

**Norwell Planning Board Meeting Minutes  
May 9, 2007**

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

**DISCUSSION: Draft Agenda.**

Member Graham moved to add a discussion to the agenda on the §1642 Committee. Member Turner moved to add a discussion to the agenda on White Barn Lane. Member Joseph moved to add a discussion to the agenda on engineering reports. Member Joseph moved and Member Tobin seconded that the Board accept the amended agenda as presented. The motion was approved 5-0.

**DISCUSSION: Regular Session Minutes, April 25, 2007.**

Member Joseph moved and Member Tobin seconded the motion to accept the April 25, 2007 minutes as presented. The motion was approved 5-0.

**DISCUSSION: Bills.**

Todd Thomas (April Expenses)	\$ 30.61
Chessia Consulting (Holly Berry, Inv. #206)	\$334.45
" " (Pinson Lane, Inv. #198)	\$165.00
" " (Dunkin Donuts, Inv. #203)	\$797.23
" " (Trunnel, Inv. #275.00)	\$275.00
Total	\$1,602.29

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

**DISCUSSION: ANR PLANS, 120 Forest Street (Sheehan):**

Member Graham began the discussion of the 120 Forest Street ANR by noting that both the technical aspects of the plan and the possible zoning concerns would be discussed. He added that concerns with the representation of the setback line were a zoning issue and should not prohibit the Board from endorsing a technically compliant ANR plan.

Brian Cook, the applicant's Attorney, responded by asserting that the plan was not a subdivision by letter of the law and that the Board should endorse it. Member Markham stated that the Board had no legal standing not to approve the plan. After a brief discussion about the lack of a full depiction of Forest Street on the plan, Member Tobin moved and Member Markham seconded that the April 20, 2007 "Plan of Land 120 Forest Street in Norwell, MA" be endorsed as not requiring approval under the Subdivision Control Law." The motion was passed by a vote of 5-0.

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A second motion was made by Member Tuner and seconded by Member Joseph to question Town Counsel about the definition of setback, as utilized in the plan to draw the setback at the existing dwelling, as opposed to it being drawn in the location believed by the Planning Board to be required. The Town Planner was instructed to seek comment from Town Counsel regarding the location of the setback by noting that the Planning Board objects to the Building Inspector's interpretation of the location of the setback line (demonstrated on the plan via "Lot 2A").

**DISCUSSION: ANR PLANS, Circuit Street (Raimondi):**

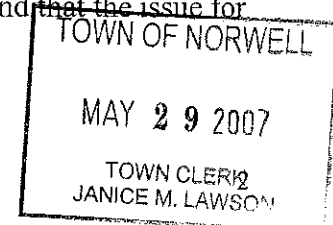
The Town Planner informed the Board that the Circuit Street Raimondi ANR plan would not be heard, as a complete application had not been received.

**(INFORMAL) DISCUSSION: Peter Travi, Otis Hill Subdivision**

Resident (and owner of the subject property) Peter Travi and Paul Mirabito of Ross Engineering appeared before the Board for an informal discussion of a proposed subdivision at the end of Otis Hill Road. Mr. Mirabito noted that the plan he was presenting to the Board tonight differed from the plan presented at the August 30, 2006 Planning Board Meeting. This new drawing provided access to the proposed 2.49-acre lot that would be conveyed to the Conservation Commission. Member Graham questioned the roadway layout, which again showed a cul-de-sac branching off of a cul-de-sac. Mr. Mirabito said that his client preferred not to shear the existing cul-de-sac and was proposing an additional cul-de-sac of approximately 16-18 feet in roadway width. Member Graham referred to his notes and read aloud the relevant section of the August 30, 2006 minutes, in which Mr. Mirabito stated that Applicant's willingness to remove the existing cul-de-sac as a condition of approval. Mr. Travi acknowledged that he was prepared to do so, but would prefer not to. Member Graham also said he was somewhat receptive to the open space proposal, but he would like the input of the Conservation Commission about the value of the land.

Member Joseph stated that it was her goal to treat everyone equally. She opined that the open space proposed was not enough of a carrot for her. She added that she wanted the extension of the road to be built to reasonable standards and not to be gravel. She also added that she might be more persuaded by the creation of a walking easement through both the property in question and Mr. Travi's property, linking Otis Hill Road to Water Department Land. Member Graham added that a trail would have to be built through the easement at the cost of the applicant, because an easement without a trail would unlikely to be used.

