

Norwell-Planning Board Meeting Minutes
January 9, 2008

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

DISCUSSION: Draft Agenda.

The Town Planner requested that a discussion be added to the agenda regarding an invitation to speak in front of the Norwell Chamber of Commerce. Member Turner moved and Member Joseph seconded that the Board accept the amended agenda as presented. The motion was approved 5-0.

DISCUSSION: Bills.

Todd Thomas (Dec. Expenses)	\$169.56
Monadnock Water (Inv. #8661)	\$ 50.80
WB Mason (Inv. #WZK161-000)	\$ 14.61
“ “ (#BGW839-000)	\$ 2.42
“ “ (#W78484-003)	\$ 2.79
“ “ (#W06378-002)	\$ 38.62
Chessia Consulting (Edgewood-Inv#333)	\$ 55.00
“ “ (Cowings-Inv#325)	\$446.23
“ “ (John Neil Ext.-Inv#332)	\$ 55.00
Total =	\$835.03

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

DISCUSSION: Cowings Cove Field Change, Construction Sequencing.

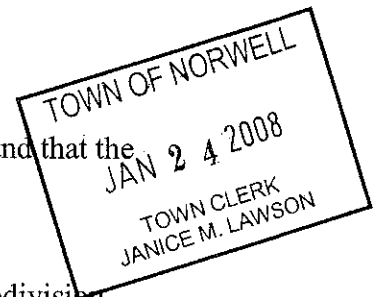
Eugene Mattie asked for a field change request allowing him to continue subdivision construction without loaming or seeding the drainage basin as a prerequisite. Technical Consultant John Chessia provided an advisory memo relative to the field change request, which stated that he was comfortable with the proposed field change as long as the conditions iterated in his memo were adhered to.

Mr. Chessia said that no mortar work would be allowed if temperatures were below freezing and that all fill material would be pre-approved by him. He added that frost cannot be buried and would need to be removed from a trench or stockpile before any associated work could resume.

Upon a motion made by Member Turner and seconded by Member Joseph, the requested field change request was granted subject to the conditions enumerated in Technical Consultant Chessia's 1/8/08 memo. The vote of 5-0 affirmed the motion.

DISCUSSION: ANR Street Width Policy.

The Town Planner informed the Board that final changes to the Private Way ANR Determination Policy were made per the Board's direction. The Board decided to make



one additional change to the document. Upon a motion made by Member Markham and seconded by Member Turner, the Planning Board approved the ANR Private Way Determination policy as amended and instructed the Town Planner to post it on the Planning Board web page. A vote of 5-0 affirmed the motion.

DISCUSSION: Surety Reduction Request Form.

The Town Planner informed the Board that the draft Surety Reduction Request Form & Policy was recently revised per the Board's instructions. He added that the draft policy was amended to tie in the Planning Board's Fee Schedule, as well as requests for surety substitutions. Upon a motion made by Member Markham and seconded by Member Tobin, the Planning Board approved the Surety Reduction Request Form & Policy and instructed the Town Planner to post it on the Planning Board web page. A vote of 5-0 affirmed the motion.

DISCUSSION: Proposed ZBL Change, §2318 Common Driveway.

The Planning Board discussed the proposed change to ZBL §2318 Common Driveway. The Town Planner said that the revised language simply requires that the common driveway access over the legal frontage of at least one of the lots being served by the driveway. Member Turner expressed concern that the proposed language could be utilized to get access to lots whose legal frontage could not supply the required access. She offered the small lots on Lincoln Street as an example. Member Graham said that the bylaw could require that the common driveway be located on the same street as the legal frontage. Suggested language included, "the common driveway shall access from the road that is common to each of the lots to be served by the driveway". It was decided that the Town Planner and Chairman Graham would work on the language and resubmit a draft to the Board that addresses Member Turner's concerns.

Member Graham suggested that the Board might want to consider if the common driveway bylaw was too prohibitive. The Town Planner added that the feedback he received was that the bylaw was overly robust in certain areas. Member Joseph instructed the Planner to talk to the Conservation Agent to determine if there were instances where the Conservation Commission permitted separate wetland crossings because it was not possible to use a common driveway due to the limitations of the bylaw.

PUBLIC HEARING: John Neill Drive Extension (Continued).

The Planning Board Clerk began the continued public hearing for the proposed John Neill Drive Extension subdivision by reading the published meeting notice and noting received correspondence for the record. Correspondence was received from Building Inspector FitzGerald, Police Chief Ross, Fire Chief Reardon, and Technical Consultant Chessia. The Clerk also noted the receipt of the Planning Board's signed Mullin's Rule Form from Member Tobin. Attending the public hearing were residents Robert Napoli of 51 Old Pottery Lane, Francis Nelson of 48 John Neil Drive and Gregg McBride of 351 Mount Blue Street (representing the Conservation Commission). Also attending the public hearing, representing the applicant, were attorney Marlin Hawthorne and City Engineers Deborah Keller and Greg Morse of McKenzie Engineering.

