

PLANNING BOARD

1 Liberty Lane
Norfolk, MA 02056

MEETING MINUTES

Date of Meeting: Tuesday, June 10, 2014

Place: Town Hall Room 124

PLANNING BOARD MEMBERS ATTENDING:

Chairman: Steve McClain

Clerk: Walter Byron

Members: Michelle Maheu, Jeff Palumbo, John Weddleton

Associate Member: Andrea Langhauser (Absent)

Others: Betsy Fijol/Administrative Asst, Tom Houston/Engineering Consultant, Gino Carlucci/Planning Consultant (Absent), Ray Goff/Town Planner

Steve McClain called the meeting to order at 7:35 pm and informed the audience that the meeting is being audio and video taped.

New Business

Time: 7:35 p.m.

Project: **Macarthur Ave-continuation of Public Hearing for -1 lot subdivision**

Applicant: John Robbins/Representative

Comments: Steve called the continued public hearing for Macarthur Avenue to order at 7:35 p.m. Mr. Robbins asked the Board what they should do to make it acceptable. Steve replied that the Board would like the lot to have Macarthur Ave improved from the adjoining street and along the required frontage in order to make it buildable. Mr. Robbins said that the required frontage for the lot is 150'. It was also stated that the grade does not comply with town standards and would need a variance. Mr. Robbins stated he has three plans drawn up and asked if it would be acceptable for his engineer to work with Tom Houston on a plan that would be acceptable to the Board. Steve said that would be acceptable.

Michelle said that Gino had provided a memo to the Board (dated 5/9/14) which said that the lot is not entitled to a building permit until the roadway is either fully constructed or constructed to a point where it is safe. MacArthur Avenue would have to be constructed to a level acceptable by the Planning Board.

Steve opened the hearing up to the public:

Norman Mullany, 89 Medway St, asked if a stormwater drainage study has been conducted. Steve replied that a drainage study has not been done but will need to be done prior to approval.

Tony DiFillipo, 66 Lakeshore Dr, asked if the abutters own to the middle of MacArthur Avenue. John Weddleton said this will have to be researched at Land Court. He said his well is about 10' off MacArthur Ave and is concerned about that. John Weddleton commented that analysis should be done on the well prior to

construction. Mr. DiFillipo said he also has major concerns about liability to abutters.

Michelle moved to continue the hearing to 7/8/14 at 7:30 pm. Jeff seconded the motion. The motion carried unanimously.

Time: 8:25 p.m.

Project: **Sandy Knoll Estates II-Initial Public Hearing for Earth Removal Permit**

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

Comments: Steve called the public hearing to order at 8:25 pm for the Sandy Knoll Estates II Earth Removal permit. Walter read the Notice of Hearing into the public record. Steve commented the Earth Removal Bylaw specifies that no earth removal may commence on any lot until a building permit is issued for a building on that lot or site. Each lot must have their own individual earth removal permit after building permits are issued.

Mr. Ronca said that they do have Board of Health permits for each lot. He thought he was working within the scope of the agreement he had with the Planning Board. He said they are ready to bond the road and proceed with building permits

John Weddleton said that the Conservation Commission Order of Conditions has expired and he should update the file with the Con Com.

Paul Butters, Kingsbury Road, asked if an earth removal permit is existence. Steve replied that there is not and they are not to remove any earth from the site.

Kristen Ballas, Kingsbury Road, said that she is new to the neighborhood. She is concerned with the length of time that the construction has been going on.

John moved to close the hearing for Sandy Knoll Estates II Earth Removal Permit. Walter seconded the motion. The motion carried unanimously.

Time: 8:55 p.m.

Project: **106 & 108 Main Street-Public Hearings-Initial PMLD Special Permit & Cont'd Site Plan Review**

Comments: Steve McClain called the continued public hearings for 106 and 108 Main Street for the Planned Multi Lot Development (PMLD) Special Permit and continued site plan review to order at 7:49 pm.

Steve explained that because of the zoning change at the Annual Town Meeting in May, the project can no longer go forward as planned with residential only. V5The applicants could resubmit as a mixed use plan. Steve said he personally would not like to close the hearing until the applicants were present. Walter agreed with Steve and felt that the hearing should not be closed until the applicants were present.

Mr. Goff explained that the Board is in receipt of a request for a continuance of the hearing from the applicant.

Jeff said that legal opinion is that the proposed project does not conform to zoning and a reasonable course of action is to deny the applications.

John said that he is leaning towards denial of the projects but would entertain waiving of the application fees if the applicants were to come back with a mixed use plan and re-notification of abutters.

Steve opened the hearing up for public comment:

Peter Diamond, 114 Main Street, said that he does not think it's fair to continue the hearing.

Jeff moved to close the Site Plan and Special Permit PMLD hearings for 106 Main Street. John seconded the

motion. The motion carried unanimously, 4-0 (Walter abstained from the vote). There was discussion regarding voting for each of the applications and was agreed to have a vote for each application.

Michelle moved to deny the Special Permit and Site Plan applications for 106 Main Street. Jeff seconded the motion. The vote on the motion is as follows: Walter- abstained, Jeff- deny, Steve-deny, Michelle-deny, John-deny. The motion carried.

Jeff moved to deny the Special Permit PMLD for 106 Main St. Michelle seconded the motion. The vote on the motion is as follows: Walter- abstained, Jeff- deny, Steve-deny, Michelle-deny, John-deny. The motion carried.

Jeff moved to deny the Site Plan application for 106 Main St. Michelle seconded the motion. The vote on the motion is as follows: Walter- abstained, Jeff- deny, Steve-deny, Michelle-deny, John-not a voting member.

