

Norwell Planning Board Meeting
October 25, 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.

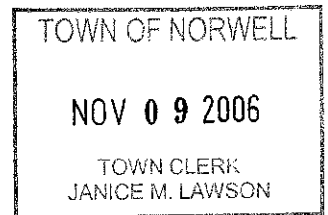
Member Barry moved and Member Turner seconded that the Board accept the agenda as presented. The motion was approved 5-0.

DISCUSSION: Regular Session Minutes, October 11, 2006.

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

DISCUSSION. Bills.

W.B. Mason (Office Supplies)	\$25.40
Schwaab, Inc. ("Planning" Stamp & Refills)	\$99.23
Todd Thomas (Reimb. For Cell Phone)	\$10.00
Plymouth County Reg. Of Deeds (Rec. R&R)	\$76.00
Chessia Consulting (Cordwainer Dr. Inv. #53)	\$731.34
Chessia Consulting (Tara Dr. Inv. #52)	\$3,291.03
Kwik Kopy (Master Plan Digital Inserts)	\$524.80



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

DISCUSSION: Jordan Lane (Informal ANR):

Resident Gordon Hall of 72 Jordan Lane appeared before the Board to informally talk about an ANR proposal. He is proposing adding a lot along Jordan Lane, which he asserts is a private way in existence before the Subdivision Control Law took effect in Norwell. After Mr. Hall's brief introduction and comments from the Town Planner, a discussion took place on the adequacy of Jordan Lane in terms of sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the building lot proposed. Member Graham noted that he had recently driven down Jordan Lane and would be unlikely to approve an ANR lot with the road's current condition. Mr. Hall noted that he is proposing improving Jordan Lane from his lot to the ANR lot, so it matches the condition of the beginning of the road. He also noted that he would supply a turnaround for emergency vehicles before ANR approval was considered. Member Turner noted that the Board has recently asked that ANR applicants improve roads to subdivision standards. Mr. Hall replied that he would be willing to look into improving the road from the new lot to the Forest Street access, but would like guidance as to what the Board might require of him. The Board agreed unanimously that the road

would have to be paved at a minimum. At this juncture, Member Graham suggested that the Town Planner research the minimum width that the Board has allowed for subdivision projects. Member Joseph closed out the discussion suggesting that the Board get Town Counsel's input, as this decision would set precedent going forward.

DISCUSSION – Laurelwood: Field Change Request

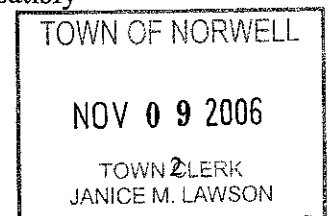
Member Graham opened the Laurelwood discussion by noting that the Board was due to vote on the two previously submitted field change requests. Upon a question from Member Barry, Member Graham noted that he had discussed the field change request for 12-inch berms with both Highway Department Head Paul Foulsham and Technical Consultant John Chessia, and that they agreed that this waiver could be granted as long as one inlet was installed at the end of the cul-de-sac. Technical Consultant Chessia added that he had fully vetted the waiver request for the granite gutter curb inlets and he agreed that this waiver could also be granted. With Member Barry moving and Member Markham seconding, a 4-0 vote was recorded granting these above named field change requests. Member Turner recused herself from this vote.

With the two waiver requests granted, Laurelwood engineer John Cavanaro led the Board through a brief progress report of work recently completed onsite, including an explanation of upcoming basin work. Progress was noted in Scituate in regards to signage and landscaping. In Norwell, construction was said to be complete within the roadway right of way. Member Joseph responded that the issue of the roadway being paved without inspection had still to be dealt with.

Finally, John Cavanaro supplied an updated construction punchlist of completed items. This list was submitted in tandem with a request for bond reduction. Although Member Graham suggested that he would like to be conservative as to bond reduction until the basins were corrected, the Laurelwood team decided to move forward and have Technical Consultant Chessia review their reduction request totaling \$96,260.69.

PUBLIC HEARING: Sgt. William Calway Drive

At approximately 7:40 Member Graham opened the first public hearing on the proposed Sgt. William Calway Drive Subdivision, located at 639 Grove Street. It was noted that the 135-day deadline for final action falls on January 26, 2007 and that the night's opening public hearing was within the 45-day public hearing window. The Planning Board site walk was noted as scheduled for Saturday 11/4/2006 at 8:30am. Member Graham opened the public hearing by instructing the audience to sign in and advising them of the way in which the proceedings will run. He further noted that if the applicant submits a plan that meets all of the Planning Board Rules and Regulations, then the Board has no legal choice but to accept said plan. He also noted that public comments should be kept to items that the Planning Board Rules and Regulations have bearing on. Finally, Member Graham closed out his preamble noting that it is within the authority of the Planning Board to grant specific waivers to the applicant if they cannot satisfy

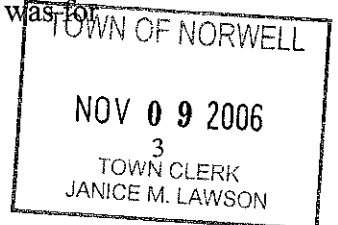


regulations. Those waivers however must be deemed in the public's best interest and not inconsistent with the Subdivision Control Law.

Member Turner spoke next reading the public hearing notice. She also read into the record comments from other Town Departments; notably, the Fire Department stated in their memo that there was no issue with the proposed subdivision design. The Board of Health stated in their memo that they were missing some soil test logs and perc results. The Town Planner then added that he had talked to the Health Agent, Bryan Flynn, and that these issues had been resolved since the memo was received into the Planning Office. The Town Planner then summarized the memo written by Michele Simoneaux, Norwell's Conservation Agent. This letter highlighted the fact that the Conservation Commission is greatly concerned with the planned placement of the subdivision road. Agent Simoneaux noted that road lies fully within their 50 foot wetlands no-touch buffer zone.

