

TOWN OF NORWELL
FEB 15 2007
TOWN CLERK
JANICE M. LAWSON

**Norwell Planning Board Meeting Minutes
January 24, 2007**

The meeting was called to order at approximately 7:03 P.M. Present were Board Members: Richard Parnell Barry, Bruce W. Graham, Karen A. Joseph, Charles Markham, and Town Planner Todd Thomas. Member Sally I. Turner arrived at the onset of the discussion of the 342 Mount Blue Street ANR Plan.

DISCUSSION: Draft Agenda.

Member Joseph moved to add a discussion of the relationship between Homeowner's Associations and the Assessor's Office to the agenda. Member Graham moved to add a discussion on the close out of the Master Plan accounts. Member Joseph moved and Member Barry seconded that the Board accept the amended agenda as presented. The motion was approved 4-0 with Member Turner absent.

DISCUSSION: Regular Session Minutes, January 10, 2007.

Member Joseph moved and Member Barry seconded the motion to accept the minutes as presented. The motion was approved 4-0 with Member Turner absent.

DISCUSSION: Bills.

W. B. Mason (Inv. #W95769)	\$ 54.99
Monadnock Water (Inv. #435703)	\$ 10.00
W.B. Mason (Inv. #W18667)	\$ 12.40
Total	\$ 77.39

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

DISCUSSION: Cowings Lane Performance Guarantee Covenant:

At 7:05 Planning Board Members executed the performance guarantee covenant for Cowings Lane. Assistant Town Clerk Patricia Anderson notarized the document after it was fully executed.

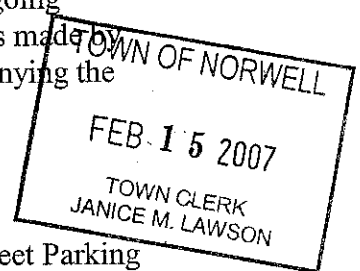
DISCUSSION: ANR Plan for 342 Mount Blue Street

At approximately 7:10, the Town Planner introduced the ANR Plan for 342 Mount Blue Street. The plan depicts 2 parcels: "Lot A" (30.14 acres) which abuts Mount Blue Street and "Lot B" (12.06 acres), a back lot with no frontage depicted. The acreage of "Lot B" is included in the 30.14 acres above for Lot A. The intent of the plan is to claim the land owned in Lot B. The Town Planner noted that the plan is substantially compliant with Planning Board Rules and Regulations. However, the issue of Town ownership of approximately three acres of the claimed land still persists from the 9/27/2006 ANR plan that was previously denied.

Read into the record by the Town Planner at this juncture was a letter from Assistant Assessor Barbara Gingras, stating that she believed the plan in question was claiming ownership of Town land.

Ralph Cole of mr Surveying, Inc then walked the Board through what his client, Barbara Meacham was intending with this newly revised plan. In response to Barbara Gingras' letter, Mr. Cole replied that he was the person who has drawn the Assessor's Maps and they are not accurate until they are surveyed, as his client was doing in this case. He also told the Board Members that this ANR plan was submitted as required through the Land Court process, in which his client has been engaged for the last two years.

The Town Planner stated that Town Counsel had opined that the Planning Board did not need to endorse the ANR in order for Mrs. Meacham to proceed with the Land Court. Member Graham reminded the Board that it had denied a prior ANR plan where the clear title to the land was in dispute. After a brief discussion on the relevant precedent in this case, Member Graham began the discussion of the Certificate of Vote. Upon going through the findings therein and with Member Turner abstaining, a motion was made by Member Markham and seconded by Member Joseph recording a 4-0-1 vote denying the 342 Mount Blue Street ANR.



DISCUSSION: ZBL 3100, Off Street Parking

Member Graham began the discussion of the proposed revisions to the Off Street Parking Zoning Bylaw by asking the Board if they wanted to continue on the current course or to strip down the proposed changes and offer a simplified version. In response, Member Markham noted that he was not adverse to the current format. Member Joseph agreed. She stated that while she was not comfortable with the revised ZBL at the moment, she thought it could be fine-tuned by the 14th and that we should proceed to get a placeholder for it on the Warrant.

The Board then agreed that the revision to the Parking ZBL was one of the more important zoning issues to be addressed at this year's Town Meeting. Members then went through the language of the proposed ZBL. Two parking ratios discussed were the minimum requirements for medical offices and auto dealerships. In addition, the Board debated how to approach reducing parking in the Industrial Parks in Town. Both the Town Planner and Member Joseph agreed that current thinking was to reduce parking in zoning district Business C, which contains both Assinippi and Accord Industrial parks. The Board agreed that each Member would look to drive through Business C in order to gain some alternative perspectives.

DISCUSSION: Wildcat Field Change – Roadway over wetland crossings

Present from the Wildcat Team for the discussion of their proposed field change were Buzz Constable, Rich Beal, Brad McKenzie, Jay Gallagher and Steve Ivas. The discussion was opened by the Town Planner giving a quick introduction to the proposed field change, which called for reducing the footprint of the roadway layout over the two wetlands crossing on site, but no reduction in the proposed way. Town Planner Thomas

illustrated that per the Conditions of the Certificate of Vote, the change before the Board should be considered a subdivision modification and not a field change. Agreeing with these sentiments, Member Graham briefly discussed the difference between a field change and a modification. He added that the current proposal, which called for the elimination of a sidewalk along one side of each wetlands crossing, was a public safety issue and as a result, should be treated as a modification. However, Member Graham noted that he would be more open to a reduced roadway layout footprint that retained both sidewalks and added vertical granite curbing to reduce the risk of injury to pedestrians.

