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**NORFOLK ZONING BOARD OF APPEALS
DECISION ON THE APPLICATION OF
THE VILLAGE AT NORFOLK, LLC
FOR A COMPREHENSIVE PERMIT UNDER G.L. c. 40B, §§ 20-23**

PETITION NUMBER: 2017-01
APPLICANT: The Village at Norfolk, LLC (the "Applicant")
LOCATION OF PROPERTY: 25 Rockwood Road, Norfolk, Massachusetts
DATE: November 9, 2017
DECISION: Approved, with Conditions

I. PROCEDURAL HISTORY

1. On February 23, 2017, The Village at Norfolk, LLC (the "Applicant") submitted a Comprehensive Permit Application to construct "The Village at Norfolk" consisting of thirty-six (36) townhouse-style (single-family, detached) condominium units (the "Project"), on 6.56 acres of land at 25 Rockwood Road, shown on the Norfolk Assessors Maps as Map 14, Block 49, Lot 11 (the "Property" or "Site"). The current owner's deed to the Property is recorded with the Norfolk County Registry of Deeds at Book 11286, Page 26.
2. The Property is located in the Business B-1 District (Outside Core) between Hillcrest Village to the north and the MBTA (Franklin Line) commuter rail to the south. There are no portions of the site which are comprised of wetland resources.
3. The Town of Norfolk Zoning Board of Appeals ("Board" or "ZBA") held a duly noticed public hearing on March 22, 2017, and continued the public hearing on April 19, 2017, May 24, 2017, June 21, 2017, July 19, 2017, August 16, 2017, September 20, 2017, October 18, 2017, and November 9, 2017. The Board closed the public hearing and voted to grant this Comprehensive Permit, with conditions, on November 9, 2017.
4. To evaluate the Applicant's plans, documents, and testimony, the Board sought technical assistance and comments from Town staff and other boards and commissions. The Board also retained outside consultants to review the Applicant's traffic study, site plan, plans for stormwater management, and architectural and landscape design. In addition, the Board received comments from abutters and other interested parties at the public hearing.
5. The Board retained BETA Group Inc. ("BETA"), a Massachusetts corporation having an address of 6 Blackstone Valley Place #101, Lincoln, R.I. 02865, as peer review consultants for site civil engineering, building and landscape design, architecture and traffic. BETA was represented by William P. McGrath, P.E. The Applicant funded these services in accordance with the Board's rules and regulations and 760 CMR 56.05(5).

6. The Board also retained special counsel Daniel C. Hill, Esq. of Hill Law, 43 Thorndike Street, Cambridge, MA 02141, to provide the Board with technical expertise and guidance regarding the Chapter 40B review process.
7. Sitting for the Board and present throughout the public hearing process were Michael Kulesza, Chair; Robert Luciano, Christopher Wider, Joseph Sebastiano and Donald Hanssen.
8. Exhibit A contains a list of documents and submittals the Board received during the public hearing.

II. GOVERNING LAW

9. The law governing this application is the Comprehensive Permit Law, Massachusetts General Laws, Chapter 40B, §§ 20-23 (the "Act"), and the regulations promulgated by the Department of Housing and Community Development ("DHCD"), 760 CMR 56.00 et seq. (the "Regulations").

III. FINDINGS

The Board makes the following findings in connection with this application:

10. The Applicant has demonstrated its eligibility to submit an application for a Comprehensive Permit to the Board, and the development fulfills the minimum Project Eligibility requirements set forth in 760 CMR 56.04(1) as follows:
 - (a) The Applicant is a duly organized Massachusetts limited liability company, having a place of business located at 32 Norfolk Avenue, South Easton, Massachusetts 02375 and has agreed to become a limited dividend entity pursuant to the Act.
 - (b) The Applicant received a written determination of Project Eligibility from MassHousing dated December 22, 2016, a copy of which was provided to the Board with the Comprehensive Permit application.
 - (c) The Applicant has site control by virtue of a written Purchase and Sale Agreement by and between Paul F. Kelley and Patricia A. Kelley, as sellers and The Village at Norfolk, LLC, as buyer, as amended.
11. The Board finds that as of the date of the Applicant's application to the Board, the Town of Norfolk does not meet the statutory minima set forth in G.L. c. 40B § 20 or 760 CMR 56.03(3) to 56.03(7).
12. The Board finds that the conditions imposed in Section V of this Decision are necessary in order to address Local Concerns as defined in 760 CMR 56.02.

IV. DECISION

13. In consideration of all of the foregoing, including the plans, documents and testimony given during the public hearing, the Board hereby grants the Applicant a Comprehensive Permit under Chapter 40B for the development described herein, subject to the conditions set forth below.

V. CONDITIONS

A. Approved Plans

- A.1. Except as may be provided for in the conditions of approval set forth herein, this Decision permits the construction, use, and occupancy of no more than thirty-two (32) housing units in thirty (30) buildings (including two (2) triplex units) on the Site.
- A.2. Before the commencement of any construction or any site clearing activities, (“Construction Activities”) the Applicant shall submit to the ZBA final comprehensive permit site plans consistent with the Approved Plans (defined below in Section A.4) and those additional plan and submission requirements described in this Section B for review by the ZBA and its consulting engineer to ensure that such plans and submissions required herein are consistent with the Approved Plans and this Decision. Upon such finding of consistency, said plans shall be approved and endorsed by the ZBA and shall be thereafter referred to as the “Final Plans”. The ZBA shall render a decision under this condition within thirty (30) days of the Applicant’s complete submittal of its proposed final plans.
- A.3. Except as may be provided for in the Final Plans the Project shall be constructed in conformance with the plans and drawings listed in Section A.4 below the “Approved Plans”). No additional housing units or bedrooms or any other structures or infrastructure except that which is shown on the Approved Plans shall be created without further approval of the ZBA in the form of an amendment to this Decision pursuant to Section I below. Minor changes to the plans (e.g., changes that do not materially affect the location of, or increase the height or massing of the structures, or increase the number of units contained in the residential buildings) shall be submitted to the Board, who shall have the authority to approve such changes as immaterial changes. If the Board determines that the proposed changes are substantial pursuant to Section I below, it shall so notify the Applicant and the Applicant shall proceed in accordance with 760 CMR 56.05(11).
- A.4. The Approved Plans consist of the following:
- a. A set of plans entitled "Site Plans for Comprehensive Permit, 'The Village At Norfolk' in Norfolk, Massachusetts" dated February 21, 2017, with revision dates set forth below, prepared by Outback Engineering Incorporated, including the following ten (10) sheets:

	Sheet Title	Final Revision Date
Sheet 1	Cover Sheet	6/16/2017
Sheet 2	Existing Conditions	6/16/2017

Sheet 3	Preliminary Layout	11/7/2017
Sheet 4	Preliminary Utility Plan	9/29/2017
Sheet 5	Preliminary Grading Plan	9/29/2017
Sheet 6	Detail Sheet (Structures)	6/16/2017
Sheet 7	Detail Sheet (Stormwater)	9/8/2017
Sheet 8	Septic System Details (System)	9/29/2017
Sheet 9	Details (Test Pits)	6/16/2017
Sheet 10	Details (Test Pits Continued)	8/14/2017

- b. "Stopping Site Distance Plan," prepared by Outback Engineering, Inc., dated August 11, 2017.
- c. "Intersection Site Distance Plan," prepared by Outback Engineering, Inc., dated August 14, 2017, revised through August 21, 2017.
- d. "Proposed Sidewalk Plan on Rockwood Road," prepared by Outback Engineering, Inc., dated June 27, 2017.
- e. A set of site landscaping, fencing and lighting plans entitled, "The Village At Norfolk," prepared by Ryan Associates, consisting of six sheets as follows:

