

PLANNING BOARD
TOWN OF NORWELL

Post Office Box 295
Norwell, Massachusetts 02061
(781) 659-8021

TOWN OF NORWELL
TOWN CLERK

2015 JUL 23 AM 9:09

RECEIVED

**Norwell Planning Board Meeting Minutes
April 29, 2015**

The meeting was called to order at approximately 7:00 p.m. Present were Board Members Ken Cadman, Patrick Campbell, Brad Washburn, Peggy Etzel and Darryl Mayers. The meeting was held in the Planning Office.

Draft Agenda

Member Campbell moved that the Board approve the draft agenda. The motion was approved by a vote of 5-0.

Bills

WB.Mason	Invoice I124635313	\$8.34
	Invoice I124817646	\$5.16
	Invoice I124952614	\$7.30
	Invoice I125169703	\$47.02
Chris DiIorio	Registry Recording Fee	\$77.00
Patriot Ledger	White Barn Lane Notice	\$517.92
	Zoning Article Notice	\$979.68
BETA Group	Invoice 12	\$6,930.00
Chessia Consulting		
Stetson Estates	Invoice 1381	\$445.00
Bay Path Lane	Invoice 1378	\$1,897.50
	Invoice 1393	\$242.00
Avedis Zildjian	Review Fee Release	\$771.50
Horsley Witten Group	Invoice 36336	\$1,897.56
	Invoice 36216	\$1,550.00

Member Etzel moved that the Board pay the outstanding invoices. The motion was approved by a vote of 5-0.

Minutes

11/19/14: Member Etzel moved that the Board approve the minutes. The motion was approved by a vote of 4-0 (Member Washburn abstained).

12/3/15: Member Etzel moved that the Board approve the minutes. The motion was approved by a vote of 5-0.

3/5/15: Member Mayers moved that the Board approve the minutes. The motion was approved by a vote of 3-0 (Member Campbell and Member Etzel abstained).

Member Mayers moved that the Board reconsider the 3/5/15 minutes. The motion was approved by a vote of 3-0 (Member Campbell and Member Etzel abstained).

Member Mayers moved that the Board approve the minutes with the amendment removing "LLC" from the end of "representing White Barn Lane residents LLC". The motion was approved by a vote of 3-0 (Member Campbell and Member Etzel abstained).

MassDOT Route 3 Proposal

The Board wanted the following questions answered by MassDOT:

1. Why were the toll lanes not connected through to Route 24? Was it considered?
2. How much of this project is going to be publicly funded?
3. What happened to the road widening/additional lanes proposed in the past?

Cowings Cove

Andrew Calatayud, resident of Cowings Cove, attended the meeting. No work has been done on-site over the past year to address the electrical panels, the bridge or the landscaping. The developer, Henry Barr, stated in a phone conversation with staff on 4/28/15 that they are actively searching out landscape contractors to complete components of the landscaping on the site. Staff will update the Board at the next meeting if there has been any progress.

Public Hearing: White Barn Lane

At 8:15 Member Cadman read in the notice.

Member Campbell has listened to the recording of the meeting on 3/26/15 and signed the Mullins Rule form.

Member Etzel did not receive the recording.

Discussions regarding the White Barn Lane Subdivision Modification/Abutter Consent continued.

Town Attorney Galvin stated that under state law the Planning Board is the only group that can approve a subdivision modification. The ZBA granted waivers for the project to proceed, which they are allowed to do under state law, but cannot approve a subdivision modification. In his opinion, the Planning Board needs to approve the modification, though it is only a formality under MGL chapter 81O. The question before the Board is whether the changes proposed by the applicant affect the marketability of the titles of the existing residents of the subdivision. If the changes affect the marketability then abutter consent is required.

RECEIVED
2015 JUL 23 AM 9:09
TOWN OF NORWELL
TOWN CLERK

Though there is no case that is specific to this case, in *Patelle v. Planning Board of Woburn* the court established when abutter consent would, and would not be, required. Changes that are "qualitative" in nature, such as location of trees, width of streets, planting between curb and lot lines, traffic signals, overhead or underground utilities, street lighting, transformation of cul-de-sac to through street, relocation of open space area and creation of house lots out of previously apportioned open space areas would not affect marketability of title. Examples of changes that would affect marketability of title include modifications which altered the shape or area of a lot, denied access, impeded drainage, imposed easements, or encumbered the manner and extent of use of which the lot was capable when sold.

John Witten, attorney for the residents, stated that access would be blocked temporarily during construction. In the long term, there is no proposed easement for the Schlueters to access White Barn Lane over the newly extended driveway. Construction of the stormwater basins to within 1 foot of the driveways, removal of the cul-de-sac, the construction of a trench for drainage and extension of the driveways would also affect access.

Warren Baker, attorney for White Barn Lane LLC, stated that access will not be denied or affected as required by the HAC decision and the intensity of the use will not be affected. Both existing residents would still be able to access their homes from this roadway.

The Board discussed how added maintenance responsibility and costs could potentially affect the marketability of title.

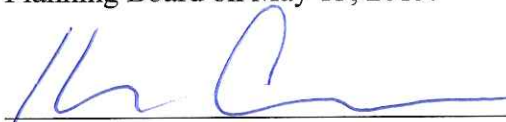
It is unclear if drainage would be impeded by the construction.

Member Campbell moved that the Board close the hearing. The motion was approved 4-0 (Member Etzel abstained).

ADJOURNMENT

At 10:00 p.m., Member Washburn 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 the majority vote by the Planning Board on May 13, 2015.



Ken Cadman, Clerk

RECEIVED
2015 JUL 23 AM 9:09
TOWN OF HORWELL
TOWN CLERK

