

PLANNING BOARD  
**TOWN OF NORWELL**

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

**Norwell Planning Board Meeting Minutes  
6/14/2017**

The meeting was called to order at 7:08 P.M. with Chair, Donald Mauch, Sr., presiding. Also present were Vice Chair, Jamie Crystal-Lowry, and Board Members Scott Fitzgerald, Patrick Campbell, and Brendan Sullivan. The meeting was held in the Town Hall Gym. Ms. Crystal-Lowry and Mr. Fitzgerald arrived at 7:15 PM.

**Agenda**

*Motion by Mr. Campbell to approve the agenda as submitted. Duly seconded and unanimously voted.*

**Minutes**

The minutes of the April 26, May 8, May 10, and May 24 meetings were distributed and reviewed. Mr. Fitzgerald noted that the May 8 meeting adjourned at around 7:15 (not 8:42) PM.

*Motion by Mr. Campbell to approve the Minutes of the May 8, 2017 meeting as amended. Duly seconded and unanimously voted.*

*Motion by Mr. Fitzgerald to approve the Minutes of the May 10, 2017 meeting as submitted. Duly seconded and unanimously voted.*

*Motion by Ms. Crystal-Lowry to approve the Minutes of the April 26, 2017 meeting as submitted. Duly seconded and unanimously voted.*

*Motion by Ms. Crystal-Lowry to approve the Minutes of the May 24, 2017 meeting as submitted. Duly seconded and unanimously voted.*

**Bills**

The following invoices were presented for approval:

Chessia Consulting	Barrel Lane/Norwell Estates	\$369.00
Chessia Consulting	427 Main OSRD	\$547.05
Chessia Consulting	141 Longwater Dr.	\$332.55
Chessia Consulting	Wildcat OSRD Site Walk	\$300.00
CJS Proofreading et al.	Meeting Minutes	\$150.00
WB Mason	Office Supplies	\$34.55

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*Motion by Mr. Fitzgerald to approve the invoices as submitted. Duly seconded and unanimously voted.*

**Treasurer Darlene Sullivan – Discussion of Subdivision Surety, etc. (i.e. Parsons Walk)**

Town Treasurer Darlene Sullivan was present to discuss outstanding surety balances on Parsons Walk and other projects.

Mr. Mauch noted for background that the Parsons Walk subdivision, across from Norwell Estates, was finished years ago but never accepted as a public way. Therefore, the final surety never got released.

Ms. Sullivan stated that subdivision laws give developers a number of options for posting surety, including the issuance of bonds or depositing funds into passbook savings accounts or line-item accounts tracked in-house by the town. She would like the PB to encourage developers to deposit surety funds in-house for easier tracking. She then distributed documents providing current balances and status updates on sureties for several subdivisions.

With respect to Parson's Walk, Ms. Sullivan advised that funds were being retained in a passbook account due to an outstanding punch list. Mr. Mauch noted that this was an example of the problems associated with long-time private ways asking to be accepted as public roads years later, after the surety is depleted or closed.

Mr. Mauch also advised that the developers of the Wildcat OSRD are trying to finish the outstanding punch list items so they can retire their surety bond. He added that the road acceptance at town meeting was contingent on their completing a number of items, and that a partial release of surety may be on the agenda for the next PB meeting.

Ms. Sullivan also discussed the possibility of creating a parcel ID for roads to reduce cost and make collection easier. She also asked whether drainage work gets a separate parcel ID or is looped in with the associated subdivision. Mr. Mauch replied that this varies by project.

In closing, Ms. Sullivan encouraged the PB to notify her when surety-related requests appear on PB agendas and to reach out to her at any time for assistance.

**Scenic Road Hearing - 73 Prospect Street**

*Motion by Mr. Fitzgerald to open the public hearing. Duly seconded and unanimously voted.*

Mr. Fitzgerald read the Notice of Public Hearing. Applicant Mark Roukos, of New Heights Builders, was present.

Mr. Roukos proposed to remove 16 feet of the stone wall on the property for driveway access, with the remaining wall to be repaired or replaced. Mr. Mauch advised he had visited the site on 6/2/17 and talked with a New Heights employee about plans for the work. He advised Mr. Roukos that the stone wall will need to be curved inward at both ends, and a granite cap will be needed where the wall is not contiguous with a neighboring stone wall.