	Sheet Title	Final Revision Date
Sheet 1.0	Full Site Planting Plan	10/5/2017
Sheet 1.1	Typical Unit Planting	10/5/2017
Sheet 1.2	Planting Details	10/5/2017
Sheet 2.0	Fencing Plan	10/5/2017
Sheet 2.1	Entrance Plan	10/5/2017
Sheet 3.0	Site Lighting	10/5/2017

- f. Architectural Plans provided by The MZO Group, entitled "The Village At Norfolk," issued as of 9/19/2017, depicting typical home styles, consisting of twenty-two (22) pages (inclusive of cover sheet), including preliminary schematic floor plans and elevations as follows:

	Sheet Title	Final Revision Date
Sheet 00	Cover Sheet	09/19/2017
Sheet 01	Unit A-1 Floor Plans	09/19/2017
Sheet 02	Unit A-1 Elevations	09/19/2017
Sheet 03	Unit A-2 Floor Plans	09/19/2017
Sheet 04	Unit A-2 Elevations	09/19/2017
Sheet 04A	Unit A-2 Corner Unit Elevations	09/19/2017
Sheet 05	Unit A-3 Floor Plans	09/19/2017
Sheet 06	Unit A-3 Elevations	09/19/2017
Sheet 07	Unit B Floor Plans	09/19/2017
Sheet 08	Unit B Elevations	09/19/2017
Sheet 08A	Unit B Corner Unit Elevations	09/28/2017

Sheet 09	Unit C-1 3 Bedroom Floor Plans	09/19/2017
Sheet 09A	Unit C-1.1 2 Bedroom Floor Plans	09/19/2017
Sheet 10	Unit C-1 Elevations	09/19/2017
Sheet 11	Unit C-2 Floor Plans	09/19/2017
Sheet 12	Unit C-2 Elevations	09/19/2017
Sheet 13	Triplex A-2 Floor Plans I	09/19/2017
Sheet 14	Triplex A-2 Floor Plans II	09/19/2017
Sheet 15	Triplex A-2 Elevations I	09/19/2017
Sheet 16	Triplex A-2 Elevations II	09/19/2017
Sheet 16A	Triplex A-2 Corner Unit Elevations	09/19/2017
Sheet 17	Triplex A-2 Elevations III	09/19/2017

- g. Proposed Speed Mitigation Signage Plan, prepared by Green International Affiliates, Inc., submitted with correspondence dated 8/14/2017.

B. Submission And Final Permitting Requirements

- B.1. Prior to or with the submission of the proposed Final Plans, the Applicant shall deliver to the Board a check for \$5,000 to be used for the Board to retain outside experts for review of the Final Plans as required under these conditions and construction monitoring as provided herein. Said funds shall be deposited by the Board in an account pursuant to G.L. c. 44, s. 53G and shall only be used for technical reviews and inspections associated with this Project. The escrow account shall be replenished to \$5,000 anytime the balance in the escrow account falls below \$2,500. Any unspent funds shall be returned to the Applicant with accrued interest at the completion of the Project.
- B.2. Appropriate signage shall be shown on the Final Plans that includes all interior directional and traffic signage as well as unit/building location signage.
- B.3. All street lighting shown on the Final Plans site shall incorporate glare cutoff shields that direct the light onto the Project roadways and the Project site as shown on the Applicant's site-lighting plan referenced above.
- B.4. Fieldstone shall be used to construct any walls visible from Rockwood Road.
- B.5. The various colors proposed for the buildings shall be reasonably interspersed throughout the development, provided that no two adjacent buildings may be the same color to the extent practicable.
- B.6. The location of all utilities, including but not limited to underground electric, telephone, and cable, shall be shown on the Final Plans, unless such utilities are designed and installed by third-party service providers, in which case, such utilities shall be shown on as-built plans as required herein.
- B.7. Fire department approved fire hydrant locations shall be show on the Final Plans.

- B.8. The ZBA's approval of the Final Plans shall be contingent upon the Applicant obtaining an opinion from the ZBA's Consulting Engineer that the Applicant's fully-engineered stormwater management system is consistent with the Approved Plans and the prior submission of stormwater management plans and reports.
- B.9. Applicable sheets of the Final Plans shall signed and sealed by the Professional Land Surveyor, the Registered (Civil) Engineer of record, the Registered Building Architect and the Registered Landscape Architect of record.
- B.10. The final submitted plans shall include a plan showing the layout of proposed erosion control devices during construction. An erosion control and construction management plan showing the construction methods, scheduling, phasing, winter stabilization measures, and location of necessary water pollution and erosion control methods shall be submitted as part of the Applicant's Stormwater Pollution Prevention Plans ("SWPPP"), if applicable; otherwise, these details shall be submitted to the Board with its proposed Final Plans. The plans shall show the location of the storage areas and designation of temporary stump storage or spoils material area, in accordance with local and state regulations.
- B.11. The Final Plans shall include construction sequencing and management plans including, dust and noise control measures, tree removal, fill delivery schedules, stockpiling areas, truck routes, trash and debris removal, hours of construction, construction staging, traffic and parking during construction, and like matters. The construction sequencing plan may be incorporated in the SWPPP in connection with the Project's NPDES Permit (defined below), if required. The Applicants' construction sequencing plan may allow for and the Board does hereby permit, subject to satisfaction of the remaining pre-Construction Activity requirements, the Applicant to obtain all foundation permits (i.e. concrete construction only) and commence foundation construction prior to construction of the Project roadways and site infrastructure, provided that the Applicant's engineer certifies that appropriate measures will be taken to protect the Project site from undue erosion and sedimentation prior to any foundation excavation.
- B.12. The Final Plans shall include a stormwater management system operation and maintenance plan which shall be referenced in the Condo Trust (defined below) documents.
- B.13. The Final Plans shall signed and sealed by the Professional Land Surveyor, the Registered (Civil) Engineer of record, the Registered Building Architect and the Registered Landscape Architect of record, all as may be applicable.
- B.14. This Decision shall be noted on the endorsed Approved Plans and both this Decision and Sheet 3 (layout plan) from the site plan set included in the Final Plans shall be recorded at the Norfolk Registry of Deeds. Proof of recording shall be forwarded to the ZBA before issuance of a building permit.
- B.15. Following a determination that the Final Plans are consistent with the Approved

Plans, before the Applicant begins any Construction Activities, it shall have satisfied the following additional pre-construction requirements:

- a. At least fourteen (14) days before the start of construction, the Applicant shall provide notice to the ZBA and the direct abutters of the anticipated construction start date.
- b. Obtained a National Pollutant Discharge Elimination System (“NPDES”) stormwater permit for the Project, if applicable.
- c. Received final approval from MassHousing and provided evidence of the execution and recording of a Regulatory Agreement to govern the affordability and profit limitation requirements set forth under Section D of this Decision or as otherwise required by the Subsidizing Agency.
- d. Recorded this Comprehensive Permit with the Norfolk Registry of Deeds, at the Applicant’s expense and provide proof of the same to the Board.
- e. The Applicant and the site general contractor shall attend a preconstruction conference with the Building Inspector, Town Planner, Consultant Engineer and other Town Department heads as the Building Inspector may determine. Such meeting will allow the development team to meet and discuss with Town officials regarding construction milestones, timing of inspections and coordination between the parties involved.

