

TOWN OF NORWELL  
 AUG 16 2007  
 TOWN CLERK  
 JANICE M. LAWSON

**Norwell Planning Board Meeting Minutes  
 July 25, 2007**

The meeting was called to order at approximately 7:00 P.M. Present were Board Members Bruce W. Graham, Karen A. Joseph, Charles Markham, Michael J. Tobin and Town Planner Todd Thomas.

**DISCUSSION: Draft Agenda.**

Town Planner Thomas requested to add a discussion on the curb cut work in Norwell Center. Member Joseph moved and Member Tobin seconded that the Board accept the amended agenda as presented. The motion was approved 4-0.

**DISCUSSION: Regular Session Minutes, July 11, 2007.**

Member Tobin moved and Member Joseph seconded the motion to accept the July 11, 2007 minutes as presented. The motion was approved 4-0.

**DISCUSSION: Bills.**

Monadnock Spring Water (Inv. #487621)	\$38.40
W.B. Mason (Inv. #W33754-002)	\$10.00
“ “ (Inv. #W73741-006)	<u>\$22.93</u>
<b>TOTAL</b>	<b>\$71.33</b>

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

**DISCUSSION: Hawthorne Park, Lot 19 (Planner Update).**

The Town Planner provided the Board with an update on the legal agreements needed to complete the Hawthorne Park subdivision. He noted that all engineering work on the subdivision other than ongoing maintenance was complete and only Condition #10 of the Certificate of Vote, which requires Lot 19 to be conveyed to the Conservation Commission, still needs to be satisfied. Mr. Thomas noted that condition is enforceable upon Modern Continental and the lot has yet to be released to them by the Planning Board. He also added that Modern has already passed the (unrecorded) deed for the lot to Don Shute in 2004. Currently, both Modern and Don Shute are willing to convey the lot to the Commission, but the Commission will not accept the conveyance due to the drainage basin located thereon. In order to resolve this stalemate, the Hawthorne HOA has agreed to accept ownership of Lot 19. This is acceptable to the Commission provided that a Conservation Restriction is placed on the lot.

Chairman Graham said that he would work with the Town Planner to draft a Conservation Restriction to the satisfaction of the Conservation Commission. The Town Planner said that once the Conservation Restriction is complete, the Planning Board, after formally altering the Condition #10 of the Certificate of vote, could release the lot to Modern

Continental. Modern could then formally convey the lot to Don Shute. Don Shute would then convey the lot the HOA, who would execute and record the Conservation Restriction. The Planner said that he hoped the conveyances and corresponding recording would happen simultaneously once the Conservation Restriction is finalized.

Member Joseph said that she did not like the idea of using planning time and resources to draft a Conservation Restriction. She noted her objection for the record that she did not think the planner should be drafting a legal document. Member Graham said that he understood Member Joseph's objection and noted that the draft Conservation Restriction would receive legal review both from Town Counsel and the State. Member Markham said that the draft Conservation Restriction should be shared with the Conservation Commission.

TOWN OF NORWELL  
AUG 16 2007  
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**DISCUSSION: OSRD / Conservation Subdivision Bylaw (BWG Update)**

Member Graham updated the Board about his conversation with the Conservation Commission on Tuesday July 17<sup>th</sup>. Member Graham noted that he spoke to the Commission about drafting an OSRD / Conservation Subdivision Bylaw. He distributed an article entitled "Growing Greener: Putting Conservation into Local Codes" and a map from the Town's Master Plan, which delineated highest and secondary priority preservation areas. Member Graham said that he asked the Commission about what land they might want to protect. He noted they agreed that a successful OSRD bylaw relies on connecting protected areas from project to project and parcel to parcel.

Member Joseph noted that a site analysis should be a pre-meeting requirement of any Conservation Subdivision Bylaw.

The Town Planner was instructed to find the full sized Natural Resources with Priorities map from the Norwell Master Plan.

**DISCUSSION: Site Plan Review: 10 Washington Street / Dunkin Donuts.**

The Couto Management Team appeared back before the Planning Board to discuss their updated plans for a full service Dunkin Donuts at 10 Washington Street. The Town Planner noted that the applicant had addressed many of the traffic issues within the site via their updated plans, but traffic concerns were still prevalent along the Pond Street exits. He noted that the two closest exits onto Pond Street from the proposed restaurant remain Level Of Service (LOS) F for left hand turning vehicles. In addition to traffic concerns, the applicant has still not determined if the existing catch basin is adequately sized by examining the area tributary to it. The Planner added that the Board should also acknowledge the plans now note the lot is in violation of ZBL's concerning open space, lot coverage, and parking. While the ZBL non-conformance with open space and lot coverage may be preexisting non-conforming, the parking non-conformance is being exasperated by an increase in intensity of use on the site while parking is being reduced.

TOWN OF NORWELL  
AUG 16 2007  
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Member Graham noted that many of the proposal's small remaining issues had likely been resolved with the applicant's new July 24<sup>th</sup> submittal, but the larger issues with traffic and parking were still prevalent and possibly intractable. He added that it is up to the Zoning Board of Appeals to sort through the parking and zoning issues when the applicant is before them.

Member Joseph agreed with Member Graham and said that she was concerned about the traffic the proposal would create on Pond Street. She then said that she wanted to hear more about truck movements and how existing trucks will access the loading docks.

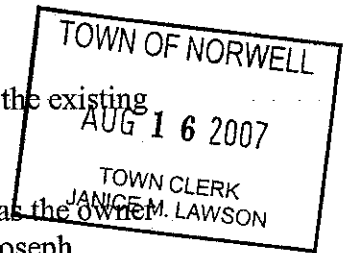
Member Tobin said that he hoped the Board could work through the remaining issues during the evening's meeting so a report could be issued to the Zoning Board of Appeals. Member Markham agreed with Member Tobin and said that he envisioned that the letter would say that we agreed to disagree about traffic concerns. Member Joseph agreed with Member Markham.

