

**PLANNING BOARD
TOWN OF NORWELL**

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**Norwell Planning Board Meeting Minutes
October 12, 2011**

The meeting was called to order at approximately 7 p.m. Present were Board Members Sally I. Turner, Margaret Etzel, Kevin Jones, Kevin Cafferty and Ian Davis. The meeting was held in the Planning Office.

Agenda

Member Cafferty made a motion to remove Harvest Place from the agenda at the request of the applicant and to approve the remaining agenda. The motion was affirmed by a vote of 5-0.

Minutes

September 14, 2011 Minutes

Member Jones made a motion to approve the September 14, 2011 minutes. The motion was affirmed by a vote of 5-0.

September 28, 2011 Minutes

Member Jones made a motion to approve the September 28, 2011 minutes. The motion was affirmed by a vote of 5-0.

Bills

John Chessia review fees: Barrel Lane: \$1517.50

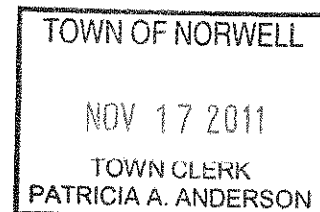
John Chessia review fees: Wildcat: \$1,137.50

John Chessia review fees: Harvest Place: \$2,322.50

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

224 Main Street ANR

Member Jones made a motion deny the ANR because requirements identified in the draft report as F, I, J, L, O, P, R & T had not been met. The motion was affirmed by a vote of 5-0.



Birchwood Subdivision

The homeowners of the Birchwood Subdivision submitted a letter requesting that the Planning Board either seize the surety funds to complete the roadway, or in some way force the developer to complete the subdivision.

Staff will draft a letter to the Birchwood homeowners and research any taxes owed by the developer. Attorney Galvin will contact the developer's attorney.

Wildcat Subdivision

WWTP Tree Removal

The applicant is proposing to remove 16 trees from the area surrounding the WWTP. The applicant fears that these trees pose a risk to the WWTP and a potential environmental hazard in the event any of the trees came down on the structure during a storm. The applicant submitted a plan dated 9/15/2011 that indicates the trees (A-P) proposed for removal.

Eight of the trees proposed for removal (H, I, J, K, L, M, O, P) are located within the Route 3 Buffer Zone which restricts any cutting of vegetation within 100 feet of Route 3. The building inspector and/or the Zoning Board needs to decide if this should be allowed.

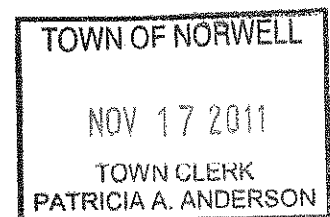
Of the remaining eight trees: (F & N) are dead and can be removed. Other trees seem to be an adequate distance away from the WWTP site and the Board would like to tour the area and determine which trees would be necessary to remove.

Member Jones made a motion that the Board members that toured the site could make the decision on which of the remaining trees (A, B, C, D, E & G) could be removed. The motion was affirmed by a vote of 5-0.

Conservation Restriction

The applicant's attorney, Jeff Angley, sent an email on 9/29/2011 providing an update to the conservation restriction status with DEP. The conservation restriction reviewer, Irene Delbono, has informed him that DEP would not approve a conservation restriction that included areas containing the wastewater treatment plant (WWTP), soil absorption system (SAS) and drainage basins that require maintenance.

Since any non-state conservation restriction has a seventy year expiration date, the Board will require the state restriction on the land area without WWTP/SAS/basins. The applicant was instructed to separate those areas from the undisturbed open space areas. The WWTP/SAS/basin areas will have a private local restriction and the remaining areas will be required to have a DEP conservation restriction.



Attorney Galvin explained to the Board that the conservation restriction should not be recorded until the subdivision is complete because in the event anything needed to be altered an act of the state legislature would be required. The restriction should be finalized by all parties and held in escrow by the Planning Board before lot releases.

Member Cafferty made a motion requiring the applicant to submit a letter stating their intention to divide the open space into parcels containing the disturbed and undisturbed open space areas and to obtain a statutory conservation restriction on the undisturbed areas. The motion was affirmed by a vote of 5-0.

Phase III

The applicant stated that they were prepared to commence construction on phase III.

Member Jones made a motion to allow construction of phase III to begin after discussions with John Chessia and subsequent Board approval. The motion was affirmed by a vote of 5-0.

Public Hearing: Harvest Place Subdivision

Member Cafferty made a motion to approve the continuance request on the definitive subdivision plan hearing to 10/26/2011 at 8:00 p.m. The motion was affirmed by a vote of 5-0.

Member Jones made a motion to approve the continuance request on the scenic road hearing on contingency of a revised request being submitted to the Planning Board to 10/26/2011 at 8:00 p.m. The motion was affirmed by a vote of 5-0.

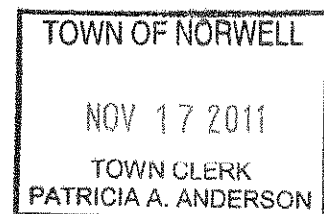
Laurelwood Surety Release

A letter was submitted to the Board from Town Administrator, Jim Boudreau, with an attachment from Attorney Galvin regarding surety release. The Board has not received any written correspondence from Attorney Recupero requesting that the surety funds be released. Therefore, the Board cannot release any of the funds in conformance with the 2006 Rules and Regulations of the Planning Board. Attorney Galvin will contact Attorney Recupero and ask for a written request.

Active Subdivisions

The developer for Barrel Lane Commons has not submitted additional review fees after several requests. Member Jones made a motion to instruct Attorney Galvin to secure a stop work order on the subdivision until additional funds are submitted to the Board. The motion was affirmed by a vote of 5-0.

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 the majority vote by the Planning Board on October 12, 2011.


Sally Turner, Clerk