B.16. Before the issuance of any building permit for the construction of any unit proposed for the Project (i.e. above-ground wood-frame construction) the Applicant shall satisfy the following requirements:

- a. Submit to the Building Inspector architectural plans for the unit to be constructed, consistent with the Approved Plans, prepared and sealed by an architect with a valid registration in the Commonwealth of Massachusetts (“Architectural Plans”). The Architectural Plans shall be submitted in such form as required by the State Building Code. The Architectural Plans may vary from the Approval Plans based on market demand and market conditions.
- b. Obtained and file with the Board any additional approvals required for the Project under state or federal law, including but not limited to a Disposal System Construction Permit under Title 5 for the proposed septic systems.
- c. Submitted to the Water Department for review for consistency with the Approved Plans, plans which provide that all units shall be connected to the public water system through an onsite water main, as proposed in the Approved Plans. The Applicant shall provide certification from the Water Department that the proposed utility connections are consistent with the Approved Plans.

C. General Conditions

- C.1. All residential units approved under this Comprehensive Permit shall be for homeownership only, in perpetuity, and shall not be converted to rental units without approval as a substantial modification of this Comprehensive Permit under 760 CMR 56.05(11).
- C.2. The Applicant shall be responsible for managing the installation, operation, and maintenance of all aspects of the Project until all units have been conveyed. At such time, the operation and maintenance of common facilities within the Project shall be the responsibility of the condominium (“Condo Trust”) as provided herein. The Applicant shall establish a Condo Trust pursuant to G.L. c. 183A, to maintain and repair all common areas, including but not limited to the roads, stormwater management system, wastewater disposal systems, landscaping, and other improvements within the Site. The Condo Trust shall adopt rules and regulations consistent with this Decision and a copy shall be provided to the Board and Town Counsel for review prior to the issuance of any occupancy permit as described below. At a minimum, the Condo Trust’s Master Deed and rules and regulations shall provide for the following:
- (i) Vehicle parking within the Site shall be limited to marked parking spaces only. “No-parking” signs shall be installed and maintained throughout the Site so as to prevent parking outside of designated parking spaces.
 - (ii) The Condo Trust shall be responsible for enforcing parking rules and shall fine units and unit owners for any violation of parking rules and regulations adopted by the condominium trust from time to time.
 - (iii) The Condo Trust shall be responsible for snow storage and disposal of snowfall that exceeds the capacity of the designated snow storage areas on the Site. Snow shall not be stored or piled on top of septic systems and leaching fields.
- C.3. Pursuant to the List of Approved Waivers attached hereto as Exhibit B, the Applicant has requested and the Board has granted waivers from the Norfolk Zoning Bylaw and other local by-laws and regulations necessary to construct the Project as shown on the Approved Plans. No waivers are granted from requirements that are beyond the purview of G.L. c. 40B, §§20-23. The Applicant shall otherwise comply with any applicable bylaw or regulation in effect as of the date of the filing of this comprehensive permit application with the ZBA (February 23, 2017) that is not expressly waived herein, subject to C.4 below.
- C.4. To the extent that additional waivers are subsequently determined to be required with respect to improvements that are otherwise shown on the Approved Plans, such waivers shall be governed by 760 CMR 56.05(11), and can be granted administratively by the Board. Any subsequent substantial changes to the Approved Plans that require additional or more expansive waivers of any local by-laws or regulations must be approved by the Board in accordance with 760 CMR 56.05(11).

- C.5. The Applicant shall copy the ZBA on all correspondence between the Applicant and any federal, state, or Town official, board, or commission concerning the conditions set forth in this decision, including but not limited to all testing results, official filings, environmental approvals, and other permits issued for the Project.
- C.6. This Comprehensive Permit may be subsequently assigned or transferred pursuant to 760 CMR 56.05(12)(b). The pledging of the Property as security under any loan financing terms as set forth in the financing entity's Loan Documents or any foreclosure sale pursuant to the same shall not constitute an assignment or transfer under this paragraph.
- C.7. The provisions of this Decision shall be binding upon the successors and assigns of the Applicant, and the obligations shall run with the land. In the event that the Applicant sells, transfers, or assigns its interest in the Property, this Decision shall be binding upon the purchaser, transferee, or assignee and any successor purchasers, transferees or assignees. The limited dividend restrictions shall apply to the owner of the Project regardless of sale, transfer, or assignment of the Project.
- C.8. Unless otherwise determined by the Town of Norfolk, the sidewalks, driveways, roads, utilities, drainage systems, sanitary sewer system, water system and all other infrastructure shown on the Approved Plans as serving the Project shall remain private in perpetuity and the Town of Norfolk shall not have, now or in the future, any legal responsibility for the operation or maintenance of the infrastructure, including but not limited to snow removal and landscape maintenance.
- C.9. Unless otherwise indicated herein, the Board may designate an agent to review and approve matters on the Board's behalf subsequent to this Decision.
- C.10. The Applicant shall pay all fees typically imposed by the Town of Norfolk for single-family or multi-family construction projects, except as otherwise expressly waived by this Decision. The Applicant shall pay all required fees for all such building permits, including any fees customarily charged for inspections and permits, except as otherwise waived by this Decision.
- C.11. The Applicant shall be a limited dividend organization as required by Chapter 40B, and it and its successors and assigns shall comply with the limited dividend and other applicable requirements of Chapter 40B and the regulations adopted thereunder.

D. Subsidizing Agency Requirements

- D.1. At least 25% of the units within the Project shall be made available for purchase by households whose aggregate income is no greater than 80% of the area median income, adjusted for household size, as published by the Department of Housing and Urban Development ("HUD") for the Primary Metropolitan Statistical Area as determined by HUD (the "Affordable Units") or as otherwise required by the Subsidizing Agency for the Project.
- D.2. Sale Prices. The initial sale prices for the Affordable Units shall be governed by the

Chapter 40B Guidelines promulgated by DHCD and consistent with guidelines established by the Subsidizing Agency.

- D.3. Selection of Buyers for Affordable Units. The Applicant shall obtain the Subsidizing Agency's approval of a Buyer Selection Plan for the sale of the Affordable Units prior to putting the Affordable Units on the market. Buyers shall be selected through a fair lottery process (the "Lottery"), acceptable to the Subsidizing Agency. The Board shall be provided with contact information for the Lottery Agent, be provided a copy of the buyer selection plan, and be notified of the scheduling of lotteries.
- D.4. To the maximum extent permitted by law and the Subsidizing Agency, first preference for the purchase of 70% of the Affordable Units shall be given to households that meet one or more of the following "Norfolk Connection" preference criteria:
- a. at least one member of the household is a legal resident of the Town of Norfolk at the time of the Affordable Unit lottery application deadline. A person shall be deemed a "Resident" if that person has been registered as a Norfolk resident with the Norfolk Town Clerk pursuant to G.L. c. 51, §4 and would be considered a resident under the United States Census Bureau's residency guidelines;
 - b. Municipal Employees: Employees of the municipality such as teachers, janitors, firefighters, police officers, librarians and town hall employees;
 - c. Employees of local businesses, employees or businesses located in the municipality; or
 - d. Households with children attending the locality's schools.
- D.5. The selection of purchasers for the Affordable Units, including the administration of the Lottery, shall be administered by a consultant retained by the Applicant, subject to the Subsidizing Agency's approval. The Lottery shall be implemented pursuant to a Lottery Plan developed by the lottery consultant and approved by the Subsidizing Agency. If acceptable to the Subsidizing Agency, disputes concerning income qualification and Norfolk Connection qualification shall be resolved in the first instance by the Monitoring Agent and a party aggrieved by qualification-related decision of the Monitoring Agent may appeal the decision to Masshousing for a final determination. The provisions of this section are intended to complement and not supersede any applicable requirements of the Subsidizing Agency, fair marketing regulations of the Department of Housing and Community Development, the Massachusetts Commission Against Discrimination, MassHousing, or any authority with jurisdiction and like purpose, to provide low and/or moderate income housing.
- D.6. Phasing-in of Affordable Units. The affordable units shall be constructed on a schedule that provides substantially for the construction of at least one affordable unit for every three market-rate units, provided that under no circumstances may more than four (4) certificates of occupancy be issued for market rate units until at least one

certificate of occupancy is issued for an affordable unit. The low- or moderate-income units shall be evenly dispersed throughout the Project, as may be determined by MassHousing upon Final Approval. The low- or moderate-income units shall be indistinguishable from the exterior from the market-rate units in the Project. If an individual with a physical disability is a member of a household that has been selected to purchase an affordable unit through the lottery, the Applicant shall ensure that that unit is fully accessible under the Americans with Disabilities Act standards, at the Applicant's cost.

