

# PLANNING BOARD

1 Liberty Lane  
Norfolk, MA 02056

## MEETING MINUTES

**Date of Meeting:** Wednesday, May 1, 2019

**Place:** Town Hall Room 124

### PLANNING BOARD MEMBERS ATTENDING:

**Chairman:** Walter Byron

**Vice-chairman:** John Weddleton

**Clerk:** Erin Hunt

**Members:** Gregg Damiano

**Associate Member:** Gary Searle

**Others:** Rich McCarthy/Town Planner, Betsy Fijol/Administrative Asst., Phil Paradis/BETA Group

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:** 113 North Street/"The Ox Pasture"-3 Lot Definitive Subdivision & Stormwater Management Permit-Con't from 4/9/19

**Applicant:** Bryan Weiner and Ken McKenzie/Dunn McKenzie, Eric Carlson, Dana Willard, Ted Cannon/Attorney

Mr. Byron called the continued hearing to order at 7:00 pm for "The Ox Pasture" Subdivision at 113 North Street.

Mr. Weiner presented the revised plan to subdivide the 10.6 acre parcel at 113 North Street into 3 lots, which consists of two existing homes and one proposed house lot. The proposed roadway/driveway is an 18' wide, 395' long private road with a grass swale for a country type drainage system that drains to a culvert and then to a natural low point on the property. Mr. Weiner explained the revisions that were made to the plans since the last meeting and addressed the peer review comments.

Mr. Weiner explained that they still need to file with the ZBA for a finding on the pre-existing, non-conforming structures. Mr. Weddleton inquired about the water service. Mr. Weiner replied that a 2" water service is proposed off of North Street to feed to service parcels 2 & 3.

Mr. Weddleton suggested that the Fire Department review the turnaround at the end of the roadway and the DPW review the proposed water service and possible hydrant at end to flush the line.

Phil Paradis, BETA Group, outlined his peer review memo dated 4/30/19.

Mr. Weiner explained that this will be a private roadway and not accepted by the town. Mr. Weddleton said that since this will be a private road, he would be in favor of not requiring street trees, street lighting or sidewalks. Mr. Byron asked Mr. McCarthy to provide details on the town's sidewalk fund contribution requirements.

Mr. Hunt moved to continue the hearing to June 11, 2019 at 7:00 pm. Mr. Damiano seconded the motion. The motion carried unanimously.

**Project: 7 Shire Drive Site Plan, Stormwater Mgt Permit, Earth Removal Permit & Special Permit-- cont'd from 4/9/19.**

Mr. Byron called the continued hearing for the 7 Shire Drive Site Plan to order at 7:35 pm.

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

Mr. Damiano moved to continue the hearing to June 11, 2019 at 7:10 pm. Mr. Hunt seconded the motion. The motion carried unanimously.

**Project: 5 Philips Way Site Plan & Earth Removal Permit – cont'd from 4/9/19**  
Applicant: Jim Susi/United Consultants, John Pantonio/Applicant

Mr. Byron called the continued hearing for the 5 Philips Way Site Plan and Earth Removal Permit to order at 7:40 pm. Mr. Susi presented a revised site plan based upon comments from the last meeting and peer review comments. Mr. Susi explained that the snow storage area has been relocated and labelled on the plan. The number of parking spaces has been increased to the required 18.

Mr. Paradis commented that the infiltration units are required to be 20' from the slab foundation.

Mr. Hunt said the Design Review Board reviewed the project and commented that the building color and materials need to be added to the drawings.

Mr. Damiano moved to close the hearing for the 5 Philips Way Site Plan & Earth Removal Permit. Mr. Hunt seconded the motion. The motion carried unanimously.

Mr. Hunt moved to approve the 5 Philips Way Site Plan Decision #2019-01, subject to BETA's final review and the edits discussed. Mr. Damiano seconded the motion. The motion carried unanimously.

Mr. Hunt moved to approve the 5 Philips Way Earth Removal Permit. Mr. Damiano seconded the motion. The motion carried unanimously.

