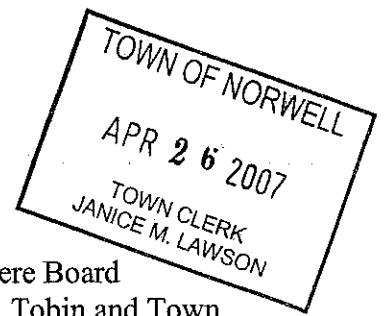


**Norwell Planning Board Meeting Minutes
April 11, 2007**



The meeting was called to order at approximately 7:02 P.M. Present were Board Members Bruce W. Graham, Karen A. Joseph, Sally Turner, Michael J. Tobin and Town Planner Todd Thomas. Member Charles Markham arrived at approximately 7:30 before the onset of the Clapp Brook Road agenda item.

DISCUSSION: Draft Agenda.

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

DISCUSSION: Regular Session Minutes, March 21, 2007 & March 28, 2007.

Member Joseph moved and Member Turner seconded the motion to accept the March 21, 2007 minutes as presented. The motion was approved 4-0.

Member Joseph moved and Member Tobin seconded the motion to accept the March 28, 2007 minutes as presented. The motion was approved 4-0.

DISCUSSION: Bills.

Chessia Consulting (Dunkin Donuts, Inv. #123)	\$ 884.45
“ “ (Pinson Lane, Inv. #124)	\$ 55.00
“ “ (Henry’s Lane, Inv. #115)	\$ 442.23
“ “ (Trunnel Lane, Inv. #121)	\$ 69.73
“ “ (Wildcat Hill, Inv. #116)	\$ 332.23
Patriot Ledger (Zoning Articles-Advert.)	\$2,223.06
- W.B. Mason (Supplies, Inv. #W29056)	\$ 13.59
Monadnock Spring Water (Inv. #460671)	\$ 10.00
<u>Todd Thomas (March Expenses)</u>	<u>\$ 16.69</u>

The Town Planner advised the Board that the seal of Norwell was not necessary for public hearing notices. He noted that the use of the seal on the notices for the zoning bylaws increased the Patriot Ledger newspaper advertising costs (above) by over \$500. Upon a motion made by Member Turner and seconded by Member Joseph, a decision to forgo the use of the seal of Norwell going forward on public hearing notices was affirmed by a 4-0 vote.

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

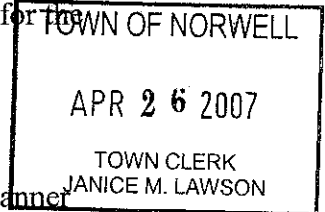
DISCUSSION: ANR Plan for 120 Forest Street (Sheehan)

The Town Planner introduced the “Plan of Land 120 Forest Street in Norwell, MA” dated October 24, 2006, with a most recent revision date of April 3, 2007 by questioning the adequacy of the proposed frontage for the lot being created. This lot, labeled as 2B,

derives its frontage from Jordan Lane, a private way. The Town Planner noted that, in his opinion, Jordan Lane was not of a suitable width, grade, or construction. Member Graham echoed these comments by noting that a resident further down Jordan Lane came before the Board in the Fall and encountered the same issues with his proposed ANR plan utilizing Jordan Lane. Member Graham mentioned that three of the current Board Members had been on site during the fall to visually inspect Jordan Lane and that agreement on the inadequacy of Jordan Lane was unanimous.

Upon reviewing the plan, Member Joseph added that a cross-section of the way for Jordan Lane should have been included on the plan. Without this information, she noted that there was no way to know if Jordan Lane was of suitable width, grade, or construction without a visual inspection.

Upon reviewing the draft certificate of action, a motion was made by Member Graham and seconded by Member Tobin to deny the ANR plan for 120 Forest Street for the reasons stated therein. A 4-0 vote affirmed the motion.



DISCUSSION: Clapp Brook Road Drainage Basin Issues.

A brief and informal discussion on Clapp Brook commenced as the Town Planner restated where the development stood. He noted that the Applicant has filed an RDA with the Conservation Commission to increase the height of the basin berms, a scheme that hopes to address the fact that the basin is significantly undersized as built. The Town Planner added that this attempt to increase the height of the basin berm is the result of a longstanding effort by both the Town Planner and Alyssa Real Estate to complete the project as designed.

