

**Norwell Planning Board Meeting Minutes
September 10, 2008**

The meeting was called to order at approximately 7:02 P.M. Present were Board Members Karen A. Joseph, Michael J. Tobin, Sally I. Turner, Kevin P. Jones and Town Planner Todd Thomas. Member Charles Markham arrived during the discussion on the ANR Plan for 64 May Elm Lane.

DISCUSSION: Draft Agenda

Member Jones moved that the Board accept the agenda as presented. The motion was approved 4-0.

DISCUSSION: August 26, 2008 Regular Meeting Minutes

Member Jones moved to accept the August 26, 2008 regular meeting minutes as presented. The motion was approved by a vote of 4-0.

DISCUSSION: Bills

W.B. Mason (Inv. #SBG475-000)	\$ 234.00
Chessia Consulting (Inv. #449- Laurelwood)	\$ 416.50
“ “ (Inv. #459- John Neil Dr.)	\$ 330.00
“ “ (Inv. #454-Clapp Brook)	\$ 55.00
TOTAL	\$1,035.50

Member Jones moved that the bills be paid and that the payment vouchers be signed. The motion was approved 4-0.

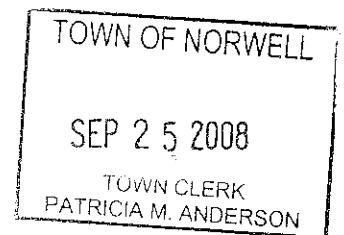
DISCUSSION: ANR Plan for #64 May Elm Lane

With Attorney Roger Hughes and Professional Land Surveyor Paul Mirabito present representing the applicant, the Board began discussing the August 21, 2008 ANR Plan of Land for 64 May Elm Lane in Norwell, Mass. The discussion centered on if the GPS and dwelling survey noted on the plan satisfied the Board's requirement for an on the ground survey. PLS Mirabito said that an on the ground survey was not needed for an ANR plan. Attorney Hughes echoed these comments and said that the requirement for an on the ground survey was unrealistic, given that no lots were being created by this plan. PLS Mirabito said that the GPS survey was only used to obtain the required Mass Grid coordinates. The Board then went through and made specific findings on the draft Certificate of Action. Member Jones moved to affirm the stated findings and deny the ANR plan for 64 May Elm Lane. A 4-1 vote affirmed the motion.

DISCUSSION: ANR Plan for #970 Main Street / Harbor Lane

Upon the applicant's request and a motion made by Member Tobin, the filing fee for the ANR plan submittal was waived by a vote of 5-0. Upon a motion made by Member Turner, the staff recommendations were adopted for findings A through X and the April 1, 2008 ANR Plan of Land Main Street, Harbor Lane and Kings Landing Way, Norwell, Massachusetts was denied by a vote of 5-0.

DISCUSSION: 2nd ANR Plan for #970 Main Street / Harbor Lane



Upon a motion made by Member Turner, the Board voted to accept the April 1, 2008, as revised August 27, 2008, ANR Plan of Land Main Street, Harbor Lane and Kings Landing Way, Norwell, Massachusetts as received on September 10, 2008. A 5-0 vote affirmed the motion. Attorney Richard Lane, representing the residents of the Harbor Lane Homeowner's Association in attendance, said that the applicant had no right to use Harbor Lane, thereby making the applicant's Harbor Lane access illusory. He then asked the Planning Board to deny the plan due to this illusory access. Member Markham agreed and said that he did not think that the Donahue's had a right to access Harbor Lane and that this lack of access might be a "legal guardrail". However, he said that he was going to heed the advice of Town Counsel and vote to endorse the plan because the Planning Board should not adjudicate this issue. Member Joseph said that Harbor Lane was a qualifying way, where the lots have the appropriate frontage, and that there is not a physical impediment to access. Roger Hughes reminded the Board that Town Counsel also advised them to endorse the plan. Upon a motion made by Member Tobin, the staff recommendations were accepted for findings B through X. A 3-2 vote affirmed the motion. Upon a motion made by Member Tobin, the Board approved the plan as approval under the Subdivision Control Law not required. A 3-2 vote affirmed the motion. The Town Planner was instructed to send the approved plan under cover to the Building Inspector, alerting him of the court case and access issues.

PUBLIC HEARING (cont.): Laurelwood Modification

Ay approximately 8:20 P.M., without a representative from the applicant, or a member of the general public in attendance, Member Turner read the public hearing notice. The Town Planner noted that the applicant's representative submitted a request to continue the public hearing and extend the deadline for final action. Upon a motion made by Member Turner, the applicant's request to extend the deadline for final action to and including October 31, 2008 was accepted by a vote of 4-0-1, with Member Jones abstaining because he is not eligible to participate in the public hearing. Upon a motion made by Member Turner, the applicant's request to continue the public hearing to October 8, 2008 at 8:00 P.M. was accepted by a vote of 4-0-1, with Member Jones abstaining because he is not eligible to participate in the public hearing.

DISCUSSION: Pathway Committee / Conservation Commission Seat

The Planning Board agreed with the Conservation Commission's appointment of David Osborne to serve as its sole representative on the Pathway Committee.

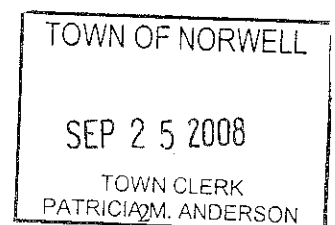
DISCUSSION: Modern Continental Chap. 11 – Donovan Farms

The Planning Board discussed if the recent bankruptcy filing for Modern Continental had any effect on the incomplete Donovan Farms project. The Town Planner said that he would investigate this in the following week.

DISCUSSION: Final Additions to the Local Hazard Mitigation Plan

The Board said that they did not have any further additions to the Local Hazard Mitigation Plan.

DISCUSSION: Wildcat OSRD Consultant Criteria & Questions

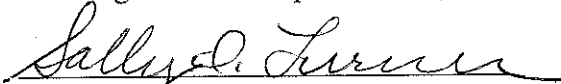


Member Joseph expressed a desire to obtain a design consultant before the upcoming Wildcat OSRD site walk on Saturday September 20th. The Board discussed providing funds for the consultant, but ultimately decided against it. The Town Planner was instructed to speak with Buzz Constable of AW Perry about hiring Randall Arendt or Peter Flinker, after obtaining pricing and an approximate scope of work from each.

ADJOURNMENT

At 9:05 P.M. Member Jones moved 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 24, 2008.


Sally I. Turner, Clerk

