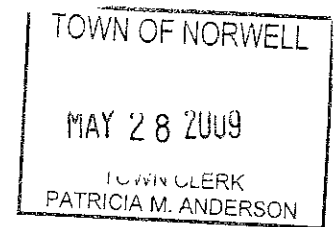


Norwell Planning Board Meeting Minutes
May 6, 2009



The meeting was called to order at approximately 7:07 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: Draft Agenda (@ Town Hall Planning Office)

Member Etzel added a discussion on media relations to the agenda. Member Etzel moved that the Board accept the amended agenda as presented. The motion was approved by a vote of 5-0.

DISCUSSION: April 29, 2009 Meeting Minutes

Member Tobin moved to accept the April 29, 2009 meeting minutes as presented. The motion was approved by a vote of 4-0-1, with Member Turner abstaining.

DISCUSSION: Bills

GateHouse Media (4 Patriot Ledger Ads) -	\$ 733.15
Chessia Consulting (Wilcat OSRD, Inv. #523) -	2,260.00
Chessia Consulting (Cowings Lane, Inv. #524) -	609.00
<u>Todd Thomas (April mileage reimbursement) -</u>	<u>25.47</u>
TOTAL	\$3,627.62

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: Forest Ridge Planting Plant

The Town Planner explained to the Board that the approved planting plan for the Forest Ridge subdivision in 2002 required revisions because its plant list contained Burning Bush, an invasive species that is banned for sale within the State. The Board was provided with developer Arthur Rowe's alternate planting plan, with a fax date of May 6, 2009. The Board was also provided with a letter from Abby Hardy, Norwell's Conservation Agent, dated March 25, 2009, containing alternate planting suggestions consisting of native species. Member Joseph suggested that the Board's larger goal should be obtaining subdivision surety, not substituting the plantings for native species. Member Etzel moved to accept the applicant's May 6, 2009 amended landscaping plan, provided that if the applicant had not completed any of the planting work, that he consider the Conservation Agent's alternate suggestions. A vote of 5-0 affirmed the motion.

DISCUSSION: John Neil Drive Extension Endorsement

The Town Planner presented the Board with the complete and near complete legal documents required for subdivision endorsement. The Town's Technical Consultant, John Chessia, was present and issued his report on the mylars. Member Joseph moved to endorse the John Neil Drive Extension mylars, with two signatures tonight and Member Etzel affixing the third signature on Thursday after receiving evidence of completed legal submittals. A vote of 5-0 affirmed the motion.

DISCUSSION: Laurelwood Modification Endorsement

The Town Planner provided an update on the endorsement status of the Laurelwood Modification subdivision. The Town Planner was asked to contact Simeone Properties and its attorney more earnestly and urgently. Member Joseph instructed the Town Planner to inform Town Counsel of the situation. The Town Planner was also instructed to draft a letter advising Marie Nyhan, Attorney Recupero, Jim Boudreau, Robert W. Galvin, and William Simeone of the upcoming endorsement deadline and that the Modification’s conditional approval offers no option for extension.

PUBLIC HEARING: Wildcat OSRD Special Permit

At approximately 8:04 P.M., Member Turner read the public hearing notice. Member Joseph began her prepared opening remarks, as follows:

“Welcome to the first public hearing for an OSRD Special Permit in Norwell. The purpose of the OSRD bylaw is:

- To allow creativity and flexibility in residential design
- To encourage permanent protection of public open space, wildlife habitat and natural resources
- To encourage less sprawling and more efficient development that conforms to the existing topography and preserves natural features
- To minimize site disturbance
- To further the goals of the Master Plan and Open Space plan
- To make construction and maintenance of streets, utilities and public services in a more economic and efficient manner
- To facilitate construction and maintenance of public trails and to enhance the pedestrian experience

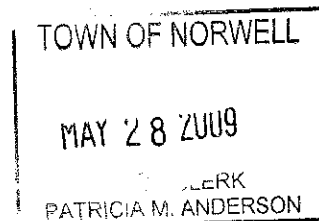
The Wildcat site is suitable for these purposes and qualifies, as it is over 5 acres. The applicant has gone through a pre-application conference in the fall of 2008. Plans from the pre-application conference are in the special permit drawings. Informal discussions that were part of the pre-app conference regarding site design and waivers will be part of the special permit hearing.