Representing the developer at the hearing was Attorney David Weis, Cheryl Hoss, John Hoss, and Engineer Todd Piling. Attorney David Weis began the presentation of the subdivision saying that its construction in his eyes hinged on two main waiver requests, those being: a waiver for the length of road and waivers for the regulations that limit the road's slope. At the conclusion of his brief introduction, he introduced Todd Piling who spoke about the project's drainage, which intends to meet DEP requirements. Engineer Piling then addressed the waivers on roadway grading. He stated that if the plan were to be built per the regulations, the roadway would require an 8-foot cut, while the land has a water table two feet below ground level. To remedy this problem, large retaining walls would be needed to keep the water from draining down the roadway. In response to this scenario, Member Joseph questioned what public benefit the road slope waivers would have and requested an alternative set of plans to be drawn up under strict compliance to the rules and regulations. Attorney Weis replied that requiring compliance would only add to site impacts. Finally, Member Graham replied that it seemed to him that compliance just meant more work for the applicant. He further reminded the applicant that waivers are only to be granted in the public's best interest, not in the developer's best interest, in allowing for greater development on the site than otherwise possible.

Norwell's Technical Consultant John Chessia spoke next regarding his review of the subdivision plan. Mr. Chessia added that a construction plan was missing from the original submission. He further noted that the list of waivers was incomplete. According to Mr. Chessia, waivers should have been requested for vertical curves and leveling areas. He also noted that the topography of the plan was incorrect in areas and needed to be updated. Commenting on the drainage basin, he stated that it would fail as currently designed, due to the fact that its proposed construction is below the water table. He also noted that a traffic study was not supplied, though a waiver was requested. He ended his discussion by noting the waiver request for the length of roadway, which gave genesis to a reply from Attorney Weis, who stated that precedent in Norwell allowed for dead-end roads in excess of the 550-foot maximum in the Planning Board's Rules and Regulations. Member Graham noted that the only waiver to the 550-foot maximum (which was increased from 500-feet when the Board's regulations were updated in 2004) was for



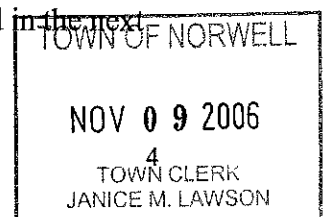
Cowings Lane, in exchange for the developer placing a significant portion of the uplands and wetlands in permanent conservation. Attorney Weis replied that while this issue could be discussed at a later time, he opined that the rules and regulations update had no bearing towards the precedent set allowing longer dead-end roads in Norwell.

At this juncture of the hearing, Member Graham opened up the floor to public comments. First to speak was Jane Leason of 614 Grove Street. She stated that runoff exists and is a serious concern to residents, before the project is even developed. Following Mrs. Leason's comments were abutters Ken Peterson, Mike Raineri, and Nancy Murray. These abutters noted that no drainage mediation was provided for the Otis Hill Road side of the project, which in their experience receives runoff from the site, coming down the hill.

Member Markham followed the public commentary noting to the applicants that if they were looking to ensure a public benefit, in hopes of getting their waiver requests granted, then maybe they could look to mitigate the runoff from the site currently experienced by the abutters. This mitigation would be for drainage issues that are above and beyond what is required of the applicant's proposed subdivision. Members Graham and Barry followed up on this commentary noting that the maintenance requirements detailed in the subdivision submission were unrealistic for a street that was to be turned over to the town via street acceptance. Member Barry further added that these maintenance requirements should be directed towards a homeowners association. Member Turner ended the Board Member's comment period by noting that she would want a minimum of an emergency access connection to Hawthorne Lane from the Sgt W. Calway cul-de-sac to consider granting a waiver for a road longer than 550-feet in length. She also asked the applicant to look into alternative roadway approaches.

The Board then went on to take a straw poll for some of the major waiver requests to let the applicant know where they stand. The Board members agreed unanimously that 6.4.4(15) could be waived to show all large trees on the plan subject to large trees (24' bhd) within the proposed roadway grading being shown on the plan so they could possibly be preserved. The Board also agreed that 6.4.7 could be waived subject to Mr. Chessia's recommendations regarding showing sight distance and conducting speed tests that would still be required of the applicant. The Board then unanimously agreed that they would not waive regulations 7A.13 through 7A.17 that deal with roadway slope. On regulation 7B.1 regarding dead-end roadway length, the Board again unanimously stated that they would be disinclined to grant this waiver. Member Turner again called for emergency access to Hawthorne Lane and possibly adding pedestrian access to the neighboring cul-de-sacs of Hawthorne Park and Otis Hill Road before she would even consider granting this waiver. Finally, on the 7H waiver for sidewalks, all of the Board members agreed that they would grant this waiver provided that a contribution to the pedestrian enhancement fund was given for the un-built portion of sidewalk at a rate of \$12 per liner foot.

Member Graham then wrapped up the night's hearing by directly asking the applicant's engineer, Todd Piling, if he thought the drainage concerns could be addressed in the next

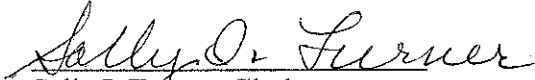


plan submission. Todd Piling in reply said that he thought the project is doable but agreed that it was a tough site. Member Graham then suggested the hearing be continued until 12/20/06 at 8:00pm. With Member Joseph moving and Member Barry seconding, a 5-0 vote was recorded to continue the hearing until that date.

ADJOURNMENT.

At 9:20 PM Member Barry moved and Member Joseph 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 October 25, 2006.


Sally I. Turner, Clerk

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