

# PLANNING BOARD

1 Liberty Lane  
Norfolk, MA 02056

## MEETING MINUTES

**Date of Meeting:** Wednesday, February 21, 2018

**Place:** Town Hall Room 124

### PLANNING BOARD MEMBERS ATTENDING:

**Chairman:** John Weddleton

**Vice-chairman:** Walter Byron

**Clerk:** Kevin Kalkut

**Members:** Michelle Maheu, Gregg Damiano

**Associate Member:** Erin Hunt

**Others:** Rich McCarthy/Town Planner, Betsy Fijol/Administrative Asst.

John called the meeting to order at 7:00 pm and informed the audience that the meeting is being audio and video taped.

### Public Hearings

Project: **6 Sherwood Drive Site Plan**-Cont'd from 1/24/18

Applicant: Brad Murphy/Applicant, Brian Gillis & Jim Nieve/Dunn McKenzie, Inc.

Comments: Mr. Weddleton called the continued public hearing to order for the 6 Sherwood Drive site plan at 7:00 pm. The Board is in receipt of a request from the applicant to withdraw the site plan for 6 Sherwood Drive without prejudice.

Walter moved to withdraw the site plan for 6 Sherwood Drive without prejudice. Michelle seconded the motion. The motion carried unanimously.

Project: **194 Main Street**-Site Plan & Special Permits to construct Two Duplexes-Cont'd from 1/24/18

Applicant: Al Quaglieri/Rocco Realty

Comments: John called the continued public hearing for the site plan review for 194 Main Street at 7:05 p.m. The Board is receipt of a request from the applicant for a continuance to the next meeting. Gregg moved to continue the public hearing for 194 Main Street to March 28, 2018 at 7:00 pm. Michelle seconded the motion. The motion carried unanimously.

Project: **Cranberry Heights**-Open Space Preservation Subdivision Special Permit-Cont'd from 1/24/18

Applicant: Bella Rosa Stables, Steve O'Connell/Andrews Survey

Comments: John called the continued public hearing to order at 7:10 pm for the Cranberry Heights Open Space Preservation Subdivision Special Permit.

— The Board is in receipt of a request from the applicant for a continuance of the hearing.

Walter moved to continue the hearing for Cranberry Heights Open Space Preservation Subdivision Special Permit to March 28, 2018 at 7:05 p.m. Gregg seconded the motion. The motion carried unanimously.

Project: **Norway Farms** – Definitive Open Space Preservation Subdivision-Cont'd from 1/24/18  
Applicant: Rick Goodreau/United Consultants, Rob & Jeanne Cain/Norway Realty Trust, Elizabeth Maitland/Attorney

Comments: Mr. Weddleton called the continued public hearing to order at 7:25 p.m. for the Norway Farms Definitive Open Space Preservation Subdivision. Michelle recused herself from the discussion.

Mr. Goodreau presented the revised subdivision plan based upon comments from the last meeting. The affordable lot #6 at the end of the cul-de-sac on the right has been designated and shown on the plan. Mr. Goodreau said that he had a conversation with the Board of Health Agent with respect to impact to the water quality swale from the road salt. Mr. Goodreau said that the Health Agent was not concerned because ground water flows toward Cress Brook pond and the dilution of any road salt within the large Cress Brook Pond would prevent any impacts to downstream wells. Mr. Goodreau said that he is meeting with the Board of Health on March 27, 2018 for approval of the Nitrogen Aggregation Loading plan. Mr. Goodreau said that the applicant has secured a sidewalk easement from the abutter on Medway Street.

Elizabeth Maitland said that Town Counsel has reviewed and approved all of the homeowner's association documents.

— Walter moved to close the hearing for the Norway Farms Definitive Open Space Preservation Subdivision. Gregg seconded the motion. The motion carried, 4-0 (Michelle recused herself from the vote).

Walter moved to approve the Certificate of Approval for the Norway Farms Definitive Open Space Preservation Subdivision. Gregg seconded the motion. The motion carried, 4-0 (Michelle recused herself from the vote).

**Project: 77 Pond Street**-Site Plan Modification & Special Permit for Outdoor Storage

Applicant: Nick Facendola/Level Design Group, Kyle Lovejoy/LVJ Trailers, LLC

Comments: Mr. Weddleton called the public hearing for the **77 Pond Street** limited site plan modification and special permit to allow outdoor storage to order at 7:30 pm. Kevin read the notice of hearing into the record.

Mr. Facendola presented the modified site plan for 77 Pond Street, which was previously approved in 2009, and explained that the site is currently under construction. The applicant, LVJ Trailers, is the proposed buyer of the site and is proposing to modify the site to be able to more efficiently run their trailer sales operation.

— Mr. Facendola outlined the proposed site layout modifications, which would allow clients to be able to bring in their trailers to the site. It is proposed to eliminate 2 parallel parking spaces along a one-way driveway, push the curb back 2', to create a two-lane 24' wide driveway. It is also proposed to create a gravel surface for an outdoor display area for trailers. It is proposed to extend the block retaining wall around the back of the site to create a more level grade for the display area. It is requested to modify the curbing on the site from concrete curbing to Cape Cod berm. Mr. Facendola said that he has regraded the parking lot to address the Board of Health Agent's concerns regarding the amount of cover over the septic tank. The changes to the landscape plan were reviewed.

Michelle moved to accept the proposed changes to the 77 Pond Street site plan as a limited site plan approval. Walter seconded the motion. The motion carried unanimously.

