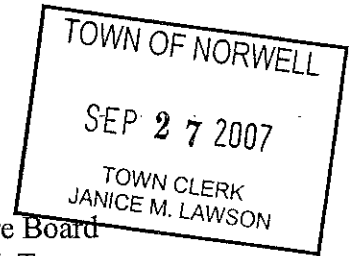


**Norwell Planning Board Meeting Minutes
September 12, 2007**



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

DISCUSSION: Draft Agenda.

Member Markham moved and Member Turner seconded that the Board accept the agenda as presented. The motion was approved 5-0.

DISCUSSION: Regular Session Minutes, August 15th & 29th, 2007.

Member Markham moved and Member Turner seconded the motion to accept the August 15th and August 29th meeting minutes as presented. The motion was approved 4-0-1 with Member Joseph abstaining.

DISCUSSION: Bills.

Todd Thomas (August 2007 Expenses)	\$ 28.19
Chessia Consulting (Pinson Lane – Inv. #254)	\$ 220.00
Chessia Consulting (10 Wash. St. – Inv. #255)	\$2,763.80
Chessia Consulting (SSMC – Inv. #257)	\$ 330.00
Chessia Consulting (Trunnel Lane – Inv. #259)	\$ 167.23
Chessia Consulting (JNDEExt. – Inv. #262)	<u>\$ 272.23</u>
TOTAL	\$3,781.45

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

DISCUSSION: Bistro Night, Handouts for WCW & Crosswalks

The Town Planner asked the Board if any informational materials for the Walkable Community Workshop or the Crosswalks Project should be made available at the Harvest Bistro Night on Sunday in the Town Center. Member Markham said the CPC would have a small booth where the materials would be displayed. Member Joseph said she was opposed to displaying any materials that dealt with the construction specifications for the crosswalks. The Board agreed that Walkable Community Workshop flyers could be available at the CPC table, as well as the "Salem Tries Resin Crosswalks" story for display on poster-board.

DISCUSSION: Trunnel Lane As-Built / Surety Review.

Steven Waitekaitis appeared before the Board for review of his As-Built plans and surety reduction request for Trunnel Lane. The Town Planner noted that drainage problems with the back cul-de-sac were not included in the \$3,000 total of remaining work on John Chessia's September 5th Construction Cost Estimate. The Planner added that he personally observed that the catch basin in the back cul-de-sac is not located at the low point, and that ponding and icing has been a consistent feature in this location.

Member Graham said that he would like to observe the road being plowed correctly throughout winter to prove that ponding/icing is not a problem. If the ponding/icing is not problematic, as the Highway Superintendent believes, Member Graham said he would revisit bond reduction in the Spring. Member Joseph agreed with Member Graham and said that she would like to wait before voting to reduce the bond.

Joe Duffy of 19 Trunnel Lane said that the cul-de-sac is not pitched correctly towards the back catch basin. He said that he did not have a solution for the ponding/icing problem, but that he believed any approach that involved cutting the road was not a preferable solution.

Jonathan Hahn of 33 Trunnel Lane said that street acceptance was of critical importance. He said that he would like to see any issues that might impact street acceptance addressed and corrected now. Member Joseph replied that she wants to see the ponding/icing issue satisfactorily addressed before she recommends street acceptance. Member Graham suggested having Highway Superintendent Paul Foulsham appear before the Board to speak about the ponding/icing on Trunnel Lane. The Town Planner agreed to schedule Mr. Foulsham before the Board at his earliest opportunity.

Upon a question from Member Joseph regarding the catch basin in question, developer Steven Waitekaitis said that the catch basin already utilizes the smallest frame and it sits directly on top of the structure – making it hard to lower the pitch. Member Joseph asked Technical Consultant Chessia to pop the cover of the catch basin and inspect it the next time he was on Trunnel Lane.

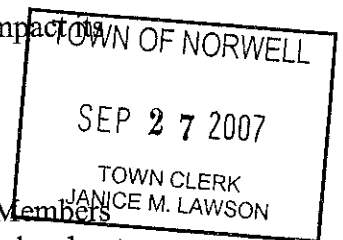
Member Joseph moved and Member Markham seconded that the Board accept the Trunnel Lane As-Builts, with the one bronze capped rebar bound in lieu of a concrete bound. The vote affirming the motion was 4-0-1 with Member Turner abstaining.

