

**Norwell Planning Board Meeting Minutes
August 15, 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, Sally I. Turner and Town Planner Todd Thomas. Member Michael J. Tobin arrived during the discussion on the bills.

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, July 25, 2007.

Member Turnern moved and Member Joseph seconded the motion to accept the July 25, 2007 minutes as presented. The motion was approved 4-0.

DISCUSSION: Bills.

Town of Norwell (Ped Fund, Center Police Details)	\$ 516.15
Fredrickson Jones (Ped Fund, Center Curb Cuts)	\$ 9,150.00
Todd Thomas (July Exp. Reimbursement)	\$ 34.40
Monadnock Spring Water (Inv. #73596)	\$ 44.00
Schwaab, inc. (Stamp Ink Pads)	\$ 38.99
<u>Chessia Consulting (10 Wash. St. – Inv. #240)</u>	<u>\$ 3,634.98</u>
TOTAL	\$13,418.52

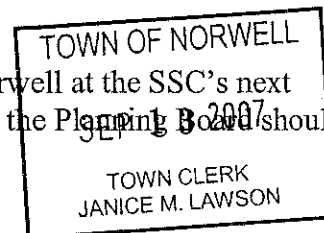
Member Markham moved and Member Turner seconded that the two bills for the Town Center curb cut work be approved for payment out of the Pedestrian Travel Improvement Fund, per the final authorization of the Board of Selectmen and that the payment vouchers be signed. The motion was approved 4-0-1 with Member Joseph abstaining.

Member Markham moved and Member Joseph seconded that the remaining four bills be approved for payment and the vouchers signed. The motion was approved 5-0.

DISCUSSION: Tim Reardon for Norwell MAPC (MACP) Involvement.

Tim Reardon, a regional planner from the Metropolitan Area Planning Council, addressed the Planning Board about Norwell's lack of participation in the South Shore Coalition (SSC). Mr. Reardon said that he believes it is important for Norwell to participate with the other twelve communities that make up the MAPC's SSC. Mr. Reardon said that the SSC helps prioritize local transportation projects for the State's Transportation Improvement Plan.

Member Graham said that he would volunteer to represent Norwell at the SSC's next scheduled meeting in September. Member Markham said that the Planning Board should



appoint a volunteer. Member Turner said that this volunteer could be an interested citizen. Member Graham said that he would report back to the Board after he attended the September SSC meeting and discuss appointing someone at that juncture.

DISCUSSION: Laurelwood Walking Trail / Scituate Issues.

The Town Planner provided the Planning Board with a status update on the walking trail that was approved as part of the Laurelwood subdivision. The Town Planner noted that he had been in contact with officials in Scituate and that they were no longer reluctant to allow the construction of the trail to proceed as planned.

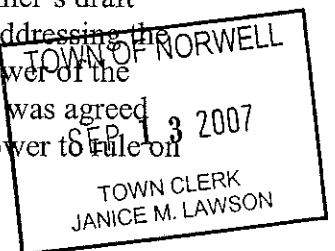
Member Joseph expressed concerns about the trail being built in an environmentally sensitive manner. She said that the trail should be flagged and its location approved before construction begins. She also said that she would like the developer to submit a list detailing the types of equipment that would be used in constructing the trail and that this equipment list should be approved before construction commences. Member Joseph stressed that the construction of this trail is both complex and sensitive. She added that the developer should first agree to where construction equipment and materials would be stored, ensuring that no mature trees were nicked, damaged, or had materials piled on them.

DISCUSSION: Dunkin Donuts ZBA Letter.

The Town Planner advised the Planning Board that he had prepared a draft letter to the Board of Appeals regarding the Dunkin Donuts proposal at 10 Washington Street. Member Markham added that he would like to augment the letter by cautioning the Board of Appeals that a future use change with the proposed building could further exacerbate the traffic and parking concerns already highly prevalent with the current proposal. Member Markham wanted to ensure that a long-term view was taken and that the project would not receive favorable consideration simply because the high demand times for the current proposal did not directly conflict with the neighboring businesses. Member Joseph and Member Graham both directed the Planner to make changes to specific findings in the letter. Member Markham suggested that the preface to the letter be changed to read that the Planning Board has "grave concerns" with the proposal, rather than just "serious concerns". Board members agreed that the change from serious to grave was appropriate. The Town Planner was instructed to draft the dictated changes and submit a new version of the letter at the August 29th Planning Board meeting.

DISCUSSION: White Barn Lane 40B Letter.

The Planning Board discussed the proposed 40B project off White Barn Lane and Forest Street. Members debated what points should be included in the Town Planner's draft letter to the Board of Appeals. Member Graham began the discussion by addressing the Woodbridge Realty Trust v. Ipswich decision, which has bearing on the power of the Housing Appeals Court to override a previous Planning Board decision. It was agreed this decision should be interpreted that the Board of the Appeals has the power to file on



previous conditions placed on the property by the Planning Board. Member Graham noted that if the applicant agreed to improve White Barn Lane to a level acceptable to the Planning Board, much of the Planning Board's opposition to the project would be quelled.

