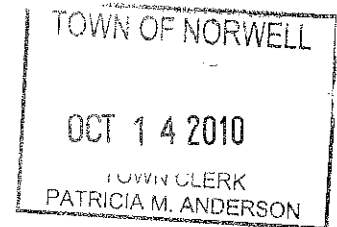


**Norwell Planning Board Meeting Minutes
September 22, 2010**



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

DISCUSSION: September 8, 2010 Minutes

Member Jones moved to accept the September 8, 2010 meeting minutes as presented. The motion was affirmed by a vote of 5-0.

DISCUSSION: Scenic Road 296 Pine Street

Member Turner read the public hearing notice. Member Joseph asked for confirmation that notices were sent to abutters and green cards were submitted. She asked for a brief proposal presentation.

Kimberly and Jonathan Dunn are the owners of the property. Mrs. Dunn said she called the Town Hall to see what they needed to do in order to regrade their front lawn. She was told to contact Dig Safe, which she did. Flags were brought to mark the property and he told the Dunns to stay 18 inches from the appropriate markings (water, gas, electric, etc.). In doing the work, they had to move the stone wall to grade it. The Dunns submitted pictures of the work done; the string marks the property bounds to either side of the wall. The Dunns laid out the string. They did not take down the entire wall. The lot was surveyed 3-4 months ago, prior to the start of the work.

Member Joseph asked Mrs. Dunn if she remembered who she spoke to in Town Hall or if she recalled the number she called, the office. Mrs. Dunn said she did not, that she called Town Hall and asked to talk to someone in regards to doing work, and was transferred.

Member Joseph said she was out there this afternoon and observed the drill hole and bound and green string along the frontage of property. It would appear that the stone wall is in actuality on their property so they technically don't need a scenic road hearing. However, regulations state that when in doubt, it is up to the owner to provide the proof that they don't need a scenic road hearing. That should have been done with the application. The Board needs to try to find a way to correct whoever is giving misinformation out on the telephone because a scenic road does have to come before the Planning Board and the owner does have to provide the correct documentation prior to doing any work.

Member Joseph said not at this point but if they are going to do modifications to any other parts of the stone wall, etc., that are in the right of way, they would have to submit an application before the Town. Member Joseph said the Board will write a letter saying we had the public hearing and that based on observation in the field, it does appear the stone wall is not in the right of way and therefore they can do what they want on the property. They have some large trees that are in the Town right of way. Mrs. Dunn said there is a specific tree on the top of the driveway that hits the electrical lines all the time. If the tree is in the right of way and they determine it has to be taken down, then they should file for a scenic road hearing for the tree removal. If National Grid is the one to take it down, they should do the filing.

Member Joseph moved to close the hearing and submit a letter stating the wall was found to be on the Dunn's property and they are entitled to do what they would like to do with it. The motion was affirmed by a vote of 5-0.

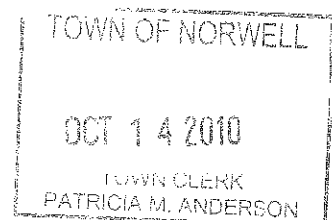
DISCUSSION: Wildcat OSRD Definitive Subdivision Public Hearing

The Public Hearing resumed at approximately 7:30 p.m. Member Turner read the public hearing notice. Since the last meeting the following items were submitted: September 14, a revised phasing plan and letter detailing milestones for lot release and email outlining Mass DOT approval process for bridges; September 15, the Highway Department sent a comment email; September 16, the applicant's attorney submitted copies of water main mitigation plans; September 16, applicant submitted a letter to the Water Department detailing the offer to post a bond for water main mitigation completion; September 17, John Chessia of Chessia Consulting submitted a memorandum regarding the phasing of the project; September 22, the applicant's engineer submitted a revised waiver list.