A brief discussion ensued about homeowner Duffy adding sea-grass around the down slope of the drainage basin for privacy concerns. Member Joseph moved and Member Markham seconded that the Board approve the homeowner's request to install ornamental grass on the outside of the drainage basin, as it will not negatively impact the operation.

DISCUSSION: Historical Commission Update.

The Historical Commission appeared before the Planning Board. Commission Members Pam Bower-Basso, Joe Carty, David DeGhetto, Bob Norris, and Kim Zayotti spoke about their views on scenic roads, the Demolition Delay Bylaw, creating a historic district, and future plans for the Stetson Ford House.

The Commission said they would like to create a "spine" of scenic roads throughout Norwell. Kim Zayotti said that the Commission's past scenic road recommendations were based on the same criteria as surrounding communities. Member Graham said that he likes the country feel of Norwell and personally supports scenic road regulations.

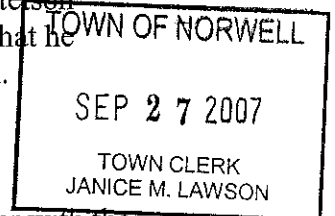


Member Graham added that the scenic road regulations (Planning Board hearing requirement) should help protect the visual appeal of the Town. Member Graham also suggested that a codified scenic road process would help ease the personal property rights fears that were cited as an argument against additional scenic road designation at Town Meeting. Upon a question from Member Joseph, Kim Zayotti agreed to remove Grove Street from future scenic road designation requests. Member Joseph commented that more public education needed to be done about scenic roads, as the Planning Board infrequently holds scenic road public hearings. Kim Zayotti said that the Commission was working towards changing the signage on currently designated scenic roads, which should help the public be more aware of the regulations.

Commission Member Joe Carty mentioned the Demolition Delay Bylaw. Member Joseph asked if they still planned on extending the demolition delay from six months to one year at Town Meeting. Joe Carty answered that the Commission hoped to extend the delay period of the bylaw and would frame the request with empirical data, proving that longer delay periods resulted in more historical homes being saved.

Kim Zayotti said that Norwell lacks an historic district and asked how the Planning Board felt about the creation of such a district. Member Graham and Member Markham said that they would support the initiative. Member Joseph asked what role the Planning Board would play in the process. Kim Zayotti said that the constitution of the committee would require one Planning Board Member. Member Joseph suggested that the Commission meet with the Selectmen and Advisory Board to educate them about the benefits of an historic district. Member Tobin suggested that the Commission mention that historic districts can garner state and federal funding.

Joe Carty asked the Planning Board about drafting a Form-A plan for the Stetson Ford House, allowing it to be sold as a stand-alone lot. Member Graham cautioned that unless Meadow Farm Way was improved to modern standards, a separate lot for the Stetson Ford House could not be created. Commission Member David DeGhetto said that he would like to see the Stetson Ford House be converted into a maritime museum.



DISCUSSION: White Barn Lane – ZBA Letter.

Member Joseph told the Board that she had discussed the White Barn ZBA letter with the Town Planner and instructed him to sort the findings into five categories as follows: access, water, stormwater, not smart growth, and density. She added that the density argument should be framed to tie back into the original setback requirements and drainage concerns. Member Joseph said that the Planning Board should require that White Barn Lane be improved to adhere to §7 through §11 of the Planning Board Rules and Regulations. Member Graham suggested that the Planning Board require the same road construction parameters suggested for Tiffany Road and 239 Washington Street along the interior driveway of the proposed development.

Member Graham spoke about stormwater design and noted that problems had arisen in the past on other projects when the public hearing was closed and the developer later

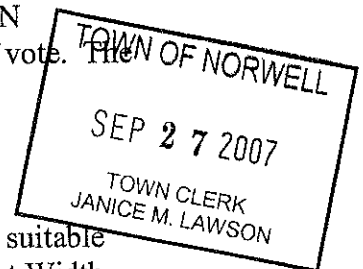
learned that he could not meet DEP stormwater requirements. He said that the Board's letter should make it very clear that the ZBA should not close the public hearing until stormwater requirements were met.