Walter moved to approve the Site Plan Modification Decision # 2009-06 for 77 Pond Street. Gregg seconded the motion. The motion carried unanimously.

Walter moved to approve Special Permit Decision #2018-01 for 77 Pond Street. Gregg seconded the motion. The motion carried unanimously.

Michelle moved to close the hearing for the 77 Pond Street limited site plan modification and special permit to allow outdoor storage. Walter seconded the motion. The motion carried unanimously.

**Project: Fern Ridge Estates- Open Space Special Permit Modification & Request for Bond reduction**

Applicant: Lou Petrozzi/Wall Street Development

Comments: John called the hearing to order for the Fern Ridge Estates Open Space Special Permit Modification at 8:00 pm. Kevin read the notice of hearing into the public record.

Mr. Petrozzi explained that he is proposing to reduce the open space parcel for the Fern Ridge Subdivision by approximately 1.2 acres and the remaining open space parcels will constitute sufficient open space as required by the Town's open space preservation zoning bylaws. Mr. Petrozzi said it is proposed to subdivide Lot C-1 from the existing Open Space Parcel C and transfer ownership to Lot 9A.

John questioned the legality of modifying the Open Space Special Permit in lieu of accepting funds for the Open Space Maintenance account and said the Board will have Town Counsel review the request.

Mr. Petrozzi said that the two shouldn't be linked. He said that he would be willing to pay the money for the open space maintenance account once the plans were endorsed.

John Gavin, 21 Chicatabut Ave, asked if Lot C-1 is a buildable lot. Mr. Petrozzi replied that Lot C-1 is not a buildable lot. Mr. Gavin said that there is a walking trail from Chicatabut Avenue through that open space parcel. Mr. Petrozzi said that he did not construct that path and there is still access to the open space parcel from Winston Road. Mr. Gavin said that he is concerned that a change is being made to the open space after it was established 8 years ago and bought his house based upon the knowledge that he abuts open space land.

Donna Jones, North Street resident, said that as an observer of the Community Preservation meetings, it was determined there is no access to the abutting Town owned "Weeber Property" from a public road. She said she wanted to see if Winston Road could be that access point to the Weeber Property. John replied that Winston Road would be access to the remaining Fern Ridge open space land and the Weeber Property.

Charles Cassoli, 23 Chicatabut Ave, commented that prior to the development of Fern Ridge there was an informal access path between 23 & 25 Chicatabut Ave.

Mr. Weddleton said that this hearing will be continued until the next meeting so that Town Counsel can make a determination on the legality of the open space modification, but it would be helpful if Mr. Petrozzi paid the \$26,000 open space fees in advance. Mr. Petrozzi said that he is not paying the open space fee until the plan is signed and the open space modification is approved.

— Walter moved to continue the hearing for the Fern Ridge Estates Open Space Special Permit Modification to March 28, 2018 at 7:30 p.m. Michelle seconded the motion. The motion carried unanimously.

Mr. Weddleton said that the Board will discuss the request for bond reduction at the next meeting after Bob McGhee has inspected the roadway.

## **Appointments**

## **Other Business**

### **16-18 Sharon Avenue/A & A Socci-Review Site Plan draft decisions**

Walter moved to approve Site Plan Decision #2017-10 for 16-18 Sharon Avenue. Kevin seconded the motion. The motion carried unanimously.

Michelle moved to approve the Stormwater Management Permit for 16-18 Sharon Avenue dated 2/21/18. Walter seconded the motion. The motion carried unanimously.

### **Discussion on proposed amendment to Board of Health Tobacco Regulation to prohibit sale of tobacco products in Pharmacies**

— Mr. Weddleton explained that the Board of Health is looking for input from the Planning Board on a proposed amendment to tobacco regulations to prohibit the sale of tobacco products in pharmacies. Mr. Weddleton said there have been comments from others that feel that that this would discriminate against the anchor store in the B-1 district. He mentioned that CVS has a corporate policy to not sell tobacco products in their stores, but Walgreens has not instituted that policy.

Kevin said that he does not feel that you can pin point one type of business over the other and for this purpose, he is strongly against the proposed amendment to the tobacco regulation. He said he would feel differently if it was proposed to prohibit the sale of tobacco all together.

Walter said that he agrees with Kevin and is against the proposed amendment to the tobacco regulation.

John said he is strongly against the proposed amendment to the tobacco regulation.

Gregg and Michelle said that they are against the proposed amendment to the tobacco regulation.

Erin said that he does not like anything about the proposed amendment to the tobacco regulation.

### **Approval of Meeting Minutes**

— Kevin moved to accept the January 24, 2018 meeting minutes as written. Walter seconded the motion. The motion carried unanimously.

## **Town Planner Updates**

Mr. McCarthy outlined the proposed amendments to the Affordable Housing Zoning Bylaw for the Annual Town Meeting in May.

Mr. McCarthy also explained about the Complete Streets program that was adopted by Mass DOT.

Mr. McCarthy explained that a draft town wide economic development strategy was provided by MAPC and suggested posting the document for public comment. He said that MAPC is willing to give the Board a presentation at a future meeting.

## **Next Meeting & Schedule**

The next regular meeting was scheduled for Wednesday, March 28, 2018.

## **Adjournment**

Gregg moved to adjourn the meeting at 9:00 pm. Kevin seconded the motion. The motion carried unanimously.

Respectfully submitted,

  
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Kevin Kalkut, Clerk