

**Norwell Planning Board Meeting Minutes  
November 4, 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**

Town Planner Thomas requested to add an update to the agenda regarding Wildcat OSRD & 127 Central Street. Member Joseph requested to add an update to the agenda regarding dirt roads. Member Jones moved to accept the amended agenda as presented. The motion was affirmed by a vote of 5-0.

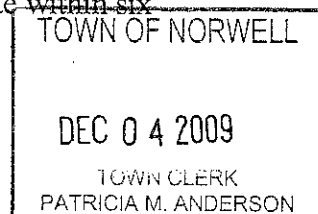
**DISCUSSION: Wildcat OSRD RFP & Fees**

The Town Planner related a conversation with PE Brad McKenzie regarding the Wildcat OSRD. On behalf of his client, Mr. McKenzie asked the Board to require its consultant engineer to provide a price estimate for the Wildcat OSRD Engineering review. The Board declined to require its consultant engineer to provide aggregate price estimates for the definitive subdivision review, deciding that such an action would ultimately not be in the Town's best interest. The Town Planner also reported that Mr. McKenzie asked if the Board would consider reducing its filing fees, and, in doing so, grant additional consideration for the reimbursement of Randall Arendt's design charrette fee. The Board discussed the request and decided that it would not be changing its fee structure. The Board did not make a definitive decision regarding rebating the design charrette fees, and decided that such a decision should be made only once the Wildcat OSRD project is formally submitted.

The Town Planner said that there were problems recording the Wildcat OSRD Special permit mylars and that the mylars had to be amended for the Town Clerk appeal certification. Going forward, special permit plans should be referred to as exhibit plans and the Town Clerk's certification should be on the decision, not on the mylars. Upon a motion made by Member Turner, the Board moved to endorse the revised Wildcat OSRD mylars to enable the correction of the Town Clerk appeal certification. A vote of 5-0 affirmed the motion.

**DISCUSSION: 127 Central Street Potential Scenic Road Hearing**

The Town Planner informed the Board that stone wall work was planned for the newly created lot adjacent to 127 Central Street. The Town Planner said that the work would involve the temporary displacement of stones along the edges of the existing breach in the stone wall to allow for heavy equipment to access the construction site. He added that the proposed temporary displacement of the stone wall, with the stones and the existing driveway breach being restored to their original positions once the work was complete, was exempt from the provisions of the scenic road bylaw and would therefore not require a public hearing, provided that the work took place in less than six months. Board Members expressed doubt whether construction would be complete within six



months given the impending winter season. Member Joseph said that she is concerned about additional stone wall disruption due to new utility hookups. The Town Planner said that he would contact Mr. Liuzzi and inform him of the Board's decision.

**DISCUSSION: Dirt Roads**

Member Joseph discussed dirt roads, including recent proposals that were begetting development pressure in these locations. The Town Planner passed out the Board's previously approved ANR Private Way Determination policy, and suggested that the current Planning Board should reauthorize this policy. Member Joseph thought it would be helpful to have Town Counsel update the Board as to all the open litigation that the Planning Board is involved with regarding substandard roadways.

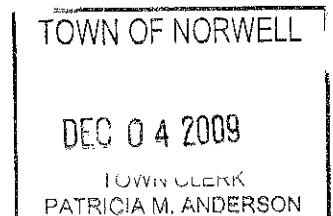
**DISCUSSION: Stetson Meadows Legal Opinion**

The Board discussed the October 6, 2009 Stetson Meadows opinion from Attorney James P. Lampke, the Town's Special Counsel. Member Jones highlighted that the opinion states that the right of way exists, but says nothing about adequate width, grade and construction. The Board decided to take the opinion under advisement.

**DISCUSSION: Parson's Walk Surety & Street Acceptance**

The Town Planner reported that efforts to wrap up older subdivisions were paying dividends on Parson's Walk. He noted that the developer of this subdivision, Ernie Serena, offered to walk away from the project, including releasing surety and review fee balances to the Town / residents. The Town Planner also noted that the street residents were attempting to form a homeowners association to facilitate taking over the subdivision. The Board weighed in on minima household involvement for HOA membership and mortgagee consents. The Board decided that at least four of the five homeowners must be part of the newly formed HOA and that four mortgagee consents must be received as well. The Town Planner said that once the HOA is established to the Board's satisfaction, a tri-party agreement would be executed between the Town, the HOA and the developer, allowing him to turn over surety and review funds to the Town, and the Town, in turn, to turn over surety funds to the HOA (current balance \$24,725.81). The tri-party agreement would include hold harmless provisions for the developer and the Town, while setting clear expectations of what punchlist work will need to be completed by the HOA with the surety funds. Per the tri-party agreement, the HOA would take on the deed and back taxes for the roadway. Once the tri-party agreement is executed, the HOA would begin work to complete construction and Parson's Walk would be subsequently placed on the Warrant for spring street acceptance, as well as on the Town's plow list. The tri-party agreement would also contain the following terms:

1. If the tri-party agreement is not satisfied, Parson's Walk would be removed from the plow list.
2. Nothing in the tri-party agreement would prevent Parson's Walk from getting put back on the plow list for a future Town Meeting if the tri-party agreement is satisfied at a later date.
3. Nothing in the agreement would require the HOA to return or expend any of the surety funds once the tri-party agreement is satisfied.



Consensus from the Board was that the terms of the tri-party agreement seemed reasonable, but that nothing should be agreed to until the HOA was formed and legally in place as directed.

**DISCUSSION: Proposed Retreat Lot Bylaw**

The Board decided to table this agenda for future discussion.

**DISCUSSION: Cowings Cove Drainage As-Built**

The Town Planner updated the Board on the Cowings Cove as-builts, and recommended that the Board accept the technical review opinion received from PE John Chessia. Upon a motion made by Member Jones, the Cowings Cove as-built plans were approved by a vote of 4-0.

**DISCUSSION: Cowings Cove Surety Substitution**

The Board reviewed the draft lender's agreement for Cowings Cove that was to replace existing covenant form of surety. Upon a motion made by Member Jones, a lender's agreement form of surety was accepted for Cowings Cove by a vote of 4-0.

**DISCUSSION: Cowings Cove Deadline Extension**

Upon a motion made by Member Jones, the construction deadline for the Cowings Cove subdivision was extended to January 24, 2012 by a vote of 4-0.

**DISCUSSION: October 21, 2009 Meeting Minutes**

Member Jones moved to accept the October 21, 2009 meeting minutes as presented. The motion was affirmed by a vote of 4-0.

**DISCUSSION: Bills**

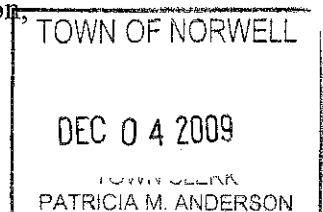
Chessia Consulting (Laurelwood), Inv. #580 -	\$1,542.50
<u>Todd Thomas (Oct. Expenses/Mileage Reimbursement -</u>	<u>70.58</u>
TOTAL:	\$1,613.08

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: Forest Ridge ANR Plan #2**

The Town Planner introduced the September 4, 2009, as revised October 14, 2009, "Plan of Land Norwell, Mass". The Board discussed the applicant's filing fee waiver request and decided it was not in the Town's best interest at this time. Upon a motion made by Member Turner, the Board accepted staff recommendation for findings B through X. A vote of 4-0 affirmed the motion. Upon a motion made by Member Jones, the Board found that finding A was satisfied because the plan was substantially compliant with requirements, and granted the request to approve the plan under the Subdivision Control Law. A vote of 4-0 affirmed the motion.

The Board discussed the applicant's request to release Parcel A / Land Court Lot 16 from the subdivision covenant, Certificate of Vote and homeowner's association. The Board determined that it would release Parcel A / Land Court Lot 16 for consideration.



including: the installation of a permanent sign identifying the pedestrian easement, the removal of the no trespassing sign from the pedestrian easement, the staking of the pedestrian easement so it could be located on the ground, and the reuse of boulders unearthed during construction to reasonably delineate the extent of the easement in addition to the bounds shown on the plan.

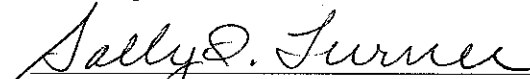
**DISCUSSION: Board Member Committee Representation Report**

The Town Planner provided the Board with an update on the Pathway Committee's bikepath RFP Pre-Proposal meeting. Member Etzel provided the Board with an update on CPC agenda items, including: Loring Farm restrictions, an RFP for Community Supported Agriculture, property acquisition on Mount Blue Street, and a discussion on affordable housing development taking place at the CPC's upcoming annual public hearing.

**ADJOURNMENT:**

At 10:00 P.M., Member Jones 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 December 2, 2009.

  
Sally I. Turner, Clerk