Member Graham highlighted that he had spoken to both Chairman McBride of the Conservation Commission and the Board of Selectmen specifically about Clapp Brook Road. He added that he hoped that the current effort to increase the berm height and the resulting capacity could come close enough to the design to satisfy the Board. He also added that he envisioned agreeing to the basin work (if adequately constructed) in turn for receiving an agreement that the road would remain private. He noted that Assistant Town Counsel advised him, that if the developer was to walk away, legal proceedings could be initiated to claim the remaining surety and turn the funds over to the homeowners. However, it was not in the Town's best interest to complete the work, as the surety would likely not be adequate due to the Town having to pay prevailing wage.

DISCUSSION: Pedestrian Improvement Fund Update / Town Center Crosswalks.

The Town Planner gave the Board a presentation on the joint research that has been done on the Pedestrian Improvement Fund with Member Markham. He noted that the Planning Board's records of the account now match with the Accounting Department's books. Town Planner Thomas illuminated that the entire \$112,000 account balance was found to be unencumbered and could be spent at the Planning Board's discretion (with BOS endorsement). Gift letters that memorialized contributions into the fund were

displayed and noted as having been sent to all previous donors. The receipt of these gift letters would allow the \$112,000 balance in the Pedestrian Fund to begin to accrue interest within the fund.

The Town Planner then explained the current proposal to tap the Pedestrian Fund to install crosswalks in the Town Center. This proposal includes refurbishing the crosswalks across Main Street in front of the Cushing Center and in front of Quik-Pik. The Planning Board was supplied with product information, references, and potential costs.

Member Joseph asked why the Planning Board would be involved in this project. Member Markham responded that the Planning Board has to be involved, as the Pedestrian Fund is a Planning Board gift account. Member Markham also said that he thought adding crosswalks in the center, a pedestrian safety element, was a perfect match for the Pedestrian Improvement Fund. Member Joseph replied by asking who would act as the construction liaison / clerk of the works for the project. The Town Planner responded that a Clerk of the Works and the possible installation of handicap accessible ramps down to the crosswalks would be addressed if the project progresses further.

Upon a motion made by Member Turner and seconded by Member Markham, the Town Planner was directed to draft a letter to the Board of Selectmen asking that a letter be sent to MassHighway to replace the two existing crosswalks. A 4-0-1 vote with Member Joseph abstaining was recorded affirming the motion. The Town Planner was further directed to contact Glen Ferguson of the Permanent Building and Maintenance Committee to ask for guidance and RFP assistance. Member Graham also added that the contractor might have RFP's that could be of assistance.

TOWN OF NORWELL
APR 26 2007
TOWN CLERK
SHEILA M. LAWSON

SITE PLAN REVIEW: 10 Washington Street / Dunkin Donuts.

At approximately 8:00 P.M. the Board was given the initial presentation of a new Site Plan proposal for 10 Washington Street / Queen Anne's Plaza. The proposal calls for replacing the current drive-through only Dunkin Donuts on the property with a larger full-service Dunkin Donuts closer to Pond Street. Raul Lizardi-Rivera, P.E. of holmes and mcgrath, inc. presented the plan to the Board, which included the reduction of 31 parking spaces and the creation of a 1320 square foot structure. Also in attendance at the meeting were Applicants Sal and Salvi Couto of Couto Management Group, LLC and Attorney Robert Devon.

The Town Planner noted that the proposal is an increase in intensity of use at 10 Washington Street, as the current Dunkin Donuts building will remain and be converted to a retail use. The Town Planner illustrated that no traffic study was proposed and the application states, "The proposed project will have no effect on existing traffic." Technical Consultant John Chessia and the Town Planner both said that they believe that the proposed Dunkin Donuts will negatively impact traffic flow on Pond Street. They stated their opinion that a large percentage of the morning customer base will be taking a left to access the business, crossing oncoming traffic on Pond Street when approaching

from Route 228 and Washington Street. They added that these same customers would again likely be taking a left and crossing traffic on Pond Street, after patronizing the store on the way to the highway. Both Mr. Thomas and Mr. Chessia recommended to the Board that a traffic study be performed.