- D.7. Perpetual Affordability Restriction. Before the issuance of any occupancy permit, a Regulatory Agreement acceptable to the Subsidizing Agency shall be executed and recorded. The Regulatory Agreement shall provide, among other things, that (a) Affordable Units in the Project will be sold and resold subject to a Deed Rider acceptable to the Subsidizing Agency, and (b) the Project Owner's profit shall be limited to 20% of the total development cost of the Project as defined by the applicable regulations of the Subsidizing Agency. The Deed Rider shall be attached to and recorded with the Deed for each and every Affordable Unit in the Project at the time of each sale and resale and the Deed Rider shall restrict each such affordable unit pursuant to this Decision in perpetuity.
- D.8. Nothing in this Section D shall supersede or alter the requirements of the Subsidizing Agency for this Project with respect to the matters described herein.

E. Project Construction

- E.1. The Applicant shall permit representatives of the Board to observe and inspect the Site and construction progress until such time as the Project has been completed. The Board or its appointed agents may conduct periodic inspections during the construction of the Project, to ensure compliance with the terms of this Decision and for consistency with generally-accepted construction and engineering practices for the installation of roadways, stormwater management facilities, utilities, and other common development infrastructure. Inspections during the construction phase shall be conducted at the expense of the Applicant, from funds deposited in the Escrow Account.
- E.2. During construction, the Applicant shall conform to all unwaived local regulations and all state and federal laws regarding noise, vibration, dust, and blocking of Town roads. The Applicant shall at all times use all reasonable means to communicate with and minimize inconvenience to residents in the general area. Adequate provisions shall be made by the Applicant to control and minimize dust on the site during construction in accordance with the construction mitigation plan.
- E.3. Construction activities shall be conducted in compliance with the town by-laws which state that no person or persons shall cause, allow or permit the operation of equipment or machinery associated with site work, construction, or demolition, or the operation of motor vehicles including dump trucks, trailer trucks, tractor units with flatbed trailers or other types of truck equipment, for the specific purpose of loading or

unloading equipment, machinery or goods, materials, substances or fluids, including trash, rubbish, or recyclable collection vehicles used to collect household waste between the hours of 7 p.m. and 7 a.m., Monday through Saturday, and all hours on Sunday and all hours on the following Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day and Christmas, without the express approval of the Town Administrator and the issuance of a work permit by the Chief of Police. Such regulation shall not apply to utility companies, private contractors, or municipal workers who are making emergency repairs or deliveries that maintain or restore utility and necessary services under the direction of the municipality or utility company, but such work shall require prior notice to the Police Department. Such regulations shall also not apply to or include domestic equipment used by the homeowner or resident of the property such as lawnmowers, leaf blowers, power or chain saws, snow blowers, and other similar equipment and machinery including snowplowing and snow clearing by private contractors, or those activities defined by 310 CMR 7.10. Violations of this Section shall be subject to a fine of three hundred dollars (\$300) for each violation.

- E.4. Burning or burial of construction or demolition debris on the site is strictly prohibited. All such materials are to be removed from the site in accordance with applicable law. During construction, the site shall be secured against unauthorized entry or vandalism by fencing, or other appropriate means, and all construction materials shall be stored or stockpiled in a safe manner. Any floodlights used during the construction period shall be located and directed so as to prevent spillover or illumination onto adjacent properties. All construction activities are to be conducted in a workmanlike manner.
- E.5. No building areas shall be left in an open or unstabilized condition longer than 45 days. Temporary fencing shall be installed around any open foundations and trenches. Temporary stabilization shall be accomplished by hay bales, straw coverings or matting. Final stabilization shall be accomplished by loaming and seeding exposed areas.
- E.6. Gravel for roadways and soil material to be used as backfill for foundations shall be tested at the expense of the Applicant by a firm reasonably acceptable to the ZBA's Consulting Engineer. Testing of said backfill shall be performed in conformance with standards and frequencies reasonably established by the ZBA's Consulting Engineer. Protocols for installing subsurface utilities in conventional subdivision shall be complied with, except as specifically waived herein.
- E.7. Construction vehicles and vehicles of construction workers shall be parked on the Site, and off Rockwood Road at all times, unless otherwise authorized by a police detail. Blasting - Any rock blasting shall be performed by a licensed blasting professional, who shall first obtain all required permits from the Norfolk Fire Department. All blasting and removal of debris shall be performed in accordance with state regulations and local Fire Department requirements, and the Applicant shall provide evidence thereof to the Fire Chief.

- a. Selection of the Blasting Contractor. A blasting contractor, acceptable to both the Applicant and the Norfolk Fire Department, shall be selected after review of the qualifications of such contractor.
- b. Independent Blasting Consultant. If required by the Fire Chief, an independent geotechnical-blasting consultant shall be selected and paid for by the Applicant, subject to the approval of the Norfolk Fire Department. The consultant shall review the qualifications of the blasting contractor, and review the final blasting plan prepared by the blasting contractor, check the calibration of the seismograph monitors, approve the location and installation of the seismograph monitors, and, if required by the Norfolk Fire Department, determine the blast limits throughout the blast period, and shall consult with the Norfolk Fire Department as needed throughout the blasting period.
- c. Pre-blast Survey. Before any blasting on the Site, the Applicant shall conduct a pre-blasting survey that shall include video-recording of the foundations of all direct abutters to the Project, and shall provide copies of that survey to the ZBA, Fire Chief and each abutter upon request.
- d. Insurance Coverage. The blasting contractor shall carry comprehensive public liability insurance in the amount of not less than \$1,000,000 for property damage in respect of any one occurrence and \$2,000,000 aggregate. A certificate shall be submitted to the Norfolk Fire Department by the contractor documenting that the required coverage will be in force for the duration of the blasting at the site. If there is a general contractor or developer associated with the blasting, each shall carry a minimum of \$1 million of comprehensive liability insurance.
- e. Blasting Limits. The Commonwealth of Massachusetts blasting limits shall be observed. However, if, based upon the recommendation of the independent blasting consultant, the Norfolk Fire Department feels that a lower limit is necessary to protect the site and the abutting residential neighbors, that lower limit shall be in effect.
- f. Notification. Not less than one week before the commencement of any period of blasting, the Applicant shall notify the immediate abutters within 200 feet of the blast area, stating when the blasting period shall begin. Notification under this provision and under any other provision in the Comprehensive Permit shall be by the following three methods: (1) phone or in person; (2) by email; and (3) by letter. Such notification shall include an explanation of the warning procedures for blasting, including soundings. The Applicant shall send another letter notifying the same abutters that the blasting period has been completed. In addition, the Applicant shall notify the Fire Department 30 minutes before each blast, and a Fire Department detail is required for every blast, who shall be certified by the Fire Academy regarding the requirements of the state blasting regulation.