Member Turner agreed with Member Joseph in that she believed it was important to treat everyone equally, including that the proposed subdivision road be built to normally accepted standards. She also noted that she thought a second point of access / fire lane on long dead-end roads was important and something she usually required the Applicant to provide, but after further discussion agreed that this was not feasible and that the issue for the Board was granting a waiver on the length of the dead end road.



Member Tobin offered that he did not think that the open space proposed was much of a public benefit. He added that the area was small and not likely to be utilized by anyone other than abutters. Conversely, Member Markham was not concerned that the open space proposed would likely only be used by abutters, since abutters were the ones who would be most affected by the subdivision and the longer road. Both Members agreed to offer a tentative opinion of "maybe" to the proposed development, pending the Conservation Commission's opinion if the land was indeed valuable.

**DISCUSSION: Vote to accept John Neil Drive Ext. Subdivision.**

Member Turner moved to formally accept the John Neil Drive Extension Subdivision. Member Markham seconded the motion and it was affirmed with a 5-0 vote. The 135-day deadline for final action was determined to be September 21, 2007. The initial public meeting was set for July 11, 2007 at 8:00 P.M.

**DISCUSSION: Engineering Reports (agenda addendum)**

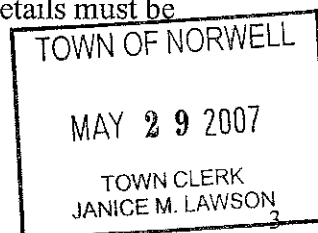
Subject to the John Neil Drive Extension Subdivision, Member Joseph opined that she believed that that summary drainage reports submitted were not sufficient. She said that these reports should include everything but the hydrographs. The Town Planner agreed to request fifteen more complete summary drainage reports. He also agreed to ensure that complete summary drainage reports are submitted for future subdivisions.

**DISCUSSION: Planning Board's Role with Crosswalk Proposal.**

The Board and Town Planner discussed their respective roles in regards to the proposal to refurbish the crosswalks in the Town Center. Member Joseph said she would recuse herself from all votes on the topic, but expressed concern that Member Markham and the Town Planner appeared before the Board of Selectmen speaking about the crosswalks on Wednesday May 2<sup>nd</sup>, unbeknownst to her. Member Joseph also seemed wary that she believed that the Selectmen were under the impression that only the Planning Board was spearheading this project. She added that the Permanent Building & Maintenance Committee (PBMC) and Highway Superintendent Paul Foulsham should drive the bidding and construction oversight for the project. She did not believe either the Planning Board or the Town Planner had the expertise to oversee this project without assistance.

Member Turner questioned the public vetting of the proposal. She mentioned that she was uncomfortable with the lack of awareness of the project and that she was concerned about the cost. She added that she believed a cap of \$20,000 would be appropriate.

Member Graham responded that the preliminary construction estimate was an amount just under \$25,000. Member Joseph added that things like Police Details must be considered for the true cost of this project to be known.



Member Markham closed out the discussion by adding that he thought the Board and the Planner had the expertise to see this project to completion. He agreed with earlier sentiments from Member Joseph and Member Turner that the assistance of the PBMC should be sought and that the bidding for the project was to be a public process. He added that he hoped that the Board could be more active rather than reactive. He also stated that the Planning Board's Pedestrian Travel Improvement Fund and the current crosswalk proposal were a perfect marriage, since crosswalks are a pedestrian amenity, whereas sidewalks are often too expensive to build with the allocated resources.

**DISCUSSION: Review Fee Money Return for May Elm Woods.**

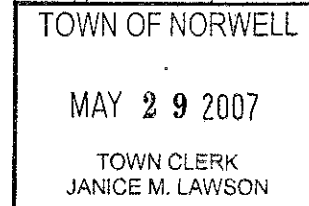
The Town Planner informed the Board that a written request had been received to return the remaining review fee balance for the previously withdrawn May Elm Woods Subdivision. The remaining balance in the review fee account was noted as \$2,825.99. Upon a motion made by Member Joseph and seconded by Member Tobin, the Board voted 5-0 to return the remaining review fee balance to the Applicant.

**DISCUSSION: Hawthorne, Lot 17 Lot Release Request.**

The Town Planner began the discussion by noting the April 30<sup>th</sup> letter from Modern Continental requesting that Lot 17 be released from the Hawthorne Park Subdivision Covenant. Member Graham began his comments by expressing disappointment with the legal confusion that Modern Continental and Don Shute had created through private land deals regarding Lots 17 and Lot 19, which violated the terms of the subdivision covenant. Both Member Graham and Member Joseph acknowledged the residents' desire that the lot not be released and both stated that they were disinclined to release the lot until Modern Continental had finished the remaining work to complete the subdivision. Upon a motion made by Member Turner and seconded by Member Joseph, the request for the release of Lot 17 was denied by a vote of 5-0.

