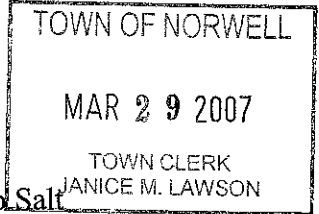


**Norwell Planning Board Meeting Minutes
March 14, 2007**

The meeting was called to order at approximately 7:03 P.M. Present were Board Members: Bruce W. Graham, Karen A. Joseph, Sally Turner, new member Michael J. Tobin and Town Planner Todd Thomas. Member Charles Markham arrived at approximately 8:30 P.M.



DISCUSSION: Draft Agenda.

Member Graham moved to add 575 Main Street, 306 Washington Street, and "No Salt Zones" in subdivisions to the agenda. Member Turner moved and Member Joseph seconded that the Board accept the amended agenda as presented. The motion was approved 4-0 with Member Markham absent.

DISCUSSION: Planning Board Reorganization.

Upon a motion made by Member Turner and seconded by Member Joseph, the discussion of the reorganization of the Planning Board was tabled until Member Markham was present.

DISCUSSION: Regular Session Minutes, February 28, 2007.

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

DISCUSSION: Bills.

Todd Thomas (Feb. Reimbursements)	\$128.23
W. B. Mason (Inv. #W08796)	\$ 4.91
Monadnock Water (Inv. #453633)	\$ 81.20
Chessia Consulting (Trunnel - Inv. #109)	\$661.78
Chessia Consulting (Wildcat - Inv. #108)	\$632.23
Chessia " (Parking Review-Inv. #110)	\$440.00
<u>Plymouth Registry (Record P.B. signatures)</u>	<u>\$ 76.00</u>
Total Bills:	\$2,024.35

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

DISCUSSION: Henry's Lane Drainage As-Builts.

The Town Planner noted that on February 28th, Planning Board Members received the as-built drainage plans for Henry's Lane. Technical Consultant John Chessia was present and referenced his March 7th review of the as-builts by reasserting that the quality

construction of the drainage basins satisfied the intent of the Conditions of Approval in the Certificate of Vote. The Town Planner added that the applicant did not plan to formally ask for release of covenant conditions relating to the issuance of building permits until they complete the remaining requirements that call for 911 addresses on Henry's Lane, the moving of the Dillon driveway, and the relocation of the telephone pole from the entrance to Henry's Lane. Member Graham added that when the drainage as-built conditions have been met, a simple email memorializing it should be sent to the Building Inspector, since the subdivision approval stipulated that no building permits would be issued until the as-builts had been accepted and the related conditions met.

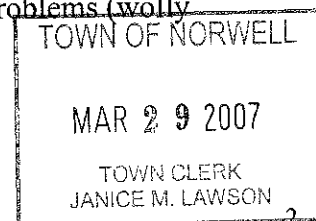
During the review of the drainage as-builts, a brief discussion of item #3 of Mr. Chessia's letter took place regarding the outlet structure of the basin and its controlling invert being a few inches off design. In conclusion, Board Members decided to delay acceptance of the drainage as-built condition until a later date when the other items required for the issuance of building permits had been satisfied.

During a general discussion on the progress of the project, Member Joseph instructed the Town Planner to take the appropriate actions to ensure that the streets were being swept and the silt sacks were being emptied. The Town Planner was also instructed to talk to the Building Inspector to ensure that building permits were not issued until the aforementioned requirements had been met.

DISCUSSION (Agenda Add): 306 Washington Street, Site Plan Amendment

The Town Planner introduced the 306 Washington Street, Site Plan amendment request under §3211 that was received into the Planning Office on March 1, 2007. The request submitted by Attorney Walter Sullivan asked the Planning Board for comments regarding the restoration of the §3211 buffer located at the line between the Commercial and Residential zones at the back of the 306 Washington Street property. The Town Planner and Chairman Graham noted the merits of the request to locate the §3211 buffer at the property line, within the residential district. The Town Planner added that the applicant claimed that locating this buffer completely within the commercial zone created a dumping ground for debris and waste by isolating the residential portion of the property.

The Planning Board agreed to consider possibly revising §3211 for the 2008 ATM so that the buffer could possibly offer protection at the property line of different zoned land uses, as opposed to simply at the line between the commercial and residential districts (located solely within the commercial zone). However, for the application in question, the Board decided that consistency in the application of §3211 was the best policy. Member Joseph stated that the applicant has thus far been slow to respond to requests for zoning compliance and that they should be required to restore the buffer to its required location and submit a plan that complies to zoning requirements. She stated that the planting plan should be more robust, including three rows of staggered evergreens, none of which are to be Eastern / Canadian Hemlock as they are susceptible to pest problems (woolly adelgid).



