

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

The meeting was called to order at approximately 7:05 P.M. Present were Board Members Bruce W. Graham, Karen A. Joseph, Charles Markham, Michael J. Tobin, Sally I. Turner and Town Planner Todd Thomas.

DISCUSSION: Draft Agenda.

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

DISCUSSION: Regular Session Minutes, October 10, 2007.

Member Markham moved and Member Turner seconded the motion to accept the October 10th regular meeting minutes as presented. The motion was approved 5-0.

Member Markham moved and Member Turner seconded the motion to accept the October 10th Executive Session meeting minutes as presented. The motion was approved 5-0.

DISCUSSION: Bills.

Monadnock Water (Inv. #85465)	\$ 44.00
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Member Joseph moved and Member Markham seconded that the bills be paid and that the payment vouchers be signed. The motion was approved 5-0.

DISCUSSION: Pinson Lane Bond Reduction.

John Tedeschi appeared before the Board seeking surety reduction for his Pinson Lane subdivision. The Town Planner explained that the subdivision was secured by a \$106,000 Letter of Credit. The Town Planner noted that Technical Consultant John Chessia supplied the Board a bond estimate dated October 17th detailing \$2,900 of remaining construction, but additional legal work and other requirements not named on the consultant's memo remained unsatisfied. Specifically, condition #11 (no activity easement) & condition #12 (homeowner's association required) of the Certificate of Vote had not been met. The Town Planner added that the required \$5,000 contribution to the Pedestrian Improvement Fund was not received, but its submittal was expected during the discussion.

Member Graham said that he would like to hear the unsatisfied legal requirements explained further. Attorney Steven Guard spoke for John Tedeschi and said that he had recently finished drafting both the required HOA and the Restrictive Covenant, which would satisfy the no activity restrictions on Lot 2. He said that the Town Planner and Town Counsel were currently reviewing both drafts. Attorney Guard added that his client was submitting the required \$5,000 to the Pedestrian Travel Improvement Fund and that he was also working on the mortgagee consent documents that would be sent as soon as the HOA and Restrictive Covenant were finalized.

Member Graham said that he was reluctant to release the full surety amount until John Chessia confirmed that construction was complete and the Town Planner confirmed that the legal requirements had been successfully satisfied.

Member Markham asked if the developer was required to fund the HOA. Attorney Guard said that no such requirement existed.

Member Markham asked who would be responsible to plow Pinson Lane. Attorney Guard answered that plowing would be the residents' responsibility. The Town Planner added that the road was covenanted to remain a private way in perpetuity.

Member Turner asked if the top of the drainage basin had been flattened as required. Mr. Chessia said that the top of the berm had been flattened as much as he thought it was possible given the as built site limitations. When questioned by Member Joseph and Member Graham, Mr. Chessia responded that the basin was accessible and could be mowed, but likely only with a walk-behind mower.

The Town Planner acknowledged that he was working on developing an Operation & Maintenance Plan that would be incorporated within the HOA. Member Graham said that he did not think the Board should compel John to review the proposed Operation & Maintenance Plan, but offered John's services to the homeowners were they to request it. Attorney Guard said that he believed the proposed Operation & Maintenance Plan was more than sufficient.

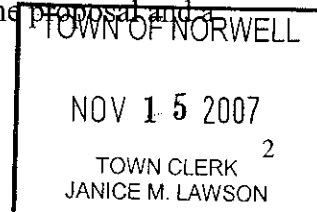
Member Turner asked about the needed fill around the riprap spillway. Attorney Guard said that his client had already completed this work since the last inspection.

Member Graham said that the Board should retain surety for the \$2,900 of estimated work listed on the technical review as well as an adequate amount to ensure that the legal work is complete. Member Joseph said that she would like to postpone any vote on a surety release until the legal work was complete. Member Graham agreed with Member Joseph and asked Attorney Guard when he thought the legal work would be completed. Attorney Guard said that it could take up to two months to obtain the assent of the mortgagees and argued for a partial release of the surety. Member Graham said that he was not inclined to release any surety since the applicant had ample time to complete the legal work over the preceding years.

Upon a motion made by Member Graham and seconded by Member Joseph, a 5-0 vote affirmed that John Tedeschi's surety release be postponed until at least November 14, 2007.

DISCUSSION: Dover Street Crosswalk Request (Ralph Gordon).

Ralph Gordon, representing the Trustees of Reservations, appeared before the Board regarding a crosswalk proposal on Dover Street. Mr. Gordon said he was hoping to establish a crosswalk that connects the post office to the Norris Reservation parking lot. He said he was seeking both the Planning Board's endorsement of the proposal and a



grant from the Pedestrian Travel Improvement Fund. The \$1,500 requested would fund an engineering review for the crosswalk by Coler & Colantonio.

The Town Planner commented that the Manual on Uniform Traffic Control said that crosswalks should be installed at all stop-controlled intersections. He also said that the Manual called for the installation of crosswalks at places of pedestrian concentration without stop control. The Manual on Uniform Traffic Control said that such places should have both an engineering review and pedestrian warning signs.

Member Turner agreed with Mr. Gordon and said that a crosswalk was needed in this location. Member Joseph said that the sight line study would dictate the exact location of the crosswalk.

Upon a question from the Town Planner, Mr. Gordon said that the Trustees of Reservations would be amenable to clearing vegetation if directed to do so by the sight line study.

Member Turner moved and Member Markham seconded that the Planning Board authorize an expenditure of up to \$1,500 for the proposed crosswalk engineering study. A 4-0-1 vote affirmed the motion with Member Joseph abstaining.

DISCUSSION: Edgewood Park Sidewalk Field Change Request.

