

**Norwell Planning Board Meeting Minutes
October 6, 2010**

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

DISCUSSION: Draft Agenda

Member Jones moved to accept the agenda as presented. The motion was affirmed by a vote of 5-0.

DISCUSSION: September 22, 2010 Minutes

Member Jones moved to accept the September 22, 2010 meeting minutes as presented. The motion was affirmed by a vote of 5-0.

DISCUSSION: Bills

W.B. Mason (notebooks) \$12.15

Member Jones moved to pay the bill. The motion was affirmed by a vote of 5-0.

DISCUSSION: Arthur Rowe Forest Ridge

The applicant Arthur Rowe appeared before the Board. The Board informed Mr. Rowe that the surety for Forest Ridge expires in March 2011 and that it would not be possible to complete the work required before that time since final pavement cannot be done until all the lots are completed. The applicant agreed to extend the surety and Staff will write a letter to require that the extension be submitted to the Board before November 15, 2010.

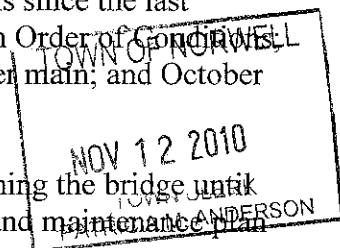
The Board also mentioned potential issues with the drainage basin. Town consultant, John Chessia, has seen the basin holding water for longer than allowed and wetlands have actually developed on the basin floor. The Conservation Commission has set some guidelines for doing work in the basin. The applicant stated that he believed the basin was doing the work it was meant to do and that he has been actively maintaining the basin. John Chessia said he would review calculations to see if it was working as designed.

The Board would allow for a reduction in surety if specific items on the punch list were completed and a new lender's agreement submitted.

DISCUSSION: Wildcat OSRD Definitive Subdivision Public Hearing

The Public Hearing resumed at approximately 7:30 p.m. Member Turner read the public hearing notice. Member Joseph said there had been a few submittals since the last meeting: September 29, the Conservation Commission submitted an Order of Condition; October 1, applicant's engineer submitted revised plans for the water main; and October 5, the Water Department submitted a comment letter.

Bridge. The Wildcat Hill Homeowners Association will be maintaining the bridge until if/when the road is accepted as a public way. A separate operation and maintenance plan



will be required for the bridge that indicates the associated costs. A \$100,000 fund is currently set up for the subdivision infrastructure, and depending on the cost figures for the bridge this amount may be increased. \$50,000 of the \$100,000 is earmarked for the wastewater treatment plant according to the DEP groundwater discharge permit. The Board will decide if \$50,000 up front is sufficient for roads, trails, bridge, drainage, etc. The bridge would have to be approved by DOT regardless if it was public or to remain private because of the size of the span. John Chessia agreed to review the construction drawings for the bridge 30 days prior to construction commencing.

The applicant stated that there is a bank account in the name of Wildcat Hill Homeowners Association with a current balance exceeding \$100,000. Per terms of the subdivision covenants, upon every lot conveyance, the buyer of that lot will be required to submit an amount equal to 3 months of operating expenses for capital items (subsurface drainage, wetland crossing)--above and beyond the monthly fee to the homeowners association for ongoing maintenance of the subdivision (wastewater treatment charges, street sweeping, etc.).

There was discussion regarding if/how these funds could be transferred to the town if the roadway is accepted by the town.

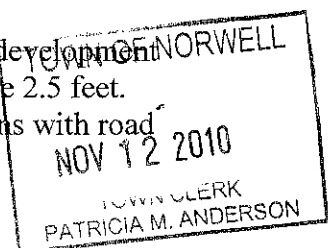
Water line. Member Joseph said the board received a new plan showing water line for off site mitigation in Wildcat Lane. It has been moved further into the roadway because the Water Department has concerns regarding ledge under the shoulder. There is a condition in the draft decision that Wildcat Lane be restored to the satisfaction of the highway surveyor. Work will be required to begin on or about April 15, 2011.

Drainage. Site development plans will be required for only those lots requiring recharge systems. The town consultant and planner will review the site development plans, if there are issues that need to come before the board, a public hearing would not be required. The board would be notified of any issues. The applicant asked for clarification of all conditions relating to the review process.

Landscaping Plans. The applicant said the landscaping plan shows every lot and indicates a footprint with approximate square footage and landscaping. The applicant stated that locating every tree over 8" in caliber would be a substantial undertaking and that subdivision rules and regulations don't require the location of trees over 8".

The applicant is comfortable submitting building permit plans to the Planning Board; the Board would like to have some oversight regarding the clearing of the lots and the applicant agreed to allow a condition that prior to the clearing of a lot the developer will meet with the planner to review and identify trees that could be retained on the site.

Draft Decision. The town consultant and town planner will review site development plans. The required diameter of open space demarcation boulders will be 2.5 feet. The water main will be required to be constructed as per the 9/30/10 plans with road approved by the highway surveyor.



Cellars. The conditions of approval state that all cellars shall be constructed above existing preconstruction seasonal high ground water. Under the OSRD the applicant is encouraged to maintain natural topography and preserve open space with smaller lots, however, this reduces the ability to locate a structure on the lot or import fill to address seasonal high groundwater elevation. About 6-10 lots in the project would be affected by the seasonal high ground water. The applicant requested that for these 6-10 lots foundation drains be allowed to address the ground water while maintaining a more natural grade.

The town consultant requested site development plans for those lots in addition to the recharge lots. It may be inconsistent with requirements to discharge groundwater onto the surface. The water may not recharge back to the ground and it could run off. The Board will require site development plans for these lots to be reviewed by the town consultant and will change the condition to allow proper foundation draining for structures affected by groundwater.