Mr. Mauch asked about plans for the finished wall's appearance relative to neighboring walls. Mr. Roukos replied that his plan was to take the existing rocks, level and clean them off, and

rebuild the wall. He felt the end product would be similar in appearance to the neighboring walls, and was open to additional suggestions.

Mr. Campbell pointed out that the neighboring wall on 79 Prospect is on private property, and that the wall on 73 Prospect starts on private property but appears to curve into the right of way before the driveway, with the balance on the right of way. He suggested that the PB consider stipulating that the wall be rebuilt entirely on the applicant's private property as opposed to the right of way; this would make the wall contiguous with 79 Prospect.

*Motion by Mr. Fitzgerald to approve the scenic road application for New Heights Builders, 74 Prospect, as submitted, stipulating that the wall be located on private property, off the easement, be no greater than 16 ft width, that the same 16 feet be replicated elsewhere, and that the wall be completed in accordance with the application at a level of quality equal to or better than abutters' walls. Duly seconded and unanimously voted.*

*Motion by Mr. Fitzgerald to close the public hearing. Duly seconded and unanimously voted.*

#### **Norwell Estates (fka Barrel Lane)**

David Bauer, Division President, and Scott Miccile, Land Development Manager, were present for Toll Brothers (TB) Builders. Also present were Town Counsel Bob Galvin, Highway Commissioner Glenn Ferguson, consulting engineer John Chessia, and approximately 10 area residents. Mr. Sullivan recused himself and left for the duration of the discussion.

Mr. Mauch advised that TB had asked to appear before the PB. He reminded all present that the PB is primarily responsible for making sure that what gets built conforms to the plans that were originally approved; and that this does not guarantee the systems that were approved necessarily work or function at a certain level of quality. He assured all that the PB has a good understanding of the ongoing issues at the development, and that the purpose of tonight's forum was not to discuss individual situations between the HOA, or individual homeowners, and TB. He requested that any comments be addressed to the PB and reiterated that the PB is doing everything it can to make sure that the plans originally approved will be adhered to.

Mr. Bauer confirmed that TB had asked to appear before the PB in order to get all concerned on the same page as to how the present situation developed. He stated that TB had purchased 13 of the 15 lots on Curtis Farm Road but not the road, and that TB did not expect to be involved in finishing the road. No road improvements have been made since the purchase, and Avidia bank has taken possession of the two lots that TB did not purchase. It was Mr. Bauer's understanding that ownership of the road remained with Mr. Shute.

TB is finishing the final homes on their lots and they are looking to transfer ownership to the HOA but the outstanding road and drainage issues are preventing this. Therefore, TB would like to take the lead in resolving these issues. To this end, they have reached out to Avidia Bank, homeowners, and various town entities. They are also aware that some lots have grading discrepancies to the plan that have to be fixed as part of the process.

Mr. Bauer said that TB would like to work with the PB and Mr. Chessia to develop a plan to resolve these issues as soon as possible. In return, he asked that the PB sign off on whatever plan is agreed to, and proportionally release the surety funds as the work gets done.

Mr. Mauch discussed his site visit last week with Mr. Chessia, Highway Surveyor, Glenn Ferguson, and Conservation Commission member, Robert Woodill, at which they determined the root cause of the drainage issues and identified three areas where gradings were not consistent with the plans approved. He further noted that TB had been very receptive to these efforts.

At this point, several residents of the subdivision made comments. Andrew Daniels, 350 Circuit (lot 15) expressed appreciation for TB's willingness to step in, and felt they had the expertise to address the problems. Sagrain Moodley (lot 5) agreed, adding that time was of the essence as the area was currently not a safe environment for kids in the development.

A resident asked what would have happened had TB had not offered to take on the infrastructure improvements. Town Counsel Galvin advised that the town would have used the project surety funds to bid out the work with the objective of completing as much as possible with the funds available. There may not have been sufficient funds in surety to pay for all the work needed.

Mr. Bauer would like to get started as soon as a plan is agreed to, but would like the expectations of the town to be clearly defined beforehand and not be changed as the work gets finished and TB requests release of surety. Mr. Mauch replied in turn that once the plan is approved, it's approved, and the only remaining obligation will be for the system to be properly installed.

