

PLANNING BOARD

1 Liberty Lane
Norfolk, MA 02056

MEETING MINUTES

Date of Meeting: Tuesday, April 29, 2014

Place: Town Hall Room 124

PLANNING BOARD MEMBERS ATTENDING:

Chairman: Steve McClain

Vice Chairman: Peter Chipman

Clerk: Walter Byron

Members: Michelle Maheu, Jeff Palumbo

Associate Member: Andrea Langhauser

Others: Betsy Fijol, Tom Houston, Gino Carlucci (Absent)

Steve McClain called the meeting to order at 7:38 pm and informed the audience that the meeting is being audio and video taped.

New Business

Time: 7:38 p.m.

Project: **Fern Ridge Estates-Request for release of Lots 9, 10 & 11**

Applicant: Lou Petrozzi/Wall Street Development

Comments: Mr. Petrozzi explained that he is requesting release of the final 3 lots (Lots 9, 10 & 11) in the Fern Ridge Estates subdivision.

Mr. Petrozzi explained that he is working with Town Counsel on the finalization of the Open Space deed and does not want to be prohibited from doing the work required.

Bob McGhee, DPW Director, said that most of the work has been done. The condition for the release of remaining lots is the completion of the off-site mitigation work. The bond for the work on Turner Street is in place. The Board said that they could release the lots with the condition that the work on Winston Road is completed to Bob McGhee's satisfaction.

Walter moved to release Fern Ridge Estates lots 9, 10 & 11 with the condition that the work on Winston Road is completed to Bob McGhee's satisfaction prior to the release of the lots. Michelle seconded the motion. The motion carried unanimously.

Time: 7:58 pm

Project: **Sandy Knoll Estates II**

Applicant: Bill Ronca & Mike DiNapoli/Maple Sands Corp.

Comment: Mr. Ronca explained that PSC has provided a cost to complete for Sandy Knoll Estates II in the amount of \$210,000. The septic plans for lots 1 through 4 have been approved by the Board of Health. He said he is requesting re-instatement of his Earth Removal Permit.

The Board asked Mr. Ronca to provide a date by which the lots will be graded and stabilized.

Paul Butters, Kingsbury Road, asked if a separate earth removal permit is required for the work to be done on the individual lots.

Steve said that the Board should draft a second earth removal permit that details the site work that is to be completed.

The Board asked Mr. Ronca to submit new Earth Removal permit application by May 15, 2014 and the existing Earth Removal Permit will be reinstated.

Jeff moved to reinstate the prior Earth Removal Permit for Sandy Knoll Estates II dated June 4, 2010. The permit will remain in effect through May 15, 2014 at which time the Board will be provided all necessary information in order to have a replacement Earth Removal Permit more appropriate for the developer to continue his activities.

Jeff amended motion as follows: Jeff moved to reinstate the prior Earth Removal Permit for Sandy Knoll Estates II dated June 4, 2010. The permit will remain in effect until replaced, contingent upon receipt of a suitable application for a replacement Earth Removal Permit on or before May 15, 2014. Details of the permit will include details related to the nature of the earthen material and location where the earthen material will be transferred. There will be a restriction as to the amount of screening that will take place on the property. The Board will waive the application fees for the Earth Removal Permit except for the necessary cost of advertising.

Peter seconded the motion. The motion carried unanimously.

Peter moved to accept the cost to complete and establish the bond for Sandy Knoll Estates II in the amount of \$210,000. Michelle seconded the motion. The motion carried unanimously.

Time: 8:54 pm

Project: **Discuss proposed parking lot on property adjacent to Dunkin Donuts/134 Main Street**

Applicant: John Primpas

Comment: Mr. Primpas said he is proposing to install a parking lot adjacent to the existing parking lot as part of a Planned Multi-lot Development to be used for commuter parking during the week and customer parking on weekends.

Peter explained that there is a maximum of 60% lot coverage in the B-1 outside the business core zoning district.

Bob Bullock said that he needs to be sure that if the lots were separated into 2 two lots, that each of the lots will not have more than 60% lot coverage.

Tom said that this may be considered a corner lot and parking lots are not allowed on corner lots.

Bob said that Mr. Primpas needs to investigate who owns the right of way.

Andrea said a landscape buffer along Main Street may be appropriate at this location.

The Board agreed that this may be a proposal they can approve and recommended that Mr. Primpas come back with an engineered plan.

Time: 9:15 pm

Project: **Public Hearing for Annual Town Meeting Zoning Articles**

Comment: Steve McClain called the public hearing to order at 9:15 pm. Walter read the Notice of Hearing into the public record.

Peter Chipman recused himself from the hearing a Planning Board member.

The proposed Annual Town Meeting Zoning Articles are as follows:

ARTICLE 27

Submitted by Petition

To see if the Town will vote to amend Section I.4.a.11 of the Norfolk Zoning Bylaws, as set forth below, by inserting the additional provisions shown that are underlined, with the existing text not being changed shown for informational purposes only.

I.4.a.11. Residential Density. Residential DWELLING UNITS, except for ASSISTED LIVING FACILITIES, shall not have more than two bedrooms per unit. Residential densities, except for ASSSISTED LIVING FACILITIES, shall not exceed the ratio of sixteen bedrooms for any single lot or entire PMLD except by special permit by the Zoning Board of Appeals. Residential Densities for ASSISTED LIVING FACILITIES shall not exceed the ratio of sixteen bedrooms per acre for any single lot except by Special Permit by the Zoning Board of Appeals. or take any other action relative thereto.