Member Joseph responded by stating that there was nothing in the 40B plans that showed exactly how White Barn Lane would be improved. She added that there was also no way to know what the existing conditions of the road were and if the previously required drainage was ever installed. Member Joseph stated that there was currently no way for the Board of Appeals to know if the road was adequate, since none of the plans showed the roadway improved and there were no available roadway as-builts. She said that the Planning Board's letter should be made to compel the applicant to improve the road, so as to provide for the health, safety and welfare of the residents.

Member Graham agreed with Member Joseph and suggested that the Planning Board specify the reasonable improvements that should be made to the road. After a discussion about what exactly "reasonable improvements" entailed, Members agreed that the Planner should attach §7.0 to §7B.5 of the Planning Board's Subdivision Rules and Regulations to the Board of Appeals letter, as these specific regulations pertain to the construction of roadways. Members then suggested specific recommendations they wished to be included in the draft letter. Member Markham added that the letter should be drafted to tie in the original subdivision Certificate of Vote in hopes of illustrating why the Planning Board allowed the original subdivision within the context of the waivers that were granted at the time. The Planner was instructed to draft the letter so it clearly states that the Board of Appeals should not again waive anything relating to the construction of the road, unless its construction was proposed in line with the Planning Board's attached Subdivision Rules and Regulations. The Planning Board concluded the White Barn discussion by reviewing the December 6, 2006 letter to the Board of Selectmen regarding Project Eligibility and asking the Planner to rework this document into the new draft letter for discussion at the August 29th Planning Board meeting.

PUBLIC HEARING: John Neill Drive Extension Subdivision.

Member Turner opened the initial public hearing for the John Neill Drive Extension Subdivision by reading the public hearing notice and noting correspondence received from the Water Department, Highway Department, Building Inspector, Fire Chief, Police Chief, and the Board of Health. In attendance for the public hearing were Technical Consultant John Chessia, residents Robert Napoli, Francis Nelson, Kristin Achorn and engineers Greg Morse and Deborah Keller from McKenzie Engineering.

Greg Morse, speaking on behalf of the applicant John Neill Drive Extension Realty Trust, followed Member Graham's opening remarks by introducing the specifics of the two house subdivision plan that would extend John Neil Drive. Mr. Morse noted that his firm had filed a Notice of Intent with the Conservation Commission concurrent to the subdivision application and that the wetlands line from the previous development proposal had not expired. Mr. Morse assured the Board that if the new cul-de-sac were

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built as planned, the existing cul-de-sac would be sheared, loomed and seeded. He added that his client planned on resurfacing part of the public way that led into the proposed subdivision roadway. Mr. Morse assured the Board that the project would not discharge water onto John Neil Drive. Mr. Morse also acknowledged that when the subdivision plan was revised, the drainage basin would be located on its own lot.

Deborah Keller of McKenzie Engineering asked if the Board would entertain additional waivers. Member Graham asked that a written waiver list be submitted explaining why the granting of each would be in the public's best interest. Greg Morse asked that the Planning Board waive requirements for 100' of topography extending beyond the property line and the requirement for a traffic analysis. He also asked that he be allowed to submit 30 scale subdivision plans, waive all the required sidewalks, waive the slope requirements for the drainage basins, and waive the typical roadway cross section - allowing riprap within the ROW by agreeing to keep the road extension private.

Member Joseph asked to discuss the detention basin slope waiver. Mr. Morse replied that the Planning Board requires a 4:1 slope because it is easier to maintain, but DEP only requires a 3:1 slope. Upon questioning from Member Joseph, Technical Consultant John Chessia said that he thought the proposed 3:1 slope would be ok, as it is on the downhill side of the basin next to wooded area. Member Graham suggested that he would entertain granting this waiver. Member Joseph said that she wanted to see written justification for it before granting the waiver request. Member Markham said that he would grant the waiver as long as the basin was to remain private in perpetuity.

Member Graham asked Technical Consultant Chessia if the Board should entertain waiving the requirement that topography be provided 100' beyond the proposed subdivision's property line. Mr. Chessia responded that he really only needed the topography provided beyond the property line along the eastern and southeastern edge of the property. Mr. Chessia said he wanted this topography to ensure that the Circuit Street culvert could handle the potential increase in volume. Member Graham said he was inclined to grant a partial waiver allowing the topography to only be extended on the eastern and southeast border of the property. Member Joseph said that she is opposed to granting a waiver for the topography requirement.

