

Norwell Planning Board Meeting Minutes
September 13, 2006

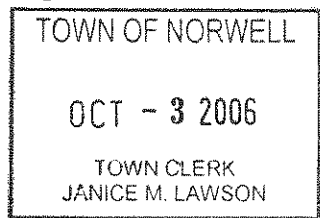
The meeting was called to order at approximately 7:05 p.m. Present were Board Members Bruce Graham, Karen Joseph, Charles Markham, and Sally Turner. Member Richard Parnell Barry was absent.

DISCUSSION. Draft Agenda

Member Turner moved and Member Joseph seconded that the Board accept the agenda as presented. The motion was approved 4-0.

DISCUSSION. Minutes, August 16, 2006 & August 30, 2006

Member Markham moved and Member Joseph seconded the motion to accept the minutes as presented. The motion was passed 4-0.



DISCUSSION. Bills.

Chessia Consulting Services, LLC	(Inv. #31-Tara Dr.)	\$277.67
Chessia “ “ “	(Inv. #30-Henry’s Ln.)	\$1,740.60
Chessia “ “ “	(Inv. #33-Wildcat Ln.)	\$440.00
Chessia “ “ “	(Inv. #35-Laurelwood)	\$719.79
Chessia “ “ “	(Inv. #32-Trunnel Ln.)	\$509.73
Chessia “ “ “	(Inv. #29-Finagle-Bagel)	\$68.61
Chessia “ “ “	(Inv. #28-Cowings Ln.)	\$330.00
Elite Print Management	(Inv. #2320-Mstr. Plan)	\$2,065.00
	Total	\$6,151.40

Member Turner moved and Member Joseph seconded that the bills be approved for payment and the vouchers signed. The motion was approved 4-0.

In a brief discussion, The Board was happy to hear that a royalty check from WestonGraphics for \$124.00 was received and deposited into the General Fund.

DISCUSSION. ANR & Definitive Subdivision Plans.

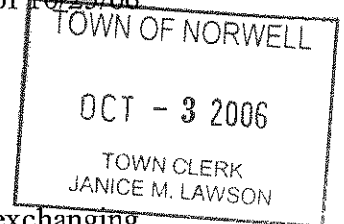
River Street / Stetson Shrine (Common Driveway):

The Board briefly discussed an ANR Plan entitled “Plan of Land, River Street and Stetson Shrine Lane, Norwell, MA,” dated August 18, 2006, prepared by PLS Peter Tuttle. Resident Brian Maxwell had come in to the Planning Office earlier in the day and submitted paperwork to have the plan withdrawn without prejudice. The Board began discussion on this plan by voting unanimously 4-0 to accept Mr. Maxwell’s request to have the plan withdrawn without prejudice. Although this plan was no longer before the Board, a brief discussion of the legal backdrop to a common driveway providing access,

while not being located over the legal frontage of a property, took place. The Board finished this discussion by citing Walker Development Corp versus the Planning Board of Boxford, which is a recent ruling with very similar specifics.

Sergeant William Calway Drive (vote to accept receipt):

The Planning Board was then presented with a plan for a new subdivision entitled "Sergeant William Calway Drive, A Definitive Subdivision in Norwell, MA." dated August 1, 2006, prepared by Pilling Engineering Group, Inc. The Planning Board voted 4-0 to formally accept the plan as presented, contingent upon the fact that fifteen more Executive Drainage Reports would be furnished by the end of business on the following Friday (note: this contingency was satisfied). Board Chair Graham engaged the developer, Mr. Hoss, in conversation about the proposed subdivision after his presentation had been given. In doing so, Member Graham advised Mr. Hoss that a written rationale would be required as to why the Town should grant him the waivers requested for the subdivision (as proposed). Finally, a Public Hearing Date of 10/25/06 was set, with a deadline for Planning Board action set at 1/26/07.



DISCUSSION. Arthur Rowe / Forest Ridge.

Arthur Rowe of Forest Ridge Realty was back before the Board in hopes of exchanging the covenant for lot release with substitution surety in the form of a revised Lender's Agreement supported by a second mortgage. The Board had previously allowed the second mortgage language. The Lender's Agreement being presented however, had additional changes and language added. Member Markham took exception to Item #9 in the Lender's Agreement, which put an end date on the agreement of 9/2/08. After a short discussion on this item, the Board unanimously rejected this version of the agreement, as the Board thought this timeline was too tight. Upon a motion made and seconded, the board voted unanimously to officially ask Mr. Rowe's to renegotiate the agreement with his bank and come back before the Board with a new agreement with an extended end date.

DISCUSSION. Wildcat Endorsement.