Jeff moved to close the Site Plan and Special Permit PMLD hearings for 108 Main Street. Michelle seconded the motion. The motion carried, 4-0 (Walter abstained from the vote).

Jeff moved to deny the Special Permit PMLD application for 108 Main Street. Michelle seconded the motion. The vote on the motion is as follows: Walter- abstained, Jeff- deny, Steve-deny, Michelle-deny, John-deny. The motion carried.

Jeff moved to deny the Site Plan for 108 Main Street. Michelle seconded the motion. The vote on the motion is as follows: Walter- abstained, Jeff- deny, Steve-deny, Michelle-deny, John-not a voting member.

Time: 9:15 p.m.

Project: **Board Reorganization & Election of Officers**

Comments: Michelle nominated Steve as Chair. Walter seconded the motion. The motion carried unanimously.

Steve nominated Michelle as Vice Chair. Jeff seconded the motion. The motion carried unanimously.

Steve nominated John as Clerk. Walter seconded the motion. The motion carried unanimously.

Project: **Toils End Farm/Fox Run Subdivision - Review Water Booster Station Design Revisions**

Applicant: Carlos Quintal/CAQ Engineering

Comment: The Board discussed the bollards and agreed that green is the best color. Mr. Quintal said that they are providing grass up to the transformer. The Board agreed that the drive should be paved. Ray said that Bob McGhee has not opinion on that. Michelle said that she would like to see more than two rhododendrons. Steve commented that they can get large and they should use standard Rhododendron. Tom said that the small leaf so better in the full sun.

The Board agreed with all the water booster station design revisions.

Time: 9:35 p.m.

Project: **17 Fredrickson Road ANR Plan**

Applicant: Daniel & Susan Winslow

Comments: Michelle moved to accept the ANR plan for 17 Fredrickson Road with the condition to hold the endorsed plan until the 30' landscaping easement is recorded at the Registry of Deeds. John seconded the motion. The motion carried unanimously.

Time: 9:45 p.m.

Project: **Pine Street Medical Building Center-Review detention pond fencing modification**

Comments: The Board agreed with the proposed black chain link around the detention pond, rather than the white PVC fencing. Michelle said the type of fencing was never specified on the approved plan. Steve said the

modification can be picked up on the as-built plan.

Time: 9:50 p.m.

Project: Hampton Rd- Discuss Cost to Complete Estimate & Establish Bond Amount

Comments: Tom Houston provided a cost to complete in the amount of \$172, 250. John moved to establish the bond amount for Hampton Rd in the amount of \$172,250. Walter seconded the motion. The motion carried unanimously.

Time: 9:55 p.m.

Project: T-Mobile/100 Pond Street-Review & Approve Special Permit Decision

Comments: Walter moved to accept the Special Permit #2014-02 for T-Mobile Northeast LLC at 100 Pond Street. Michelle seconded the motion. The motion carried, 4-0 (John abstained). The Board asked Betsy to check the status of the bond.

Project: Assign Town Planner as Agent for the Planning Board per Rules & Regulations for Subdivision of Land Section 6.1.1

Comments: Steve moved to assign Ray Goff as an agent of the Planning Board. Walter seconded the motion. The motion carried unanimously.

Project: 240 Dedham Street Special Permit & Site Plan Modification Decisions

Applicant: Hugo DiMartino

Comments: Tom Houston said that no progress has been made. He said that he provided a detailed memo on what needs to be fixed on the site but has not had communication with Mr. DiMartino to schedule an on-site inspection as per the conditions of approval. Mr. DiMartino has not granted the Board an additional extension beyond the June 10, 2014 expiration date.

Jeff said that he is concerned that the applicant has not followed the correct protocol.

Steve moved to deny approval of the Site Plan Modification Decision #2013-11 for 240 Dedham Street. Jeff seconded the motion. The motion carried, 4-0 (John abstained) unanimously.

Steve moved to deny approval of the Special Permit Decision #2013-12 for 240 Dedham Street. Jeff seconded the motion. The motion carried, 4-0 (John abstained) unanimously.

Project: Essex Street Bond Release

Comment: Steve moved to release the Essex Street Bond Number B21862493, in the amount of \$191,000, from Station 10 + 83.67 to Station 23 + 58.3 because the street was accepted at the 2014 Annual Town Meeting. Walter seconded the motion. The motion carried unanimously.

Project: Consultant Contracts

Comment: Steve moved to extend the engineering consultant contract for PSC, PC and the planning consultant contract for PGCA for 90 days beyond the expiration date of June 30, 2014. John seconded the motion. The motion carried unanimously,

Project: Review of Meeting Minutes

Comment: Walter moved to approve the 5/20/14 meeting minutes as presented. Michelle seconded the motion. The motion carried unanimously.

Project: Zoning Working Committee

Comments: Steve explained that the Board of Selectmen held a roundtable meeting to discuss several zoning changes in town and for the Southwood Hospital property. It was suggested to create a working committee with representatives from all the Boards to discuss specifically the ability to have the zoning changes brought

forward at the Fall Town Meeting that the developer would need to develop the Southwood property. Walter agreed to be the Planning Board representative, but is going to be away until July 5th. John Weddleton agreed to cover in Walter's absence.

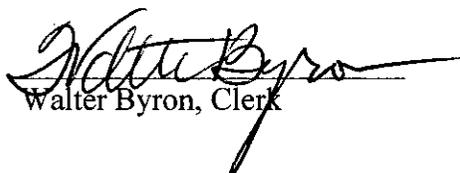
Next Meeting & Schedule

July 8, 2014 @ 7:30 pm.

Adjournment

Walter moved to adjourn the meeting at 10:30 pm. Michelle seconded the motion. The motion carried unanimously.

Respectfully submitted,


Walter Byron, Clerk