven Marsh, Attorney Roger Hughes and Project Manager Engineer Jennifer Turcotte were present.

Member Turner read the public hearing advertisement to open the public hearing.

Chairman Graham gave a brief introduction and noted that the purpose of the public hearing is to review the trees that are proposed to be removed as a result of proposed roadwork and to make sure that proper mitigation is provided. The purpose of the hearing is not to review the underlying project and the traffic and parking and other concerns. Highway Surveyor Foulsham asked the applicant to go forward and make the presentation.

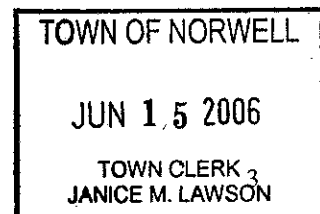
Attorney Hughes introduced Engineer Turcotte and she presented a plan that depicted the 50-foot right of way for Highway Street and highlighted the three maple trees that are proposed to be removed in green and highlighted the eight red oaks that are to be added at the site in yellow. The new trees will have a caliper of 2 ½ to 3 inches in diameter.

Highway Surveyor Foulsham asked Engineer Turcotte to address maintenance and guarantee issues. Engineer Turcotte responded that there would be a closed loop irrigation system, but that she was not sure if it would water the trees.

Highway Surveyor Foulsham stated that the trees should be watered at least once a week through the summer, to wet the roots. Member Joseph stated that she would want to see a one-year guarantee, so that replacement of any dead tree would occur after one year. Attorney Hughes stated that neither requirement was a problem.

Highway Surveyor Foulsham stated that he wanted to see inspect and pest control measures put into place. He wants the trees inspected once a week and, if there is a problem, the problem should be reported to him and he will direct appropriate action that the applicant shall take.

Highway Surveyor Foulsham stated that the eight trees proposed are sufficient in number in his view.



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Mr. James Barnum of 56 High Street. Mr. Barnum asked that there be a condition of approval that the trees not be removed until after a final approval of the proposed site plan, allowing the High Street entrance, occurs. All parties agreed that this was a reasonable condition.

Mr. Brad Keene of 51 High Street. Mr. Keene stated that the trees to be removed are Catalpa Trees and are very rare.

A number of neighbors expressed their concern that eight trees was not enough to replace three trees and that the new trees should be larger. The Board members explained that larger diameter trees have a difficult time surviving and it is more likely that the smaller diameter tree will take and survive. The replacement is more than 2 to 1 and is adequate.

Member Barry moved and Member Markham seconded that the Planning Board vote to close the public hearing, with Highway Surveyor Foulsham's approval. The motion was approved 5-0 and Highway Surveyor Foulsham indicated his agreement.

Member Barry moved and Member Markham seconded that the Planning Board vote to approve removal of the three maple trees in question in exchange for planting eight new red oak trees, each with a caliper of between 2 ½ to 3 inches, with the conditions that: (1) There shall be a one-year guarantee provided by the applicant so that, any tree that does not survive a full year, following planting, shall be replaced with an appropriate tree and each replacement tree shall have the same guarantee and the same maintenance requirements; (2) The trees shall be watered once a week during summer months, so that the roots are wetted; (3) The trees shall be inspected once per week for pest and insect damage and infestation; (4) If pest or insect damage or infestation is observed, the applicant shall contact the Highway Surveyor and then shall follow the Highway Surveyor's directions.

The motion was approved 5-0. Highway Surveyor Foulsham indicated his agreement with the motion.

PUBLIC HEARING. Henry's Lane. Norwell Avenue Scenic Road. 7:50 p.m.

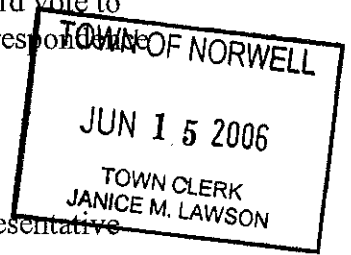
All Members were present. Member Turner read the legal advertisement to open the public hearing. Peter Dillon and Peter McClellan were present for the applicant.

The Board reviewed the proposed plan, attached to Trustee Donald E. Shute's April 24, 2006 correspondence. Mr. Dillon presented the proposed plan, which would remove 110 feet of stonewall, to allow the road opening for the subdivision way and provide for the replacement of the stonewalls that previously were removed from the areas in front of 97 and 103 Norwell Avenue and provide for the repair and rebuilding of the stonewall at 109 Norwell Avenue, so that the full frontage at 109 Norwell Avenue would be repaired and so that the current driveway opening at 109 Norwell Avenue would be closed up by the stonewall. A total of 110 feet of stonewall will be removed and a total of approximately

stonewall will be rebuilt or replaced. The new portions of the stonewall will follow the existing or pre-existing line of the stonewalls now at or previously at the property. The stonewall will be approximately two-feet in height and the new and replacement portions of the stonewall will come mainly from the stonewall that will be removed.