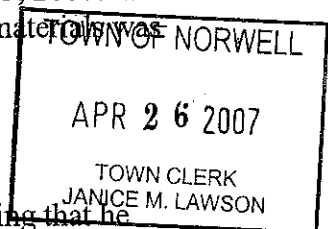
Presenter Raul Lizardi-Rivera, P.E. of holmes and mcgrath, inc. noted that a recent count of the total parking spaces on the parcel showed 701 spaces, 8 more spaces that originally anticipated. Based on the current zoning bylaw, he cited the proposed development would require an additional 9 parking spaces. He also suggested that he had located a 1994 as-built plan of the plaza that would be added to the submittal. He further conveyed that a new plan with more robust plantings that addressed John Chessia's March 30, 2007 review of the project would be submitted.

Technical Consultant John Chessia responded to Mr. Lizardi-Rivera's promise of a revised plan by cautioning that the parking analysis should be based on parking within the entire parcel, not just the small corner that they had proposed their development on. Mr. Chessia also cited concerns with current snow removal and storage practices.

Planning Board Members took turns addressing the Applicant with their concerns with the project. Chairman Graham began by saying that he was persuaded by the traffic concerns addressed by Mr. Chessia and Mr. Thomas and that he would like a traffic study performed. Member Joseph asked the Applicant how the existing buildings were serviced by tractor-trailers, as she is not satisfied that the proposed placement of the building will not interfere with current shipments and the truck's on-site turning ability. Member Joseph also added that she would like the traffic study to address circulation within the site. Member Markham added to Member Joseph's remarks by noting that he believed that trucks currently drive over existing striped (currently unused) parking spots to make their deliveries to adjacent buildings. Member Turner asked that copies of the aforementioned full Site Plan be submitted.

Applicant Sal Couto responded to Board Members concerns regarding traffic and trucking issues by suggesting that his proposed development will improve traffic on Washington Street and that tractor-trailers would not be hindered by the location of his proposed development. Members Graham and Joseph responded by requesting that a truck-turning template be included in the traffic study and that the study should focus on the trucks that currently service Queen Anne's Plaza.

The Applicant submitted revised plans, agreed to perform a traffic study, and tentatively scheduled the next meeting with the Planning Board at 7:30 P.M. on May 23, 2007. The Town Planner reminded the Applicant that the submittal deadline for new materials was May 2nd.



DISCUSSION: Town Meeting Articles.

Member Graham began the discussion of the Town Meeting articles by noting that he hoped to clear up some confusion resulting from the end of the public hearing for ZBL

§1642. Member Graham added that his personal recollection was that the proposed bylaw was recommended to Town Meeting without an agreement to remove the percentage in subsection "A". Member Joseph agreed that the bylaw had not been voted as eliminating the percentage and that she was under the impression that this section of the bylaw may be amended on the floor at Town Meeting. Member Graham responded that he is unsure who would be making the motion to amend the percentage on the floor at Town Meeting, but he would be fine with the Planning Board taking the lead on it. It was clarified that the Planning Board had recommended the bylaw as proposed to Town Meeting and that the Planning Board may consider supporting a change in the percentage in subsection "A" made on the Town Meeting floor.

In regards to the potential amendment of the motion, Member Graham asked the Board Members if they could support removing the 25% completely and if they would also consider changing this percentage from 25% to 50%.

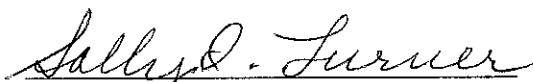
After a lengthy discussion on the specifics of the bylaw and the potential changes, a motion was made by Member Turner and seconded by Member Markham in support of replacing the 25% in subsection "A" of §1642 with 50%, if such an amendment was offered on the Town Meeting Floor. The motion was affirmed with a 5-0 vote.

Upon a suggestion made by Member Markham, an additional motion was made by Member Joseph and seconded by Member Markham that codified Planning Board support of changing subsection of §1642 to read 50% of gross floor area, as opposed to 25% of the building footprint, if such a motion was brought forward on the floor of Town Meeting. It was decided that this change to 50% gross floor area would only be supported if the first amendment to a simple 50% of the building footprint did not pass Town Meeting. A 5-0 vote affirmed this motion.

ADJOURNMENT.

At 9:55 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 April 25, 2007.


Sally I. Turner, Clerk

