

Norwell Planning Board Meeting Minutes
August 29, 2007

The meeting was called to order at approximately 7:02 P.M. Present were Board Members Bruce W. Graham, Charles Markham, Sally I. Turner and Town Planner Todd Thomas. Member Michael J. Tobin arrived during the discussion on Jordan Lane.

DISCUSSION: Draft Agenda.

Member Markham moved and Member Turner seconded that the Board accept the agenda as presented. The motion was approved 3-0.

DISCUSSION: Regular Session Minutes, August 15, 2007.

The August 15th minutes will be discussed and voted at the September 12, 2007 meeting.

DISCUSSION: Bills.

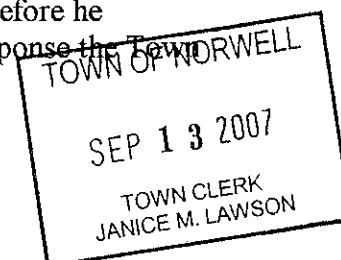
Joseph McDonough (Inv. #2007-73 / Town Center, Rebuild Stairs) \$4,650.00
Member Markham moved and Member Turner seconded that this bill for the Town Center curb cut work be approved for payment out of the Pedestrian Travel Improvement Fund, per the final authorization of the Board of Selectmen and that the payment voucher be signed. The motion was approved 3-0.

DISCUSSION: Dunkin Donuts – ZBA Letter

The Planning Board reviewed the final draft of the 10 Washington Street Dunkin Donuts letter. Member Graham and Member Turner said that they liked how the format introduced each project issue with short declarative sentences, followed by a more detailed explanation. The Board instructed the Planner to use this same format going forward on future Site Plan Review letters. The Town Planner was instructed to make specific changes to the wording of comment #13. The Town Planner was instructed to revise the letter for the approval and signature of the Planning Board Chairman.

DISCUSSION: Informal ANR Plan for Jordan Lane.

The Town Planner introduced the discussion on Jordan Lane by noting that Resident Brian Sheehan was trying to determine if he could create a lot that was acceptable to the Planning Board. Mr. Sheehan said that he wanted to be sure he could create a lot before paying for engineering plans to improve Jordan Lane. Chairman Graham reminded Mr. Sheehan that the Planning Board did not have a formal role in determining if a lot met Norwell's zoning requirements and that the Building Inspector, who serves as the Zoning Enforcement Officer, functions in that capacity. Mr. Sheehan said that he understood that any determination that the Planning Board makes about zoning compliance is not binding, but that he simply wanted informal feedback from the Board before he committed to the expense of engineering plans for Jordan Lane. In response the Town



Planner said that he had reviewed the August 10, 2007 informally submitted "PLAN OF LAND 120 FOREST STREET IN NORWELL, MA" and found no zoning concerns with it. Member Graham agreed with the Town Planner and said that upon cursory review, the lot, although oddly shaped, appears to conform to zoning.

DISCUSSION: Informal ANR Plan for Burns Lane.

The Town Planner introduced the discussion on Burns Lane by noting that Board Members received two plans showing one ANR lot (Lot 28) fronting on a substandard road that preexisted the Subdivision Control Law. The one page June 23, 2007 plan showed Lot 28 on an unimproved "country lane". The June 24, 2007 larger plan set showed the applicant's proposed road improvements that hoped to satisfy adequate width, grade, and construction (in the opinion of the Planning Board). The Town Planner related that he told Attorney Walter Sullivan, Jr. that the existing conditions "country lane" plan would not be acceptable to the Planning Board. The Town Planner also noted that the applicant only wished to discuss the road improvements needed to obtain adequate width, grade and construction in the opinion of the Planning Board and would refuse to address any of the legal issues surrounding Burns Lane or the previous creation of Lot 28.

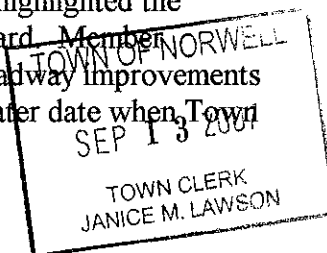
Member Graham said that out of an abundance of caution, he would like the Board to vote to accept the plans and then deny them at the close of the discussion to avoid the possibility of constructive approval.

Member Markham motioned to formally accept the application of what might be construed to be ANR plans for Burns Lane. Member Turner seconded the motion and it was affirmed by a vote of 4-0.

Member Graham noted that the applicant's brother, Peter Antell, had called him in the previous week and asked about the current Burns Lane plans. Member Graham said that he had done business with Peter Antell approximately seven years ago and there was no chance of them doing business again in the future. Member Graham also stated that he had never met the applicant and that his past business relationship with his brother would in no way taint his decision making process.

Member Graham agreed with the Town Planner and said that the existing conditions plan was a non-starter and that the applicant should focus their discussion on the proposed road improvements.