Bridge. Reference on the plan to a cement concrete box culvert was questioned and Deb Kelleher of MEG said this is a bottomless arch culvert and they would fix that. She said it will be concrete, manufactured and brought in sections. A 36-foot wide span will probably come in 4-foot depth sections and those get laid across and then sealed together to a full length of the 36 feet.

Ms. Kelleher said Paul Nardon of DOT said they are very familiar with Contek. They will submit a request for a private bridge ID for now because it's on private property. Mass DOT will assign a bridge number to it. In that request they would ask DOT to outline any specific requests in the design, take that to Contek, who will design a specific bridge. The design will be submitted to DOT for their final sign-off. The back-check on it usually takes 2 weeks as long as there are no major issues with the way it is designed. One of their requirements is they approve the design prior. Ms. Kelleher said she will check with Contek about the lifespan of the bridge but knows it is over 50 years.

There was some discussion as to whether they want to have the street accepted by the town. Drainage is private and in perpetuity. It is accessing a public way. This involves two big, long cul-de-sacs. The bridge would have to be accepted by the town, or the whole road wouldn't be accepted.



Member Joseph said in the draft decision we state the plans shall be to Mass DOT standards and for the sake of argument right now, just like the drainage is in the homeowners association, we've also put the roadway in the homeowners association because that is how it will be until whatever time it was completed enough to go for roadway acceptance. So at some point the homeowners association has to maintain it for several years anyway. This would be a legal question, sit down with the highway surveyor and town counsel and possibly the selectmen on ownership and maintenance of the bridge. If necessary additional funding up front for the homeowners association will be required.

Asked the ballpark value of the bridge, Ms. Kelleher said she hasn't priced that yet; the structure itself, several hundred thousand dollars. Overall, there is probably not a lot of maintenance as they go in. Down the road they might be regrouting joints or something like that. Member Joseph said the highway surveyors made it clear the Town does not have the funds to maintain this.

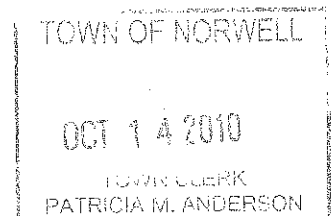
Mr. Beal asked who makes the final decision on street acceptance. The process involved a recommendation by the Planning Board, to the Selectmen for recommendation, then to town meeting. There is a hearing process. It is set up now in the most conservative fashion that the homeowners association has to maintain it until it is put up for road acceptance.

Member Joseph said they will speak with town counsel and the highway surveyor to get their recommendations as to protecting the town. The decision must ensure maintenance of the bridge even if not accepted by the town. It will be set up to stay a private way and that the homeowners would take care of maintenance.

Phasing. Several of the Board members are uneasy with phasing and the new bar graph indicates revisions. This has been discussed with town counsel and the consulting engineer. This schedule is a little aggressive in terms of how many lots can be released, how many building permits can be issued. Town counsel advises the need to be a little more conservative to protect the interests of the town. Based on that, Town counsel's first recommendation would be five building permits.

Mr. Beal said the original request was all infrastructure complete over those 27 lots through the cul de sac on road B, the initial proposal of the phasing included all these lots. Mr. DiIorio said it was decided it should be limited to 1000 feet because that is the limitation on the dead end road of an OSRD..

Member Joseph said counsel advised the infrastructures should be in to support the development before a number of lot releases. That means the complete infrastructure, the wastewater treatment plant needs to be up and running and connected to the soil absorption system, etc.



Mr. Beal asked for clarification, no lot release beyond 5 until the time the treatment plant is operational and the infrastructure is complete? Member Joseph said it's always risky to release lots before the infrastructure is there to support the development.

Mr. Beal asked if the board would consider 7 lots, the 7 lots in the 1000 foot roadway, so they would have 6 here prior to crossing and lot 10 that is within that 1000 foot area. Until the wastewater plant is functioning, they wouldn't request any other lots for release. The board discussed giving the applicant one more lot, keeping the one out that goes over the bridge. Town counsel was given the timelines and tried to work out a system so the town would be protected as well as the developer's interest. She said they could go back to him and ask about the 6 lots.