- g. No perchlorate shall be used during blasting at any time.
- E.8. All proposed roadway and utility constructions, grading and appurtenant work shall be constructed pursuant to the Final Plans, consistent with the roadway construction designs shown in the Approved Plans. All proposed roadway and utility constructions, grading and appurtenant work shall continue to be described in complete detail to readily enable peer review and construction. A note shall be placed on each pertinent sheet of the Plans stating that the Project is the subject of a comprehensive permit under G.L. c. 40B, § 20-23, that the roads and ways within the Project in some cases may, and in other cases may not, conform to the standards and requirements of the Planning Board's Subdivision Rules and Regulations.
- E.9. As shown in the Approved Plans, the Applicant shall install vertical bituminous, concrete or granite curb at the edge of the paved surface between the road and the sidewalk to provide protection for pedestrians. Granite curb shall be provided at least at all Rockwood Road intersection radii.
- E.10. Granite curb inlets shall be installed at all catch basins located along the roadway curbing.

F. Public Safety and Fire Protection

- F.1. The numbering system and the identification of the dwelling units shall be subject to the approval of the Fire Chief. Street names shall be subject to the approval of the Fire Chief and Police Chief. Pursuant to the Fire Chief's March 13, 2017 memorandum and in accordance with the state Fire Prevention Code, the Applicant shall install signage or street markings in locations determined by the Fire Chief identifying fire lanes within the Project.
- F.2. Outside grills shall not be permitted above the ground level of any structures. There shall be no open burning permitted on the property. These restrictions shall be incorporated into the Condo Trust documents.
- F.3. There shall be no on-street parking on any roadway or common driveway in the Project. Pursuant to General Laws Chapter 90, Section 18, this Comprehensive Permit authorizes the Town of Norfolk, through its Police Chief, to enforce this condition in addition to enforcement by the Condo Trust.
- F.4. There shall be a minimum fire access width of 10 feet between all structures and between structures and the property boundary of the Site, as shown on the Approved Plans. Said areas shall be free of obstructions as shall be determined and enforced by the Fire Chief under the state Fire Prevention Code, consistent with the Approved Plans. This condition shall be referenced in the deed to each individual housing unit, and in the Condo Trust's Master Deed.
- F.5. The Applicant shall install speed mitigation signage and equipment on Rockwood Road as shown on the Applicant's speed mitigation plan dated August 14, 2017.

- F.6. The minimum driveway length for individual housing units shall be 19 feet as measured from the closest street or sidewalk pavement, except for those specific driveways having a shorter length as shown on the revised Preliminary Layout Plan, last revised on November 7, 2017. Hydrants shall be located along the Project roadway in the locations shown on the final utility plan sheet (last revised Sept. 8, 2017), which locations have been approved by the Fire Chief.
- F.7. No building permit for a building in the Project shall be issued until the base and binder coat of pavement for the portion of the roadway serving that building has been installed.
- F.8. In accordance with NFPA §8.7.2.3, all underground water lines and hydrants shall be installed and operational prior to the issuance of any building permits for the construction of residential structures.
- F.9. Prior to the issuance of the first occupancy permit for any unit in the Project the Applicant shall design, construct and complete the sidewalk on Rockwood Road as shown on the plan entitled "Proposed Sidewalk Plan on Rockwood Road," prepared by Outback Engineering, Inc., dated June 27, 2017.

G. Surety & Covenants

- G.1. Upon satisfaction of the pre-Construction Activity conditions described herein, the Applicant may apply for and obtain building permits (i.e. wood construction) for construction of the first sixteen (16) units in the Project (the "Initial Units"). Subject to the agreement between the Applicant and the Board to obtain all foundation permits and commence and continue all foundation construction as provided in Section B.11 above, and prior to the issuance of a building permit for the sixteenth (16th) unit in the Project, the Applicant shall either:
 - a. Complete construction of: a) all Project roadways (excepting only the top coat of pavement which will be bonded prior to the issuance of a building permit for the 16th unit), b) all utilities (except CATV), c) all stormwater management and erosion control facilities, d) the sidewalk on Rockwood Road, and c) the proposed common gazebo for the Project; or
 - b. Provide a performance guarantee in an amount set by the Board that is reasonably sufficient to complete the items listed in Section G.1(a) above that remain incomplete at such time. The guarantee shall also include the cost for the top coat of pavement for the entire Project if such pavement is not installed at the time of placing said guarantee. The guarantee shall be in a form acceptable to the Board. The performance guarantee will be reduced from time to time as completion of such items progresses and shall be released upon approval by the Board.
- G.2. As security for the completion of the infrastructure related to the Project as shown on the Approved Plan, including, but not limited to, the binder coat of the roadway,

sidewalks, parking areas and common areas, recreational areas, drainage facilities, utilities, landscaping, and any other specific infrastructure shown on the plans (the "Infrastructure"), the release of occupancy permits for all housing units and the sale of all housing units in the Project shall be subject to the following restrictions.

- A. Prior to issuance of a certificate of occupancy for any unit in the Project, the Applicant shall:
- a. Provide an affidavit(s) to the Board, signed by the Applicant's civil engineer certifying that the construction identified in Section G.1(a) above has been completed.
 - b. Install the fencing adjacent to any unit for which the Applicant seeks a certificate of occupancy, as shown on the Applicant's fencing plan.
 - c. Install: (1) all stormwater management infrastructure serving such unit; (2) the base and binder course for the Project's main driveway and parking areas shown on the Final Plans associated with such unit; and (3) all infrastructure and improvements described herein and as shown on the Final Plan so as to adequately serve said unit.
 - d. The Applicant shall submit the proposed Condo Trust (defined below) documents to the Board for review by the Board and Town Counsel to ensure consistency with this Decision.
- B. No more than half of the certificates of occupancy for the Project shall issue until:
- e. All the infrastructure and improvements shown on the Approved Plan (except the final coat of pavement on the roadway) shall be fully installed. The final coat of pavement shall not be installed until after the base and binder coat has endured a full winter season.
 - f. If, in Applicant's reasonable judgment, weather circumstances preclude the installation of plantings to complete landscaping before the issuance of the final occupancy permit, the Applicant shall post a bond or a deposit with the ZBA an amount equivalent to 1.5 times the reasonably expected cost of the plantings to ensure completion by the Applicant as soon as weather allows, and in no event later than the first growing season following the issuance of the final certificate of occupancy.
- C. Prior to the issuance of the final certificate of occupancy, the Applicant shall submit to the Board an "As-Built Plan" in paper and CAD format, showing all pavement, building locations, stormwater management structures and other infrastructure as they exist on the Site, above and below grade, including appropriate grades and elevations. The plans shall be signed by a registered land surveyor and civil engineer, certifying that the Project as built conforms and complies with the conditions of this Comprehensive Permit. The purpose of this provision is to facilitate the Consulting Engineer's review of the Project for compliance with this Decision before the final

occupancy permit is issued. The Applicant shall also submit to the Building Inspector as-built plans for all buildings in the Project.

- G.3. The Applicant may propose a Tri-Party Agreement with its construction lender as an alternative means of providing security for the completion of the Project's infrastructure. The ZBA's engineering consultant shall review the construction costs and recommend adjustments based on best practices and prevailing wage recruitments. Any such agreement shall be subject to legal review by the ZBA's counsel, and subject to the ZBA's approval.
- G.4. Prior to the commencement of Construction Activities (i.e., site clearing), the Applicant shall post a bond or enter into a Tri-Party Agreement with its construction lender in the amount of \$25,000 to provide surety to the Town in the event that the Project Site is disturbed, cleared, grubbed, etc. and abandoned in a state with insufficient erosion control, site stabilization or interim stormwater management. The surety shall be released by the Board upon completion of the roadway and all other Infrastructure (or posting of financial surety for the completion of the roadway and infrastructure).

