

December 19, 2017

VIA EMAIL AND BY HAND

Mr. Michael Kulesza, Chairman
Zoning Board of Appeals
Town of Norfolk
Town Hall
One Liberty Lane, 2nd Floor
Norfolk, Massachusetts 02056

Re: Comprehensive Permit Application
Applicants: Abbyville Development LLC
Abbyville Residential LLC
Projects: The Preserve at Abbyville
Abbyville Commons
Property: Off Lawrence Street, Norfolk, Massachusetts
Summary of Work Since Last Hearing

Dear Chairman Kulesza and Other Board Members:

On behalf of Abbyville Development LLC, the Applicant and developer of the proposed project called The Preserve at Abbyville, and Abbyville Residential, LLC, the developer of the proposed project called Abbyville Commons, the following is a summary status of matters since our last hearing on November 21, 2011. Since our last hearing, the Applicants have prepared and submitted supplemental information to the Town as requested by the Board, and has also held a working session with Town officials to identify remaining peer review and other outstanding matters to be addressed.

1. **Project Unit Adjustments.** As noted at the last Board hearing, and based upon recommendations of the Fire Department, Police Department and the Department of Public Works, the Applicants redesigned the Abbyville roadway network to eliminate one way streets and cul-de-sacs, and to modify roadway widths to allow for on-street parking in certain locations as well as to allow for easier service and maintenance by the Department of Public Works. These revisions will more closely conform to the roadway design and other standards of the Town of Norfolk Planning Board Rules and Regulations for the Subdivision of Land. Resulting from these adjustments is greater spacing between units and improved access to the units. With these adjustments, the total number of units has been reduced from a total of 216 units (including 168 ownership units and 48 rental units) to a total of 204 units (including 148 ownership units and 56 rental units). These adjustments result in the elimination of 2-family ownership units with zero lot line boundaries so that all ownership units will be single family detached

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units. Should the Board approve both projects, the adjustments would also have the benefit of increasing the Town's subsidized housing inventory (SHI) with the addition of 8 rental units, all of which will count toward the Town's SHI.

2. Stormwater Management. Based upon the latest review by the Beta Group, it has been determined that the Projects can comply with the DEP's Stormwater Management Policy and related technical guidance, with the final stormwater management plan to be reviewed and approved by the Town as a precondition to the commencement of construction. The reduction of units noted above will also have the benefit of reducing stormwater resulting from impervious surfaces.

3. Geohydrologic Evaluation & Study/Wastewater Management. As noted at the last Board hearing, the Applicants had obtained Massachusetts DEP approval of the scope of work described in a September 13, 2017 letter from GeoHydroCycle, Inc. to David Boyer, MassDEP, Section Chief, Wastewater Section, outlining the scope for a Geohydrologic Evaluation and Groundwater Mounding Analysis as part of the State Groundwater Discharge Permit application for the Projects. The Applicants' hydrogeologist has completed the work outlined in the above-referenced scope of work, and has filed the 178-page "Hydrogeologic Evaluation Report -- Abbyville Commons/The Preserve at Abbyville, Lawrence Street, Norfolk, MA 02056," dated December 15, 2017, and prepared by GeoHydroCycle, Inc. with the MassDEP on December 15, 2017. A copy of this report has also been delivered to the Board, as well as to Horsely & Witten, the Board's peer review consultant, and we expect peer review comments will be delivered to the Board within the coming weeks. The approval of a package wastewater treatment plant and the issuance of a groundwater discharge permit for the projects, however, is a State permitting matter to be reviewed and approved by the MassDEP.

4. MassDEP Audit Findings. By letter dated November 17, 2017, the current site owner, Buckley & Mann, Inc. received a Notice of Audit Findings and Notice of Noncompliance from Rebecca Wooley, Audits Section Chief, Bureau of Waste Site Cleanup, of the MassDEP's Southeast Regional Office (the "Audit Letter"). The Audit Letter was issued to require that deficiencies in the original work performed by the current owner's consultant, Camp Dresser & McKee, Inc. (now CDM Smith) be corrected to conform to applicable requirements.

The Audit Letter identified two matters requiring resolution within 180 days from the date of the Audit Letter. First, there is a need to correct certain language and legal deficiencies in the Activity and Use Limitation (AUL) that was prepared and filed on behalf of the site owner in 2001.

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Second, the Audit Letter requires the completion of a so-called Stage I Environmental Screening (ES) for the Site to confirm there is no risk to site biota and habitats within the area of the AUL. In order to correct these matters, the Applicants have engaged the services of a licensed site professional (LSP) named IC Environmental Management, Inc., (ICEM) to complete the environmental risk characterization required by the MassDEP. A copy of the ICEM scope of work is attached to this letter, and the Board's peer review consultants will review the ICEM scope of work to ensure that the work proposed comports with the requirements of the Massachusetts Contingency Plan, 310 CMR 40.000 (or "MCP") and applicable MassDEP guidance. This matter is a State regulatory matter which will be addressed by the site owner/Applicants in due course.

