

**Norwell Planning Board Meeting Minutes
November 3, 2010**

The meeting was called to order at approximately 7:00 p.m. Present were Board Members Kevin Cafferty, Margaret Etzel, Kevin Jones, Karen A. Joseph, Sally I. Turner and Town Planner Christopher DiLorio. The meeting was held in the Planning Office.

DISCUSSION: Draft Agenda

Member Joseph moved to revise the agenda to include an emergency discussion of a request from the Scituate town planner to waive notice requirements and to include discussion of the Wildcat Bridge as part of the agenda on the access path. The motion was affirmed by a vote of 5-0.

DISCUSSION: October 6 and October 20, 2010 Minutes

Member Jones moved to accept the October 6, 2010 meeting minutes with minor modifications. The motion was affirmed by a vote of 5-0.

The October 20, 2010 minutes vote was continued until November 17, 2010.

DISCUSSION: Bills	Horsley Witten Group (Pathways)	\$1,617.50
	Member Jones moved to pay bill – approved 5-0	
	Horsley Witten (Pathways)	\$3,280.00
	Member Jones moved to pay bill – approved 5-0	

A spreadsheet is being kept to reflect the payments and remaining balances for the Horsley Witten contract.

DISCUSSION: Community Pathways Update

David Vose appeared before the board to give an update regarding the pathway progress. The committee has been moving forward with the ANRAD and will soon be receiving a determination from the Conservation Commission. Horsley Witten will be submitting a map showing the wetland delineation line along with the proposed pathway. Next steps would be reviewing the wetland impact and finalizing the 25% design plan or discussing alternatives for the project. The Board discussed the Horsley Witten bills and the need to stay within the scope of work in the contract. Also discussed was the pace at which work was being completed and the need to have a meeting with the Selectman and the Planning Board. The Planning Board would like to be kept more up to date with the progress of the pathway and receive status updates more often.

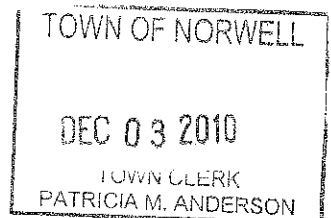
DISCUSSION: Cowings Cove

Cynde Robbins from Maxwell Trust forwarded language to the board for a revision to paragraph 3 of condition 43 of the subdivision approval that included ownership potential for 501(c)(3) entities with a primary purpose of land conservation.

Member Cafferty moved to approve the language. The motion was approved 5-0.

DISCUSSION: Public Hearing Barrel Lane Scenic Road Hearing

Member Turner read the public hearing notice. Member Joseph moved to open the public hearing. The motion was affirmed by a vote of 5-0.



Applicant Donald Shute said he submitted 10 photographs and flagged trees for removal. The plans only show the 8 bigger trees; they estimate 10-12 trees will be removed. This application is only for the entrance of the subdivision and not additional parcels with frontage on Circuit Street, which will require a separate scenic road hearing(s).

Abutter Nancy Hamilton Trudeau, 360 Circuit Street, was informed that there will be 15 lots within the subdivision that was approved several years ago. It was explained that this application is for alteration of a stone wall and removal of trees that are on a scenic road in accordance with the bylaw. It is unknown when construction will start as financing has proved difficult to obtain.

Existing stone wall. The portion of wall to be relocated at the entrance is 115 feet. There shall be no additional stone wall disturbance or tree removal beyond what is shown and without notification of the Planning Board. The existing stone wall would be reconstructed from the cut points along Circuit Street outside of the right of way, or the stones would be incorporated into the existing remaining wall. Erosion control is required per the approved operation and maintenance plan so dirt doesn't get tracked out onto Circuit Street.

Member Cafferty made a motion to approve the proposal with conditions noted in the letter. The motion was affirmed by a vote of 5-0.

DISCUSSION: Henry's Lane Surety Reduction

The applicant has requested a surety reduction. Currently a lenders agreement for approximately \$200,000 is being held.

John Chessia explained the revised construction cost estimate components and the total estimate including contingency budget is \$145,000. The stone wall, topsoil spreading and much of the seeding grading and compacting has been completed.

The applicant explained that two of the lots within the subdivision have been sold to individuals who have not begun construction within an agreed upon timeframe. Because of this, it is unknown when construction of the subdivision will be complete.

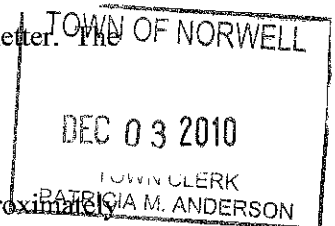
Member Jones moved that the reduction of surety is appropriate and that the applicant will need to submit a new lenders agreement for \$145,000 that has an expiration date of 12/1/2012 at the earliest. The motion was affirmed by a vote of 5-0.

The applicant requested that the type of tree required to be used for street trees be amended to allow Pin Oak and Aristocrat Pear. The board has concern regarding the time of year to be planting trees, however it is at the risk of the applicant and trees will have to be replaced if they do not survive. Branching height is required to be above 7 feet.

