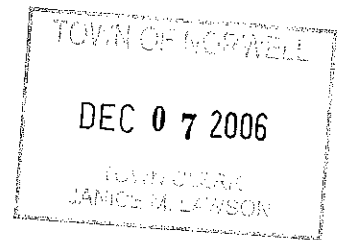


Norwell Planning Board Meeting
November 8, 2006

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, Charles Markham, and Sally I. Turner

DISCUSSION: Draft Agenda.

Member Markham moved to add discussions of his involvement with the Community Preservation Committee, as well as traffic concerns at the Route 53 and Grove Street intersection. Member Graham then moved to add discussions of MAPC correspondence regarding Chapter 43D, as well as his working proposal for the plowing of private roads. Member Joseph moved and Member Markham seconded that the Board accept the amended agenda as presented. The motion was approved 5-0.

DISCUSSION: Regular Session Minutes, October 25, 2006.

Member Barry moved and Member Markham seconded the motion to accept the minutes as presented. The motion was approved 5-0.

DISCUSSION: Bills.

W. B. Mason (Inv. #SRT216)	\$67.60
Todd Thomas (Oct. Reimburse.)	\$74.26
Chessia Consult. Serv. (Clapp Brook, Inv. #62)	\$287.50
Chessia Consult. Serv. (Hawthorne, Inv. #63)	\$55.00
Chessia Consult. Serv. (Laurelwood, Inv. #64)	\$591.06
Chessia Consult. Serv. (Pinson Lane, Inv. #65)	\$110.00
Chessia Consult. Serv. (Sgt. Calway, Inv. #66)	\$492.23
Chessia Consult. Serv. (SSMC, Inv. #67)	\$2,259.45

Member Barry moved and Member Markham seconded that the bills be approved for payment and the vouchers signed. The motion was approved 5-0.

DISCUSSION: ANR Plan for 120 Forest Street

At 7:05, Town Planner Todd Thomas introduced the ANR Plan of land for 120 Forest Street in Norwell, MA. Town Planner Thomas noted that the plan was substantially compliant with the regulations. He highlighted that the legal frontage of the property has a stone wall that runs the length of it. However, as Forest Street is not designated as a Scenic Road, the applicant can legally cut a hole in the wall, thereby providing adequate access to newly created Lot 2B. Town Planner Thomas called the Board's attention to finding "o" of the draft Certificate of Action which questions if proposed Lot 2B meets ZBL 2432. Finally he noted that he had vetted this zoning question with Building Inspector Tim Fitzgerald, who agreed that the proposed lot does not have the required lot width of 150' at the 50' front-yard setback line along Forest Street. Mr. Fitzgerald

suggested that this lot be stamped as “not a buildable lot without further zoning relief” directly on the plan.

Member Joseph began the general discussion by agreeing with the Town Planner’s preamble that Lot 2B was not compliant with ZBL 2432. She further added that the applicant had created his own hardship in this case. In ending a brief discussion given genesis by Member Barry, Member Joseph noted that the abutters across Jordan Lane and Forest Street should have been noted on the plan.

With the voting complete on each individual regulation, the Board voted to Grant ANR approval for the Plan of Land for 120 Forest Street, provided that the Planner places the stamp on the plan denoting that the proposed lot does not meet zoning requirements. The Town Planner was further instructed to accompany the endorsed plan to the Building Inspector with a letter stating that Lot 2B does not appear to meet zoning requirements and is not a buildable lot without further zoning relief. Discussion ended with Member Joseph moving and Member Barry seconding that the Board endorse the findings detailed in the draft Certificate of Action. A 5-0 roll call vote was recorded endorsing the ANR Plan of Land for 120 Forest Street, provided that the proposed lot is stamped as not being in compliance with zoning regulations.

