

TOWN OF NORWELL
 JUN 26 2008
 TOWN CLERK
 PATRICIA M. ANDERSON

**Norwell Planning Board Meeting Minutes
 June 11, 2008**

The meeting was called to order at approximately 7:05 P.M. Present were Board Members Bruce W. Graham, Karen A. Joseph, Charles Markham and Town Planner Todd Thomas. Member Michael J. Tobin arrived during the joint meeting with the Board of Appeals.

DISCUSSION: Draft Agenda

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

DISCUSSION: May 28, 2008 Meeting Minutes

Member Joseph moved and Member Markham seconded the motion to accept the May 28, 2008 meeting minutes as presented. The motion was approved 3-0.

DISCUSSION: Bills.

7:03 P.M.	Discussion: Bills	
	Todd Thomas (May Expenses)	\$ 47.02
	W.B. Mason (Inv. #W73469-003)	\$ 50.31
	Chessia Consulting (Cowings Cove – Inv. #407)	\$ 906.70
	“ “ (Henry’s Lane – Inv. #416)	\$ 126.95
	“ “ (Edgewood – Inv. #417)	\$ 67.50
	“ “ (Laurelwood – Inv. #413)	\$ 621.95
	“ “ (Donovan Farms – Inv. #410)	\$ 498.56
	Regular Bills Total:	\$ 2,318.99
	Town of Norwell: Police Detail for Crosswalks	\$ 739.81
	(Inv.'s: #9002-258.07, #9013-\$275.28, #9014-\$206.46)	
	Felix A. Marino Co., Inc. (Inv. #15033: Crosswalks)	\$21,700.00
	Pedestrian Travel Fund Bills Total:	\$22,439.81

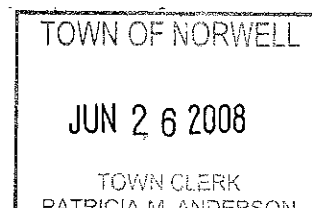
7:05 P.M. Discussion: Joint Meeting with the Board of Appeals

Member Graham began the discussion by asking how to best coordinate 40B and Site Plan review between the Board of Appeals and the Planning Board. Lois Barbour of the Board of Appeals said she is happy with the greater importance that the Town has recently given project eligibility review. She said that she believed that the Town needed to develop affordable housing. She added that she hoped that staff, possibly in the way of a 40B facilitator, would be made available to the Board of Appeals to manage the process and help write the decisions. Ralph Rivkind of the Board of Appeals asked that the Planning Board try to prioritize the relative importance of issues on its comment letters. It was also discussed to possibly have joint meetings of both boards when applicants first present new projects for Site Plan Review. This expressed benefit of this scenario is that it would save applicant’s time and money and ensure that the applicant was not expressing different things to each board. The Town Planner agreed to try to coordinate meeting schedules to allow this.

7:30 P.M. Discussion: Joint meeting with the Selectmen (40Bs & Private Roads)

The Planning Board meeting moved to the Osborn Room at approximately 7:35, so as to jointly meet with the Board of the Selectmen. Member Graham began the discussion by informing the Selectmen that the Planning Board was now routinely being presented with subdivisions that relied on operation and maintenance plans that the Town could not perform in conformance with DEP Stormwater Regulations, if it were to accept the road as a public way. Member Graham used as an example the fact that these operation and maintenance plans often relied on proprietary drainage technology that the Town had neither the resources nor the equipment to maintain in conformance with DEP Stormwater Regulations. Selectman Merritt clarified that that this proprietary technology was allowing the developer to use less land for drainage and possibly gain additional lots. With that being the case, Selectman Merritt said that he believed that any subdivision approvals should require the developer to create an endowment to fund the maintenance and replacement of this sophisticated drainage technology rather than putting the responsibility of unsuspecting homeowners or the town. Selectman Bigger stated that as long as prospective homeowners were properly notified of a recorded covenant to keep the way and stormwater management system private in perpetuity, he had no issue with the Mr. Graham's suggested approach to avoiding the town accepting the way after approval by the Planning Board. Selectman Mariano reiterated his position that the town should accept any road meeting the rules and regulations of the Planning Board. Mr. Graham pointed out that one of those regulations was meeting DEP Stormwater regulations, which could only be met by the stormwater system remaining private and maintained by the homeowners association. Upon reflection, Selectman Mariano agreed that Mr. Graham's approach was reasonable as long as the Planning Board's intent to require a covenant to keep the way and drainage system private was fully disclosed at the beginning of the Planning Board public hearing.

