

# PLANNING BOARD

1 Liberty Lane  
Norfolk, MA 02056

## MEETING MINUTES

**Date of Meeting:** Wednesday, August 22, 2018

**Place:** Town Hall Room 124

### PLANNING BOARD MEMBERS ATTENDING:

**Chairman:** Walter Byron

**Vice-chairman:** John Weddleton

**Clerk:** Erin Hunt

**Members:** Gregg Damiano, Kevin Kalkut

**Associate Member:** Gary Searle

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

Mr. Byron 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:** Cranberry Heights Definitive Open Space Subdivision-Cont'd from 7/25/18

**Applicant:** Bella Rosa Stables, LLC, Steve O'Connell/Andrew Survey & Engineering

**Comments:** Walter called the continued public hearing to order at 7:00 pm for the Cranberry Heights Definitive Open Space Subdivision.

Steve O'Connell presented the revised definitive open space subdivision plan for 22 proposed residential lots located at the end of Eagle Drive and Cranberry Meadow Road on a 32 acre parcel in the R-3 zoning district. Mr. O'Connell explained that since the last meeting, he has responded to all of BETA's peer review comments. Mr. O'Connell said that he has received review comments from the DPW's review consultant, EPG, and have a meeting tomorrow to discuss their comments on the water line extension and the need for water booster pumps for some of the lots. Mr. Weddleton said the water line to Franklin and the water looping are a big issue and should also be discussed with the developer of the project on Lawrence Street.

Mr. O'Connell asked the Board to provide feedback on the requested waivers. Mr. Byron asked Mr. McCarthy to put together a list of requested waivers and any concerns the Board may have granting those waivers.

Mr. Hunt inquired about the sidewalk accessibility issue. Mr. O'Connell replied that it is currently before the Access Board and they are waiting for a hearing date, but are optimistic that they will receive a variance.

Mr. Weddleton said that he is not in favor of the waiver for the retaining wall and recommended that they see the Fire & Police Chiefs about the radius of the cul de sac.

Mr. Weddleton commented that if any blasting is required, a process has to be in place to protect the neighboring wells.

There were no comments from the public.

Mr. Weddleton moved to continue the public hearing for Cranberry Heights to September 19, 2018 at 7:15 pm. Kevin seconded the motion. The motion carried unanimously.

## **Other Business**

### **Fern Ridge Estates-Special Permit Modification Decision**

Town Attorney, Dave DeLuca, said he has spent a considerable amount of time with Mr. McCarthy and counsel for Mr. Petrozzi getting the history on the relief that has been requested in this matter and is aware of the outstanding issue of money owed for the open space maintenance fund.

Mr. DeLuca explained that the request from the developer is to parcel some amount of property off from the current open space land that is committed to be deeded to the town in order sell that parcel to the abutter to be able to install an inground pool. Mr. DeLuca said the request to benefit the abutter is still in a reasonable range for the Board's consideration in the nature of a modification and urged the Board to consider the modification on those merits. He said that the town has every intention of collecting outstanding taxes and open space maintenance funds that are owed to the town.

Mr. Weddleton said that he is stunned because it was discussed in prior meetings with Mr. DeLuca that this is a change in a subdivision open space land in order for the applicant to pay his open space maintenance fee. Mr. Weddleton said that a neighbor made a decision to purchase a home based on the existing open space plan.

Mr. DeLuca said he would never make a recommendation that the town put itself in a position of a quid pro quo and if the Board feels this request lacks merit, then do not approve it.

Mr. Byron said that he has received input from two residents discouraging the Board to go ahead with this proposal.

Mr. Kalkut moved to **deny** the request for the Fern Ridge Estates Special Permit Modification. Mr. Weddleton seconded the motion. The motion carried unanimously.

### **Fern Ridge Estates-Request for Bond Reduction**

Mr. McCarthy explained there is one section of pavement on Winston Road that needed to be cleaned up and Pawtucket Paving agreed to do that and provide the town with a 3 year warranty on the paving. The DPW has not have time to put his recommendation in writing yet.