Mr. Campbell noted that he was not aware that TB had not purchased the road or all lots in the development. He added that the PB typically does not approve a final topcoat on roads until all lots have been built, and asked Mr. Bauer whether TB had reached out to Avidia about getting houses built on the remaining two lots. Mr. Bauer replied that the TB had been in conversation about buying the two lots but that their building plans were rejected by the Conservation Commission.

Ms. Crystal-Lowry suggested that the PB ask TB to submit their understanding of the punch list they are committing to, so that it can be circulated to and signed off on by the various town entities. Mr. Mauch stated that a list had already been drafted that delineated responsibilities between TB, Avidia, and Mr. Shute, and that he would prefer for TB and Mr. Chessia to come back with their solution, as it may contain items that can be added to the punch list.

Sherry Farley (lot 13) asked whether the PB could produce a list of inconsistencies to the plan for the HOA. Mr. Mauch replied that he had tasked Mr. Chessia to come up with a written narrative that will include those inconsistencies. Ms. Farley then inquired about road acceptance by the town once the work is finished. Mr. Mauch noted that the town is not obligated to accept a subdivision road, but that a temporary addition to the town's plow list may be possible provided that homeowners sign off on liability. The PB generally wants to verify that a road's drainage systems work as intended before entertaining acceptance. Ms. Crystal-Lowry added that the PB seeks to protect all town residents by making sure a subdivision's roads are up to par before recommending them for acceptance.

At this point, Ms. Crystal-Lowry asked Mr. Bauer about a timeframe to get a plan to Chessia and the PB. Mr. Bauer indicated that they hoping to have a "redline" plan ready to submit by next week. They preferred an aggressive deadline and were willing to dedicate the necessary man hours to meet it.

Mr. Miccile added that creating the plan will likely be a two-part process, the first part being to submit a conceptual plan for feedback. Once a general concept is agreed to, TB will forward it to their engineer to put pen to paper. He suggested that the initial "redline" review be expedited, as the secondary review is likely to be more time-consuming. Mr. Campbell pointed out that Highway Commissioner Ferguson will need to be involved at all stages of the process.

Mr. Mauch felt the redline plan review could be slotted in for June 28. He pointed out in closing that lots that have frontage on Circuit Street (numbers 13-15) are subject to the scenic road bylaw. Mr. Campbell recommended that TB take this into consideration when evaluating where to site the drainage infrastructure.

#### **Committee Liaison Position Discussion and Updates**

Mr. Campbell advised he had notified Town Administrator Peter Morin that he would be continuing on as liaison to the Economic Development Committee. There was nothing to report with respect to the Complete Streets committee.

Mr. Sullivan advised that the Pathways Committee was working on a RFP related to the Wompatuck State Park access project and gave a brief update on the River/Dover Street project. Mr. Mauch asked about the removal of graffiti from pathway surfaces.

Mr. Mauch briefly noted that the Bylaw Review committee had not met since the previous PB meeting and there was nothing new to report.

#### **Other Business**

Mr. Mauch recently met with Town Administrator Morin to brainstorm ideas about rejuvenating the search for a planner. Due to an acute shortage of municipal planners in Massachusetts, they agreed to consider hiring a newly degreed planner, and to streamline the pre-screening process so they could bring qualified candidates before the PB as soon as possible.

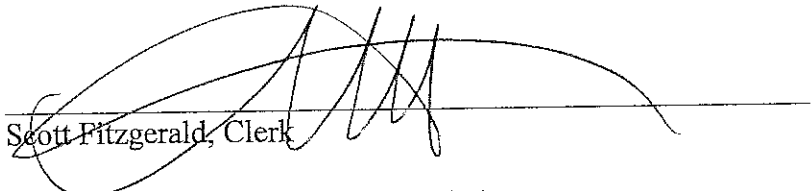
Mr. Mauch further advised that two strong candidates were prescreened Monday and two more pre-interviews, one via phone, were scheduled for Friday. He would like to set up a meeting between the PB and two of the eventual, pre-screened, finalist candidates.

Mr. Campbell asked that they be forwarded resumes for all candidates, and a brief discussion ensued as to the scope of the planner's role as envisioned by the PB.

**Adjournment**

*There being no further business, a motion was made by Ms. Crystal-Lowry to adjourn at 9:07 P.M. Duly seconded and unanimously voted.*

I certify that the above minutes were reviewed and approved by a majority vote of the Planning Board on 6/28/17.

  
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Scott Fitzgerald, Clerk

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