



January 15, 2019

Chris Wider – Chairman
Town of Norfolk – Zoning Board of Appeals (ZBA)
One Liberty Lane
Norfolk, MA 02056

Re: Norfolk, MA – Preserve at Abbyville/Abbyville Commons
Comprehensive Plan – Waiver Request Review

Dear Mr. Wider:

BETA Group, Inc. (BETA) has completed its review of the requested waivers for the referenced project, based on the waiver request prepared by the Applicant and a review of the Town's Rules & Regulations for Subdivision of Land & Site Plan Approval, amended September 16, 2010, Zoning Bylaws, as amended November 15, 2016 and other Town bylaws, as amended November 15, 2016. The waiver requests appear identical for both the Preserve and the Commons. Therefore, we have reviewed them together and prepared a single letter for both Comprehensive Permits.

We note that the plans as submitted are preliminary and final construction plans should be submitted to the Board for review following approval of the preliminary plans. Any significant deviation in the final construction plans from the approved preliminary design plans should be noted for the Board's information and consideration.

A number of the requested waivers are procedural. We have not commented on those waivers, but have reviewed the requested waivers that are related to technical design issues. In regard to the requested waivers, we offer the following:

BYLAWS OF THE TOWN OF NORFOLK , AS AMENDED THROUGH NOVEMBER 15, 2016

Article VII Section 1: EARTH REMOVAL

The Applicant has requested a waiver from this regulation requiring a Special Permit from the Planning Board for removal of more than 500 cubic yards of earth, where this condominium project is subject to a Comprehensive Permit to be issued by the ZBA per MGL Ch. 40B. The proposed development, including both the Preserve and the Commons, proposes earth removal in excess of 600,000 cubic yards. A Construction Management Plan has been submitted by the Applicant outlining the proposed earth removal operation including time of day/week restrictions, maximum daily truck volumes, schedule of operations, dust control and other pertinent parameters. BETA defers to the Board regarding this waiver.

Article VII Section 2 Wetlands Protection Bylaw Town of Norfolk

The Applicant has requested a waiver from the Town's Wetland Bylaw. The proposed project is subject to the Massachusetts Wetland Protection Act Requirements. BETA defers to the Board regarding this waiver.

Article VII Section 4 Scenic Road Bylaw – The Applicant has requested a waiver from this bylaw to allow removal of trees on Lawrence Street to accommodate roadway and sidewalk improvements and site line clearing. Tree clearing within the Town's Right of Way will be necessary to provide the site triangles as recommended during the peer review process. BETA defers to the Board regarding this waiver.

Article VII Section 5 Street Lighting – The Applicant requests a waiver from the requirement to pay for 300 months of electricity for street lights. The Applicant notes that the lights will be owned/maintained by either individual property owners or a home owners association. We suggest that as part of the final design process the Applicant provide a draft Home Owners Association agreement for review by the Board. BETA defers to the Board regarding this waiver.

Article VII Section 7: Post-construction Stormwater Management of New Developments & Redevelopments - The Applicant has requested a waiver from this regulation requiring a Stormwater Management Permit from the Planning Board for construction activities that disturb more than 1 acre, including but not limited to all plan submission, review, inspections/certificate of completion, and other administrative aspects, where this project is subject to a Comprehensive Permit to be issued by the ZBA per MGL Ch. 40B. BETA defers to the Board regarding this waiver.

Article VII Section 8 Property Stabilization Bylaw – The Applicant requests a waiver from the requirement to obtain a special permit for property that is in an un-stabilized condition for more than 60 days. The proposed plans include details for erosion control measures. Specific locations have not been identified. The Construction Management Plan notes that the project is subject to NPDES and will require preparation of a Stormwater Pollution Prevention Plan. The final construction plans should include specific locations for proposed erosion controls for the Board's review. BETA believes this waiver is appropriate for the project.

ZONING BYLAWS WITH AMENDMENTS THROUGH NOVEMBER 15, 2016

Section D Use Regulations – The Applicant has requested waivers from a number of sections related to use regulations and permitted and prohibited uses within the existing zoning district. The waiver request notes that the use is governed by the Comprehensive Permit. We note that the waivers appear to be required to allow the project to be approved as proposed. BETA defers to the Board regarding this waiver.

Section E Intensity and Dimensional Requirements – The Applicant has requested waivers from a number of sections related to dimensional requirements including lot size, frontage and setbacks, as well as, density requirements. The waiver request notes that the dimensional requirements are governed by the Comprehensive Permit. We note that the waivers appear to be required to allow the project to be approved as proposed. BETA defers to the Board regarding this waiver.

Section F General Regulations - The Applicant has requested waivers from a number of sections related to general regulations of the Zoning Bylaws including signs, performance standards, site plan approval and design review. The waiver request notes that the project has been reviewed through the Comprehensive Permit process. BETA defers to the Board regarding this waiver.

Subsection F.9 Signs – The Applicant has requested a waiver from the requirement that a residential subdivision is permitted one freestanding sign. The Applicant is requesting a waiver to allow two (2) freestanding signs at each entrance. To our knowledge, a design for the signs has not been submitted. It is suggested that the design of the signs be submitted as part of the final construction plans for the Board's review. BETA defers to the Board regarding this waiver.