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Engineer Morse began the meeting by talking about the changes made on the December 19th plan submittal and referencing that he had drawn a new plan in response to Technical Consultant Chessia's January 2nd comment letter. Mr. Morse noted that the submitted plan set included rain gardens on both lots to accommodate for groundwater recharge requirements. He added that there was no missing test pit data and any missing data was for the adjacent ANR lot on Circuit Street. He said that his new plan would address Mr. Chessia's concerns about the proposed flat bottom basin.

Member Graham said that he originally wanted to close the public hearing at the conclusion of the night's discussion. He cautioned that if the hearing was closed and intractable engineering issues remained, the applicant would need to reapply with a new plan. Mr. Chessia said that he was unsure if the engineering issues could be worked out and he had not yet reviewed the plans drawn today.

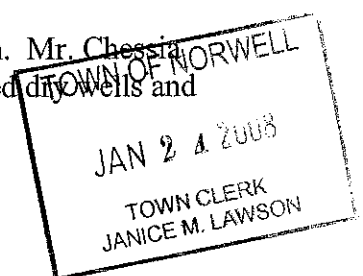
Member Graham asked Mr. Chessia about the impervious area proposed. Mr. Chessia responded that there was 5600 square feet of impervious surface proposed for each lot. Member Joseph asked if there was a sufficient impervious allotment in the drainage calculations. Engineer Keller said that she believes the impervious surface used is realistic due to the lot configuration and that the impervious surface provided for in the drainage calculations is greater than what is shown on the plans. Engineer Chessia agreed that due to site constraints, greater impervious surface than what is proposed would be unlikely to be added.

Member Turner asked for an explanation of the rain gardens. Mr. Chessia said that the gardens were designed to infiltrate driveway runoff and required by DEP standards because the basin was a retention basin, not an infiltration basin, so there will not be any other onsite recharge. Mr. Chessia recommended the Board condition any approval to ensure that the rain gardens and drywells are sited as planned through site plan review for each lot.

Member Joseph asked about the slope of the basin bottom. Engineer Morse said the plans provided for a .2% to a .3% slope. Member Joseph said that this slope was not sufficient and that the basin bottom was too flat. Technical Consultant Chessia said that a 1% pitch should be used or a stone channel should be employed at the bottom of the basin. Engineer Morse said he would add the stone channel to revised plans.

Member Markham asked about the pass and repass easement. Attorney Hawthorne replied that he had discussed it with Town Counsel and the Town Planner. The Town Planner added that he had received the easement and the homeowner's association and that once they were finalized, they would likely be sufficient.

Member Tobin asked Mr. Chessia if he had enough test pit information. Mr. Chessia replied that he would like to see test pit information beneath the planned drywells and rain gardens.

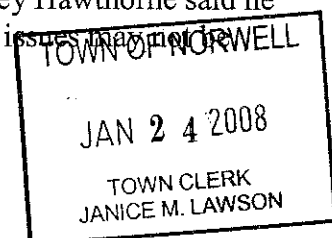


Gregg McBride of 351 Mount Blue Street, speaking for the Norwell Conservation Commission, said that a permit for the proposed project is still required under the local wetlands bylaw and asked that the public hearing not be closed until such permission was granted. Mr. McBride also said that the superceding order under the Wetlands Protection Act being sought by the applicant from DEP was for a different project. Attorney Hawthorne responded that the applicant would appear before the Conservation Commission if necessary, but that he could not provide a timetable as to when since the expected return correspondence from DEP was already past due. Mr. McBride asserted that the local bylaw is separate and distinct from what was being sought under the superceding order from DEP. Member Turner noted Technical Consultant Chessia's question about the validity of the wetland line. Attorney Hawthorne said that John Ziegler recertified the original wetlands line this year. Member Joseph said that the wetland line was not a Planning Board issue and that any changes to the line would require subdivision modification. Both engineers and the attorney representing the applicant understand the risk they run by not seeking the Commission's approval prior to the close of this hearing.

Fran Nelson of 48 John Neil Drive said that he does not want the existing cul-de-sac sheared. Member Graham responded that the existing cul-de-sac would have to be sheared before any building permits are issued. Member Graham also said that he would like a condition stating that the ANR lot construction is complete before subdivision construction could start. Bob Napoli of 51 Old Pottery Lane agreed with Member Graham.

Mr. Napoli requested that the Board close the public hearing. He said that he did not like that new plans were being presented at the public hearing. He added that he thought the project has too many loose ends, would require too many conditions, and he thought the proposal should be denied. Mr. Napoli addressed the waiver requests and specifically stated that waiver for basin slope was not in the public's best interest. Mr. Napoli said that he wanted the future owner of the Mayer's ANR lot on Circuit Street barred from a John Neil Drive water hookup. Mr. Napoli also said that the applicant has not shown the ability to do work in the existing cul-de-sac turning easement.