5. Construction Management Plan. At the Board's last hearing, the Applicant committed to preparing a detailed construction management plan. This plan, which includes a construction phasing plan designed to minimize both on-site and off-site conflicts; construction schedule and hours of operation; onsite construction staging areas; perimeter protection, limits of work, and other safety measures; implementation and maintenance of erosion and sedimentation controls; the implementation of both structural and nonstructural best management practices, to be implemented as a part of the Stormwater Pollution Prevention Plan (SWPPP) required for the US EPA NPDES Construction General Permit coverage to be obtained for both Projects; construction air quality and dust control and mitigation; off-site sweeping, dust control, and other management measures; construction period noise control; construction traffic management for construction vehicles and residents on-site, as well as for vehicular and pedestrian management off-site; material handling including solid waste management and disposal; utilities; and, 24-hour emergency contacts, was filed with the Board, as well as with the BETA Group and Tetra Tech, on December 11, 2017. This draft plan is captioned as "Consolidated Construction & Operation Management Plan," dated December 11, 2017, prepared for Abbyville Residential, LLC, and Abbyville Development, LLC, and prepared by DiPlacido Development Corp. (the "Draft Construction Management Plan").

6. Off-Site Improvements. As discussed at the last Board hearing, the Commonwealth of Massachusetts awarded the Town of Norfolk a \$1.8 million MassWorks Infrastructure Grant dedicated to the reconstruction of the Lawrence Street bridge (including the cantilevered sidewalk adjacent thereto), and the reconstruction of Lawrence Street (extending from Park Street to Cranberry Meadow). This grant will leverage a total of \$395,000 contributed by the Applicants in the form of water line and related infrastructure improvements to Lawrence Street, and new paving and sidewalks extending from Park Street and along the Lawrence Street causeway to the first entrance of The Preserve at Abbyville.

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It is important to note that the improvements and related work being undertaken with the MassWorks Grant is a Town-initiated project, and is separate and distinct from the off-site improvements which the Applicants are proposing as a part of both Projects. A delineation of the work being undertaken by the Town versus the work being undertaken by the Applicants will be discussed at the Board's hearing.

We look forward to presenting these latest materials to the Board on December 20. In the interim, please do not hesitate to contact me should you have any questions. Thank you.

Sincerely,



John T. Smolak

JTS:

cc: Thomas W. DiPlacido, Jr., Manager
Distribution List



December 19, 2017

Mr. Tom DiPlacido Jr.
DiPlacido Development Corporation
850 Franklin Street, Suite 8
Wrentham, MA 02093

RE: Notice of Audit Findings and Notice of Noncompliance, dated November 17, 2017
RTN: 2-3000173
17 Lawrence Street, Norfolk, Massachusetts
ICEM Project: 1724

Dear Tom:

On the basis of our recent discussion, and in response to the above referenced Notice of Audit Findings and Notice of Noncompliance (NOAF/NON) for Release Tracking Number (RTN) 2-3000173, IC Environmental Management, Inc., (ICEM) proposes the following scope of work in response to Violation Nos. 1 and 2 as outlined in the NOAF/NON.

As to Violation No.1, we will work with your, and/or the current owner's attorney, to provide technical support in the preparation of technical aspects related to the new AUL which shall include the language required as noted on the NOAF/NON.

As a response to Violation No. 2, ICEM shall complete a Stage I Environmental Screening (ES) for the Site.

The Stage I ES will be completed for the Response Action Outcome (RAO) area outlined in the CDM Class A-3 RAO completed in 2001. The proposed residential development within the 208-acre Site is assumed to be outside the subject RAO area. The Stage I ES will rely on analytical data for soil and groundwater reported in the CDM RAO, and data collected within the RAO area as reported in the Phase I ESA completed by ICEM in August of 2017.

The general objective of the Stage I ES is to determine whether contaminants attributable to the Site pose potentially adverse impacts to ecological biota and whether additional assessment with a Stage II Ecological Risk Characterization (Stage II ERC) is necessary. Ultimately, the Stage I ES is used to eliminate those situations in which either the exposures are clearly unlikely to result in environmental harm or any additional ecological risk assessment would be redundant.

ICEM will employ the Stage I ES as outlined in 310 CMR 40.0995 (3) of the Massachusetts Contingency Plan (MCP).

Please note that should additional work be required to complete the Stage I ES due to unforeseen conditions, those services will be quoted on an as need basis and will be considered an extra. If you have any questions, please contact me at your convenience.

Respectfully,
IC Environmental Management, Inc.

A handwritten signature in black ink, appearing to read "Peter F. Cook". The signature is written in a cursive style with a large initial "P".

Peter F. Cook
President

PFC/fm