

PLANNING BOARD

1 Liberty Lane
Norfolk, MA 02056

MEETING MINUTES

Date of Meeting: Tuesday, June 16, 2020

Place: Zoom Virtual Meeting

PLANNING BOARD MEMBERS ATTENDING:

Chairman: Walter Byron

Vice-chairman: John Weddleton

Clerk: Gary Searle

Members: Erin Hunt (absent), Chad Peck

Associate Member: Peter Svalbe

Others: Rich McCarthy/Town Planner, Betsy Fijol/Executive Assistant, Phil Paradis/BETA Group

After some technical difficulties, Mr. Byron called the Planning Board meeting to order at 7:35 pm and informed the audience that in accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency, **the June 16, 2020, 7:00 P.M., public meeting of the Norfolk Planning Board shall be physically closed to the public to avoid group congregation.**

Alternative public access to this meeting shall be done via Zoom online video conferencing. This application will allow users to view the meeting and provide comments during allocated windows. To join, follow the web link or call the dial-in number listed below under the start time/Call to Order. The meeting will be recorded for future rebroadcast by Norfolk Community Television. For more information on getting connected and using the video conference features, please visit <http://www.norfolk.ma.us/assets/files/news/resident-zoom-guide.pdf>

Project: 6 Hill Street Site Plan, Special Permit for Outdoor Storage, Stormwater & Earth Removal Permits – Cont'd from 4/14/20

Mr. Byron called the continued hearing to order for 6 Hill Street at 7:35 pm. The Board is in receipt of request for a continuance to the August meeting.

The Board agreed that this project has gone on for a long time and was in favor of continuing the hearing until the July meeting, but not August.

Mr. Quaglieri asked the Board to deny the application and have the applicant refile. He said the applicant has drastically expanded a business on a non-conforming lot and is running a business without any approvals. Mr. Byron said that Board will deal with this when the applicant is present.

Mr. Peck moved to continue the hearing for the 6 Hill Street site plan to July 14, 2020 at 7:00 pm. Mr. Searle seconded the motion. The motion carried unanimously.

Project: 19 Shire Drive (formerly known as 7 Philips Way) - Site Plan, Special Permit, Stormwater Management & Earth Removal Permits-Cont'd from 5/12/20

Mr. Byron called the continued public hearing to order at 7:50 pm for the 19 Shire Drive (formerly known as 7 Philips Way) site plan, stormwater management permit and earth removal permit.

Jim Susi, United Consultants, explained that the site plan has been revised based upon comments from BETA and the Zoning Board of Appeals. He said there are a few outstanding issues to be addressed and explained how he intends to address those issues. The plans will be updated and available prior to the next meeting. They have filed with the ZBA for a Special Permit for outdoor storage of more than 3 commercial vehicles.

Mr. McCarthy said that based on the description of the proposed use, it was determined that the use is defined as Contractor's Headquarters in the Off-Highway Zoning District.

Mr. Byron commented that in lieu of construction of a sidewalk, a contribution should be made to the town sidewalk account with an amount to be determined.

Mr. Searle moved to continue the hearing for the 19 Shire Drive (formerly known as 7 Philips Way) site plan, stormwater management permit and earth removal permit to July 14, 2020 at 7:15 pm. Mr. Peck seconded the motion. The motion carried unanimously.

Project: 75 Cleveland Street Estate Lot Special Permit & ANR Plan

Applicant: John and Nancy Nolan

Mr. Byron called the public hearing for the 75 Cleveland Street Estate Lot Special Permit to order at 8:12 pm. Mr. Searle read the Notice of Hearing into the public record.

Ms. Nolan explained that the existing lot at 75 Cleveland Street contains 18.55 acres and is requesting a Special Permit to create an Estate Lot (Lot 2) with 75.28 feet of frontage along Cleveland Street and 590, 201 square feet of land. Lot 1, with the existing house to be demolished, will contain 217,800 square feet of land. The Historical Commission is not interested in the house and has approved the demolition.

