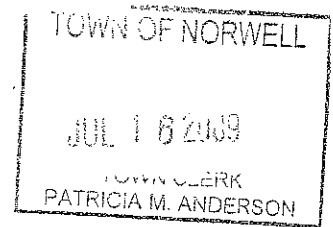


**Norwell Planning Board Meeting Minutes
June 24, 2009**



The meeting was called to order at approximately 7:00 P.M. Present for the entire meeting were Board Members Karen A. Joseph, Margaret Etzel, Sally I. Turner and Town Planner Todd Thomas. Member Michael J. Tobin arrived during the White Barn discussion.

DISCUSSION: Draft Agenda

The Town Planner requested that discussions be added to the agenda regarding White Barn and the FY09 Budget. The motion was approved by a vote of 3-0.

DISCUSSION: June 10, 2009 Meeting Minutes

Member Etzel moved to accept the June 10, 2009 regular and executive session meeting minutes as presented. The motion was approved by a vote of 3-0.

DISCUSSION: Bills

W. B. Mason Co., Inc. (Inv. #893536-000) -	\$ 12.10
Reserve Account (Postage 7/1/08-6/30/08) -	133.75
<u>Todd Thomas (June 2009 Mileage Reimbursement) -</u>	<u>21.12</u>
TOTAL:	\$ 166.97

Member Etzel moved that the bills be paid and that the payment vouchers be signed. The motion was approved by a vote of 3-0.

DISCUSSION: Letter for Friendship Home at 460 Main St.

With PLS Terry McGovern, Paul Bourque and the Attorney Jeff Angley present representing the applicant, the Planning Board discussed its site plan review comment letter for the Friendship Home at 460 Main Street. Upon a motion made by Member Etzel, the comment letter was approved for Member Joseph's signature by a vote of 3-0. Board of Appeals Member David Turner entered the room and said that all of the Planning Board's comments were included in the project's decision

DISCUSSION: White Barn Settlement Discussion

The Town Planner informed the Board of an invitation to a joint settlement discussion regarding the White Barn Village 40B. The Selectmen offered this invitation to the Board of Appeals, the Conservation Commission and the Planning Board. Member Tobin arrived and the Planning Board discussed the invitation. After a lengthy discussion, a consensus emerged that the Planning Board should not attend the July 1st joint Executive Session discussion on White Barn. Member Etzel said that the Planning Board does not advise applicants on how to best use their land, and the Board should never give legal advice. Member Joseph said that since there is not a subdivision application before the Board at this time, there was nothing to discuss. She added that if a subdivision application were to be submitted to the Planning Board, it would act on it in the same manner that it does all submitted applications.

DISCUSSION: Laurelwood Modification Endorsement

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Member Joseph discussed the July 22nd meeting with the Selectmen and Town Counsel regarding Laurelwood. She noted that Bob would be sending a letter informing the applicant that the Board may be taking action on the outstanding subdivision surety at its July 15, 2009 meeting. The Town Planner said that he was unable to reach Town Counsel and could therefore not confirm if this letter had been sent. After a brief discussion, Member Tobin moved to extend the endorsement deadline to and including July 16, 2009. A vote of 4-0 affirmed the motion.

DISCUSSION: Stetson Meadows ANR (ConComm)

Member Joseph opened the Stetson Meadows ANR discussion by informing the Board that a meeting had been arranged on July 1st at 4:00 P.M. to discuss the plan with Selectman Merritt, Conservation Agent Hardy and Conservation Commission Member Chris Mickle. The Town Planner informed the Board that Ms Hardy requested that the filing fee be waived for the ANR because the Conservation Commission was the applicant. Upon a motion made by Member Tobin, the Board waived the fee by a vote of 4-0. The Board then made specific findings on the draft Certificate of Action. A discussion ensued if Meadow Farms Way was a way in existence, as well as if the "GRAVEL DRIVE TYP" shown on the plan through the site was in fact Meadow Farms Way. Member Turner said that she believed that Meadow Farms Way should be laid out as part of this ANR process. Upon a motion made by Member Tobin, the Board adopted staff recommendations for the findings, as modified by the Board's discussion. A vote of 4-0 affirmed the motion. Upon a motion made by Member Turner, the Board denied the ANR plan for Stetson Meadows because of the reasons stated in the findings, and found that the plan was not substantially compliant with the requirements. A vote of 4-0 affirmed the motion.

PUBLIC HEARING: Wildcat OSRD Special Permit (Cont'd.)

With the Town's Technical Engineering Consultant John Chessia and Centennial Way residents Kelly & Michael Fortin, Carol McLendon, John LaCora and Joe Finnigan in attendance, Member Turner read the public hearing notice and noted the submittals as listed in the provided excerpt from the project's draft decision. Member Joseph noted that Member Kevin Jones was not present for the hearing, but that the Board had previously accepted the provision of Mullin's Rule / MGL Chap. 39 §23D. The Town Planner elicited the immediate opinion of Town Counsel that Mullin's Rule was applicable to a special permit public hearing process.

With Paul Gallagher, Landscape Architect Michael Radner, Buzz Constable and Professional Engineer Brad McKenzie in attendance representing the applicant, Mr. McKenzie described the changes made to the Wildcat Hill OSRD Special Permit plans since the last revision. These changes included moving the drainage swale outside the right-of-way and adding a four-foot wide shoulder between this swale and the road. Mr. McKenzie added that the lots impacted by the swale now do not meet minimum upland requirements, but that the Board can authorize any reduction in dimensional requirements, including zoning bylaw §2423 Storm Water Management System, under the OSRD Bylaw. Member Joseph said that she envisioned a condition of any special permit approval requiring the existence of a homeowners' association to maintain these

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drainage swales. Technical Consultant Chessia asked that all swales be located above seasonal high groundwater as a condition of approval, and said that this potential condition may not be met on Road C due to the proposed cut in this location. Member Joseph said that she did not think that a potential change of an open to a closed drainage system on Road C was a substantial change under the OSRD Bylaw. A consensus emerged among Board Members that swales could be counted in the open space.