Member Barry moved and Member Turner seconded that the Planning Board vote to close the public hearing. The motion was approved 5-0.

Member Barry moved and Member Turner seconded that the Planning Board vote to approve the stonewall work as proposed in Mr. Shute's April 24, 2006 correspondence and plan.



DISCUSSION. Wildcat Field Changes. 8:00 p.m.

All members were present. Engineer Brad McKenzie and A.W. Perry representative Richard Beal were present.

Engineer McKenzie presented the four field changes that the applicant is seeking.

1. §4.13. Eliminate granite curbing at grades greater than 3 percent.

Engineer McKenzie provided a sheet that showed the areas where the granite curbing would have been required and noted that it would be difficult to tie-in the cape cod berm to the granite areas. The Board discussed the proposal.

Member Barry moved and Member Turner seconded that the Board vote to approve the requested field change to remove the requirement that granite curbing be placed in all areas with a 3% or greater slope, but to retain granite curbing in all other required areas. The motion was approved 5-0.

2. Lighting. Condition 7.

Engineer McKenzie requested that all street lighting shown on the plan as previously approved be eliminated in favor of a street lamp at the end of each driveway and an additional two street lamps at the roadway entrances, on Lot 28, each of which would be maintained and paid for by the individual homeowners, who would be required by the Homeowners Association to maintain and pay for the lights, except for the two extra lights on Lot 28 which would be maintained and paid for by the Homeowners Association. In all cases, except the two extra lights on Lot 28, the homeowners will be responsible for replacing worn out lights and paying for the electricity. The lights will be located outside of the roadway right of way. There will be no override switch and, as a result, the homeowners will not be able to turn off the lights. The lights will be photoelectric and will turn on when it gets dark and turn off when it gets light.

Member Joseph moved and Member Markham seconded that the Planning Board vote to approve the street lighting field change and allow all street lights shown on the plan to be

eliminated in favor of driveway lamps at the end of each driveway, plus two extra lamps on Lot 28 at the entrances to the project, with the homeowners to pay for maintenance and electricity for the driveway lamps and the Homeowners Association to pay for maintenance and electricity for the two extra lamps on Lot 28 that will light the entrances to the subdivision, with the lamps to be as shown in the photo provided this evening, approximately 12-14 feet high.

Member Joseph moved and Member Markham seconded that the Planning Board vote to approve the light field change request to eliminate all previously approved street lighting in favor of the driveway lamp proposal as noted above. The motion was approved 5-0.

3. Timing of Approval of Electric Utility Plans.

After a lengthy discussion, Member Barry moved and Member Joseph moved that the electric utility plan shall be approved before the first building permit issues and that the binder shall not be cut or undermined without a field change being obtained in advance.

The motion was approved 4-1, with Member Turner dissenting.

4. Recording of Documents.

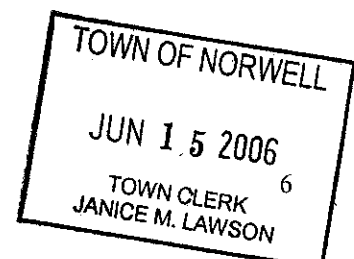
The applicant wants to record endorsement documents with the endorsed plan, rather than in advance of that event. The Board agreed that this would be appropriate as long as the endorsed plan is held in escrow until there is confirmation that all documents have been simultaneously recorded.

Member Joseph moved and Member Markham seconded that the Board vote to allow the requested field change so that the note in question shall read: "The restrictive covenants and easements as referenced in the Certificate of Vote are recorded simultaneously herewith." The motion was approved 5-0.

DISCUSSION. Stormwater Issues and Regulation Changes. 8:50 p.m.

The Board discussed the recent rainstorm event and the results of inspections of the various subdivision basins. The Board reviewed a draft regulation change that would move the design standard for drainage basins from the Technical Paper 40 Standard to the Cornell Standard, which would result in a more conservative design approach. The Board reviewed a number of other, housekeeping changes, to add a note regarding wetland delineations on ANR Plans, alter the number and type of copies of subdivision plan sets and drainage reports, to reduce the amount of paper used, and to codify the requirement that interim as-built plans be provided for drainage basins and roadways.

The Board members agreed that the proposed changes are ones that should be discussed and pursued.



Member Joseph moved and Member Markham seconded that the draft regulation changes be advertised for a public hearing on June 21, 2006. The motion was approved 5-0.

DISCUSSION. Adjournment. 9:10 p.m.

At approximately 9.10 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 Planning Board approved the above minutes by majority vote on

June 14, 2006.

Sally I. Turner
Sally I. Turner, Clerk