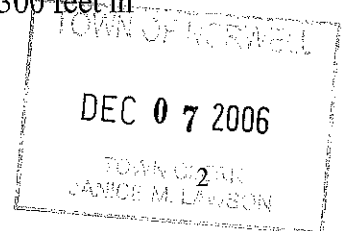
DISCUSSION: Trunnel Lane Modification – Mullaney Driveway Review Fee

Before the Board at approximately 7:25 was a request to return the review fee money for the “Trunnel Lane Modification” which was for the Mullaney Driveway being moved from Main Street to Trunnel Lane. Sean Mullaney’s request for the return of his review fee balance was sent to the Board electronically on 10/25. The Town Planner noted that he had been out to the Mullaney Driveway on Trunnel, and it looked to be in good condition. He also added that Technical Consultant John Chessia had signed off on this project as being complete. The Town Planner recommended that the Board vote to return the full balance of the review fee money in the sum of \$4649.18. Upon a motion made by Member Barry and seconded by Member Joseph, a 4-0 vote was recorded to return the review fee balance in full. Member Turner recused herself from this vote.

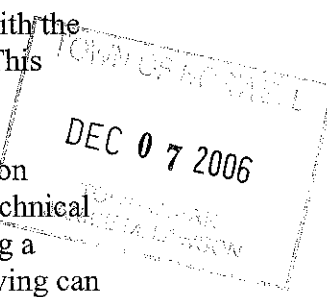
DISCUSSION: Trunnel Lane – Field Changes: Streetlight & Plantings

Steven Waitekaitis appeared before the Board at approximately 7:30 for two field change requests on Trunnel Lane. First, the Board voted to allow the addition of 18 Rhododendron Maximus plantings and one White Pine, supplanting the plan’s visual buffer zone behind #19 Trunnel Lane. With Member Barry Moving and Member Markham seconding, a vote of 4-0 was recorded allowing this field change. Member Turner recused herself from the vote.

Second, the Board was asked to grant a field change allowing the streetlight to be placed on the utility pole at the street’s entrance, as opposed to a free standing light depicted on the plan. Mr. Waitekaitis’s written submission for the field change noted that to install the streetlight per the plans, he would have to dig a trench approximately 300 feet in



length back to the transformer that is located mid-street. Doing so will require many plantings to be lost, as well as the Mullaney Driveway torn up. Before granting this request as a field change, the Board asked the applicant how a problem such as this could be avoided in the future. Mr. Waitekaitis replied that it was Mass Electric that did not read the plans correctly and incorrectly assumed that the light would be placed on the utility pole at the entrance to Trunnel Lane. At this juncture, Member Markham noted that if this change was to be granted, the Selectmen's Office should be made aware, so that the bill can be moved from the Town's bill to the Homeowners' Association bill. Building on Member Markham's statement, Member Barry moved and Member Joseph seconded that the field change be granted to allow the light at the entrance to Trunnel Lane be mounted on the existing utility pole, provided that the Board of Selectmen are notified for billing purposes and have no issues with the light in question being moved from its current position in front of the cemetery. This vote was recorded as 4-0, with Member Turner recusing herself.



At approximately 9:00 the Board again resumed the discussion of how this situation might be avoided in future subdivisions. At this time they elicited the input of Technical Consult John Chessia. Mr. Chessia agreed with Member Turner's idea that adding a condition to the Certificate of Vote, that utilities must be fully installed before paving can commence could help avoid this situation in the future. In addition, Mr. Chessia noted that the Board may wish to have the subdivision applicant supply the electrical and gas plans from the respective utilities before paving can begin. The Board made note of this suggestion and agreed to think of ways to incorporate it into its next Certificate of Vote.

DISCUSSION: Walter Sullivan, SSMC Parking Site Plan Review.

At 7:45 Chairman Graham began the site review hearing for South Shore Medical Center (SSMC) by introducing their plan to build new parking behind their building at 75 Washington Street. Chairman Graham reminded the SSMC team that the Planning Board was not the special permit granting authority and only supplied technical review. In response to Walter Sullivan's letter (SSMC's legal counsel), Chairman Graham further noted that if the applicant did not believe that they needed to be in front of the Planning Board, they had every right to request to retain their 11/15 meeting with the Zoning Board of Appeals (ZBA).