The Planning Board agreed that a traffic analysis would not be needed for a two-house subdivision. The Planning Board agreed that drawing the plans at a 30 scale would be allowable. The Planning Board also agreed with Mr. Morse that sidewalks could be waived, provided that the standard contribution to the Pedestrian Travel Improvement Fund was made at \$12.50 per linear foot through the end of the proposed cul-de-sac.

Deborah Keller noted that the applicant was also requesting a waiver from §7C.4.1 - drainage pipe cover. Greg Morse said the waiver was needed to connect to the existing pipe on John Neil Drive without altering the existing grades. He noted that they were proposing a ductile iron pipe with 1.5' of cover versus the 2.5' required. Technical Consultant Chessia responded by noting that at least 2' of pipe cover is needed to ensure that the pipe fits into the structure and does not experience any load pressure. He noted

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that the 1.5' of cover proposed was a very tight fit and that the applicant likely did not have a subdivision without this waiver being granted. The Planning Board agreed that at least 2' of cover should be provided when the plan set is redrawn. Member Joseph said she might entertain granting a waiver for 2' or more of cover, if the pipe remained ductile iron.

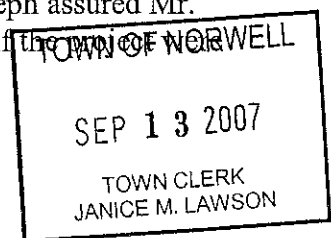
Greg Morse asked the Board about a waiver for the typical roadway cross section along the grass shoulder on the outside of the sidewalk, noting that the plans currently show a 1.5:1 slope with riprap in the ROW versus the 3:1 slope maximum allowed. Member Graham asked the Board if this waiver request is less relevant if the road was agreed to remain private. Mr. Morse asked if the Board had a preference for a retaining wall or a guardrail along the 1.5:1 slope (if allowed). The Town Planner was asked to consult with the Highway Superintendent if he had a preference for a guardrail or a retaining wall and to elicit his thoughts about this waiver, provided that the roadway remain private. Member Turner and Member Graham both said that they would be reluctant to grant this waiver. Member Markham said that he would also be reluctant to grant this waiver and cited concerns with the cul-de-sac remaining a private way considering private residents and Town snowplow vehicles would likely use it to turn around. Member Markham said he believed there was a public interest in keeping the new cul-de-sac public and as a result would be less inclined to grant waivers for the subdivision. Member Markham also added that he would not be bothered if the existing cul-de-sac was not sheared.

Deborah Keller responded to Member Markham by asking if the rest of the Board would consider keeping the existing cul-de-sac and reducing the private roadway width of the proposed subdivision. Member Graham said he would not waive the sidewalk requirement if this option were pursued. Member Joseph said she would not be inclined to allow reduced roadway width. Member Turner said that any road must be wide enough for fire apparatus to turn around unimpeded.

Resident Kristin Achorn of 26 John Neil Drive said she is concerned about the drainage basin not working properly. Member Graham responded that the basin should be designed to reflect reasonable clearing limits, home footprints, a swimming pool and a tennis court. Member Joseph agreed that she did not want to impose impervious surface limits and that impervious surfaces on the property must be realistically sized.

Francis Nelson of 48 John Neil Drive said that the proposed development takes away his privacy and that he does not like the thought of a private cul-de-sac.

Robert Napoli of 51 Old Pottery Lane said that he does not like the idea of a double cul-de-sac and wants the existing cul-de-sac removed if the project is permitted. He also asked the Board to condition any approval so that the existing cul-de-sac would not be used as a construction staging area. Member Graham and Member Joseph assured Mr. Napoli that such a use of the existing cul-de-sac would not be allowed if the project is permitted.



Mr. Napoli also expressed concerns about water quality. Member Graham responded that the Board could not compel the looping of the water main to Circuit Street since Mr. David Mayers' property was not part of the current subdivision project and that the Board could not deny the project based on water quality concerns. Member Joseph asked the Town Planner to speak with the Water Department and ascertain where the proposed water main should be looped. The Town Planner was also instructed to ask the Water Department if their recommendation that a hydrological connection from the proposed Wildcat Hill Subdivision would still be preferred over a connection from this project, even if the future development of Wildcat remained uncertain for a number of years.

Mr. Napoli asked the Board if the existing turning easement would be removed if the subdivision were permitted. The Town Planner responded that Town Meeting would need to vote to release such an easement. Mr. Napoli said that he had drainage concerns if any of the existing grades on John Neil Drive were changed.

Member Joseph moved to extend the deadline for final action for the proposed John Neil Drive Extension Subdivision to December 14, 2007, subject to a written request from the applicant. Member Turner seconded the motion and it was affirmed by a 5-0 vote.

Member Joseph moved to continue the public hearing until November 14, 2007 at 8:00 P.M. Member Turner seconded the motion and it was affirmed by a 5-0 vote.

ADJOURNMENT.

At 10:40 P.M. Member Tobin 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 August 29, 2007.


Sally I. Turner, Clerk

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