Member Markham said that the letter should highlight that the legal standing of the covenant is still enforceable.

The Town Planner was instructed to make specific changes to the letter and have a new draft prepared for the September 26th Planning Board meeting.

DISCUSSION: Burns Lane Vote to Deny July 23rd ANR Plan.

The Town Planner said the Board should vote to deny the one page July 23, 2007 ANR Plan for Burns Lane that was accepted but not formally voted at the August 29th Planning Board meeting. Upon a motion made by Member Turner and seconded by Member Joseph, the one page July 23, 2007 "PLAN OF LAND FOR BURNS LANE IN NORWELL, MASS." was denied for the reasons set forth in the certificate of vote. The vote affirming this motion was 5-0.



DISCUSSION: Standards for ANR's on Private Lanes.

The Town Planner suggested the Board should again discuss what constitutes suitable width, grade and construction on private roads. He noted that the "ANR Street Width Policy – Construction Minimums" spreadsheet was available at each Member's seat to help focus discussion on setting minimum construction criteria guidelines.

Member Joseph said that if the Board did settle on any numbers, they should be clearly noted as minimum criteria and that the Board reserved the right to require greater improvements, depending on the situation. Member Graham responded that he envisioned any established criteria be conservative and looked upon as a gold standard, giving applicants guidance as to what level of road improvements might generally ensure plan endorsement. It was decided that the Board would reserve the right to approve ANR's if some of the conservative criteria could not be met by the road improvement plan.

Member Turner used the official Street Directory to compile a list of all the private lanes in Town and made copies of many of them from the Assessor's Atlas in order to highlight the true scope of any decision that the Board made.

Member Graham said that his main intention was to introduce an element of consistency to opinions and decisions about ANR private road street construction determinations.

Member Joseph asked a legal question about the inability to extend utilities on private roads without a subdivision filing once the Town had accepted an official map. Member Joseph was also not sure if the depiction of private roads on the official map gave them any special legal distinction, even when the roads were labeled as private. Member

Graham reminded the Board that state law only recognizes public ways, statutory private ways, and private ways. "Private Lane" is a term of art with no relevance to the Planning Board.

Member Turner asked the Board to insist that private roads be formally laid out before the Board grants any ANR endorsement.

The Board then directed their discussion towards codifying the construction details on the "ANR Street Width Policy – Construction Minimums" spreadsheet. Member Joseph suggested having Town Counsel in for a meeting with the Planning Board to formally discuss this topic, allowing the full vetting of any legal issues. Member Graham agreed that it would be prudent to have Counsel Galvin in for this discussion. Member Graham added that he wanted to discuss the possibility of a lawsuit establishing de facto construction minimums for ANR's on private ways, if the Planning Board's ANR private road policy was challenged and defeated in court. The Town Planner was instructed to compile a list of questions for Town Counsel including: How high the Board should set the bar for construction minimums? Does the length of the road matter? Should the Board require an attorney's certification that the applicant owns and has the right to improve and access the way? Can the Planning Board require AASHTO compliance for sight and stopping distances? If the Board does not require these safety provisions, can the Town be held liable for future accidents?

Member Graham also suggested bringing in the Fire Chief for future discussion of ANR Construction Minimums. Member Joseph suggested we ask him about truck turning radii, considering the Fire Department has many different sized trucks.

The Town Planner agreed to coordinate the future discussions with Town Counsel and Fire Chief Reardon.

TOWN OF NORWELL
SEP 27 2007
TOWN CLERK
JANICE M. LAWSON

DISCUSSION: Tape-Recording Meetings / Procedure.

The Board discussed procedures for speaking on regular items and procedures for speaking during public hearings. The Board also considered if it would like to resume tape-recording all meetings. Member Joseph said that tape-recording regular meetings, in addition to public hearings, might be beneficial for contentious issues. Member Graham noted that the previous Town Planner advised against tape recording meetings for legal reasons. Member Markham and Member Tobin said they were not in favor of tape-recording regular meetings.

ADJOURNMENT.

At 10:35 P.M. Member Markham moved and Member Turner 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 September 26, 2007.

Sally I. Turner
Sally I. Turner, Clerk