Member Graham asked the Board if the public hearing should be closed. Member Turner replied that she thought there were too many loose ends to close the hearing at this juncture. Member Joseph said that the decision to close was the applicant's, but that she would not consider any of the material submitted tonight as part of the submittal. Member Joseph added that she was amenable to extending the public hearing long enough for Conservation Commission permitting. Member Graham agreed to keep the hearing open. Member Tobin said that he thought the evidence submitted was sufficient. Member Markham said that the decision was the applicant's to make, but he thought the applicant would be well served to keep the hearing open. Attorney Hawthorne said he would like to continue the hearing, but he said that Conservation issues may not be resolved if there is related litigation.



A request for an extension of deadline for final action was executed. Upon a motion made by Member Joseph and seconded by Member Turner, the deadline for final action was extended until May 2, 2008. A 5-0 vote affirmed the motion. Upon a motion made by Member Joseph and seconded by Member Turner, the public hearing was extended until March 26, 2008 at 8:00 P.M. A 5-0 vote affirmed the motion.

DISCUSSION: Planning Board FY 2009 Budget.

The Board discussed the proposed Planning Board budget for FY09. The Planner noted that the proposed budget shows an increase of \$3,013.79 in total funding need, but that increase is due solely to contractual increases in salary. He added that the expense section of the budget was reduced from prior year by \$124. Member Joseph moved that the Board accept the proposed FY09 Planning Board Budget. Member Markham seconded the motion and it was affirmed by a vote of 5-0.

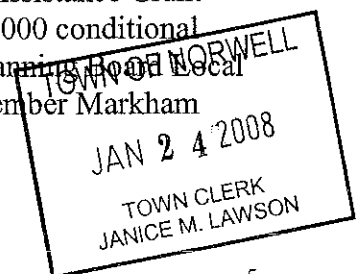
DISCUSSION: Pathway Committee PB Nomination & Discussion on BOS Committee Ratification.

The Planning Board discussed which member or designee would represent the Planning Board on the Pathway Committee. Member Markham suggested that the Planning Board representative to the Pathway Committee should serve as its Chair. Member Turner agreed to be the Planning Board designee to the Pathway Committee, but said she was unsure if she wanted to serve as its Chair.

Chairman Graham shared his conversations with both Town Counsel and the Chairman of the Board of Selectmen regarding the ability of the Planning Board to form the Pathway Committee. Member Graham related that both the Selectmen and Town Counsel told him that the Planning Board lacked the statutory authority to form such a committee. Member Markham asserted that the Planning Board had the authority to form an advisory committee without the Board of Selectmen. Member Markham said if the Planning Board truly lacked the statutory authority to form a committee, it should propose a general bylaw to Town Meeting giving it the requisite authority. Member Joseph and Member Graham agreed that the Planning Board should propose the bylaw, citing the confusion that has surrounded the appointment of the Pathway Committee as an example as to why the Planning Board needed the authority to constitute an advisory committee. Member Graham directed the Planner to work with Town Counsel towards drafting such a general bylaw. The Town Planner agreed to work on the bylaw and informed the Board that he would continue his dialogue with the Selectmen's Office about how the Pathway Committee appointments would be made.

DISCUSSION: Donovan Farm Bridge Conditional Funding Request.

The Planning Board discussed the Donovan Farm Footbridge Grant Request that the Planner drafted since the last meeting. The Town Planner explained that the grant request was an attempt to obtain a \$13,000 Smart Growth Technical Assistance Grant from the Commonwealth. Member Joseph moved to provide the \$10,000 conditional local match funding by authorizing Chairman Graham to sign the "Planning Board Local Match Commitment Letter" and to have the grant sent in to EEA. Member Markham seconded the motion and it was affirmed by a vote of 5-0.



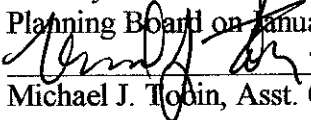
DISCUSSION: Chamber of Commerce Invitation.

The Town Planner informed the Board that he had been invited to speak in front of the Chamber of Commerce again. He said that the timing of the invitation was problematic for him due to the Planning Board meeting on the previous night. Member Joseph said that such speaking invitations were a great opportunity to inform the Chamber on what initiatives the Planning Board was undertaking. The Town Planner said that he would decline the initial invitation, but offered to speak before the Chamber at its next meeting. Member Graham plans of speaking on behalf of the Board if and when invited.

ADJOURNMENT.

At 10:00 P.M. Member Markham moved and Member Tobin 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 January 23, 2008.



Michael J. Tobin, Asst. Clerk

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