**Project: 134 Main Street Site Plan & Special Permits-Cont'd from 4/9/19**

Mr. Byron called the continued public hearing for 134 Main Street to order at 8:00 pm.

The Board is in receipt of a request from the applicant for a withdrawal without prejudice of the 134 Main Street site plan and special permits.

Mr. Damiano moved to withdraw the site plan and special permits for 134 Main Street without prejudice. Mr. Weddleton seconded the motion. The motion carried unanimously.

**Project: 273 Dedham Street Site Plan & Stormwater Management Permit – Cont'd from 4/9/19**

Applicant: Lisa Whelan/Gelerman and Cabral, Jim Susi/United Consultants, Tim O'Toole & Curt Maloof/Owners

Comments: Mr. Byron called the continued public hearing to order at 8:05 pm for the 273 Dedham Street Site Plan and Stormwater Management Permit.

Mr. Susi explained that all of the revision have been completed based upon the prior peer review and comments from the last meeting.

Mr. Susi discussed the number of required parking spaces for the proposed building Mr. McCarthy said an option would be to apply to the Planning Board for a Special Permit to reduce the number of parking spaces in order to reduce the amount of impervious surface if they do not feel the required number of spaces is necessity based upon the use of the building. Mr. Susi said they have a meeting with the Conservation Commission next week.

Mr. Weddleton moved to close the hearing for 273 Dedham Street Site Plan and Stormwater Management Permit. Mr. Damiano seconded the motion. The motion carried unanimously.

Mr. Weddleton moved to approve the 273 Dedham Street Site Plan Decision #2018-09, contingent on adjustments made to the parking and reviewed by BETA Group. Mr. Hunt seconded the motion. The motion carried unanimously.

Mr. Weddleton moved to approve the 273 Dedham Street Stormwater Management Permit. Mr. Damiano seconded the motion. The motion carried unanimously.

**Project: 102 Cleveland Street/15 Fruit Street-Estate Lot Special Permit & ANR Plan-Cont'd from 4/9/19**

Applicant: John Glossa/Glossa Engineering, Domenick Rossi/Applicant

Mr. Byron called the continued hearing for the 102 Cleveland Street/15 Fruit Street Estate Lot Special Permit to order at 8:25 pm. The Board is in receipt of a request for a continuance of the public hearing.

Mr. Weddleton moved to continue the hearing for the 102 Cleveland Street/15 Fruit Street Estate Lot Special Permit to June 11, 2019 at 7:20 pm. Mr. Hunt seconded the motion. The motion carried unanimously.

**Project: 282 Dedham Street Site Plan & Special Permit – Initial Hearing**

Applicant: Bill Buckley/Bay Colony Group,

Mr. Byron called the public hearing to order for 282 Dedham Street Site Plan and Special Permit at 8:18 pm. Mr. Hunt read the notice of hearing into the public record.

Mr. Buckley explained that the applicant, 282 Dedham Street LLC, of Quincy, Massachusetts, has filed for site plan approval for the existing building and a Special Permit for a reduction in required parking spaces. The property is located in the C-1 Zoning District at the intersection of Dedham Street and Shire Drive. This is an existing 40,000 square foot, one-story warehouse building that was built in 1966. Subsequent to that, it went

through site plan approval in 2008, when Shire Drive was constructed and changed the lot configuration. In 2013, the building was before the Planning Board for the construction of a loading dock.

Mr. Buckley explained that they are before the Board this evening to request a Site Plan Modification and Special Permit in order to reduce the required number of parking spaces. He said they've added the correct number of handicap parking spaces (3) and added some safety features, such as striping and bollards around the loading dock. It is also proposed to provide a chain link fence with slats around the 2 dumpsters in their present locations to screen them and capture any blowing trash.

Mr. Buckley said as part of the work to bring the existing building more in to compliance with current zoning regulations, it is proposed to fix the parking lot and re-stripe it. He said that zoning requires 105 parking spaces and they are requesting a Special Permit to provide 61 parking spaces.

