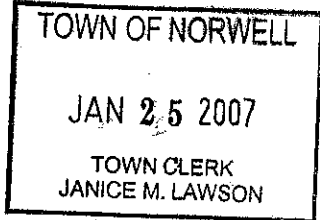


**Norwell Planning Board Meeting Minutes  
January 10, 2007**



The meeting was called back to order at approximately 7:38 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 Joseph moved to add a discussion of ZBL 3100 Off-street parking to the agenda. Town Planner Thomas added that a brief discussion and vote on the Henry's Lane Drainage As-Builts should also be added to the agenda. Member Markham moved and Member Turner seconded that the Board accept the amended agenda as presented. The motion was approved 5-0.

**DISCUSSION: Regular Session Minutes, December 20, 2006.**

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

**DISCUSSION: Bills.**

Todd Thomas (12/06 Exp. Reimbursement)	\$ 54.14
Chessia Consulting (Henry's Lane – Inv. #88)	\$112.23
“ “ (Laurelwood – Inv. #89)	\$122.50
“ “ (Sgt. Calway – Inv. 90)	\$534.73
	Total \$823.60

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

**DISCUSSION: New Business: Preliminary Subdivision Plan, Pine Hills Estates**

At approximately 7:40, Member Graham noted that a request had been received to continue the discussion of the Pine Hill Estates Preliminary Subdivision Plan to a later date. Given the request, the first review of Pine Hill Estates was pushed back until 9:00 P.M. on January 24, 2007.

With the extra time on the agenda as a result of the request for continuation, Member Graham asked if the Board would generally consider denying preliminary plans with deficiencies going forward, as opposed to approving them by right. Member Barry voiced strong enthusiasm for this approach as he thought it would help improve the quality of recent submittals. Member Markham also strongly agreed with this approach, in that it gives the applicant much improved feedback on their plan, when juxtaposed to the practice of giving approvals subject to the rules and regulations. He further added that we should encourage all applicants to submit preliminary plans whenever possible. Finally, Member Markham expressed that he thought it would be beneficial to add

language to preliminary plan approvals that protect the Board since the plan has not been subject to technical review. Member Graham responded that additional clauses designed to protect the Planning Board are not needed on preliminary plans, as they are not binding by nature. Member Turner commented that she would tend to be more inclusive in our list of deficiencies, in case the developers see this as an exhaustive "punch list" of things that need to be done.

**DISCUSSION: Cowings Lane Endorsement Issues:**

The Town Planner led the Board through a brief overview on the remaining legal issues required to be satisfied before Cowings Lane can be endorsed. The Town Planner noted that both he and Town Counsel believe that nearly all of the legal issues are resolved. Highlighted as unresolved at this point were the \$5,000.00 homeowners association funding and its legal setup. At this juncture, the Board considered whether the Homeowners Association document was sufficient as submitted, as its form calls for the creation of an incorporated association of individual homeowners. Chairman Graham noted that the Board in the past had required that the form of homeowners association be a trust. Although the legal difference between the two is minimal, Chairman Graham noted that if the Town had to file suit under the current submittal, they would be suing the individual homeowners and their mortgagors, as opposed to simply suing a trust. After a brief discussion on the merits of this information and a motion made and seconded, the Town Planner, via a 5-0 vote, was instructed to inform the applicant's attorney that the Planning Board would require the homeowners association to be redrafted in the form of a trust.

TOWN OF NORWELL  
JAN 25 2007  
TOWN CLERK  
JANICE M. LAWSON

**DISCUSSION: ZBL 3100 Off-street parking (agenda addendum)**

At 7:55 Member Joseph began a discussion of updating ZBL 3100 Off-street parking. She noted that she had sat down with the Town Planner and thought that good progress had been made on the draft update. Member Graham noted that he thought the draft change eliminating parking in the front setback resulted in a hardship. Upon the Chairman's comments, the Town Planner agreed to restore this parking allowance.

