

DEC 18 2009

TOWN CLERK  
PATRICIA M. ANDERSON

**Norwell Planning Board Meeting Minutes  
December 2, 2009**

The meeting was called to order at approximately 7:05 P.M. Present were Board Members Margaret Etzel, Kevin P. Jones, Karen A. Joseph, Michael J. Tobin, Sally I. Turner and Town Planner Todd Thomas.

**DISCUSSION: Robotics Team Cycling Presentation**

A middle school robotics team provided the Planning Board with a presentation on the importance of creating bike lanes on existing roads.

**DISCUSSION: Draft Agenda**

The Town Planner requested that a discussion on Town Counsel's recent Harbor Lane motion be added to the agenda. Member Etzel requested to add updates to the agenda regarding Stetson Meadows and Laurelwood. Member Joseph requested to add updates to the agenda regarding Stony Brook Lane and the Planning Board's ANR Private Way Determination Policy. Member Jones moved to accept the amended agenda as presented. The motion was affirmed by a vote of 5-0.

**DISCUSSION: November 4, 2009 and November 18, 2009 Meeting Minutes**

Member Jones moved to accept the November 4 and November 18, 2009 meeting minutes as presented and amended. The motion was affirmed by a vote of 5-0.

**DISCUSSION: Bills**

Todd Thomas (November mileage) \$40.65

Member Jones moved that the bills be paid and that the payment vouchers be signed. The motion was approved by a vote of 5-0.

**DISCUSSION: Cowings Cove Release of Covenant & Maxwell Trust**

The Town Planner said that the Board should review the resubmitted form E5 release of covenant for the Cowings Cove subdivision, and consider voting to approve said release. He added that any approved release of covenant form would be held in escrow until the proper fee is submitted, and until the deeding of Parcel B to the Maxwell Trust is complete. Developer Eugene Mattie, his attorney Walter Sullivan Jr., and Mr. Robbins of the Maxwell Trust were present to provide an update on the Parcel B land transfer. Attorney Sullivan said that a draft deed for Parcel B had been agreed to in principle with Maxwell Trust, and that this deed could be finalized as early as Friday. He suggested that the Board should use this as the rationale to grant a release of Lots 4 & 6 from the subdivision covenant. Member Joseph expressed concern with releasing any more lots for the subdivision covenant, because the partial release of Lot 1 was said to have been a one-time occurrence when it was agreed to last January.

The Board discussed various ways in which to partially release Lots 4 & 6 from the subdivision covenant. Member Jones suggested releasing these two lots outright, as the Board would still have four lots under its control. Member Jones then moved to enter

into a new Agreement for Consideration with Mr. Mattie for Lots 4 & 6, which would be based on the previously agreed to January 9, 2009 Agreement, provided that a paragraph is added about the Board acknowledging significant progress by the applicant since the January agreement, and also in consideration of the surety provided above and beyond what is required. A vote of 5-0 affirmed the motion. The Town Planner agreed to email out the new Agreement for Consideration for Lots 4 & 6 for Board Members' individual approval as soon as it was received.

**DISCUSSION: Forest Ridge Lot 16 Considerations and Release**

The Town Planner relayed a request from developer Arthur Rowe to not locate the pedestrian easement at this time due a concern that it might encourage more hunters on adjacent Town property. The Board, via consensus, said that it would not sign the Lot 16 release until the considerations asked for at the November 4, 2009 Planning Board meeting were completed.

**DISCUSSION: Building Inspector Letter & Upcoming Issues**

The Town Planner related a conversation he had with the Building Inspector regarding granting a building permit for the Form-A lot off the Masthead Drive Extension subdivision cul-de-sac. The Board directed the Town Planner to resend the same letter to the Building Inspector that was directed to his attention last year regarding this situation.

**DISCUSSION: Laurelwood Update**

The Town Planner provided a positive update on construction at Laurelwood. The Board directed the Town Planner to move Laurelwood's drainage as-built discussion to the first meeting in January.

**DISCUSSION: Town Counsel's Recent Harbor Lane Motion**

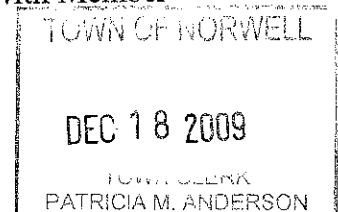
The Planning Board discussed the quality of the Town Counsel's Partial Opposition to Plaintiffs' Motion for Summary Judgment in Webb, et al v. Norwell Planning Board, et al Land Court Docket No. 386389 (GHP).

**DISCUSSION: Stony Brook Lane Update**

Member Joseph said that the Chair of the Board of Appeals, Lois Barbour, asked the Planning Board again for a width, grade and construction opinion on Stony Brook Lane. Individual Members of the Planning Board questioned if a formal letter should accompany this request, and if anything had changed since the Board sent its November 19, 2009 letter regarding this matter. The Town Planner asked the Board if he should talk to Town Counsel about the Board's November 19, 2009 letter. Member Turner moved to take no action regarding Stony Brook Lane and to rely upon the Board's previous letter. The motion was affirmed by a vote of 3-1-1, with Member Joseph abstaining.

**DISCUSSION: ANR Private Way Determination Policy**

The Board discussed the existing ANR Private Way Determination Policy. Member Jones moved to renew the Board's ANR Private Way Determination Policy with updated dates included within §6. The motion was affirmed by a vote of 4-0-1, with Member Etzel abstaining.



**DISCUSSION: Stetson Meadows**

Member Etzel asked if any feedback was received regarding the Board's recent Stetson Meadows way-in-existence discussion. The Town Planner said that only Jim Boudreau, Norwell's Town Administrator, had inquired about the Planning Board's Stetson Meadows discussion.

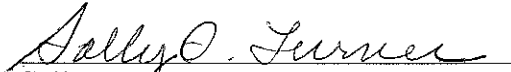
**DISCUSSION: Board Member Committee Representation Report**

This agenda item was tabled until the next meeting.

**ADJOURNMENT:**

At 10:10 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 December 16, 2009.

  
Sally I. Turner, Clerk