Mary Williams appeared before the Board seeking a field change to eliminate a segment of planned sidewalk in the Edgewood Park subdivision. The segment to be eliminated runs along Lot 3 / #19 Edgewood Drive before the sidewalk reaches the cul-de-sac. Mrs. Williams also asked to arrange for technical inspections for the paving of the remaining sidewalks in Edgewood Park that were yet to be constructed. Mrs. Williams said that she intended to put the street up for Street Acceptance at the Annual Town Meeting.

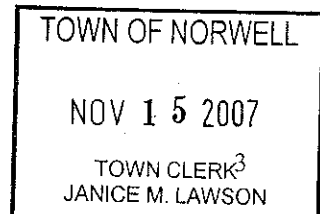
Member Graham said that he was compelled by public safety concerns and was not inclined to grant a field change request to eliminate any sections of the sidewalk.

Member Joseph said that she was pleased with the formal submittal for the sidewalk field change. She added that she was indifferent with regards to the submitted request.

Member Tobin said that he was also indifferent.

Member Turner said that she thought the sidewalk should go to the cul-de-sac as planned.

Member Markham said he would consider granting the sidewalk field change request if Mrs. Williams were to make the in-lieu contribution to the Pedestrian Travel Improvement Fund at the standard rate of \$12.50 per linear foot of sidewalk waived. Mrs. Williams said she was not inclined to make a contribution and stated that she did not believe in mitigation. Member Graham then said that the Board should deny the field change request. Member Markham moved to deny the field change, but the motion was



not seconded. The Board discussed that if no contribution were offered, they would be reluctant to allow the submitted field change request.

Member Markham asked Mrs. Williams to reconsider her position about the contribution, as it would require a smaller expenditure than actually building the sidewalk as planned. Mrs. Williams said that she would consider making a contribution to the Pedestrian Improvement once she evaluated the construction costs.

Upon a motion made by Member Markham and seconded by Member Tobin, the submitted field change request to eliminate a segment of the sidewalk in front of Lot 3 in the Edgewood Park subdivision was granted, provided that the standard \$12.50 per each linear foot of sidewalk not constructed was contributed to the Pedestrian Travel Improvement Fund. A 5-0 vote affirmed this motion.

DISCUSSION: Burns Lane Road Improvement Plan

The Town Planner said that the Board should again discuss the July 24th Burns Lane road improvement plan, as well as Technical Consultant John Chessia's October 17th drainage review letter. The planner added that the applicant is hoping that proposed road improvements satisfy the Planning Board's determination of adequate width, grade and construction, but the Board should note that the proposed road does not fully meet what was recently determined to be the gold standard for the creation of ANR lots on pre-SCL roads.

Member Graham said that what was proposed was only a conceptual plan that, if built, would formally come before the Planning Board for the creation of the ANR lot, provided that the road construction satisfied the Planning Board's determination of adequate width, grade and construction. Member Graham said that there was not an ANR plan formally in front of the Board, so any discussion was very speculative and not binding upon the Planning Board.

PLS Paul Mirabito responded that the Burns Lane discussion for the evening should focus on John Chessia's October 17th drainage review letter. Mr. Mirabito said that the drainage review letter had confirmed his earlier assertion that the roadway improvement plans were nearly identical to the set previously approved by John Chessia. John Chessia agreed with Mr. Mirabito and said that the plans he approved in 2000 and the set he recently reviewed were largely the same. Mr. Chessia added that the plans were approved in 2000 based on them meeting the regulations of the Permanent Drainage Committee. He added that the plans only account for a 10-year story and that any drainage problems caused by the proposed road would only affect the applicant's lot (Lot 28).

Member Graham said that he did not realize that some of Burns Lane was already paved from the end of the Satuit Meadow cul-de-sac.

Member Turner said that Burns Lane has to be shown as a way in existence before the adoption of the Subdivision Control Law. Member Graham agreed with this statement.

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TOWN CLERK
JANICE M. LAWSON

and pointed out that it is incumbent upon the applicant to provide such proof at such time that the applicant submitted a formal ANR application.

Member Turner suggested that the Board require that the road improvement plan be revised to meet the newly formed standards. Member Joseph agreed and said that the plan as proposed did not meet her opinion of adequate width, grade and construction. Member Joseph then questioned if Burns Lane was still considered to be a way in existence since the Satuit Meadow subdivision segmented it. Member Joseph added that she wanted to see 23' of pavement width on the new plans.

Member Graham said that he was satisfied with the plans as proposed in terms of road width and drainage, but he was only a single vote.

Resident Paul Maduri of 92 Satuit Meadow Lane asked the Planning Board to consider the impact of the proposed development, including the likely removal of 150' of trees that abut the cranberry bog. Member Graham replied that the Board also had to consider the rights of developers. He added that the ANR process was the loophole in the subdivision Control Law and it afforded the Planning Board very limited authority in regards to what was proposed.

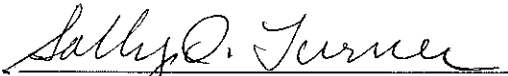
Resident Becky Pesko of 31 Satuit Meadow Lane said she was concerned about the further development of Burns Lane devaluing her home in a cul-de-sac neighborhood. Member Graham said that because what was proposed was not a subdivision, the Board could give no guarantees about future development further down Burns Lane. Member Graham counseled that aggrieved abutters might have a greater ability to stop additional development if they perfect a claim in court. He then added that the ability to make improvements to a private way was a private matter.

Member Turner said that the Board should memorialize the construction minimums spreadsheet by including it within a document approved for distribution.

ADJOURNMENT.

At 9:05 P.M. Member Markham moved and Member Turner seconded that the Board adjourn. The motion was approved by a vote of 5-0.

I certify that the above minutes were reviewed and approved by majority vote by the Planning Board on November 14, 2007.


Sally I. Turner, Clerk

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