H. Water, Wastewater, Utilities

- H.1. The water, septic, and drainage utilities servicing the buildings in the Project shall be installed and tested in accordance with applicable Town of Norfolk requirements and protocols.
- H.2. Utilities shall be installed underground by the Applicant (or applicable utility service provider) using methods standard to those installations. Utilities shall be defined as electric service lines, gas, telephone lines, water service lines, CATV lines, municipal conduit and the like.
- H.3. The Applicant shall maintain and repair the drainage structures and stormwater management system within the Project Site until such time as the Applicant transfers title to the roadway and infrastructure to the Condo Trust.
- H.4. Snow shall not be stored or piled on top of septic systems and leaching areas

I. Amendments

- I.1. Any proposed amendment to this Decision or substantial change to the Approved Plans shall be governed by 760 CMR 56.05(11).
- I.2. No structure constructed under this Comprehensive Permit shall be altered, reconstructed, extended, or changed unless authorized by the ZBA by a special permit pursuant to applicable sections of the Zoning Bylaws, as may be amended. Upon such an application for a special permit, the ZBA shall determine, in the first instance, whether such alteration, reconstruction, extension or change is "substantial" or "insubstantial." An alteration to a residential structure shall generally be presumed to be an insubstantial change to this Comprehensive Permit. For all special permit

applications for such insubstantial changes, the ZBA shall employ the standards of review set forth under Section F.4 of the Zoning Bylaw pertaining to changes to pre-existing, nonconforming structures, as may be amended. Requests for substantial changes shall be treated as requests to amend this Comprehensive Permit. Notwithstanding the foregoing, this Paragraph shall not apply to the original construction of structures by the Applicant, but shall only apply to subsequent alteration, reconstruction, extension, and change to such structures.

- I.3. The terms alteration, reconstruction, extension, and change shall have the same meaning under the Massachusetts Zoning Act, G.L. c. 40A, §6 as applied under the Norfolk Zoning Bylaws.

J. Expiration Date

- J.1. If Construction Activities authorized by this Comprehensive Permit have not begun within three (3) years of the date on which the permit becomes final, the permit shall lapse. The permit shall become final on the date that the written decision is filed in the office of the town clerk if no appeal is filed. Otherwise, it shall become final on the date the last appeal is decided or otherwise disposed of. Extensions may be issued by the Board upon written request by the Applicant pursuant to 760 CMR 56.05(12)(c).

[Remainder of Page Intentionally Left Blank, Board's Vote to Follow]

VI. APPLICANT'S REQUESTED WAIVERS

The Applicant has requested waivers from the By-Laws of the Town of Norfolk, the Town of Norfolk Zoning Bylaws, the Rules and Regulations Governing the Subdivision of Land, and other local rules and regulations. The Applicant's requested waivers are set forth in its Application, as supplemented through the public hearing process. The ZBA's grant of waivers shall be subject to the terms and conditions imposed by this Decision, and to the extent that any waiver is inconsistent with a term or condition set forth elsewhere in this Decision, such term or condition shall govern. No grant of any waiver shall be deemed to waive compliance with any condition of approval of this Decision.

Relief from Local Rules, Regulations and Bylaws

The Board hereby waives any and all local rules, regulations and/or bylaws necessary to construct the project consistent with the conditions of approval set forth in Article III and the plans approved by the Board referenced therein as follows. To the extent the approved plans and the conditions of approval set forth in Article III conflict with any unwaived local regulations, the requirements of the plans and conditions in Article III shall supersede such conflicting regulations. Nothing herein may be construed as a waiver of any applicable state or federal law.

	<u>Planning Board Rules and Regulations</u>	<u>Granted / Denied</u>
1.	<u>3.3.2.21</u> Waive the impact study and assessment report, where project will be designed in compliance with Title 5 septic system requirements and roadway infrastructure will be sufficient to support the proposed project as shown on the plans. A traffic study has been provided for the Board's review also. Because the site is all upland area and there are no new stormwater discharges to wetlands, the stormwater management system is designed to incorporate elements from the DEP Stormwater Management Regulations and relies on infiltration systems primarily to recharge groundwater. Solid waste, snow removal and site/landscape/drainage maintenance shall be the responsibility of a homeowners association who shall contract these services with professional companies.	GRANTED.
2.	<u>4.1.1</u> Waive requirement for the applicant to observe all design standards of Sections 4, 5 and 6 of Town's land subdivision/site plan approvals.	GRANTED.
3.	<u>4.9.4</u> Waive requirement for trees to be planted at 40 foot or lesser intervals on both sides of all streets, where a landscaping plan with appropriate trees and other plantings is included with the ZBA application for this condominium project.	GRANTED.
4.	<u>4.12.1</u> Waive 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	GRANTED.

	all trees proposed for removal and the developer shall plot these marked trees on site plan to be reviewed by the Planning Board. Applicant proposes to show limits of work (and not individual trees) on site plans to be reviewed by the Zoning Board, and all trees within these limits shall be flagged for clearing prior to construction.	
5.	<u>4.14.6</u> Waive town's secondary road (serving between 7 and 50 homes) design requirements of 26' paved width, 170' centerline radius, 340' intersection sight distance (for internal roadways), and other town roadway design standards as may be necessary to construct the private driveway network as shown on the site plans, where this project is a private condominium with lower design speeds. The site roadways are proposed to be 22' wide, with 38' minimum centerline radii (at the site drive near units 8, 15, and 23). Intersection sight distance at the internal entrance road looking towards units 9 and 16 is approximately 220', and at the back cul de sac intersection is approx. 200' which is appropriate given travel speeds are anticipated to be close to 20 mph.	GRANTED, provided that the roads and driveways shall be constructed as shown on the Approved Plans.
6.	<u>4.14.9.1</u> Waive requirement that paved cul de sacs shall not exceed 500 feet in length from the intersection of the nearest intersecting through street to the farthest end of the paved turnaround. Proposed driveway network has a 310-ft. long main entrance leading to a 1230-ft looped driveway, with a 380-ft. long cul de sac at the back of the site; the total travel length from the entrance at Rockwood Road to the back cul de sac is approx. 1290 ft. An emergency access road (hard-packed gravel or paved) with locked gates may be extended from the cul de sac through the town-owned parcel (Medway Branch) to the existing parking area in the town's park off Boardman Street.	GRANTED.
7.	<u>4.17</u> Waive requirement for drafting street cross sections at 50' station intervals, where the site plans show a proposed condominium development permitted under MGL Ch. 40B.	GRANTED.
8.	<u>4.19.7.2</u> Waive requirement for a closed stormwater collection system consisting of precast concrete drain manholes, precast concrete catchbasins (5' I.D.), precast concrete water quality structures connected by straight segments of drainline (min. 12"), and cross culverts consisting of straight segments of Class IV reinforced concrete pipe with gasketed joints, where final site design may utilize other collection and conveyance methods, other pipe materials and low impact drainage practices such as contained in the DEP Stormwater Management Regulations (SMR).	GRANTED.
9.	<u>4.19.7.4</u> Waive requirement for separate roofwater recharge systems on all homes with capacity to accommodate 1 inch of runoff from roofs. Preliminary drainage design makes use of underground leaching chamber systems and rain gardens to collect the majority of onsite and roadway runoff, sized for the	GRANTED.