The construction time of the homes being proposed on the site is 5-6 months. Ms. Kelleher said they would be starting the wastewater treatment plant in phase 2, early 2011. They wouldn't request lot releases until the binder coat is down on phases 1 and 2.

Bridge. In response to a question about utilities, Ms. Kelleher said they would ideally like to take both the sewer and drainage and work with Contek to do a dog house so as not to go underneath the footings and around. The water or sewer main, can sleeve through this, still have cover over existing grade, but be able to go through the sidewalls of the arched culvert instead of going down and over and back up again. The utilities (electric, gas, cable) would be above the arch but below the pavement section.

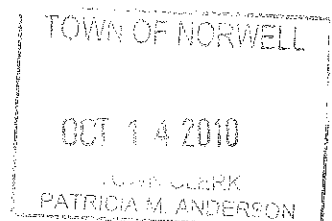
Member Joseph said she believed in the previous meeting they said they are trying to begin work this fall. It is not feasible to construct the water line before April 15, because that is when the street opening permits come out. We would propose a condition that ties be given the water line on April 15.

She said the board would also propose to tie the beginning of phase 4 to this chart as well. That seems to be the most critical phase in terms of erosion and sedimentation control and impacts, past the mud season. Obviously that work should be done in the driest part of the year.

Carol McClendon, 35 Centennial Way, said after the last meeting she and other neighbors were concerned about who they would contact during the construction if they were having any problems with what was going on. She spoke with Mr. DiIorio who said that until the project was complete, they were to address any concerns to him and he would bring them to the planning board.

Ms. McClendon said another concern is it seems like the homeowners association is going to be responsible for a lot of what is going on after the construction. Is the homeowners association something that is going to be permanent or can it be dissolved at some point? Member Joseph said it is permanent and not dissolved.

Ms. McClendon asked if there will be some type of formal written listing of what they are responsible for. Member Joseph they already have the documents for the



homeowners association and will have to come in with appropriate amendments for making it specific to this project. The homeowners association is already funded by \$100,000 in a bank account. That's for maintenance of the drainage system, wastewater system, soil absorption system, open space, trails, anything that is needed in the homeowners association documents. That material is required before endorsement. Town counsel reviews it all.

There was some discussion as to the need to keep the hearing open for future submissions. In answer to Mr. Beal's question if this was a proposal to request an extension to the timeline for action, Member Joseph said no, the Board wants to get this done as well.

A motion was made to continue the hearing to October 6 at 7:30 p.m.: Member Joseph, approved 5-0.

DISCUSSION: Bills

- Chessia Consulting (Wildcat OSRD) \$3,185.00 -paid
- Chessia Consulting (335R Washington Street) \$2,022.50 -paid
- Horsley Witten (Conceptual Plans/Final design) \$1,617.50 -not paid info req.
- W.B. Mason (memory card for camera) \$44.00 -paid

DISCUSSION: Forest Ridge Update with Arthur Rowe

Applicant could not attend due to hospitalized family member.

DISCUSSION: Board member Committee Representation Report

AHP: The partnership is undertaking a new production plan that the Planning Board will need to pay for. The existing production plan should be reviewed to see what needs to be changed.

CPC: Request for proposals has been made.

Pathways: ANRAD moving forward, Horsley Witten bill will be clarified with D. Vose.

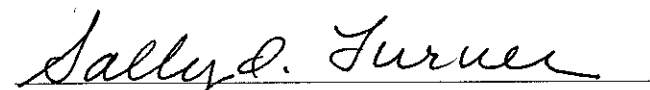
DISCUSSION: Meeting Schedule

Next meeting will be on October 6 and then every other week until the end of the year.

ADJOURNMENT:

At 9:40 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 October 6, 2010.


Sally I. Turner, Clerk