The Special Permit is an entirely new submittal from the past Definitive Subdivision Plan that the Planning Board approved in the fall of 2005. AW Perry has an approved 44 lot subdivision plan with 43 house lots and 1 wastewater treatment lot. That plan is a reference for the OSRD Plan on what could be obtained under a conventional subdivision. That plan today requires changes as land area was added to the OSRD project area and the Conservation Commission only permitted one wetland crossing.

The OSRD consists of 3 distinct steps:

- Pre-Application Conference
- OSRD Special Permit
- Definitive Subdivision Plan

We are here for the OSRD Special Permit.



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The bylaw, under Section 4850, provides that the Planning Board may approve the OSRD Special Permit if it finds that the proposed development has less detrimental impact on the subject property and abutting neighborhood than a conventional definitive subdivision after consideration of the following factors:

The Development Plan:

- Achieves greater flexibility and creativity than a conventional subdivision
- Promotes permanent preservation of open space
- Promotes a less sprawling and more efficient form of residential development that consumes less open space and conforms to the existing topography and natural features better than a conventional subdivision
- Reduces the amount of disturbance
- Facilitates construction and maintenance of streets, utilities and public services in a more efficient and economical manner
- Facilitates construction and maintenance of pedestrian trail and enhances the pedestrian experience
- Complies with the bylaw

The OSRD Special Permit plan is followed up by a Definitive Subdivision Plan. The Definitive Subdivision Plan must be consistent with the approved OSRD Special Permit Development Plan. Material changes to the number of building lots, open space acreage, lot layout, development pattern which affects open space preservation and natural features, changes to stormwater or wastewater could cause the Planning Board to determine that the Definitive Plan does not comply with the Development Plan. This could result in the Definitive Plan being denied. It therefore behooves the developer to have the Development Plan fairly well worked out in this Special Permit stage.

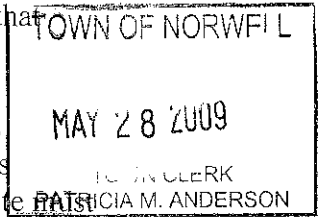
The Planning Board will likely grant some waivers from the Subdivision Rules and Regulations during the Special Permit hearing. As just noted, if the Development Plan changes, the Planning Board has recourse. Additional waivers can and likely will be sought in the Definitive Subdivision phase.

We understand that the applicant intends that the subdivision road will likely be put to the town for acceptance in the future. The board makes no promises that that will happen as the town's resources are limited. Waivers or drainage agreements for the development may be granted in exchange for keeping the road and drainage private in perpetuity.

All votes require a supermajority since a Special Permit will be issued. On a 5-person board, 4 out of 5 votes will be needed on each vote taken. The timeline for the OSRD is that the board has 45 days to make a decision after the acceptance of the Development Plan unless there is an agreement to extend the deadline.

Finally, the applicant will present first. The board will then ask questions and the board's peer review engineer will give his report. Public questions and comments will then occur. I ask that you give your name and address then ask your question or make your

comment. In the interest of time and giving all an opportunity to comment, I ask that repetitive comments be minimized. Thank You



With that, the first order of business is to revote to accept the development plan as substantially complete. The Planning Board voted on 4/29/09 to accept the plan as substantially complete; however, after the vote Town Counsel opined that each vote be a supermajority.” With that, Member Tobin moved to accept the Development Plan as substantially complete effective on 4/29/09. Member Jones said that he would reconsider his previous no vote. A vote of 5-0 affirmed the motion.

With residents Bruce Graham of Hemlock Drive, Marie Molla of Prospect Street, Michael and Kelly Fortin and Carol McClendon of Centennial Waye, Diane Malloy of Wildcat Lane, Paul Gallagher, Jay Gallagher, Michael Radner, Buzz Constable of the development team in attendance, P.E. Brad McKenzie presented the proposed project. Mr. McKenzie noted the March 20, 2009 Special Permit submittal date, as well as the original definitive subdivision approved in 2005. He then noted many of the permits already in-hand, including approval for a wetland crossing from the Conservation Commission, MEPA approval, and a Groundwater Discharge Permit from DEP. He added that the property at #213 Wildcat Lane was added to the development site since the definitive subdivision approval in 2005.