Member Joseph spoke to the previously granted straw-votes on major waivers, including the 40 foot right-of-way, 8% roadway grade and the 20 foot roadway width (22 feet along the 8% grade). Mr. McKenzie noted that the Board has informally agreed to variations of the typical roadway cross-section for design elements, such as the meandering sidewalk outside the right-of-way. Mr. McKenzie then described additional plan changes made since the last revision, including where the width of roadway pavement was increased to 22 feet in width along the 8% curve. Mr. McKenzie then alluded to a meeting with Water Department Superintendent Jack McInnis, where the design for the water main routing was finalized, including dead-end mains at the termini of Road C & Road D. Mr. McKenzie then described the new Road C cul-de-sac location for the wastewater treatment plant building. He noted that the access to the building is shared with the access and parking for the adjacent drainage basin. He added that the building was being built at grade, without a retaining wall and within the open space. Upon a question from Member Joseph, Buzz Constable of A.W. Perry confirmed that he would be amenable to a condition that required the design of the wastewater treatment plant building be compatible with the single family home design elsewhere on the property. Member Joseph said that, given the redesign of the wastewater treatment plant building, she was now amenable to it being allowed in the open space.

Michael Radner presented the changes in the plan for additional landscaping. He noted different grass seed mixes for wet versus dry parts of the drainage basins, as well as a dry-seed grass mix over the septic area. Mr. Radner showed the Board multi-layered horizontal and vertical screening to the abutters on Centennial Waye. Member Joseph said that the proposed landscaping was very good, but expressed concern regarding the proposed chokeberries on the lower berm of the drainage basin, adjacent to the backyards of the Centennial Waye abutters. She suggested evergreens in place of the chokeberries, so as to provide additional year-round screening.

Member Joseph asked about the management and upkeep of the open space. Mr. Constable replied that he would be amenable to making the homeowners' association submit an annual report that would speak to the quality and the protection of the open space. Mr. Constable requested that the homeowners' association be allowed to change, abandon or amend trails with the permission of future Planning Boards. The Board was amenable to this request. Mr. Constable added that A.W. Perry was granted a revocable license to construct and maintain trails on Town property adjacent to the site. He also said, upon a question from Member Joseph, that the applicant would be amending the approved Notice of Intent for the site, and that any process with the Conservation Commission would be concurrent with the subdivision's definitive phase.

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Member Joseph asked if the Board was still amenable to providing leeway within the open space for biomorphic drainage basins, provided that the conventional drainage basins can be proven to work given the proposed sizing. Mr. Constable asked that the special permit decision be written to allow an incremental increase into the open space for a biomorphic design (per the Board's discretion). Member Tobin asked if the biomorphic basins be designed for the same level and ease of maintenance. Mr. McKenzie agreed to this request. Member Joseph said that she was amenable in the special permit phase to a 3:1 slope being allowed on the outside of the basin, but that the basin should have the required 4:1 slop on the inside. Mr. McKenzie said that the OSRD Bylaw gives the Board the authority to locate such a bio-retention basin entirely within the open space. Member Joseph said that the special permit decision should focus on the functionality of the basin.

The Board discussed proposed Lot 11 with Mr. McKenzie and Mr. Constable. The Board contended that the 100 buffer called for in the bylaw made this lot problematic. Mr. McKenzie and Mr. Constable expressed a different interpretation of the bylaw, saying that they had met its requirements by providing a buffer of 100 feet in length along Wildcat Lane. The Board contended that the 100-foot buffer was meant to be a measurement of depth, not length. Member Joseph did not agree with the applicant's interpretation, but said that she would let this issue go as long as additional screening was provided in this area. The Town Planner said that he would write the decision based on a waiver for the 100-foot depth requirement being granted in lieu of this additional screening.

Michael Fortin of 29 Centennial Waye said he approved of the new location of the wastewater treatment plant building. Kelly Fortin of 29 Centennial Waye asked that construction not begin each morning until 8:00 A.M. Mr. Constable replied that the applicant would try not to work on the drainage and septic area adjacent to Centennial Waye before that time.

Member Joseph said that she does not expect any new information to be submitted, but that she wanted to keep the public hearing open until July 15th. She said that the continued public hearing would allow the Board to work on conditions with the applicant. Upon a motion made by Member Tobin, the public hearing was continued until July 15, 2009 at 8:00 P.M. The motion was affirmed by a vote of 4-0.

DISCUSSION: Forest Ridge Alternate Surety Substitution

The Town Planner informed the Board that there would be no Forest Ridge discussion because no materials were submitted for review.

DISCUSSION: Planning Board FY09 Budget

The Town Planner said that \$2,693.10 remained from the expense allotment in the Planning Board's FY09 budget. Upon a motion made by Member Etzel, the Town Planner was instructed to use a portion of the remaining funds for the purchase of a locking file cabinet, as well as a locksmith to make keys for the other file cabinets. A vote of 4-0 affirmed the motion. Upon a motion made by Member Turner, the Town

Planner was allowed to pay for his yearly American Planning Association dues from the remaining funds in the FY09 budget. A vote of 4-0 affirmed the motion.

ADJOURNMENT

At 11:10 P.M., Member Turner moved 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 July 15, 2009.

Sally I. Turner
Sally I. Turner, Clerk