Mr. Weddleton moved to reduce the current bond amount of \$84,279 to the amount recommended by the DPW Director in writing. Mr. Damiano seconded the motion. The motion carried, 4-1 (Kevin was opposed).

### **77 Pond Street-Request for Temporary Occupancy**

Mr. McCarthy explained that BETA did their final inspection and there were a few punch list items that were identified. The catch basins have been cleaned and the lights will go in when the permanent electrical service is connected tomorrow. Mr. McCarthy said that the Board could make a recommendation that the Building Inspector grant temporary occupancy.

Kyle Dave Lovejoy, LVJ Trailer owners, said it will take 2-3 weeks to move all the inventory in and all final inspections are waiting on permanent electricity.

Mr. Kalkut moved to recommend that a 30 day Temporary Certificate of Occupancy be granted to 77 Pond Street, with the condition that there will be no public access to the property until permanent occupancy is granted. Mr. Weddleton seconded the motion. The motion carried unanimously.

### **Informal discussion re: site plan approval for 273 Dedham Street**

Mr. McCarthy explained that Carvana has entered into a lease for the entire building located at 269 Dedham Street; as a result, Mitch's Auto Repair, used car sales and landscape and equipment sales needs a new Norfolk home. They need to vacate by the end of August and the repair business is temporarily being located out of Town. Mitch's would like to maintain their sales presence until an 11,250 square foot building is permitted and constructed. The repair garage and second hand car sales are grandfathered. While they could seek a special permit from ZBA for repair garage it would have to be in off-highway which there might not be enough room with the wetlands to the rear of the site. Therefore, they would like to bring the repair garage and second hand car sales to the new proposed building at 273 Dedham Street.

Mr. McCarthy said that Mitch's has applied for a variance from the ZBA to allow a building with a footprint of less than 2,000 square feet in order to allow them to operate from a temporary trailer while the new building is being constructed.

Tim O'Toole, one of the owners along with Kurt Maloof, explained that they are looking to store behind the fence and display in front of the fence as is being done today. They were told they need a building in order to continue doing this, so devised a plan to have a temporary trailer while they constructed a permanent building. He said they would prefer to store and display without a trailer.

Lisa Whelan, representing Tim O'Toole and Kurt Maloof, said there are 4 separate lots in common ownership and the proposed building will comply with all zoning requirements.

### **Toils End Farm/Fox Run Subdivision-Drainage Improvement Update**

Mr. McCarthy said that the final drainage repairs have been completed and BETA will be reviewing the video tapes. Paving is to be done in September and a notice will be going out to the residents at least a week in advance. The new stone masonry wall at 110 Warren Drive to hold back the slope is under construction. The DPW Director is overseeing the punch list of items to be completed prior to street acceptance. Mr. McCarthy said he will be meeting with some residents to discuss if installing speed bumps might be an option.

Mr. Weddleton said the water line should be tested and recommends keeping the bond in place and holding off on street acceptance for a few years.

### **Town Planner Updates**

**Complete Streets Update**-Mr. McCarthy said that he waiting for the link to the wiki map to post on line for residents to provide feedback on walkability & safety issues related to streets and sidewalks in town. There will be a public community meeting in early December.

**Proposed Zoning Article for Fall Town Meeting**-Mr. McCarthy explained that he proposing an amendment to Section D.4.d.2. of the zoning bylaws change for the Fall Town Meeting. The amendment is to update the map for the Water Supply Protection District.

Mr. Hunt moved to approve the proposed zoning amendment as presented by the Town Planner. Mr. Damiano seconded the motion. The motion carried unanimously.

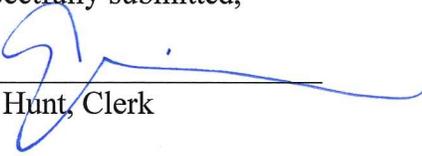
### **Next Meeting & Schedule**

The next regular meetings are scheduled for Wednesday, September 19, 2018.

### **Adjournment**

Mr. Weddleton moved to adjourn the meeting at 9:10 pm. Mr. Damiano seconded the motion. The motion carried unanimously.

Respectfully submitted,

  
Erin Hunt, Clerk