	100-year storm, for a significant amount of groundwater recharge.	
10.	<u>4.19.9.1</u> Waive requirement to recharge all stormwater onsite, to allow offsite stormwater discharge as may be necessary. Peak rates and volumes will be controlled to all offsite areas, such that there is no increase from existing conditions.	DENIED – this waiver is unnecessary as the Project does not propose to discharge any runoff off-site.
11.	<u>5.2.1.1</u> Waive requirements for 26' wide pavement, 7' grass strip and sidewalks on both sides of a secondary street. Proposed roadway shall be 22' wide with an internal sidewalk system that does not align with all driveways (see plan).	GRANTED. The paved surface of the proposed roadway shall be a minimum 22 feet wide.
12.	<u>5.2.1.2</u> Waive requirements for 15" processed gravel and 4" dense grade beneath pavement, where roadways shall be privately owned and 12" processed gravel is proposed beneath the 4" dense grade which will provide a solid, durable base.	GRANTED. The roadway shall have a sub-base of 12" processed gravel.
13.	<u>5.2.3</u> Waive requirement for an Earth Relocation/Removal Permit when 500 cubic yards or more of earth materials are to be removed from the site or relocated within the site.	GRANTED.
14.	<u>5.2.6.3</u> Waive requirement of a plan showing as-built surface grades at 50' stations of the completed dense grade prior to installing bituminous concrete binder course for Planning Board approval, where this is a private condominium project with no public ways that will be administered by the Zoning Board.	GRANTED, provided that the Applicant shall submit an as-built plan for the driveways showing grades at 50' stations at completion of construction, in CAD format.
15.	<u>5.2.8 & 9</u> Waive the use of sloped granite curbing, to allow use of Cape Cod berm (or no berms) in areas where there are no sidewalks and vertical curbing at sidewalks, as shown on the plans.	GRANTED.
16.	<u>5.3.3.3</u> Waive requirement of curb inlet stones at catch basins.	DENIED.
17.	<u>5.7</u> Waive requirement for retaining walls to be 4-ft. max height and of cemented stone masonry conforming to the relevant provisions of Section 685 of the M.H.D. Standard Specifications, where they may be necessary, Redirock walls (or other precast concrete or poured in place walls) may be used at the site interior near the gazebo and abutter Gross where there is no public view from Rockwood Road. Stone masonry walls shall be used along the property line adjacent to the commuter rail station where visible by the public.	GRANTED, but see Condition B.4, and walls shall be constructed in conformity with the Approved Plans..
18.	<u>5.9. and 5.9.1</u> Waive requirements for street trees to be planted within a grass strip (or in tree easements per Planning Board discretion) at 35-foot or lesser intervals, on both sides of all streets, and other planting and guarantee requirements of the Planning Board where the roadways shall not be accepted by the town. Waive requirement for Planning Board approval of tree species where a landscape plan has been submitted for ZBA approval under MGL Ch. 40B.	GRANTED. The Project's landscaping shall be in conformity with the Approved Plans.
19.	<u>5.10</u> Waive requirements for Loaming and Seeding where a landscape plan shall be prepared for this private condominium	GRANTED, provided that the removal of loam and

	project with appropriate details provided for ground covers and sequencing of construction. Waive also prohibition on removal of topsoil from the development where we anticipate the project area may have a surplus of loam/topsoil that will be transported offsite.	topsoil off-site shall be minimized to the greatest extent possible, and shall be re-used on-site to the maximum extent possible.
20.	<u>5.12</u> Waive requirement for Street Light fees to be paid to the town and other street light requirements where the street lights for this project shall be privately owned and maintained by the condo association. A site lighting plan detailing light specifications shall be provided to the ZBA for approval.	GRANTED.
21.	<u>7.3.1</u> Waive requirement for dwelling to be constructed and residential use of the subject property to be expanded with a site plan approved by the Planning Board, where the ZBA will review these plans under a Comprehensive Permit per MGL Ch. 40B. Waivers from all such site plan approval requirements are sought.	GRANTED.
22.	<u>7.4.2</u> Waive requirement for all site plans to be at 1" = 20' scale. A 1" = 40' scale is used for the majority of the site plan set as needed to provide sufficient detail and clarity of the required work.	GRANTED.
23.	<u>7.4.2.2</u> Waive those provisions of Sections 4 and 5 as necessary, substituting the words "site" for "subdivision" and "applicant" for "subdivider" where site plan approval by the Planning Board and no Special Permits are sought, and this project is permitted under MGL Ch. 40B via a Comprehensive Permit from the ZBA.	GRANTED.
24.	<u>7.4.3.9</u> Waive requirement for 10-ft. side yard dimension in accordance with the Norfolk Zoning Bylaws, as an 8 ft. side yard is proposed for garage building and decks.	GRANTED, only to allow an 8-foot setback for Garage Unit 17. All other structures shall comply with the yard setback requirements.
25.	<u>7.4.3.16</u> Waive requirements that all storm water drainage shall be contained on site unless otherwise approved by the Planning Board, that Soil Percolation tests shall be conducted in accordance with Subsection 5.3.12.2., that all facilities for accommodating storm water drainage shall comply with the relevant paragraphs of Regulation 5.3, that runoff from all structures shall be accommodated into leaching basins unless otherwise approved by the Planning Board, that all runoff from parking areas, driveways and service areas on the site shall be directed into a dedicated oil-water separator, and that roof runoff shall be discharged into drywells. The applicant requests waivers from all town stormwater management regulations (including all Planning Board and Board of Health regs) such that the drainage system shall be incorporate best management practices outlined in the DEP Stormwater Management Regulations.	GRANTED.
26.	<u>7.4.3.25</u> Waive requirement that all waivers required for the project, be shown on the plans, and that such waivers are subject to approval of the Planning Board, where this project is permitted under MGL Ch. 40B and the site plans are subject to	GRANTED.

	Comprehensive Permit approvals by the ZBA.	
27.	7.4.3.27 Waive construction requirements for parking lots and driveways to be the same as that for Secondary Streets, and as may be specifically allowed under the Norfolk Zoning Bylaws.	GRANTED.
28.	7.4.3.27.3 Waive driveway and parking area design/construction requirements same as town's secondary street (roadway design of residential subdivisions) with 26' pavement width, 15" processed gravel, 4" dense grade, and 2 courses pavement totaling 4 1/2". Proposed driveways and parking areas shall be per the site plans, with 22' pavement width, 12" processed gravel, 4" dense grade and 2 courses pavement totaling 4" thickness, to be approved by the ZBA per a Comprehensive permit.	GRANTED.
29.	7.5 -7.9 Waive all Site Plan submission, fee, hearing and approval requirements administered by the Planning Board, where the ZBA reviews these plans under a Comprehensive Permit per MGL Ch. 40B.	GRANTED.
	GENERAL BYLAWS OF THE TOWN OF NORFOLK	
	Article VII Section 1: EARTH REMOVAL	
30.	Waiver from this regulation requiring a Special Permit from the Planning Board for removal of more than 500 cubic yards of earth, and any other Town of Norfolk Bylaws and Regulations regarding the removal and/or relocation of earth, where this condominium project is subject to a Comprehensive Permit to be issued by the ZBA per MGL Ch. 40B.	<u>GRANTED.</u>
	Article VII Section 7: POST-CONSTRUCTION STORMWATER MANAGEMENT OF NEW DEVELOPMENTS & REDEVELOPMENTS	
31.	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 condominium project is subject to a Comprehensive Permit to be issued by the ZBA per MGL Ch. 40B.	GRANTED.
	Article IX: Sign Regulations:	
32.	Waiver from this regulation requiring a Sign Permit and authorization from the Board of Selectmen or Special Permit from the Sign Granting Authority, to allow placement of a sign naming the development at the site entrance off Rockwood Road, where this condominium project is subject to a Comprehensive Permit to be issued by the ZBA per MGL Ch. 40B.	GRANTED,
	Zoning Bylaws with Amendments through May 2014	
	PARKING	
33.	Section F.7.a Waive requirement for Planning Board to make a	GRANTED.