Raul Lizardi-Rivera, P.E. of holmes and mcgrath, inc. addressed the Board by going through his most recent comment letter. He noted that the new plans add handicapped ramps, stop signs, one-way signs, a new snow storage area, truck turning plans, and a revised Operation and Maintenance schedule for the drainage. Mr. Lizardi-Rivera said that he believes the exiting catch basin is adequately sized and that the applicant will do the necessary soil testing before permits are pulled. Mr. Lizardi-Rivera also said that they have only shown and improved the planting in their area of the lot, and have no plans to improve the parts of Queen Anne Plaza not in close proximity to their proposed establishment. He acknowledged that lot coverage, open space, and parking requirements are not in compliance with zoning requirements. He concluded his remarks by noting that he believes 710 parking spaces now exist and that the site is currently undersized by 30 spaces. He then acknowledged that the proposal would decrease parking availability by approximately 59 spaces.

John Diaz of Greenman-Pedersen, Inc. (GPI), the Applicant's Traffic Consultant, addressed the remaining traffic issues by noting that it may be best to agree to disagree about certain traffic assumptions and methodologies. Mr. Diaz said that GPI stands by its assertion that Washington Street need not be included in any traffic counts for the proposed Pond Street location and that site cut through traffic was immaterial. Mr. Diaz also stated that he is not concerned that exiting vehicles will back up the drive through lane, since the natural transaction time of each sale will successfully filter the traffic towards the exit. He acknowledged that the two exits for the restaurant would be LOS F for the left hand turns, but that was common for traffic entering any major street in such a fashion.

Member Joseph asked Mr. Diaz about truck turning movements. Mr. Diaz responded that that the proposed plans make truck-turning movements easier than existing conditions, assuming that the lined parking spaces were occupied by parked vehicles. When he explained the truck turning plans in greater detail, Mr. Diaz acknowledged that the trash

compactor is not convenient for trucks, but it is no more inconvenient from the existing conditions.



Applicant John Couto said that truck-turning movements are not a concern as the owner and all of the tenants have reviewed and agreed to this proposal. Member Joseph responded by asking if the applicant would agree to supply evidence of such consent in writing as a condition of project approval. Mr. Couto responded that he would get this acknowledgment in writing as requested.

Member Graham asked John Morgan, Chessia Consulting's traffic sub-consultant, for his opinion of the site design. Mr. Morgan replied by noting that the internal site design is good, but the project has to be considered with respect to the site's limitations concerning traffic disruption on Pond Street. Technical Consultant John Chessia agreed with Mr. Morgan and said that he looked at this project as part of the larger Queen Anne's Plaza lot and not as a separate project on a stand-alone lot. Mr. Chessia also noted that the proposed angled parking spaces were undersized and that he would still like to see the catch basin analyzed to see if it is adequately sized for the projected flow.

Applicant John Couto said that the Planning Board has enough information to make a final decision and that he was unwilling to address improvements elsewhere on the site, other than in close proximity to his proposed establishment.

Member Markham noted that the new design is much better than the original proposal. Member Graham said that the Planning Board would direct a letter to the Zoning Board of Appeals once the final reports from the consultants were received. The Town Planner was instructed to draft a letter for the Planning Board's August 15<sup>th</sup> meeting, to be delivered to the Zoning Board of Appeals by August 22<sup>nd</sup>.

Member Joseph instructed the Planner to include in the letter that the applicant agreed to a condition of approval requiring written proof that the owner and tenants are aware of the potential trucking impacts to the back portion of the parking lot. Member Markham asked that the letter reference that the two closest curb cuts to the proposed establishment would function at LOS F. The Town Planner was also instructed to seek Town Counsel's opinion on pre-existing non-conforming in regards to overall site compliance.

**DISCUSSION: Town Center Curb Cut Update (agenda addendum).**

The Town Planner offered the Board an update about the curb cut work that took place in the Town Center on Monday July 23<sup>rd</sup> and Tuesday July 24<sup>th</sup>. He noted that that the construction work was complete, but two small issues remained. First, the ADA required detectable warning strips were not firmly in place on the newly constructed ramps. The planner noted that the contractor agreed to epoxy the detectable warning strips down before the end of the week.

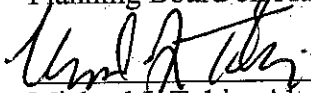
The Planner also noted that the new curb cut ramp by the Cushing Center exposed the bottom stair of its walkway more than anticipated. The Planner said that Jef Fitzgerald,

the Trustee of the Cushing Center, had raised this issue with Town Administrator Jim Boudreau. Mr. Boudreau visited the site with the Town Planner on July 24<sup>th</sup> and instructed him that the Planning Board should pay to correct the problem. The Planner told the Board that he expected the quote for the masonry work to fix the stairs to be approximately \$5,000.00. Member Graham said that he did not foresee a way that this problem could have been avoided other than paying for an on-the-ground survey at the onset of the curb cut work. He then said that he did not think that the prospect of fixing the stairs would have made the Board disinclined to do the crosswalk work when the project was being contemplated. The Board informally agreed that the work to fix the stairs should move forward and that the Planner would distribute the quote once received.

**ADJOURNMENT.**

At 9:30 P.M. Member Tobin moved and Member Markham seconded that the Board adjourn. The motion was approved by a vote of 4-0.

I certify that the above minutes were reviewed and approved by majority vote by the Planning Board on August 15, 2007.

  
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Michael J. Tobin, Alternate Clerk

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