DISCUSSION (Agenda Add): 575 Main Street ANR Ordered for signature

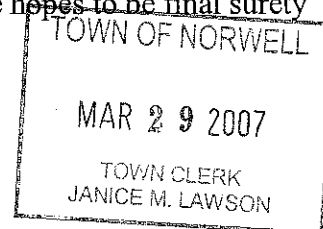
The Town Planner introduced the issues surrounding 575 Main Street. He noted that there are currently 4 units being advertised as condos on the premises and that he had received a call from former resident Jean Currie questioning the legality of the offering. Previous to this plan, 575 Main Street was compromised of three pre-existing non-conforming dwellings. He further noted that after doing some research into the matter he had discovered that there was no signed plan on file for the May 10, 2004 ANR that created the fourth unit on the premises. As a result of this research and questioning of the applicant, the Planning Board received the revised ANR plan for the Planning Board's signatures per the Order of the July 6, 2004 Superior Court summary judgment on behalf of the plaintiff, Don Shute.

It was decided that the Board would sign the plans, but would accompany the endorsed plans with a letter expressing that the plan was being signed only due to court order and that the Board had many concerns with the proposal. Chairman Graham noted that during a conversation with Assistant Town Counsel, he was advised that it would be completely appropriate for the Planning Board to notify the Board of Health and the Building Inspector/Zoning Enforcement Officer of the known zoning irregularities and possible septic system issues. Upon a motion made by Member Tuner and seconded by Member Graham, a 4-0 vote was recorded directing further discussion of 575 Main Street be tabled until Member Joseph and Member Turner could sit down with the Town Planner and draft a letter enumerating the Boards concerns, including septic issues per the Board of Health and zoning issues for the Zoning Board of Appeals.

DISCUSSION: Trunnel Lane As-Built & Surety Reduction Request.

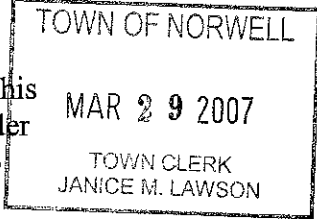
Steven Waitekaitis, the developer of Trunnel Lane, appeared before the Board for review of his as-built plans. Mr. Waitekaitis also asked for surety reduction with the review of his as-builts. Technical Consultant John Chessia replied with a Construction Cost Estimate and As-Built Review in a letter dated March 2nd. Referencing this letter, Mr. Chessia noted a \$12,000 estimate of remaining work. The Town Planner added that drainage problems existing with the front and cul-de-sac catch basins were not included in the remaining work estimate. Technical Consultant Chessia and the Town Planner both spoke to the fact that the catch basin in the back cul-de-sac is not located at the low point, and ponding and icing has been a consistent feature on the back half of this area.

Mr. Waitekaitis did not offer a solution to this problem, but noted that he had spoken to Highway Superintendent Paul Foulsham about possible paving techniques to quell the drainage issue. The Town Planner cited that the Town holds a bond providing \$154,000 of surety. Member Graham added that he wished to be extremely conservative with the surety reduction request until the drainage issues with the two aforementioned catch basins are resolved. He agreed to a proposal to have the Town Planner, John Chessia, and Paul Foulsham out on site next time it rained to further assess the drainage issues. Mr. Waitekaitis was amenable to this proposal and agreed to keep surety at its current level and to return before his bond is due in July for what he hopes to be final surety reduction.



INFORMAL DISCUSSION: Proposed Subdivision at 26 Stetson Shrine Lane.

At approximately 8:00 P.M. Jack O'Leary of Merrill Associates, Sal Spataro and Russ Spataro appeared before the Board regarding a potential subdivision at #26 Stetson Shrine Lane. Speaking for the potential applicant, Jack O'Leary presented a one-page plan sheet showing 5 building lots and a 550-foot roadway.



The Board engaged in a discussion regarding regulation §7B.1. A strict reading of this regulation requires this potential subdivision to obtain a dead-end road waiver. Under this strict reading, the closest through street to where this subdivision is proposed to connect to Stetson Shrine is River Street. Noted by Jack O'Leary was the fact that Stetson Shrine Road is connected to Shrine Road by a gated emergency access road. The Town Planner added that he believed this access road to be impassable. It was also noted that Assistant Town Counsel had offered a preliminary opinion that he believes §7B.1 is inapplicable in this case as Stetson Shrine is a Town way. In a previous conversation with Chairman Graham, he opined that the Board should begin counting the length of the proposed street at the edge of the public way (Stetson Shrine).