	decision on the adequacy of the parking via a Special Permit, where this project is to be reviewed by the ZBA and permitted under MGL Ch. 40B.	
34.	<u>Section F.7.b.1. and F.7.b.1.a</u> Waive requirements for off-street parking of 2 spaces per Single Family Dwelling (and 1.5 spaces for other dwellings), where this project will consist of single-family detached condominium units and 3-unit buildings, and will include a mix of garages integral to the dwellings and detached garages. With a total of 32 condominium dwellings proposed, 48 parking spaces are required. Adequate parking with more than 4 parking spaces per unit (including garage spaces) is provided per the site plans. As may be necessary, a waiver from the required 19' parking space length is requested, with minimum 18' spaces to be provided in limited locations.	A Waiver from the parking stall dimensional requirement (19' in length) is granted, to allow shorter driveways in certain locations as shown on the Approved Plan.
35.	<u>Section F.7.i</u> Waive requirement for travel lane widths as specified in this section, to allow travel lanes at 11 ft. wide with 90° parking spaces, as shown on site plans.	GRANTED, to allow the travel lane widths shown on the Approved Plans.
36.	<u>Section F.7.n</u> Waive requirement for parking lots and appurtenances to be constructed according to Planning Board regulations for same, where the project driveways and parking area shall be constructed as shown on the plans and as Planning Board regulations may be waived.	GRANTED, subject to the ZBA's decision on waiver from the Planning Board's regulations set forth above.
	SITE PLAN APPROVAL	
37.	<u>Section F.11</u> and its subsections a.-d.: Waive requirements for Site Plan Review and Approval by the Planning Board, where this is a MGL Ch. 40B project subject to a Comprehensive Permit to be issued by the ZBA.	GRANTED, subject to the ZBA's decision on waiver from the Planning Board's regulations set forth above.
	DESIGN REVIEW	
38.	<u>Section F.12., F.12.c.1, F.12.d.-g</u> Waive all requirements for applications to the Design Review Board, where this is a MGL Ch. 40B project subject to a Comprehensive Permit to be issued by the ZBA.	GRANTED.
39.	<u>Section F.12.f.1:</u> waive requirement for a study model or final presentation model.	GRANTED.
	AFFORDABLE HOUSING DEVELOPMENT	
40.	<u>Section H.3</u> Waive all requirements for providing affordable housing via a Special Permit issued by the Planning Board, where affordable housing is to be provided for this project as permitted under MGL Ch. 40B subject to a Comprehensive Permit issued by the ZBA.	GRANTED,
	B-1 DISTRICT (OUTSIDE BUSINESS CORE)	
41.	<u>Section I.4.a.10</u> Waive requirement for the project roadways to comply with the specifications and details per town's subdivision regulations, where this project is a residential development permitted under MGL Ch. 40B and shall be privately maintained. Waiver from town's subdivision construction standards are requested to allow this	GRANTED, subject to the ZBA's decision on waiver from the Planning Board's regulations set forth above.

	infrastructure to be built according to the project plans.	
42.	<u>Section I.4.a.11</u> To allow more than 16 bedrooms on a lot where this is not a Planned Multi-lot Development (PMLD) per town Zoning By-law. Project proposes 90 bedrooms that will be permitted as a MGL Ch. 40B development.	GRANTED.
43.	<u>Section I.4.b.3.(G)</u> Waive side yard requirement of 10 ft. as may be necessary to allow a garage building, decks and porches with 8 ft. setback to side property lines.	GRANTED, only to allow an 8-foot setback for Garage Unit 17 and any retaining walls shown on the Approved Plans. All other structures shall comply with the yard setback requirements.
44.	<u>Section I.7. and I.7.a</u> Waive requirement that residential uses be allowed only as part of a commercial site plan, where this is a condominium project with single-family detached homes, with no commercial component, permitted under MGL Ch. 40B.	GRANTED.
45.	Board of Health On-Site Sewage Disposal Regulations, effective March 26, 2015	
	<u>Section III.1</u> Waive requirement that maximum groundwater levels must be determined between December 15 and April 30 for a given year when the permit is issued, where this project will rely on soil evaluations conducted per Title 5, and may include a hydrogeological evaluation including use of monitoring wells and a groundwater mounding assessment.	GRANTED.
46.	<u>Section III.2</u> Waive plan requirements for showing road crown and gutter elevations and final grades at 4 corners of each building, whereas this project is a condominium and it is impractical to show all of these elevations at each unit.	GRANTED.
47.	<u>Section III.5</u> Waive requirement for septic system design for new homes accommodate a garbage grinder; no garbage grinders are proposed in the system design.	GRANTED.
48.	<u>Section V</u> waive variance procedures administered by the Board of Health, where ZBA is to issue all waivers for this 40B project.	NO ACTION – this Section is inapplicable because the ZBA is acting as the Board of Health in this Chapter 40B application and may waive any provisions of the Board of Health’s regulations.
49.	Board of Health - REGULATIONS FOR PROJECT PLAN AND SUBDIVISION APPROVAL, Adopted July 3, 1988, Amended January 16, 1991 & September 20, 2010	
	Waiver is requested from all submittal and approval requirements	GRANTED, subject to all

	contained in these regulations, as this project is to be reviewed and administered by the Zoning Board under MGL Ch. 40B. Septic system design plans shall be submitted to the Board of Health for approval under Title 5.	conditions imposed in this Decision and all other decisions on waiver requests set forth herein.
50.	Board of Health - SUBMITTAL GUIDELINES FOR SUBDIVISION PLANS, SITE PLANS OR OTHER TYPES OF PROJECT PLANS	
	Waiver is requested from all submittal and checklist requirements contained in these guidelines, including but not limited to stormwater management, as this project is to be reviewed and administered by the Zoning Board under MGL Ch. 40B. Septic system design plans shall be submitted to the Board of Health for approval under Title 5.	GRANTED.
51.	Board of Health – Groundwater Supply Regulations, pub. July 18, 1988, amended August 10, 1988	
	Waiver is requested from this regulation that requires a Groundwater Impact Report, as this project is to be reviewed and administered by the Zoning Board under MGL Ch. 40B. Septic system design plans shall be submitted to the Board of Health for approval under Title 5.	GRANTED.

VII. RECORD OF VOTE

The Board of Appeals voted **4-0, with 1 abstaining**, at its public meeting on **November 9, 2017**, to grant a Comprehensive Permit subject to the above-stated Conditions, with this decision as attested by the signatures attached.

Dated: November 9, 2017

Filed with Town Clerk on December 19, 2017

A handwritten signature in black ink, appearing to read 'Carol Greene', written over a horizontal line.

Carol Greene, Town Clerk

Notice: Appeals, if any, shall be made pursuant to Massachusetts General Laws, Chapter 40A, s. 17, and shall be filed within twenty (20) days after the filing of this notice in the Office of the Town Clerk, Town Hall, Norfolk, Massachusetts.

TOWN CLERK
NORFOLK

TOWN OF NORFOLK
ZONING BOARD OF APPEALS
NOTICE OF DECISION

2017 DEC 19 PM 4:52

Date: December 19, 2017

Case: # 2017-01

Case Name: 25 Rockwood Road, Village at Norfolk, Comprehensive Permit


Michael Kulesza, Chair


Robert Luciano, Vice Chair


Christopher Wider, Clerk


Joseph Sebastiano, Member

I hereby attest that twenty (20) days have elapsed from the stamped date of this decision and that no appeal has been filed in this office.

A true copy attest:


Town Clerk


Date

- cc: Town Clerk
Applicant(s)
Abutters
Board of Assessors
Board of Health
Board of Selectmen
Building Commissioner/Zoning Officer
Conservation Commission
DPW Director
Fire Chief
Planning Board
Police Chief
Town Planner