Member Graham began a discussion on affordable housing by espousing his disappointment that the Town seems to be utilizing its resources to react to 40Bs, rather than actually building affordable housing. He referenced the 40B Seminar given on the previous Tuesday, where the consultant recommended that Norwell should start developing affordable housing if it truly wants a say in what these types of developments look like. The Selectmen individually responded that they did not believe the Town supported the development of affordable housing. They noted that they had purchased land for the development of affordable housing in the past, but the neighbors opposed the development when it was proposed. Selectman Mariano said that no matter where the Town tried to place affordable housing, it would be adamantly opposed by the surrounding neighborhood. Selectman Mariano then blamed the Planning Board for applying its rules and regulations too strictly, limiting developers options, and de-facto encouraging 40B development. Member Graham refuted this argument by pointing to two 40B applications filed after the town approved an OSRD bylaw permitting much greater flexibility in development, and stated that larger developers chose 40B development as the only way to develop marginal land and to realize greater profits than otherwise available under traditional development. Selectman Merritt also disagreed with Selectman Mariano and said that he thought that 40B development was due largely to the desirability of Norwell and the opportunity for profit, in excess of normal development,



that the 40B law allowed. Selectman Mariano lobbied for zoning laws that allow for various nonconformities, including pork-chop lots, in order to “chew-up land” and to preserve the character of the Town. Member Graham replied that, whether we like it or not, 40B is going to change the character of the Town. He added that we can either develop affordable housing ourselves, so we have a say in helping preserve aspects of the Town’s character, or we can do nothing and let developers decide the Town’s fate.

8:30 P.M. Discussion: J. Chessia’s DEP Stormwater Presentation

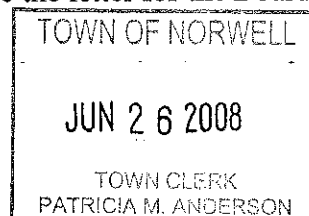
With Members of the Board of Appeals and resident David DeGhetto present, the Planning Board reconvened in the Planning Office and Technical Consultant Chessia began his planned presentation on the changes to DEP’s recently promulgated stormwater regulations. Mr. Chessia said that the first noteworthy change is that old stormwater standards were a policy, whereas they are now a regulation. He added that another noteworthy change is that the new regulations incorporate and give credit for Low Impact Development. With Selectmen Mariano and Merritt in the audience, Member Graham used the opportunity to point out the substantial maintenance requirements of LID techniques, notably rain gardens, and the inability of Norwell’s Highway Department to maintain them should they be accepted by the town as part of street acceptance. Mr. Chessia then guided the audience through the ten stormwater standards and explained the changes therein.

9:45 P.M. Discussion: Jordan Lane Road Improvements

The Town Planner introduced the discussion by relating conversations he had with both the applicant and his engineer. Both parties informed him that the promised drainage analysis for the Jordan Lane roadway improvements would not be commissioned until the Planning Board could offer additional assurance that the 18’ of road width proposed was adequate. The Board discussed the proposal and generally found that the width of 18’ was adequate, since Jordan Lane was relatively flat and straight (a formal vote was not taken however). Specifically, Members Graham, Markham and Tobin said that they would most likely accept an 18’ road width. Member Joseph said that she was adamantly opposed to the planned roadway improvements. She said that she would like to see a road width of at least 22’ and would not entertain any waivers on the required base construction. She said that she believed that more trees would be lost due to the construction than that applicant’s engineer showed. She added that any roadway plans for Jordan Lane should accommodate the full development potential of the way. Members Tobin and Markham agreed that no waivers should be given for the road’s base construction requirements.

10:10 P.M. Discussion: Vote on Crosswalk Painting

The Town Planner spoke about the letter that he drafted to the Highway Surveyor regarding the painting of new crosswalks at locations throughout Town. He said that the Highway Surveyor was expecting the letter and had previously agreed to paint crosswalks at the direction of the Planning Board. Member Graham said that he agreed with Member Joseph, in that crosswalks at school locations should be prioritized on the letter. Member Graham instructed the Town Planner to revise the letter for the Board’s next



meeting. He said that this additional time should hopefully allow for the Town Planner to resolve the enumerated issues with locating the crosswalk on Dover Street.

10:25 P.M. Discussion: Vote on Subdivision Fee Schedule

The Town Planner walked the Board through proposed changes to the subdivision fee schedule. The Board discussed the changes and asked the Town Planner to redraft the document as a result of that discussion. Member Joseph asked the Town Planner to confirm that the Board could raise its fees without having a public meeting. The Town Planner agreed to confirm this and to revise the letter for the Board's next meeting.

10:40 P.M. Discussion: Rules and Regulations Update (CRM)

Member Markham said that he favored incremental updates to the rules and regulations and he thought this summer might be a good time to do just that. Member Markham said that he thought that rules for OSRD subdivisions should be included in an update of the rules and regulations. Member Joseph said that she did not want to open up the rules and regulations until OSRD can be fully included within the revision. Member Graham said that he would rather see how the first OSRD submittal goes before delving into an additional set of rules and regulations but that members should begin considering which regulations they would consider waiving as part of an OSRD approval. He asked the Town Planner to see if he could find an opportunity to sit in on an OSRD process in another town. The Town Planner also agreed to inquire what other Towns with OSRD bylaws use for rules and regulations.

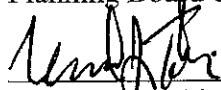
10:45 P.M. Discussion: Planner Vacation, Rescheduling the 8/28 Meeting

The Board agreed to meet on Tuesday August 26th instead of August 27th to accommodate the Town Planner's vacation. The Town Planner apologized if the change was inconvenient for the Members.

ADJOURNMENT

At 10:50 P.M. Member Markham moved and Member Tobin 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 June 25, 2008.



Michael J. Tobin, Assistant Clerk