In addition to the dead-end road regulation, the Board also noted that work was proposed within the 100' foot Route 3 Buffer Zone, §2444. A discussion also took place about the "Intermittent Stream" on the plan that may require the 50 and 100-foot buffers through lots 3 and 4, which would impact the lotting lines of the current plan. Finally, lot 5 on the plan was discussed as being non-conforming to zoning regulations, as it did not meet requirements on each fronting side of the corner lot.

The discussion of the proposed subdivision concluded with Jack O'Leary noting that the Town was planning on installing dry wells on Stetson Shrine in the upcoming year to capture some of the surface water on the street. As a public benefit, Mr. O'Leary added that he was looking to engineer the subdivision drainage so it could capture some of the water from the street / dry wells.

The Town Planner ended the informal discussion of this project by adding that he would look to provide answers to the Board / applicant on lot 5 zoning conformance, Highway Superintendent Paul Foulsham's take on the viability of the proposed public benefit for drainage, and Assistant Town Counsel's further input on the applicability of §7B.1 Dead End Roads.

INFORMAL DISCUSSION: Wildcat Roadway Layout Changes.

Present from the Wildcat Team for the discussion of their proposed modification were Buzz Constable, Rich Beal, Brad McKenzie, and Jay Gallagher. The discussion was opened by the Town Planner giving a quick introduction to this most recent rendition of the proposed modification, which called for a variable width right-of-way in the vicinity of the proposed wetlands crossings to ensure that the retaining walls are not located within the right of way.

The Town Planner told the Board that he had met with Brad McKenzie, Highway Superintendent Paul Foulsham, and Technical Consultant John Chessia earlier in the

week to go over this submittal in detail. At this meeting, it was determined that the heel of the retaining wall would likely have to lie beneath the roadway and that snow removal as a result of the reduced roadway layout width would negatively impact the wetlands, since the Highway Supervisor has no way of eliminating salt from the sand mixture applied during the winter. As a result of this meeting, both John Chessia and Paul Foulsham supplied comments to the Planning Board, stating that, going forward with this proposal was not in the Town's best interest.

Citing the comments of both John Chessia and Paul Foulsham, Board Members indicated that they were not open to going further with the current proposal. Chairman Graham asked the Wildcat Team if there were other proposals that might be offered. Buzz Constable in reply said that his team had gone through many permutations of the current proposal and that he hoped the Board could memorialize the fact that none of the alternatives submitted were acceptable to the Planning Board. Member Joseph replied that the Board would draft such a letter. However, she noted that the letter would state that the applicant has still not explored a possible scenario with a second access point that does not involve wetlands crossings, as the alternatives submitted to the Planning Board were all within the scope of the approved non-waiver plan. The Town Planner was instructed to draft this letter, citing the specific waiver request plans submitted, and to note that these proposals were only themes of the approved non-waiver subdivision

TOWN OF NORWELL
MAR 29 2007
TOWN CLERK
JANICE M. LAWSON

DISCUSSION: Planning Board Reorganization (continued)

At approximately 9:00 P.M., with Member Markham present, Member Turner moved and Member Joseph seconded the nomination of Bruce Graham to remain as Planning Board Chairman. The motion was approved 5-0.

Member Turner moved and Member Markham seconded the nomination of Karen Joseph to remain as Planning Board Vice-Chair. The motion was approved 5-0.

Member Joseph moved and Member Markham seconded the nomination of Sally Turner to remain as Planning Board Clerk. The motion was approved 5-0.

Member Joseph moved and Member Turner seconded the nomination of Michael J. Tobin to serve as the Planning Board's Alternate Clerk. The motion was approved 5-0.

DISCUSSION (Agenda Add): Salt and Subdivision Roadways

A brief discussion commenced on the use of salt in the wintertime on subdivision ways. Member Graham noted that until Paul Foulsham's meeting with the Town Planner earlier in the week, he was unaware that it was not possible to treat roadways while guaranteeing that no salt would be used. Member Graham noted that with the Conservation Commission conditioning their subdivision approvals to be no salt zones, he thought a joint meeting of the Planning Board, Conservation Commission, and the Highway Department might be a prudent way to more fully discuss this issue. He noted that he thought better communication might avoid a scenario where the Conservation

Commission would be pit against the Highway Department over this salt issue and the Planning Board should be cognizant of this fact when approving subdivisions in the future. Given current Highway Department salting practices, Chairman Graham added that he believed the situation suggests that future subdivision approvals require a covenant that the approved roads will remain private to avoid the potential of Town liability for contaminating wetlands.

ADJOURNMENT.

At 9:30 P.M. Member Turner 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 March 28, 2007.


Sally I. Turner, Clerk