Mr. McKenzie then compared the impacts of the approved subdivision versus the reduced impacts resulting from the proposed OSRD design. According to Mr. McKenzie, the juxtaposition between the two developments yields approximately 30% less site disruption, 1,000 linear feet less roadway, 2.8 acres of less impervious surface, and 20,000 less cubic yards of fill required for construction of subdivision infrastructure and to raise the house sites above seasonal groundwater table. Mr. McKenzie spoke to the site walk with Randall Arendt and the design waivers that were considered by the Planning Board during the Pre-application Conference, and the three different roadway cross-sections shown on the OSRD Development Plans that resulted from these waivers. He said that the stormwater management for the proposed OSRD is very similar to the stormwater management system in the approved subdivision. Mr. McKenzie said that while the OSRD Bylaw gives this site a yield of over 60 lots, other constraints in the bylaw bring the total number of possible lots closer to 48.

Landscape Architect Michael Radner of Bartsch & Radner Design, Inc. addressed the Board and spoke to the time he spent on the property, and how he revised the Special Permit plans to better use the stone walls on-site. He added that he also altered the loop road configuration that was originally envisioned, to create a T-intersection for traffic calming purposes. He said he also worked with the existing grades to shorten the three cul-de-sacs, and he added variation to the lot widths and depths. Mr. Radner addressed the pedestrian benefits of the plan and spoke to the meandering sidewalk and tamped-earth walking trails. He spoke to the screening around the wastewater septic field and treatment plant building, and noted that an architect is working on making the building appear like a barn or house. He also asked if the Board would consider allowing drainage basins in the open space, if the basins were designed to blend with the natural landscape.

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These "biomorphic" basins would be landscaped, comport with the natural grades, and be larger and flatter than traditional drainage basins, if some leniency could be offered on the open space calculation.

Member Joseph commented that the project's open space is right at the minimum 50% requirement and the wastewater treatment plant building appears to still be located in the open space. Member Joseph inquired as to the total area of drainage basins being proposed in the open space. Buzz Constable replied that the applicant was only looking to have the difference in size between the biomorphic drainage basins and traditional drainage basins allowed in the open space.

Member Jones said that he did not believe that the wastewater treatment plant building should remain in the open space. He said that he wanted more mitigation for the Centennial Way abutters, as well as more robust screening. Mr. McKenzie replied wastewater treatment system was in the optimal location due to limited soil conditions. Mr. Constable agreed, and said that the perc rates dictated that the system was currently proposed in the only truly viable location. Mr. Radner said that the planting plan for this area was yet to be defined and full screening would be provided here, as well as along the property line. Member Joseph asked if more trees could be saved between the septic field and the roadway that services the wastewater treatment plant building. Mr. Radner replied that he would look at this area more closely.

Member Etzel said that it was unfortunate that the septic area had to be located directly behind the Centennial Way abutters. Mr. McKenzie replied that the wastewater system was the same design already approved by DEP, as well as the Planning Board as part of the original subdivision design. He added that this original design did not provide any screening for the Centennial Way abutters. In response to a question from Member Etzel, Mr. Constable said that he envisioned the homeowners' association would maintain the open space and trail system, and that the trail system would be open to the public. Member Joseph asked if a narrative explaining the ownership and maintenance of the open space be included with any revised submittals. She added that boulders unearthed during construction could be used to demarcate the open space from private property. Mr. McKenzie and Mr. Constable replied that the bylaw required that permanent monuments be established to perform this task.

Mr. Constable said that a solid pervious surface would be utilized for the walking trails. Member Joseph asked why there were no trails shown on the adjacent town property. Mr. Constable replied that they are seeking permission from the Board of Selectmen for these trails and would be amenable to discussing these trails further.

Member Etzel asked if the subdivision road would be put up for acceptance. Mr. Constable replied that the applicant would not put the road up for acceptance and would be open to executing a covenant to guarantee as such.

Member Joseph and Member Turner noted that the road did not widen along the curve at the 8% grade as requested.

Technical Consultant John Chessia spoke about the potential waiver for a 40-foot right of way. He said that he believed the road needed an adjacent shoulder to house the utilities and support the edge of the pavement. He said he would be amenable to locating drainage swales on easements within the lots, as opposed to locating them strictly within the right of way. Mr. Constable confirmed that John was asking for 4-foot wide shoulders along the edge of pavement. Mr. Chessia said that he was concerned about the function of the swales when proposed in areas of cut.