After a brief discussion with Hawthorne residents Jem Hudgins and Kevin Coughlin, Member Graham said that the Planning Board should consider working with Town Counsel and the HOA to explore the feasibility of putting the developer and the bonding company on notice, that if the remaining work on the subdivision is not completed by Labor Day, the Town's may look to call the bond. Member Graham added that such an undertaking would only be considered in conjunction with a legal agreement with the HOA that any bond proceeds recovered would be assigned to the HOA and be expended under their control, removing the Town from the process. Member Graham noted that the Town, per Town Counsel's recommendation, would not involve itself in land development.

The Town Planner closed out the discussion on Hawthorne Park by providing the Board an update as to the status of Lot 19. He noted that, via a discussion with developer Don Shute, that a Conservation Restriction was no longer acceptable to him as the legal owner of the lot. Mr. Shute informed the Planner that he was looking to convey the lot outright,



per the Certificate of Vote approving the project, so he could reap the tax breaks associated with the transaction.

**DISCUSSION: Tara Drive Homeowners Association, Private Road Request**

Member Graham began a brief discussion on Tara Drive by referencing the April 23<sup>rd</sup> comment request letter from the Board of Selectmen. Member Graham recommended that a reply be sent from the Planning Board, stating that it has no objections to the homeowner's proposal, based on the conditions imposed in their April 9<sup>th</sup> letter to the Board of Selectmen.

**DISCUSSION: 75 Washington Street, SSMC Update**

Member Graham and the Town Planner provided the Board with an update on the recent developments with the parking expansion proposed at 75 Washington Street, South Shore Medical Center (SSMC). Member Graham informed the Board that he had attended the May 2, 2007 ZBA hearing for the project. The Town Planner informed the Board that he was also in attendance for the latter half of the hearing. Member Graham noted that the ZBA asked that the Applicant appear before the Planning Board on May 23<sup>rd</sup> to respond to the issues addressed in the Town Planner's November 14, 2007 letter. The Planning Board was asked to limit its comments and the corresponding technical review to the four issues cited in that letter and return comments before the Applicant's May 30<sup>th</sup> hearing with the ZBA.

**DISCUSSION: Henry's Lane Impervious Restrictions**

The Town Planner began a discussion on the impervious surface restrictions that are part of the approval for the Henry's Lane subdivision. He noted that he had learned about a request for a building permit for a pool, patio, and cabana at #2 Henry's Lane from the Conservation Agent. He also related that he had spoken with the Building Inspector about establishing a procedure to ensure that the impervious surface maximums for lots within this and other subdivisions (where applicable) are adhered to.

Board Members discussed what kind of procedure might be created so that the Planner could sign off on building permits, ensuring that what was proposed was allowed under the impervious surface maximums. Member Turner said that a plan should be submitted with an engineer's stamp showing the current and proposed impervious surface. Member Graham noted that he thought the stamp of a PLS or an Engineer would be sufficient for the Board's purposes. He also added that any plan submitted must show the total impervious surface allowed and the calculations showing that the existing impervious surface, plus the new impervious surface proposed, was under the maximum square footage allowed. It was agreed that pools were to be included as part of the impervious surface calculation. Member Joseph concluded the conversation by instructing the planner to draft a formalized list of submittals and to look at the applications from other Town departments to see if their submittals can be recycled for a potential submission to the Planning Board.

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**DISCUSSION: White Barn Lane (agenda addendum)**

Member Turner noted that the proposed Chapter 40B development at White Barn Lane had received its Project Eligibility letter. The Town Planner informed the Board that copies of the letter had been placed in the mailboxes earlier in the day.

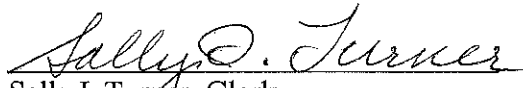
**DISCUSSION: The §1642 Committee (agenda addendum)**

Member Graham informed the Board that he, along with Member Joseph, had recently met with Ralph Rivkind, Jim Roche, and Rick Merritt. The result of this meeting was that the proposed change from 25% to 50% in the footprint calculation under ZBL §1642 subsection "a" was found to be acceptable to the §1642 Committee.

**ADJOURNMENT.**

At 10:15 P.M. Member Turner moved and Member Joseph 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 May 23, 2007.

  
Sally I. Turner, Clerk

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