Mr. Weddleton moved to close the hearing for the 282 Dedham Street Site Plan & Special Permit. Erin Hunt seconded the motion. The motion carried unanimously.

Mr. Weddleton moved to approve the 282 Dedham Street Site Plan & Special Permit Decision #2019-0, subject to the Building Inspector's approval of all work proposed on this plan within 60 days. Mr. Hunt seconded the motion. The motion carried unanimously.

## **Other Business**

### **Norfolk Landing Subdivision-Discuss Completion of Subdivision & acceptance of Tailwind Circle**

Mr. McCarthy explained that the Planning Board is in receipt of a punch list from BETA Group dated March 29, 2019 and has been working with Chris Nation to bring Tailwind Circle to completion and acceptance as a town way. Mr. McCarthy said this will not be ready for acceptance at the May Town Meeting, but will continue to work on for the Fall Town Meeting. Mr. McCarthy went on to outline some of the departures from the approved subdivision plan that included a field change deviation that was requested by the DPW to construct the roadway with a pitch so the water sheet flows off the road to a drainage swale, rather than asphalt curb and paved inlets as shown on the approved subdivision plan. Mr. McCarthy also explained that the approved subdivision plan proposed a trail that goes from the end of the cul de sac between lots 3 & 4, which goes along the drainage swale and around the detention basin to the open space parcel in the rear, but the developer requests not to construct the trail between the 2 houses.

Chris Nation, Norfolk Development LLC, said that they have constructed a trail head at the entrance of the subdivision for access to the open space parcel.

Mr. McCarthy said these departures could be approved as a minor modification to the approved subdivision plan.

### **Norway Farms Subdivision – Request extension to June 15, 2019 to file Affordable Housing Special Permit & discuss determination of cash payment in lieu of construction**

Elizabeth Maitland, Jean & Rob Cain for Norway Farms, LLC met with the Board to discuss the Affordable Housing Special Permit and to discuss determination of cash payment in lieu of the construction of the

affordable housing unit within the subdivision.

Mr. McCarthy said cash in lieu of construction is based upon the median home sale price in Norfolk vs the affordable home price based on DHDC guidelines. The timing of the payment will need to be determined.

Susan Jacobson, Affordable Housing Trust Director, said the median home price in 2018 was \$554,000 and the average price was \$562,000. The median home price in 2019 was \$575,000 and the average price was \$553,860. Ms. Jacobson explained that Norfolk sells their affordable units at a lower price than some of the surrounding towns in order to give people a fighting chance when they get into the home.

Ms. Jacobson said that she recommends that half of the agreed amount for this affordable unit be paid at the start of the project and the other half paid when the affordable unit would have been built (between the 5<sup>th</sup> and 6<sup>th</sup> house). The Affordable Housing Trust will purchase a home to be added to the town's affordable housing inventory.

Ms. Maitland said that she will meet with Mr. McCarthy and Ms. Jacobson to discuss Affordable Housing requirements and an amount for the cash in lieu of construction should they decide to go that route. Ms. Maitland requested an extension to June 15, 2019 to file the Affordable Housing Special Permit for the Norway Farms Subdivision.

Mr. Weddleton moved to grant an extension to June 15, 2019 to file the Affordable Housing Special Permit for Norway Farms Subdivision. Mr. Damiano seconded the motion. The motion carried unanimously.

#### **7 Hill Street-Request for Extension of Site Plan & Special Permit Decision #2018-03 to June 28, 2020**

Mr. Weddleton moved to grant an extension of the 7 Hill Street Site Plan & Special Permit Decision #2018-03 to June 28, 2020. Mr. Damiano seconded the motion. The motion carried unanimously.