Discussion on the article: Peter Diamond presented the article and said that by adding the language “or entire PMLD”, the 16 bedrooms are also subject to the Planned Multi-lot Development. Without that language, a developer can take a lot and divide up into a PMLD and put multiple units on each lot.

Jeff thanked Mr. Diamond for his involvement and said that he has concerns because the town has things in place that are intended to try to create a vision for what we want the town to be.

Michelle said that she has concerns because this language makes the bylaw too vague.

Andrea said she was hoping for a mixed use development.

ARTICLE 28

Submitted by Petition

To see if the Town will vote to remove Section 1.7.a.1 of the Norfolk Zoning Bylaws:

~~1.7.a.1: Special Permit by Planning Board~~

~~Residential Dwellings in the B1 Outside the Business Core district at a density of not less than 4 units per lot and not more than 1 unit per 5000 Sq. Ft. of land. or take any other action relative thereto.~~

Discussion on the article: Peter Diamond presented the article and said this would remove residential only development in the B1 Outside the Business Core district.

Jeff said that he is concerned that this will discourage development.

Steve commented that by eliminating this bylaw, it will remove some of the controls that have been carefully placed in the bylaws.

ARTICLE 29

Submitted by Petition

To see if the Town will vote to amend the Norfolk Zoning Map by adding the following parcel to the R-1 Residential Zone: Map 14, Block 49, Lot 11 (As shown on the Zoning Map of Norfolk). or take any other action relative thereto.

ARTICLE 30

Submitted by Petition

To see if the Town will vote to amend the Norfolk Zoning Map by adding the following parcels to the R-2 Residential Zone: Map 14, Block 56, Lot 7 (As shown on the Zoning Map of Norfolk). or take any other action relative thereto.

ARTICLE 31

Submitted by Petition

To see if the Town will vote to amend the Norfolk Zoning Map by adding the following parcels to the R-2 Residential Zone: Map 14, Block 56, Lot 8 (As shown on the Zoning Map of Norfolk). or take any other action relative thereto.

Discussion on the prior three articles: Walter said that this would make the B1 district fragmented and does not support these articles. Walter said that it's interesting that the lots adjacent to Lots 7 & 8 would remain in the B1 Zoning district. Steve said that this appears to be spot zoning and subject to scrutiny by the Attorney General's office. Peter Chipman said that this is reverse spot zoning.

ARTICLE 35

Submitted by the Zoning Bylaw Study Committee

To see if the Town will vote to amend **Section J C-1 DISTRICT (ROUTES 1A/115)** and **SECTION B DEFINITIONS** of the Norfolk Zoning Bylaws; by changing **Subsection J.3 District Boundaries** and adding a new definition for Medical Marijuana Treatment.

Discussion on this article: Bob Nicodemus said that this article was created last year but the Town decided on a moratorium. This article was brought back now that the moratorium is over and the State Medical Marijuana law is in effect.

ARTICLE 36

Submitted by the Zoning Bylaw Study Committee

To see if the Town will vote to amend Section F General Regulations of the Norfolk Zoning Bylaws by revising Subsection F.14. or take any other action relative thereto.

Discussion on this article: Bob Bullock said that Town Counsel asked that this article be indefinitely postponed and deal with it in the Fall. Walter said he would support this article. The Board agreed that they would like more information from Town Counsel on why they would like this article postponed.

Michelle moved to close the hearings for Articles 27, 28, 29, 30, & 31 and to continue the hearing for Articles 35 & 36 to 5/6/14 at 8:05 pm. The Board will discuss recommendations for Town Meeting at that time. Walter seconded the motion. The motion carried unanimously.

Time: 10:10 pm

Project: **Pondville Plaza/0 Valley Street Updates**

Applicant: Al Quaglieri

Comment: Mr. Quaglieri said that is his understanding that the drainage for Pondville Plaza has been made available to the Board of Health.

Steve said the Planning Board voted to accept the new drainage report and the new site plan.

Tom Houston said the Board of Health has jurisdiction over the drainage on Pondville Plaza but it is not affecting the actions of the Planning Board. He said that they are looking for a few minor changes to the drainage study and suggested that Mr. Quaglieri call him to discuss.

Jeff said that about four years ago, the Planning Board and Board of Health harmonized their stormwater regulations to try to eliminate redundancy. It is within the Board of Health's purview to review drainage if the Board feels there are special circumstances.

Steve said the Planning Board is done with this project and Mr. Quaglieri should deal with the Board of Health because the drainage is their issue.

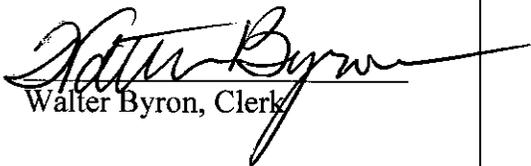
Next Meeting & Schedule

Tuesday, May 6, 2014 @ 8:00 pm & Tuesday, May 20, 2014 @ 7:30 pm

Adjournment

Andrea moved to adjourn the meeting at 11:00 pm. Michelle seconded the motion. The motion carried unanimously.

Respectfully submitted,


Walter Byron, Clerk