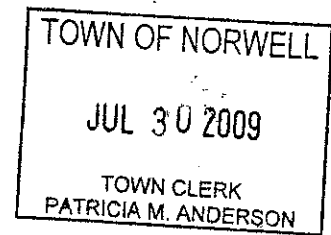


**Norwell Planning Board Meeting Minutes
July 15, 2009**



The meeting was called to order at approximately 7:03 P.M. Present were Board Members Kevin P. Jones, Karen A. Joseph, Sally I. Turner, Margaret Etzel and Town Planner Todd Thomas. Member Michael J. Tobin arrived just before the Wildcat OSRD discussion.

DISCUSSION: Draft Agenda

Town Planner Thomas requested that a discussion be added to the agenda regarding the Pathway Committee's RFP. Member Jones moved to accept the amended agenda as presented. The motion was affirmed by a vote of 4-0.

DISCUSSION: June 24, 2009 Meeting Minutes

Member Etzel moved to accept the June 24, 2009 meeting minutes as presented. The motion was affirmed by a vote of 3-0-1, with Member Jones abstaining.

DISCUSSION: Bills

Chessia Consulting (Wildcat OSRD), Inv. #537 -	\$ 530.00
Chessia Consulting (Wildcat OSRD), Inv. #551 -	920.00
Chessia Consulting (Forest Ridge), Inv. #552 -	55.00
<u>Chessia Consulting (Friendship Home), Inv. #553 -</u>	<u>1,445.00</u>
TOTAL:	\$2,950.00

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

DISCUSSION: Clapp Brook Drainage Basin Review & Surety Reduction

With Technical Consultant John Chessia in attendance, the Town Planner provided the Board with an update on the completion of the Clapp Brook Road subdivision. The largest construction item remaining was the rebuild of the drainage basin. Technical Consultant Chessia said the basin had grass growing, seemed to be well stabilized and appeared to function. Member Joseph added that she was informed that the developer requested that Clapp Brook Road be put up for street acceptance and be placed on the winter plow list. The Town Planner said that the silt fence and a form-board adjacent to the outlet structure, noted on Mr. Chessia's July 8th Clapp Brook memo, were to be removed earlier in the day. Member Jones made a motion to return the \$16,849.89 surety balance, as well as the \$1,649.26 review fee balance, both to be held in escrow for the Town Planner's confirmation of the silt fence and form-board removal. Member Turner amended the motion to return the \$16,849.89 surety balance, as well as the \$1,649.26 review fee balance, both to be held in escrow for the Town Planner's confirmation of the silt fence and form-board removal, and pending the payment of John Chessia's final bill. The motion was approved by a vote of 4-0.

Discussion times are tentative and subject to change.

Next Regular Meeting scheduled for: July 29, 2009

Pshare/Agendas/2009/July 15, 2009 Expanded Agenda.doc

TOWN OF NORWELL
JUL 30 2009
TOWN CLERK
PATRICIA M. ANDERSON

DISCUSSION: Surety Claims: Laurelwood & Forest Ridge

The Town Planner provided a status update on the Laurelwood and Forest Ridge subdivisions. He noted that Town Counsel Robert W. Galvin was present for the discussion, if the Board wanted to proceed to make a claim on the either surety balance. Laurelwood Drive residents Iris Wong and Richard Webber were also present for the discussion.

Member Joseph noted that the Laurelwood Modification has an endorsement deadline of July 16, 2009, previously extended on the Board's own Motion. Attorney Thomas Recupero, present, representing applicant Simeone Properties LLC, said that he reviewed the Modification's Certificate of Action, and would like to address all of the outstanding subdivision issues "as a package". Mr. Recupero added that he could have the endorsement mylars submitted immediately, and wished to have the entire subdivision completed by the fall. Member Joseph reminded Attorney Recupero that the Modification had a construction deadline of October 31, 2009. Attorney Recupero said that this deadline was not an insurmountable date. The Town Planner reminded Attorney Recupero that the Certificate of Action had various timing conditions included therein that made the October deadline actually quite difficult to meet.

Attorney Recupero addressed the subdivision's uninspected paving and the unconstructed nature trail. Town Counsel Galvin suggested the Board resolve the nature trail issue with an in-kind contribution to the Pedestrian Travel Improvement Fund. He also suggested the Board negotiate a sum of money to guarantee the uninspected pavement. Attorney Recupero suggested that this sum could come from the subdivision's surety balance. It was decided that a meeting between the Town Planner and Attorney Recupero might aid further negotiations. This meeting was scheduled for 2:00 P.M. on Tuesday July 23rd. The Town Planner was instructed to schedule a Laurelwood update on the July 29th meeting agenda for 7:05 P.M. Upon a motion by Member Jones, the endorsement deadline was extended through July 30, 2009. A vote of 4-0 affirmed the motion.

