

FEB 12 2010

TOWN CLERK
PATRICIA M. ANDERSON

**Norwell Planning Board Meeting Minutes
January 27, 2010**

The meeting was called to order at approximately 7:05 P.M. Present were Board Members Kevin P. Jones, Karen A. Joseph, Michael J. Tobin, Sally I. Turner and Town Planner Todd Thomas. Member Margaret Etzel arrived during the Circuit Street ANR discussion.

DISCUSSION: Draft Agenda

Member Jones moved to accept the amended agenda as presented. The motion was affirmed by a vote of 4-0.

DISCUSSION: January 6, 2010 Minutes

Member Jones moved to accept the January 6, 2010 meeting minutes as presented. The motion was affirmed by a vote of 4-0.

DISCUSSION: Bills

Chessia Consulting (Laurelwood, Inv. #604) -	\$ 332.50
Chessia Consulting (Wildcat OSRD, Inv. #610) -	942.50
W. B. Mason (Inv. #317365-000) -	5.06
TOTAL:	\$ 1,280.06

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: 249 & 267 Circuit Street ANR (Kendall)

The Town Planner introduced the December 15, 2009, "Plan of Land Off Circuit Street In Norwell Massachusetts". Upon a motion made by Member Turner, the Board accepted staff recommendation for findings B through X. A vote of 5-0 affirmed the motion. Upon a motion made by Member Jones, the Board found that finding A was not satisfied because the plan was not substantially compliant with requirements, and denied the request to approve the plan under the Subdivision Control Law. A vote of 5-0 affirmed the motion.

The Town Planner introduced the January 25, 2010, "Plan of Land Off Circuit Street In Norwell Massachusetts". The Board discussed the request for a filing fee waiver and decided that granting such a waiver was not in the Town's best interest. Upon a motion made by Member Jones, the Board accepted staff recommendation for findings B through X. A vote of 5-0 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 5-0 affirmed the motion.

DISCUSSION: Board Member Committee Representation Report

The Town Planner updated the Planning Board regarding the recent happenings with the Pathway Committee. Included within this update was the Pathway Committee's application for \$400,000 of construction funding from the Community Preservation

Committee. Member Etzel said that the Pathway Committee should be meeting with the Planning Board before meeting with the CPC. The Town Planner scheduled the Pathway Committee on the February 10th agenda.

DISCUSSION: 88 Mount Blue Subdivision Waiver Request

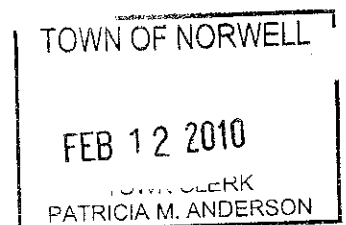
With Attorney Walter Sullivan present, as well as members of the Garvey family from 88 Mount Blue Street, the Board informally discussed the proposed two-lot subdivision, and associated waivers. Attorney Sullivan noted that the new lot created by the subdivision would not conform to zoning, due to a lack of lot width at the 50-foot setback line. The Town Planner instructed the Board that under §81R of the Subdivision Control Law it could reduce the required frontage, but could not reduce the lot width requirement. Therefore, the proposed division would have to be either done via permitting a two-lot subdivision, or a lot width waiver from the Board of Appeals. Attorney Sullivan noted that there was no case law for a Planning Board waiving a lot width requirement, and that obtaining a waiver from the Board of Appeals would be unlikely. The Board discussed if it would be willing to entertain significant subdivision waivers for the creation of a paper street that would give the new lot the requisite frontage and zoning conformance. Member Joseph asked what public benefit the granting of such waivers would serve. Member Tobin said that he did not see the public benefit of granting such a waiver. Attorney Sullivan offered ¾ of an acre for the Conservation Commission as a public benefit. Member Joseph said this offer was not enough of a public benefit, considering the precedent set by granting such waivers.

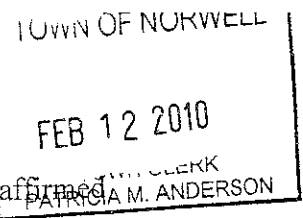
DISCUSSION: Laurelwood Surety Reduction Request

With Mark Lundin, TJ Recupero, Marie Nyhan, Ken Caputo, John Chessia, and resident Rich Webber in attendance, the Board discussed the January 5, 2009 surety reduction request for the Laurelwood subdivision. Attorney Recupero provided the Board with an update on the subdivision modification's unfinished legal items required by the Board's conditional vote of endorsement. Attorney Recupero said that Mr. McSharry was scheduled to sign over the Utility Trust the following morning. Mr. Recupero provided the Town Planner with a corrected drainage easement drawing. The Town Planner said that he would ask John Chessia to review document.