#### **Bristol Pond Estates-Discuss Completion of Subdivision**

Mr. McCarthy said that he provided a partial update to the bond and BETA provided a revised cost to complete based on MassDOT numbers. He said that the landscaping that is on the punch list does not cover all of the extensive plantings that are proposed to be on private lots and in the open space that are shown on the approved subdivision plan. Mr. McCarthy said the updated bond amount is \$354,000 with a contingency and the current bond amount is \$237,000.

The developer, Mike Razzano for the Nasuta Family Realty Trust, was not present due to a family matter but did provide a list of improvements that have been done within the subdivision.

Mr. McCarthy said that there are 2 vacant lots (lots 6 & 12) that were previously released by the Board and the Board discussed rescinding the release of those lots to put it back under covenant as security in order to have some movement on the completion of the subdivision. Mr. McCarthy stated that the Board could hold a public hearing to discuss the option of pulling the bond.

Charles Iacono, 18 Bristol Pond Drive, said that he is concerned with the developer's desire and intent to follow through with the completion of the subdivision. He said the developer has not used any of the proceeds from the sale of the lots and homes to make improvements.

Mr. Weddleton moved to amend Form H/Lot Release Form to rescind the release of Lots 6 & Lot12 in the Bristol Pond Estates Subdivision. Mr. Damiano seconded the motion.

Discussion on the motion: Bryan Sergeant, 9 Bristol Pond Drive, said he would like to see an end date that the developer has to comply with for the completion of the subdivision.

Jeff Kane, 3 Bristol Pond Drive, said that he wanted to reiterate what Mr. Sergeant said and those lots should not be released until the subdivision roadways are completed.

Jennifer Wolff, 7 Bristol Pond Drive, said that she was under the impression that one of the lots that the release is being rescinded was under agreement.

The vote on the motion carried unanimously.

Mr. Iacono asked for a copy of the bond and any supporting materials because he is going to contact his bond attorney to review the bond and the neighbors make look to take legal action against the developer.

Mr. Weddleton explained to Mr. Iacono that the bond is between the developer and the town and he and his attorney cannot be interacting in a bond agreement. Mr. Byron said that he can have a copy of the bond if Town Counsel allows it.

#### **Mill River Heights Subdivision/off Myrtle Street-Request for release of Lots B & C**

Mr. McCarthy explained that the Planning Board has no remaining interest in either Parcel B or Parcel C, an unbuildable reserve strip. Mr. DiMartino would like to deed those parcels to adjacent owners within the subdivision to provide them with some additional land and also so that when the subdivision is completed and approved he will no longer own small and unusable parcels of land.

Mr. Weddleton moved to release Parcels B & C of the Mill River Estates Subdivision. Mr. Hunt seconded the motion. The motion carried unanimously.

#### **Approval of Meeting Minutes**

Mr. Hunt moved to approve the 4/9/19 meeting minutes as amended. Mr. Damiano seconded the motion. The motion carried unanimously.

#### **Next Meeting & Schedule**

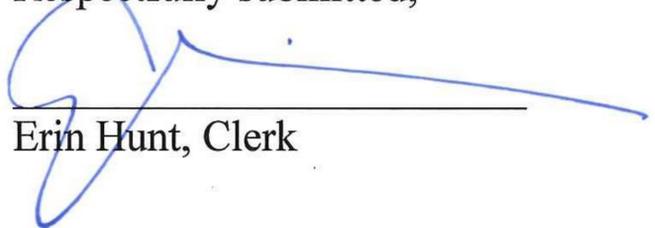
Mr. Hunt moved to schedule the next regular meeting for Tuesday, June 11, 2019 at 7:00 pm. Mr. Damiano seconded the motion. The motion carried unanimously.

The Board set a meeting schedule for 2019 and will typically meet on the second Tuesday of every month. The 2019 dates are as follows: June 11, July 9, Aug 13, Sept 10, Oct 8, Nov 12, Dec 10.

## Adjournment

Mr. Damiano moved to adjourn the meeting at 10:15 pm. Mr. Hunt seconded the motion. The motion carried unanimously.

Respectfully submitted,



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Erin Hunt, Clerk