At the conclusion of the Laurelwood conversation, Town Counsel read the Lender's Agreement for the Forest Ridge subdivision. He concluded that the Town Planner should send a letter to Arthur Rowe stating that he is in default of this agreement and to make a demand upon the surety in compliance with the agreement. Town Counsel said to ensure that the lender was copied on the letter and that he would review it before it was sent.

DISCUSSION: Public Hearing (Cont.): Wildcat OSRD Deliberations

Member Turner read the public hearing notice and noted the submittals from June 24th meeting to current day. Present for the discussion were Buzz Constable of A.W. Perry, Professional Engineer Brad McKenzie, Registered Landscape Architect Michael Radner, and Jay and Paul Gallagher, all representing the Wildcat development team. Member Joseph began the discussion by noting that the public hearing was kept open for potential discussion on the draft decision, as well as comments from Member Jones who had been unable to attend the previous discussion. Member Jones, said that his immediate reaction after listening to the audio of the prior meeting was that he did not agree with the discussion on the 100 foot buffer requirement. He said that, by definition, a buffer is a

measurement of depth, not length or frontage. He added the buffer was important in this location to hide the house on Lot 11 from view from Wildcat Lane, which is a scenic road. Member Jones said he was pleased with the proposal to redesign the drainage basins to look more like rain gardens and was open to allowing portions of such drainage techniques in the open space. Member Jones asked if there could be an effort to make the homes "greener" by employing solar panels or geothermal heating, as a tradeoff for more leeway on various other issues. Mr. Constable replied that the new building code would substantially make new homes greener, regardless of what is proposed as part of the project. Jay Gallagher said that he would work to make the homes energy efficient, but was hesitant to have this legislated via a condition of project approval.

With no other general conversation taking place, the Board and the Wildcat development team reviewed the draft Certificate of Vote and discussed each condition in ascending order. The Town Planner was asked to follow up with both Town Counsel and Technical Consultant Chessia about certain questions raised by the draft conditions of approval.

Upon a motion made by Member Jones, the public hearing for the Wildcat Hill OSRD was closed by a vote of 5-0.

DISCUSSION: Pathway Committee RFP

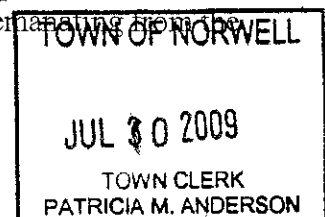
The Town Planner distributed a draft RFP that the Pathway Committee wanted to send to the Town Administrator and Town Counsel for review. The RFP was for the procurement of engineering services to design, draft construction plans and oversee construction services for the creation of a pathway from the middle school to the high school. Board Members were to review the RFP and return any comments to the Town Planner.

DISCUSSION: Stetson Meadows ANR Meadows Farm Way In Existence

The Town Planner updated the Board about the Stetson Meadow ANR. He reported that neither the Selectmen nor the Conservation Commission made any visible progress towards resubmitting the plan and that a standoff of sorts had ensued. The Town Planner said that he spoke with Selectman Merritt on multiple occasions since the last Planning Board meeting, and that Mr. Merritt was focusing his time on trying to obtain a legal opinion that a way in existence did not lose such status when it was moved due to the taking for a State Highway. The Town Planner also noted that after some research through the files with Member Turner, it appeared that the long section of Meadow Farms Way that paralleled Route 3 was built when the highway was laid out in the early 1960s.

DISCUSSION: White Barn

The Town Planner gave a brief update on the recent White Barn meeting in the Osborn Room. Town Counsel, the Selectmen, the Board of Appeals, members of the Conservation Commission, Member Turner, Member Joseph and the Town Planner attended this meeting. The Town Planner reported that the applicant or a representative thereof was not in attendance at the meeting, which was described as a pre-settlement discussion. It was reported that the brunt of the meeting's discussion, emanating from the



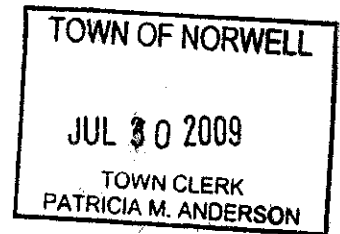
meeting from the land-use Boards; focused solely on the need to have the wetlands delineated and the amount of fill determined before any project on the site could be properly considered. The Town Planner added that the applicant, apparently as a result of the meeting, contacted the Planning Office and the Conservation Commission on the following morning expressing a desire to move forward with a wetland delineation.

ADJOURNMENT

At 11:35 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 July 29, 2009.

Sally I. Turner
Sally I. Turner, Clerk



TOWN OF NORWELL

JUL 30 2009