Ken Caputo and John Chessia discussed the drainage as-built plans. Mr. Chessia said that he was not concerned about accepting the as-built plans because he retained \$6,500 of the bond for site cleanup and additional seeding. Member Joseph moved to reconsider the Board's January 13th vote to deny accepting the drainage as-builts. A vote of 4-1 affirmed the motion. Member Joseph moved to find the Laurelwood Modification drainage as-builts acceptable. A vote of 4-1 affirmed the motion.

A lengthy discussion ensued regarding surety release for the drainage work completed under the subdivision modification. Member Tobin moved to release \$88,500 subject to the existing unmet legal requirements (the Utility Trust amendment and the amended drainage easement) being satisfied, with John Chessia adding \$5,000 to the bond for the Lot 14 mortgagee consent, provided that the Town Planner hold the surety release in





escrow until he was satisfied that the legal issues were complete. A vote of 4-1 affirmed the motion.

The representatives for Simeone Properties and the Board discussed the surety value of the roadway. Member Joseph said that the berm was not acceptable. It was agreed to visit the site with representatives of the applicant, along with John Chessia, Paul Foulsham and the Town Planner. The Town Planner agreed to document the site visit with a video camera and pictures, so an accurate portrayal of the condition to the road could be determined and agreed upon by all parties. The Town Planner said that he would arrange this site visit as soon as he received a check to replenish the subdivision review fee account.

DISCUSSION: Wildcat Engineering Review Basin Sizing Letter

John Chessia remained for a discussion on the preliminary drainage review for the Wildcat OSRD. John noted that he met with Deb Keller of McKenzie Engineering on two previous occasions to arrive at a preliminary agreement regarding the needed size of the drainage basins, thereby allowing the applicant to redesign the basins in an LID fashion per the Special Permit's Certificate of Vote. Members reviewed the January 7th memo from Deb Keller of McKenzie Engineering and the January 14th response from Chessia Consulting. The Town Planner distributed a draft response letter to McKenzie Engineering. Member Joseph said that she wanted all of the stormwater attenuated on site. She also agreed with Mr. Chessia that McKenzie Engineering would need to prove that their client can legally drain into the adjacent Isolated Land Subject to Flooding if such a scheme is included in the definitive subdivision's drainage calculations. The Board made certain changes to the Town Planner's draft response letter, and Member Joseph moved to send the letter as amended. A vote of 5-0 affirmed the motion.

DISCUSSION: Barrel Lane Endorsement

The Board discussed the submitted endorsement deadline extension request for the Barrel Lane subdivision off Circuit Street. The Town Planner noted that the endorsement deadline was currently February 10, 2010. Member Joseph moved that the Board extend the endorsement deadline for 90 days. A vote of 2-3 failed to carry the motion. Member Turner moved to extend the endorsement deadline for 60 days. A vote of 3-2 affirmed the motion. The Town Planner said he would call Mr. Shute and arrange that he come before the Board at the next meeting to discuss a potential OSRD subdivision for this site.

DISCUSSION: Forest Ridge Consent for Walking Path Signage

The Board tabled this discussion after hearing that the walking path sign had gone missing from the subdivision cul-de-sac. Upon the advice of the Town Planner, the Board asked that Arthur Rowe work with the developer of the lot, Jim Leonard, regarding the walking path signage.

DISCUSSION: Farrar Farm Pathway Connection and Water Connection

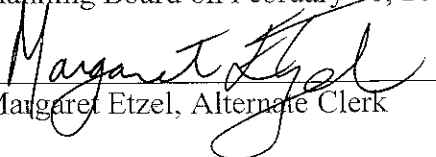
The Town Planner updated the Board regarding the Pathway Committee's ongoing negotiation regarding obtaining a pathway easement at the end of the Farrar Farm cul-de-

sac. The Board confirmed that it would not take issue with irrigating the cul-de-sac island provided that the water came from the abutter's private well.

ADJOURNMENT:

At 10:40 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 February 10, 2010.


Margaret Etzel, Alternate Clerk