Walter Sullivan, Jr. said that the road improvement plan was the same plan approved by John Chessia in March of 2000. Paul Mirabito of Ross Engineering highlighted the specifics of the proposed roadway cross-section for the Planning Board. Member Graham said that the Board should limit its focus to the proposed roadway improvements and not get into the legal questions surrounding Burns Lane until a later date when Town Counsel could be consulted.



Member Turner said that she was opposed to the March 2000 ANR plan. She added that suitable width grade and construction is derived from the Planning Board's Subdivision Rules and Regulations and that any attempt to create Lot 28 as a buildable lot must be accompanied by road improvements that resemble what is required via a subdivision roadway. Member Turner said that she would not endorse the ANR plan without such road improvements. Member Turner requested that John Chessia review the plan and noted that his March 2000 review should be revisited since it was for a different Planning Board.

Member Graham cautioned that the Planning Board should not fall back on the full extent of their Subdivision Rules and Regulations to regulate the required drainage and improvements for Burns Lane. He then hypothesized that if an ANR plan were to come forward for a lot on a private road that was 20' wide, paved and not subject to flooding, he believed that the Board would have no choice but to endorse the plan – even though the Board would have no way of knowing what the constructed base or what drainage infrastructure of the road looked like.

Member Tobin asked how long the road improvement would be. Paul Mirabito answered that approximately 500' of Burns Lane would be newly paved.

Member Markham asked what case law says about adequate width grade and construction. Member Graham said that Planning Boards often lose lawsuits when they ask for improvements that go beyond reasonable width, grade and construction where the applicant has a road that adequately carries vehicular traffic and the Fire Chief states that he has no emergency access concerns.

Member Graham agreed that John Chessia should review the submitted road improvement plans. Member Graham said that he would like Mr. Chessia to review the proposed drainage and tie the new plans back to his June 2000 memo. Member Graham added that he would approve this ANR plan once the submitted road improvements were built and it was proven that the drainage works as designed.

Member Turner said that a review fee account should be established for Mr. Chessia's review. Attorney Walter Sullivan, Jr. agreed to a review fee account in the amount of \$500.00.

The Planning Board tabled the Burns Lane discussion and moved the meeting to the Osborn Room at 7:45 P.M.

DISCUSSION: Stormwater Phase 2 with Board of Selectmen (Osborn Room).

At approximately 7:45 P.M. the Planning Board moved its meeting to the Osborn Room to discuss Stormwater Phase 2 compliance with the Board of Selectmen. Member Graham opened the discussion by noting that a general bylaw may be needed to move into Compliance with Stormwater Phase 2 requirements. Highway Superintendent Paul Foulsham introduced Kevin McCue of Environmental Partners, the firm contracted to

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bring Norwell into Stormwater Phase 2 compliance. Mr. McCue gave an overview on the work done to date to bring Norwell into compliance. Mr. McCue stated that the lengthy field inspection program was complete in Norwell. He added that in approximately two months time, his company would be supplying a report that evaluated the various stormwater bylaws in Town and further delineated their consistency and applicability to Stormwater Phase 2 requirements. Mr. McCue also said that Norwell would be in compliance with Stormwater Phase 2 requirements by the March 2008 deadline.

DISCUSSION: Walkable Communities Workshop.

The Planning Board reconvened in the Planning Office at approximately 9:00 P.M. for a discussion on the Metropolitan Planning Organization offering a Walkable Communities Workshop in Norwell. The Town Planner informed the Board that he had invited the Metropolitan Planning Organization to Norwell to hold a Walkable Communities Workshop, which is an educational lecture that is free of charge, open to the public, and focuses on ways to improve pedestrian accessibility and the pedestrian experience in the Town Centers. Member Markham said that he was very much for the event and having the Planning Board act as the official host thereof. Member Tobin agreed with Member Markham and said that he would like to see the MPO include pedestrian access to Norris Reservation in their study. Member Turner suggested that the MPO look into the walking trails that the now defunct Pathways Committee previously mapped. The Town Planner informed the Board that he would put out a press notice for the event and ensure that Public Officials were made aware of it.

DISCUSSION: Informal ANR Plan for Burns Lane (continued).

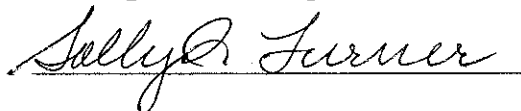
The Town Planner was instructed to do a simple Certificate of Vote denying the plan based on a lack of the required application and fee.

Member Turner moved to deny the July 24, 2007 "PLAN OF LAND FOR BURNS LANE IN NORWELL, MASS". Member Markham seconded the motion and it was affirmed by a 4-0 vote.

ADJOURNMENT.

At 9:10 P.M. Member Markham moved and Member Turner 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 September 12, 2007.



Sally I. Turner, Clerk

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