Member Jones made a motion to approve the revised tree species list. The motion was affirmed by a vote of 5-0.

DISCUSSION: New Business

Norwell was not properly noticed regarding a Scituate zoning by-law change. A letter was sent to the Planning Board from the town planner in Scituate explaining why notice had not been sent. Member Joseph made a motion to waive the right of public hearing notice for the Scituate by-law. The motion was approved by a 5-0 vote.



DISCUSSION: Wildcat Pathway, Sewer Alteration and Bridge

Paul Gallagher appeared before the board and explained the proposal to cut a 10 foot wide pathway along the centerlines of Roadways A and B in order to provide access to the property for prospective buyers using a small all terrain vehicle (ATV). The board discussed potential issues of erosion due to the use of motorized vehicles to create and travel on the path. The steep section of Roadway A will be constructed like a logging road with logs laid down across the pathway to reduce runoff. The vehicle used to create the path is named the Rayco C87 FM Mulcher, it is 69" wide and runs on a track for less ground disturbance. Most of the trees to be removed are small saplings and any stones to be moved would be left along side of the path. Member Turner made a motion to approve the clearing of the pathway with the following conditions:

1. There shall be no clearing or work undertaken within 150 feet of the wetlands.
 2. As identified during a site walk on 10/28/2010 with Paul Gallagher, specified areas previously cleared, that deviate from the future street centerlines, shall be used for the access path as an alternative to clearing the centerline of the street.
 3. Logs shall be placed every 50 feet along the steep section of Road A. The final configuration shall be approved by the town consultant.
 4. No wood chipper shall be used and cut trees shall remain onsite.
 5. All stones displaced shall remain onsite.
 6. No vehicles shall be allowed onsite if the ground is wet to minimize any land disturbance.
 7. The track vehicle Rayco C87 FM Mulcher shall be the lone vehicle used to clear the path.
 8. Periodic inspections shall occur while the access path is in operation and the applicant shall make modifications to the pathway as required by the town planner and/or town consultant to address erosion or other issues.
 9. The applicant shall contact Planning Staff five days before clearing begins.
 10. No work is to commence until the appeal period has expired for the subdivision approval.
 11. The pathway shall be limited to a 10 foot wide maximum.
 12. Vehicle to transport potential buyers shall be small rubber tire golf cart / gator or equivalent.
- The motion was affirmed by a 5-0 vote.

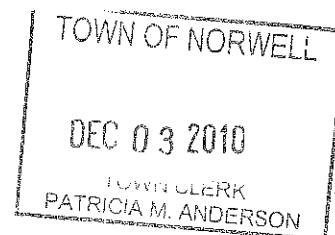
The Board discussed a partial change in sewer construction from a forced main to a gravity main. The Board found this acceptable as the system would be less maintenance and there would be less potential for system failure. The new system is required to be on the endorsement set. The applicant shall also submit a formal letter to change the sewer system.

The Board discussed DOT review of the bridge and if any cost was associated with a town requested review. DOT will be contacted for an answer.

DISCUSSION: ANR Pleasant Street

The Board discussed the October 20, 2010 ANR plan entitled "Plan Of Land Pleasant Street Assessors Sheet 23B Block 65, Lot 13" dated October 15, 2010." The applicant revised the plan to show an omitted abutter that the Assessor had not previously indicated. Member Jones moved to accept the staff recommendations for findings B through X. A vote of 4-0 affirmed the motion with Member Turner abstaining. Member Jones moved to find that the plan was consistent with the regulations and approve the ANR plan. A vote of 4-0 affirmed the motion with Member Turner abstaining.

DISCUSSION: ANR Lincoln Street



The Board discussed the October 20, 2010 ANR plan entitled "Plan Of Land 33 Lincoln Street Assessors Sheet 14D Block 41, Lot 16" dated October 13, 2010." Member Jones moved to accept the staff recommendations for findings B through X. A vote of 5-0 affirmed the motion. Member Jones moved to find that the plan was consistent with the regulations and approve the ANR plan. A vote of 5-0 affirmed the motion.

DISCUSSION: Budget

The Board supported the proposed budget as presented and asked that it be forwarded to the Advisory Board as well as the Selectman.

DISCUSSION: Bylaw Regulation Review

There was brief discussion regarding FAR and some changes to the OSRD Special Permit, but it was decided to continue the by-law review until the next meeting on November 17th.

DISCUSSION: Board Member Committee Representation Report

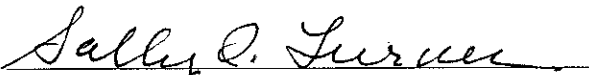
Pathways: The Board would like to see a seven member pathways committee and request that, since Christine Josti has resigned, a new member be appointed soon.

CPC: Signs for Scenic Roads are being made and a new request will be made to the CPC for additional signs . The Conservation Commission is requesting additional funds for property purchases. The CPC is pursuing getting the Jacobs property on the Historic Registry.

ADJOURNMENT:

At 10:00 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 November 17, 2010.


Sally I. Turner Clerk