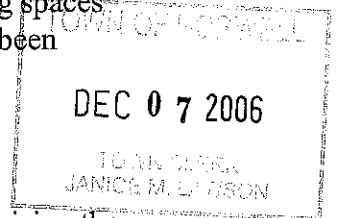
Walter Sullivan responded to Chairman Graham's opening remarks by reiterating his stance that the proposed parking plan does not constitute a redevelopment of the site or the addition of parking. He notes that his most recent site plan submittal illustrates that SSMC is substituting 75 leased pervious parking spaces on adjacent property with 64 impermeable parking spaces on their own property. Furthermore he added that it is his opinion that the site plan approved for the property in 2002 still governs this redevelopment.

In response to the claim that the approved site plan from 2002 still governs the site, Member Joseph cited ZBL 1550, which states that site plans are only valid for one year from approval. Her comments were followed by Technical Consultant John Chessia's

summation of his review letter. Technical Consultant Chessia noted that the leased parking spaces being supplanted did not constitute 75 parking spaces as claimed by the SSMC submission and presentation. The dimensions of this site (for zoning purposes) do not support the two rows of parking that are being taken credit for. Mr. Chessia further noted that adequate screening from the parking area was not provided to the homes along Bay Path Lane. He concluded his remarks at this time by suggesting that a plan be submitted just showing the existing parking at the site, so as to help clear up confusion on this issue.

Member Joseph agreed with both John Chessia and the Town Planner, in that she would also like some clarification on the parking with a new clean plan. She then moved the conversation onto the drainage being proposed at the site by asking John Chessia what needed to be done with the proposed mitigation. John replied by first noting that the Stormwater Management on the existing parking was insufficient. He also noted that the applicant has yet to do any permeability testing where they have proposed their basin, due to the fact that they have yet to seek permission to do so from the Conservation Commission. Barbara Thissell, the contracted engineer for SSMC, noted that they had done permeability testing in close proximity to where the basin was being proposed. Both Chairman Graham and Technical Consultant Chessia replied that permeability testing should be done where the basin is to be located, as differences in soil at the two locations could impact the design and function of the basin.

At this juncture, Attorney Sullivan expressed his concerns and frustration with the process. He reiterated his request that the SSMC team would like to be heard before the ZBA on 11/15. To this request, Chairman Graham reiterated that it is their right to be heard by the ZBA. However, the Planning Board would be forwarding a letter to the ZBA stating that there are unresolved issues with the project as proposed. Per the applicant's request to be seen by the ZBA, the Town Planner was instructed to draft this letter for Chairman Graham's signature. Upon a motion made by Member Barry and seconded by Member Markham, the Town Planer was to draft and send a letter to the ZBA stating that SSMC's parking site plan as proposed was insufficient based on the Planning Board's findings that: drainage for the site must be based on soil conditions from where the basin is being proposed; inadequate screening for the homes along Bay Path Lane is proposed along the parking area; and that the number of parking spaces being replaced is still unclear and a clean plan showing just the parking has been requested.



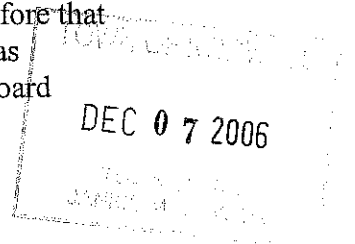
DISCUSSION: Cowings Lane Endorsement.

Town Planner Todd Thomas opened up the Cowings Lane discussion by advising the Planning Board that the project was not ready to be endorsed as expected at the 11/8 meeting. The Town Planner noted that surety was not in place for the project, as well as many of the required easements. Eugene Mattie and his legal counsel Greg Galvin agreed that all of the legal documentation was not in place as required. As such, they provided the Planning Board with a written request for extension of the endorsement deadline. After a brief discussion on how long the endorsement could be extended, the

Planning Board, upon a motion made by Member Joseph and seconded by Member Turner, set a new deadline of February 8, 2007 for the formal Endorsement of Cowings Lane.

NEW BUSINESS: May Elm Woods Definitive Subdivision Plan

Town Planner Thomas advised the Board that a new definitive subdivision filing was received in the planning office earlier in the day. The Board agreed to recognize the May Elm Woods Definitive Subdivision plan as being formally received as of 11/8/2006. This recognition set the 135-day deadline for approving the plan on 3/23/2007. Member Joseph suggested that the first Public Hearing be scheduled for 1/10/2007 at 8:15, provided that the application is completely received into the Planning Office before that time. The motion to accept the May Elms Woods Definitive Subdivision Plan as received was made by Member Turner and seconded by Member Barry. The Board voted unanimously to accept the subdivision application.