Pursuant to the pending Endorsement of the Wildcat Hill Definitive Subdivision Plan, the Board's 4-0 vote unanimously granted endorsement. Upon a motion made and seconded, endorsement was given based on the contingency that the Wildcat Representatives provide the \$100,00.00 of funding for the Homeowner's Association per the Certificate of Vote. The Wildcat Representatives were asked to get the proof of funding in by close of business on the following Friday (note: this contingency was not satisfied). The Town Planner was instructed to hold onto the signed mylars until said contingency was satisfied.

DISCUSSION. Walter Sullivan – South Shore Medical Center Parking

The Board was then afforded the opportunity to hear from Attorney Walter Sullivan, who was representing South Shore Medical Center. The Planning Board had previously advised, per their Technical Consultant's findings, that the parking lot that the S.S.M.C. was planning to add to the back of their property be paved and not be comprised of gravel. Per this finding, the S.S.M.C team had earlier in the evening presented the ZBA a revised plan that allowed for the paved parking lot. At the Planning Board meeting, the S.S.M.C. team advised the Board that they would be submitting a new parking plan. They asked to be added to the 11/8/06 Planning Board Agenda, assuming they can submit revised plans in time for Engineer Chessia to complete his review and submit a letter to the Board consistent with its deadline for acceptance.

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DISCUSSION of Public Way / Drainage Basin Issues:

Clapp Brook Road (& Street Sign Issue):

The Board then discussed myriad issues relating to Clapp Brook Road. First, residents of the street have recently called the Town Selectmen asking that a missing street sign be replaced. As such, the Town Administrator has asked the Planning Board's assistance in this matter, as the project is still under its jurisdiction. The developer is stating that they will not replace the street sign until the street is accepted as a public way. The Town will also not replace the street sign, as the road is still a private way. Furthermore, the residents are willing to pay the \$33 price that it costs the town for a new street sign from the company. However, they are unwilling to pay the \$225 that the sign company quoted the residents when they attempted to buy the same sign as a private entity. After vetting this situation fully, the Board asked that the Town Planner send a letter to the developer of the project to have the sign replaced. The Town Planner will report back to the Board as to if he is able to make any headway with getting the sign replaced or not.

The Board also discussed the ongoing drainage basin issue on Clapp Brook Road. Like the street sign, the Board asked that the Town Planner continue dialogue with the developer in order to get the drainage basin work completed.

Finally, in the event that the developer is non-responsive to the Town Planner's overtures, the Board discussed the possibility of releasing the surety funding to the Homeowner's Association to complete the remaining work. Chairman Graham explained that Assistant Town Counsel had advised him that he counsels against the Town accepting responsibility for completing the basin work since it lacks the resources to do so, the legal access required to perform the work and was not party to the development. The Board felt this was a superior solution than having the Town complete the work under the Prevailing Wage Law, as it would be significantly more cost efficient.

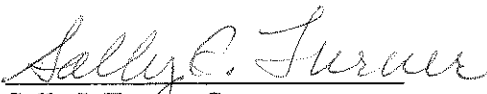
Hawthorne Park

The Board then segued into related issues involving Hawthorne Park. Resident Kevin Coughlin of #13 Hawthorne had recently called into the Planning Board office inquiring about the road's acceptance as a public way. However, before Hawthorne Lane is to be accepted as a public way, there remains a drainage basin issue located on Lot #19 that is hindering progress towards this goal. Until recently, no headway had been made on getting a response from owner Modern Continental's legal team. A copy of the last letter that the Conservation Commission sent to Modern had received no response. This letter was forwarded today to Attorney Dan Monger, counsel for Modern Continental, who had called earlier in the week on bond reduction for this project. The letter outlines the fact that the Conservation Commission will accept a "Conservation Restriction" as per E.O.E.A. standards as opposed to a direct conveyance as called for in the Planning Board's March 16, 2000 Certificate of Vote. Article #10 of this subdivision approval states "Lot 19 shall be conveyed to the Town of Norwell to be placed under the control of the Conservation Commission." As such, the question before the Board was is if they would consider revising their Certificate of Vote to amend article #10 so that a Conservation Restriction is a viable option, as opposed to a straight conveyance which is not a viable option for the Conservation Commission. The Board did not come to a conclusion if this option was acceptable or not. Instead, they first wanted to analyze this issue more fully with the As-Built plans that were not immediately available at the time. Per the Board's suggestion, the Town Planner was to follow up with Attorney Monger to keep forward progress on the drainage basin issue. If the As-Built support an ANR division, such that the objectionable part of the basin can be removed from Lot 19 and conveyed to the abutter, and the Conservation Commission and the Planning Board consider the revised Lot 19 to be acceptable, then Modern Continental would be advised to pursue this approach.

ADJOURNMENT.

At 9:35 PM Member Turner moved and Member Joseph seconded that the Board adjourn and move into Executive Session. The motion was approved by a unanimous vote of 4-0.

I certify that the above minutes were reviewed and approved by majority vote by the Planning Board on September 27, 2006.


Sally I. Turner, Secretary

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