After a brief presentation from Brad McKenzie, in which he polled Board Members in regards to field change considerations, as called for in the Wetlands Protection Act, the Board remained unconvinced that the current proposal could be granted under a field change. Member Markham noted that the proposed change was sizeable enough that it should be treated as a modification. Member Joseph then stated that she believed that sidewalks on each side of the street, for a development the size of Wildcat, were the minimal acceptable plan to her. At this juncture, the Board agreed that they would consider a field change request along the lines of Chairman Graham's proposal that retained sidewalks on each side of the wetlands crossings. In closing out the discussion, Member Turner noted that when this revised field change is submitted, it must be reviewed by Technical Consultant John Chessia. Finally, the Wildcat Team agreed to these terms and concluded that they should be able to produce a revised plan sheet before the end of the week.

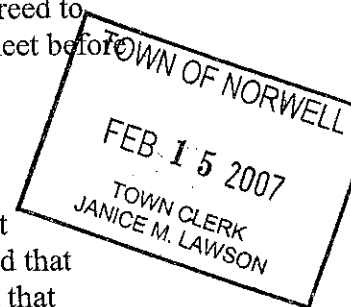
COWINGS LANE ENDORSEMENT

The Town Planner gave a status report of the required submittals and noted that Technical Consultant John Chessia had signed off on the final mylars and added that Town Counsel had signed off on nearly all of the legal work. Finally, he noted that Cowing Cove, LLC representative Eugene Mattie, had submitted the remaining legal items earlier in the afternoon. The only remaining legal issue was the required funding of the Homeowner's Association. To this question, Eugene Mattie added that they would be funding the Homeowner's Association within the next week, well before the February 8, 2007 final endorsement deadline.

Member Joseph moved to endorse the Cowings Lane Subdivision, provided that the signed mylars be held in escrow subject to the recording of the trust and easements, the \$5000 Homeowner's Association funding being provided, as well as the reimbursement of the Town Planner's time and mileage being agreed to. Member Barry seconded Member's Joseph's motion. After voting unanimously in favor of the motion, the mylars were signed.

PRELIMINARY PLAN – Pine Hill Estates

At approximately 9:15, the Board heard a brief presentation on a previously continued preliminary subdivision plan located off Circuit Street. The plan entitled Pine Hill Estates depicts a four-lot subdivision with one road and one drainage basin. The Town

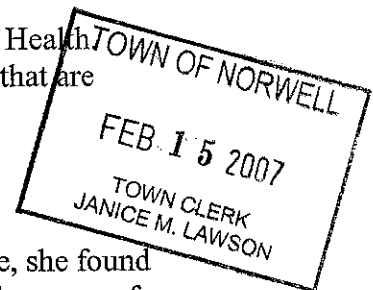


Planner opened up conversation on this plan by highlighting that the supplied Certificate of Vote articulated where the preliminary plan does not comply with Section Five of the 2006 Planning Board Rules and Regulations.

Anthony Esposito of Outback Engineering and Mark Raimondi of applicant Circuit Street Realty Trust led the Board through a brief history of the site, followed by a presentation on the merits of the proposed plan including a tentative offer to give the Town land located at the southeast and southwest portions of the site. Mr. Esposito and Mr. Raimondi noted that they would need a view easement to satisfy sight distance requirements and would be asking for a waiver request for a shallower box culvert than allowed, but will engineer it to satisfy H20 loading requirements.

After a failed motion to approve the Preliminary Subdivision plan for Pine Hill Estates, a motion was made and seconded to deny the plan. A 5-0 vote was then recorded that the Planning Board deny the December 19, 2006 Preliminary Plan for Pine Hill Estates subject to findings "a" through "j" on the draft Certificate of Vote sheet provided by the Town Planner; and that the denial is only subject to the Rules and Regulations of the Planning Board and any subsequent filings of the plan must comply with:

- i. The Planning Board's Subdivision Rules and Regulations.
- ii. The Town's Zoning By-laws.
- iii. The Town's General By-laws.
- iv. The Rules and Regulations of the Town's Permanent Drainage Committee.
- v. The Rules and Regulations of the Town's Board of Water Commissioners.
- vi. The Rules and Regulations of the Town's Board of Health.
- vii. Any and all remaining local, state and federal laws that are applicable to the project.



Agenda Addendum: Homeowner's Associations & the Assessor's Office

Member Joseph noted that when doing some research in the Assessor's Office, she found it difficult to determine the ownership of roadway lots because that office had no way of knowing when a Homeowner's Association document was being recorded that specified roadway ownership. As such, Member Joseph requested that the Town Planner notify the Assessor's Office of the recording of HOA documents going forward.

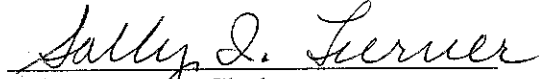
Agenda Addendum: Close out of Master Plan Accounts

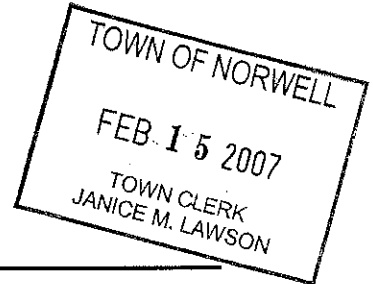
Member Graham called for a vote to return the unused funds in the Master Plan accounts, and return them to the Town's General Fund. Upon a motion made by Member Barry and seconded by Member Markham, a 5-0 vote was recorded to close out the Master Plan accounts, return said funding to the General Fund, and to receive a report of the balance amounts returned from the Accounting Department.

ADJOURNMENT.

At 10:00 P.M. 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 February 14, 2007.


Sally I. Turner, Clerk



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