DISCUSSION: Community Preservation Committee

Member Markham added a brief discussion on the Community Preservation Committee (CPC) to the agenda. He noted that the CPC was in good shape. However, he added that he had recently stepped down as Chair of that committee. Allison Demong will be succeeding Member Markham as Chair of the CPC.

DISCUSSION: The Intersection of Route 53 & Grove Street

Member Markham also added a brief discussion on the intersection of Route 53 and Grove Street to the agenda. He noted that he had utilized some of the Town Planner's time to address some concerns he had received from residents about the new intersection design at this location. Residents had complained that the left hand turn from Route 53 onto Grove Street did not supply adequate time for the queued traffic in the left-hand turning lane. At this juncture Town Planner Thomas noted that he had spent some time at this intersection and completed some rudimentary traffic counts. He supplied that it was taking 2.5 light cycles for a queued vehicle to make the left hand turn from Route 53 onto Grove Street. He added that he had made the requisite phone calls into MassHighway to get this situation remedied. Finally, the Town Planner noted that he had talked to the regional Traffic Supervisor Bob Gregory, who agreed to look into the issue and hopefully lengthen the left hand turn signal.

DISCUSSION: MAPC Chapter 43D

Member Graham added a brief discussion on the MAPC Chapter 43D handout received by the Town Administrator to the agenda. The Town Planner explained the new site plan legislation as he understood it and provided specifics of it to the Board. Town Planner Thomas also noted that he had discussed Chapter 43D with Chairwoman of the ZBA, Lois Barbour. Echoing comments from Member Markham and Member Joseph, the Town Planner agreed that development in Norwell was not big enough to trigger any

possible state funding under this legislation. Upon a motion made by Member Barry and seconded by Member Turner, the Town Planner was instructed to draft a reply letter to the Town Administrator for Chairman Graham's signature, stating that the Planning Board saw no reason to adopt Chapter 43D.

DISCUSSION: Plowing of Private Roads

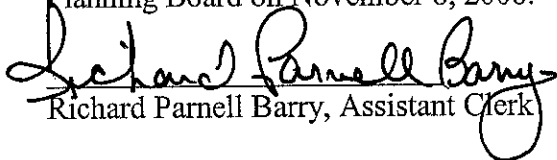
The last item added to the agenda by Chairman Graham was an update on his proposal to the Selectmen to have the Town plow private subdivision roads. Chairman Graham noted that he had asked both Technical Consultant John Chessia and Town Planner Todd Thomas to help him research this proposal, which calls for the Town to plow private subdivision roads, in turn for the Homeowners' Association taking permanent responsibility for upkeep and maintenance of the drainage basins. Chairman Graham noted that the genesis for his proposal came from the combination of overly optimistic maintenance schedules being submitted in subdivision drainage calculations coupled with pressure for road acceptance from subdivision residents. Town Planner Thomas noted that street acceptance pressure from residents is almost exclusively for plowing purposes, when the drainage in the subdivision had not been adequately addressed as-built and is the main obstacle to street acceptance. In essence, plowing private subdivision roads alleviates the pressure to have the Town accept roads in new subdivisions that are adequate to travel, but where the subdivision drainage capacity or maintenance is unrealistic for the Town's purposes.

As a result of this conversation, Highway Department Head Paul Foulsham was scheduled to come before the Board on 12/6 to aid in further discussion of this proposal. Town Planner Thomas also added that per his findings, plowing private roads would be in-line with the practices of neighboring communities. Member Markham added that the plowing and basin ownership provisions could be addressed in an updated by-law. Chairman Graham also noted that these issues might be able to be addressed in the Subdivision Covenant.

ADJOURNMENT.

At 9:50 PM Member Barry moved and Member Markham seconded that the Board adjourn. The motion was approved by a unanimous vote of 5-0.

I certify that the above minutes were reviewed and approved by majority vote by the Planning Board on November 8, 2006.


Richard Parnell Barry, Assistant Clerk