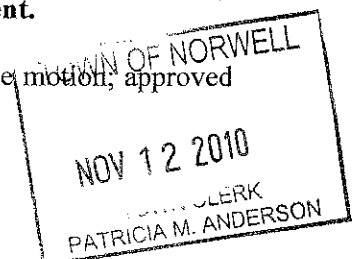
Building Size. Discussion regarding massing and scale restrictions focused on the pervious ground coverage proposed and the square footage above ground to be allowed. The applicant asked for non-finished attic space to be exempt from the calculations and that they would agree to the gross floor area above ground restriction if the Board agreed to this. The board agreed to allow this and gross floor area restrictions were placed at 4300 for 25% of units and 3800 square feet for 75% of units. The applicant also requested that the proposed ground coverage for non-pervious surfaces increase from 15% to 20% and the Board agreed to allow this.

Carol McClendon from 35 Centennial Way was concerned about stormwater flow and where drainage around houses on Road D would discharge. The Board responded that the applicant has stated there would be no additional stormwater rate or volume onto the surrounding properties. If there were, the applicant would need to address this with the neighbors and rectify the situation. This is addressed in the conditions of the decision.

Member Etzel, with Member Cafferty seconding, made a motion to close the public portion of the hearing and the vote was 5-0.

The Board proceeded to vote on the requested waivers that had not been previously approved:

- 7.A.2 **Typical street cross-section** - *S. Turner made motion; approved 5-0*
- 7.A.4 **Street width of pavement shall be 26 feet** - *K. Cafferty made motion; approved 5-0*
- 7.A.13 **Maximum centerline grade requirements shall not exceed 6 percent.**
K. Cafferty made motion; approved 5-0
- 7.A.16 **Maximum gradient on curves shall not exceed 6%.** *K. Jones made motion; approved 5-0*
- 7.A.19 **Shoulder requirements.** *K. Jones made motion; approved 5-0*
- 7.C **Drainage design** *K. Jones made motion; approved 5-0*



7.C.4.3 Design calculations – no surcharge shall be allowed. P.Etzel made motion; approved 5-0

The Board proceeded to vote on the subdivision findings:

OSRD Consistency: Member Cafferty moved and Member Etzel seconded; approved 4-0 (Member Jones abstention).

§6.1 - 6.3.7: Member Cafferty moved and Member Turner seconded; approved 5-0.

§6.4: Member Turner moved and Member Cafferty seconded / approved 5-0.

§6.5 - §6.12: Member Etzel moved and Member Turner seconded; approved 5-0.

§7A: Member Etzel moved and Member Turner seconded; approved 4-1 with Member Jones voting in the negative.

§7B: Member Cafferty moved and Member Jones seconded; approved 5-0.

§7C: Member Cafferty moved and Member Turner seconded; approved 5-0.

§7D: Member Jones moved and Member Turner seconded; approved 5-0.

§7E: Member Jones moved and Member Turner seconded; approved 5-0.

§7F: Member Jones moved and Member Turner seconded; approved 5-0.

§7G: Member Turner moved and Member Cafferty seconded; approved 5-0.

§7H: Member Turner moved and Member Cafferty seconded; approved 5-0.

Zoning Compliance: Member Turner moved and Member Cafferty seconded that the Board vote to find that the subdivision plan adheres to all applicable zoning requirements. The motion was approved by vote of 5-0.

Waivers: Member Etzel moved and Member Jones seconded that the Board vote to determine that only the waivers enumerated in §VI and §VII, above, have been granted and that no other waivers, either expressly or impliedly, have been granted. The motion was approved by vote of 5-0.

Conditions of Approval: Member Jones moved and Member Etzel seconded that the Board vote to determine that any approval of the Application and endorsement of the definitive subdivision plan shall be subject to full compliance with all of said conditions. The motion was approved by vote of 5-0.

Decision: Member Cafferty moved and Member Etzel seconded that the Board vote to grant Definitive Subdivision approval subject to the conditions and provided that all waivers granted are expressly subject to full compliance with all conditions. The motion was approved by vote of 4-1 with Member Jones voting in the negative.

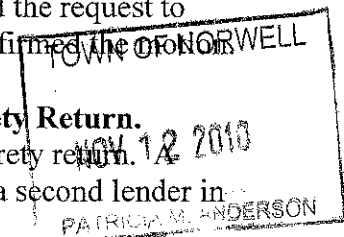
DISCUSSION: ANR Pleasant Street.

Member Turner recused herself.

Rick Grady of Grady Consulting appeared to present an ANR plan proposing 4 lots on Pleasant Street. Upon a motion made by Member Jones, 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 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 4-0 affirmed the motion.

DISCUSSION: Pinson Lane HOA Mortgage Subordination Surety Return.

The applicant, John Tedeschi, appeared before the Board to request surety return. The applicant's recent refinance within the 3-lot Pinson Lane subdivision has secured a second lender in



the Pinson Lane Homeowners Association. Currently, two lenders and three owners have submitted to the Homeowners Association, and under this arrangement the association could not be disbanded. Member Jones, Member Cafferty second, made a motion to release the final surety and the motion was approved by vote of 5-0.

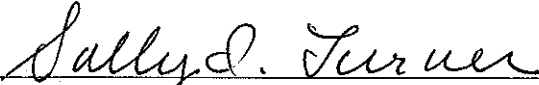
DISCUSSION: Government Study.

The Board will meet with the Government Study Commission at the next meeting on October 20, 2010.

ADJOURNMENT:

At 11:15 p.m., Member Jones moved that the meeting 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 October 20, 2010.



Sally I. Turner, Clerk