Member Joseph said that proposed OSRD design appears to be better than a conventional subdivision, as more open space and pedestrian amenities were offered therein. She said that she also did not want the wastewater treatment plant building located in the open space, but was open to the biomorphic drainage basins being located partially within the open space. A consensus emerged that the Board as a whole was also open to exploring biomorphic drainage basins partially within the open space in greater detail. Member Joseph then confirmed that basements would not intercept seasonally high groundwater. She asked for a copy of DEP's Groundwater Discharge Permit, as well as copies of any extensions thereto.

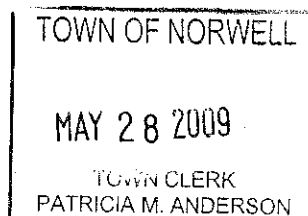
Diane Malloy of Wildcat Lane said that the 40-foot right of way and narrower roadways "whittle away" at the open space. She suggested a right of way waiver for the cul-de-sac roads, but not for the main subdivision roadway. She added that she is in favor of OSRD design, but is concerned by the narrow roads proposed.

Carol McClendon of Centennial Waye said that she wants the wastewater treatment plant building moved further away from her house. Mr. Constable said that the development team explored moving this building across the street, but determined that this was not feasible. He added that the building might be able to be moved slightly, but that the focus should be on screening it and not moving it.

Kelly Fortin of Centennial Waye said that she also wanted the wastewater treatment plant building moved further away from her house. She added that a trail connection for the project to Centennial Waye was another strike against the abutters. Mr. Constable noted that there would be no connecting trail to Centennial Waye without the consent of the abutters, but that it has been proposed as a benefit to the neighborhood.

Bruce Graham of Hemlock Drive said that he believed that the developer could easily design and permit a waiver-less conventional subdivision plan, which would offer many less amenities than the OSRD design currently proposed. He urged the Board to approve the Special Permit, as absent an approval, the development could come back as 40B. He added that the subdivision roadway should remain private because the town cannot support the corresponding operation and maintenance plan that is needed to meet DEP requirements.

The Board conducted straw votes on waivers.



- By a vote of 5-0, the Board agreed with a potential waiver for a 40-foot right of way and 20 feet of pavement width on the three cul-de-sac roads.
- By a vote of 4-1, the Board agreed with a potential waiver for a 40-foot right of way on the main subdivision road.
- By a vote of 5-0, the Board agreed with a potential waiver for 20-feet of pavement width on the main subdivision road, provided that the pavement width flared out at the curve as Member Turner requested.
- By a vote of 5-0, the Board agreed with a potential waiver for 8% centerline grading. Member Joseph said that her yes vote was made reluctantly due to safety concerns.
- The Board agreed by consensus that it was amenable to locating the sidewalk outside the right of way.

Mr. McKenzie said he would clearly identify on a future plan set where the road had open and closed drainage. He added that the development team was still proposing to loop the watermain from the development to Centennial Waye and from Wildcat Lane to Old Pottery lane. Mr. Constable agreed with this statement. The Town Planner was instructed to talk to Water Superintendent Jack McInnis about the watermain, as well as the Highway Surveyor and the Fire Chief about the revised roadway configuration.

Member Turner moved to continue the public hearing to June 24, 2009 at 7:30 P.M. A vote of 5-0 affirmed the motion. Member Tobin moved that the Board accept the requested extension of the final decision deadline to and including August 14, 2009. A vote of 5-0 affirmed the motion.

DISCUSSION: Building Height PPT & Town Meeting Considerations

The Board reviewed the revised PowerPoint presentation on increasing building height.

DISCUSSION: Moderator's Meeting Attendance

The Board discussed the Moderator's Meeting, and who would be responsible for presenting each Planning Board warrant article. It was decided that Member Etzel and the Town Planner would be attending the Moderator's Meeting.

DISCUSSION: Media Relations

Member Etzel suggested that, based on prior work experience, it might be more appropriate to have the Chair of the Planning Board serve as the conduit to the media, rather than the Town Planner. The Board discussed this proposed change in procedure and agreed to discuss it further at the next meeting.

ADJOURNMENT

At 11:55 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 May 27, 2009.

Sally I. Turner
Sally I. Turner, Clerk

