

**Norwell Planning Board Meeting Minutes
November 18, 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: Draft Agenda

Member Joseph requested to add updates to the agenda regarding the Pathway Committee and the Affordable Housing Partnership. Member Turner moved to accept the amended agenda as presented. The motion was affirmed by a vote of 5-0.

DISCUSSION: Town Counsel Pending Litigation Update, Executive Session

Member Turner moved that the Board convene in executive session to discuss pending litigation, and return to open meeting at the conclusion of the discussion. A unanimous roll call vote of the Members affirmed the motion as follows: Margaret Etzel - Aye, Kevin P. Jones - Aye, Karen A. Joseph - Aye, Michael J. Tobin - Aye and Sally I. Turner - Aye.

DISCUSSION: November 4, 2009 Meeting Minutes

The Board reconvened in open session and Member Etzel asked the Town Planner to correct vote totals on the November 4, 2009 meeting minutes. The Town Planner said he would look into this issue and place these minutes for approval at the upcoming December 2nd meeting.

DISCUSSION: Bills

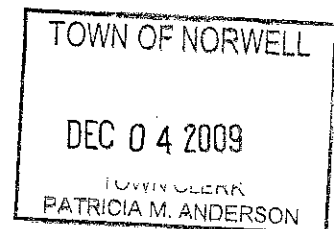
Chessia Consulting (Laurelwood, Inv. #587) -	\$172.50
<u>Chessia Consulting (Cowings Lane, Inv. #592) -</u>	<u>167.50</u>
TOTAL:	\$340.00

Member Etzel 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

The Town Planner informed the Board that an E5 Release of Covenant for Cowings Cove was in final form, but that the original signed document was yet to be received. The Town Planner suggested that executing the Release of Covenant could be accomplished at the next Planning Board meeting. He added that there was no rush to complete this document as Parcel B was yet to be conveyed to the Maxwell Trust, and any signed release of covenant would be held in escrow until this conveyance was finalized.

Member Joseph informed the Board that the Assistant Assessor expressed concern about the Planning Board approved street name change from Cowings Lane to Cowings Cove in 2007. Without a plan on file designating the name change, the Assistant Assessor said that she might not be able to locate a future record request for Cowings Cove, as her files would be under Cowings Lane. The Board determined that the recorded field change



vote from the Board's 2007 minutes was adequate notice for the name change, and that having an additional plan drawn was unnecessary for this minor change.

DISCUSSION: Forest Ridge Parcel A / Lot 16 Releases

The Town Planner said that the Forest Ridge Parcel A / Lot 16 release was ready for the Board to sign. However, he suggested tabling this agenda item until the December 2nd meeting to allow for more review time for both the release document and the walking trail considerations required by the Board at the previous meeting.

DISCUSSION: Affordable Housing Partnership

Member Joseph said that she accepted the resignation of Neil Farmer, the Planning Board's representative to the Affordable Housing Partnership. Upon a motion made by Member Jones, Member Tobin was appointed as the Planning Board's representative to the Affordable Housing Partnership. A vote of 5-0 affirmed the motion.

DISCUSSION: Pathway Committee Bikepath RFP

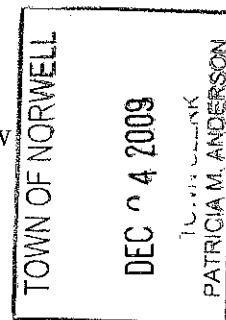
The Town Planner informed the Board that he filed a conflict of interest affidavit with the Town Administrator and Member Joseph regarding the Pathway Committee's bikepath RFP. The conflict of interest was the result of the husband of the Planning Office's administrative assistant, Meredith Schmid, bidding on the RFP engineering work. The Board determined that the Planner did not have a direct conflict and suggested that he still be part of the bikepath RFP selection process. The Town Planner said that Ms. Schmid would have no involvement whatsoever with the bikepath RFP.

DISCUSSION: Stony Brook Lane

At approximately 8:10 P.M., the Board discussed an 11/4/09 letter received from the Board of Appeals regarding Stony Brook Lane. The Town Planner told that Board that he drafted a response letter resulting from a conversation he had with Don Schmidt, the Commonwealth's Principal Planner. The Town Planner said the Mr. Schmidt informed him that the Stony Brook issue seemed rather straightforward to him, and that Mr. Schmidt related that the Board of Appeals should uphold the appeal and overturn the building permit for Lot 62 Stony Brook Lane. The Town Planner said that the genesis of this recommendation was the Board of Appeals limited purview, and the definition of "street / way", both as defined in the Town's zoning bylaw. The Board discussed the draft response letter to the Board of Appeals and made certain changes thereto. Upon a motion made by Member Turner, the Board approved the letter as amended. A vote of 5-0 affirmed the motion.

DISCUSSION: Stetson Meadows / Meadow Farms Way

The Town Planner informed the Board that he had also spoken to Mr. Schmidt about the Selectmen's legal opinion regarding Meadow Farms Way, offered by Special Counsel Lampke. The Town Planner related that Mr. Schmidt said that the Subdivision Control Law was unambiguous about "ways in existence", and that the way currently on the ground must be the same way that was on the ground when the Subdivision Control Law was adopted in Norwell. The Town Planner added that there was no known case law about a way being moved via a state highway taking retaining its "way in existence"



status. The Board determined that there was no plan currently in front of them regarding the Stetson Meadows property, and that after reviewing Attorney Lampke's opinion; the Board's opinion had not changed about the Meadow Farms Way "way in existence" question.

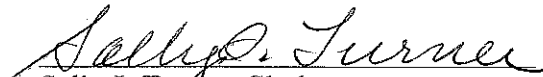
DISCUSSION: Board Member Committee Representation Report

Member Etzel provided the Board with an update on the Community Preservation Committee's annual public hearing, which focused on the creation of affordable housing.

ADJOURNMENT:

At 9:45 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 2, 2009.


Sally I. Turner, Clerk