RULES & REGULATIONS FOR SUBDIVISION OF LAND

3.3.2.19 Tree Plan – The Applicant has requested a waiver from the requirement to show existing trees greater than 12 inches in diameter and proposed trees within the Right of Way and 10 feet beyond. As part of the project development, a project wide landscape plan has been developed. Therefore, BETA believes this waiver is appropriate for the project.

3.3.2.21 Impact Studies and Assessment - The Applicant has requested a waiver from the impact study and assessment requirement. As part of the peer review process, potential impacts from traffic, stormwater and related site development have been assessed. BETA believes this waiver is appropriate for the project.

4.1.1 Design Standards - The Applicant has requested a waiver from the requirement to observe all design standards of Sections 4, 5 and 6 of Town's land subdivision/site plan approvals. The proposed site design requires certain waivers from the Subdivision Rules and Regulations. BETA believes this waiver is appropriate for the project.

4.3 Minimum Lot Size – The Applicant has requested a waiver from the requirement to conform to minimum lot size as specified by zoning. The proposed Comprehensive Permit Plan proposes lot sizes less than the minimum required by zoning in order to accommodate a density consistent with the 40B process. BETA believes this waiver is appropriate for the project.

4.9.4 Trees – The Applicant has requested a waiver from the requirement for trees to be planted at 40 foot or lesser intervals on both sides of all streets. The proposed design includes a landscaping plan for the site that is part of the Board's review process. BETA believes this waiver is appropriate for the project.

4.12.1. Tree Removal – The Applicant has requested a waiver from the requirement that prior to the removal of any trees over four (4) inches in diameter in the right of way and within any tree easement and prior to grading, the developer shall mark all trees proposed for removal and the developer shall plot these marked trees on site plan to be reviewed by the Planning Board. The project Landscape Plans show limits of work (and not individual trees) on site plans to be reviewed by the Zoning Board of Appeals. The current concept includes buffer areas between the single family homes and the condominiums. The Board may

consider requiring the developer to identify existing significant trees within the buffer that may be saved. BETA believes this waiver is appropriate for the project.

4.14.6. Right of Way Widths and Alignments – The Applicant has requested a waiver from the town's primary road (serving more than 50 homes) design requirements of 28' paved width, 280' centerline radius, 400' intersection sight distance (for internal roadways), and other town roadway design standards as may be necessary to construct the roadway network as shown on the site plans. BETA's peer review of the submitted design plans noted that the revised geometry as shown on the Preliminary Plans is appropriate for the development. BETA believes this waiver is appropriate for the project.

4.17. Cross Sections – The Applicant has requested a waiver from the requirement for drafting street cross sections at 50' station intervals. The proposed site plans include a site grading plan that defines the proposed grading of the entire site. This is appropriate for the development. BETA believes this waiver is appropriate for the project.

4.18 Walkways on Existing Roadways – The Applicant has requested a waiver from the requirement to construct sidewalks on Lawrence Street along the property frontage. The Applicant's property is not continuous along Lawrence Street. Strict enforcement of this requirement would result in disconnected sections of sidewalk on Lawrence Street. It is suggested that the Town work with the Applicant during the final design process to determine a sidewalk layout that can be constructed in an appropriate location as part of the off-site work on Lawrence Street. BETA believes this waiver is appropriate for the project.

4.19 Stormwater Management System – The Applicant has requested a waiver from the requirements outlined in the subdivision regulations. The preliminary plans submitted to the Board include a preliminary drainage and stormwater management design consisting of catch basins, manholes, piping, sediment forebays and infiltration basins. The preliminary design has been reviewed for consistency with applicable regulations and standard engineering practice. Comments on the design have been provided as part of the peer review process. BETA believes this waiver is appropriate for the project.

5.0 Required Improvements for Subdivisions – The Applicant has requested a waiver from the entirety of Section 5.0 which outlines certain requirements in regard to right of way width, roadway and sidewalk pavement construction and construction of other site components. The submitted preliminary plans have been reviewed for consistency with sound engineering design and revised as appropriate. They conform with certain requirements of Section 5.0, but certain waivers are required for the specific design as proposed. However, we suggest that the Board require that the requirements included in Section 5 regarding construction materials and procedures for roadways, sidewalks and drainage installation be followed since the intent is for the roadways to become publically accepted streets. BETA believes this waiver is appropriate for the project.

BOARD OF HEALTH RULES, REGULATIONS, GUIDANCE, POLICY and GUIDELINES

The Applicant has requested waivers from the Board of Health regulations in regard to submittal requirements, design/operation/ maintenance of the wastewater treatment facility and groundwater supply

Chris Wider – Chairman
January 15, 2019
Page 5 of 5

protection requirements. BETA defers to the Board and/or Board of Health regarding waivers from these regulations.

NORFOLK FEE, BOND or OTHER SECURITY REQUIREMENTS

The Applicant has requested waivers from several Town requirements regarding paying fees and posting bonds. BETA defers to the Board regarding waivers from these regulations.

If you have questions about any of the preceding comments, please feel free to contact me at (401) 333-2382.

Very truly yours,
BETA Group, Inc.



William P. McGrath, P.E.
Associate

cc: Amy Brady – Norfolk Zoning Clerk