Following Member Graham's comments, Member Joseph related to the Board that she thought it would be beneficial for Technical Consultant John Chessia to review the final parking draft. The Town Planner noted that Mr. Chessia's review would be beneficial in terms of sight distance calculations and foot-candle measurements. Member Joseph noted that she hoped a more formalized draft would be available next week and that a discussion thereon should take place at the January 24 meeting at 9:45. Upon a motion made by Member Barry and seconded by Member Joseph, a maximum of \$500 was authorized for Chessia Consulting to review the off-street parking draft bylaw upon its completion.

**DISCUSSION: Henry's Lane Drainage As-Builts (agenda addendum)**

With Technical Consultant John Chessia present for the upcoming Public Hearing on May Elm Lane, Town Planner Thomas noted that the Board should briefly consider the

Drainage As-Builts on Henry's Lane. Peter Dillon, part of the Henry's Lane development team, had previously requested that their engineer GCG be allowed to do the Interim Drainage As-Built plans. The Board had previously made it known that they would consider the request if Technical Consultant Chessia agreed that this arrangement would not present a problem. At this juncture, Mr. Chessia agreed that he had no concerns with GCG drawing the drainage As-Builts, as Peter Dillon had assured John that he would be present to supervise and direct where appropriate. Given this testimony, with Member Barry moving and Member Turner seconding, a 5-0 vote was recorded allowing the Interim Drainage As-Builts to be drawn by GCG.

**DISCUSSION: May Elm Woods Public Hearing**

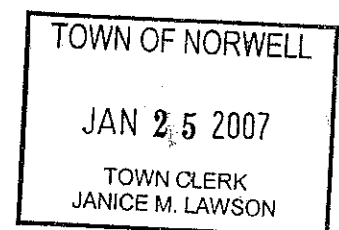
At exactly 8:15, the first Public Hearing on May Elm Woods was opened by Member Turner reading the published Public Hearing notice into the record. Member Graham followed up her introduction by offering a public introduction of the Board, its policies, and a layout of the evening's proceedings. Member Turner then took the opportunity to read received correspondence on the project in to the record. Comments were received and read from the Building Inspector, the Fire Chief, the Police Chief, the Board of Health Agent, Technical Consultant John Chessia, and the Conservation Agent, Michele Simoneaux. Notable among the comments was the letter from the Conservation Agent, stating that, in her opinion, trading open spaces for waiver requests on this proposal was not in the Town's best interest.

First to speak on behalf of the applicant was Kevin Biggins of Civil Design Solutions. Mr. Biggins walked the Board and the audience through what the proposed development entailed. He noted during the presentation that lot five, the large back lot on the plan, could possibly be deeded to the Town.

Following Mr. Biggins remarks, Member Graham cited Planning Board Regulation 6.3.3, and questioned whether the applicant had the legal right to connect to the extension of May Elm Lane as proposed.

Answering this question on behalf of applicant Eric Laimont was Attorney Roger Hughes. Mr. Hughes passed out a true attest copy of the Norwell Street Directory signed by Assistant Town Clerk Patricia Anderson, dated October 10, 2005, that showed May Elm Lane labeled as a public way. After arguing that it is the Clerk that certifies what is a town way, Mr. Hughes cited what he believes to be a similar example establishing precedent in this case in the form of Satuit Meadow.

Chairman Graham offered his opinion that no matter what precedent was set, if the applicant cannot furnish evidence that they have the legal right to the road, the project could not go forward. In response, Mr. Hughes asked for a continuance of the Public Hearing so as to be able to more fully offer proof that the applicant had the legal right to access and improve the way. Chairman Graham, while noting his frustration that this evidence was presented so late, offered to continue the hearing until February 28, 2007 at 8:00 P.M. Upon a motion made by Member Barry and seconded by member Turner, a 5-0 vote was recorded continuing the public hearing.



**ADJOURNMENT.**

At 8:50 P.M. Member Barry moved and Member Turner 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 January 24, 2007.

  
Sally I. Turner, Clerk

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