Mr. McCarthy explained that this property is located in the R-3 zoning district, where the minimum lot size is 55,000 square feet and the minimum frontage is 200'. He said the plan meets all the dimensional requirements for the Estate Lot (Lot 2) and the ANR Plan for Lot 1.

Ms. Nolan said they would like to have one driveway that straddles both lots with 10' on each lot in order to preserve the stone wall. Mr. McCarthy said this is not a problem.

Mr. McCarthy recommended that the approval shall be conditioned that the driveway shall be constructed to meet the minimum standard to support the heaviest emergency vehicle that might need to access the property. An adequate turnaround area shall be provided that meets the Fire Department approval.

Mr. Searle moved to close the hearing for the 75 Cleveland Street Estate Lot Special Permit. Mr. Peck seconded the motion. The motion carried unanimously.

Project: Norway Farms Open Space Preservation Subdivision- Request for Modification of Approved Subdivision Plan & Open Space Preservation Special Permit & Request for Release of Lot 5

Applicant; Rob Cain, Elizabeth Maitland, Rick Goodreau/United Consultants

Mr. Byron called the hearing to order for the Norway Farms Open Space Preservation Subdivision- Request for Modification of Approved Subdivision Plan & Open Space Preservation Special Permit at 8:30 pm. Mr. Searle read the notice of hearing into the public record.

Elizabeth Maitland explained that all but two of the lots in the subdivision are less than 30,000 square feet, which is the minimum lot size in this zoning district because it was approved as an open space preservation subdivision. She said that they are requesting modifications of the Special Permit and condition #1 of the subdivision approval for the Open Space Development to reduce the intensity regulations of the Norfolk Zoning Bylaws, Section E.1.b., to allow lot coverage of 7,500 square feet for each lot within the subdivision which has an area of less than 30,000 square feet. Ms. Maitland explained that the subdivision includes two large open space parcels totaling 513,837 square feet and requested that a portion of the open space be used as credit land for lot coverage on the lots that are less than 30,000 square feet.

Mr. Goodreau provided a spreadsheet that outlined a breakdown of the actual open space lot areas for lots 1A through 14, excluding Lots 8 & 9, and what would be necessary to get each of the lots up to 7,500 square feet lot coverage. Mr. Goodreau provided calculations and explained that the applicant is requesting to use 86,164 square feet of the open space area as lot coverage credit land and there is still 422,000 square feet of open space land that will not be impacted.

Mr. Weddleton said that even if the lot coverage is increased, they cannot encroach on the lot setback requirements, so is in favor of this request.

Mr. Searle asked if the increase in lot coverage would increase the stormwater runoff. Mr. Goodreau said the stormwater system will accommodate this.

Michelle Maheu, 10 Hampton Rd, commented that to ask for conventional lot coverage is counter to the spirit of what an open space preservation subdivision is.

Mr. Weddleton moved to accept the modification of the approved subdivision plan and open space preservation special permit for Norway Farms Open Space Preservation Subdivision to reduce the intensity regulations of the Norfolk Zoning Bylaws, Section E.1.b., to allow lot coverage of 7,500 square feet for each lot within the subdivision which has an area of less than 30,000 square feet. Mr. Searle seconded the motion. The motion carried, 4-0.

Ms. Maitland said that they have paid the application fee for the Special Permit Modification and requested that the Subdivision Modification fee be waived.

Mr. Weddleton moved to waive the subdivision modification application fee. Mr. Peck seconded the motion. The motion carried unanimously.

Sidewalk Modification discussion-

Ms. Maitland explained that the applicant has requested to relocate the sidewalk and curb ramp as shown on the plan due to the location of existing utility pole and guy wires and if the sidewalk is not relocated, there will be access and ADA compliance issues.

Barry Lariviere, Assistant DPW Director, said that the DPW recommends the relocation of sidewalk and curb ramp too allow for improved pedestrian access. He explained that the applicant has requested to eliminate the crosswalk to be installed across Norway Farms Road and to eliminate the construction of the sidewalk West of Norway Farms Road to the farthest property line at #37 Medway Street. Mr. Lariviere said that the DPW recommends the elimination of the crosswalk and installation of the sidewalk West of Norway Farms Drive with the condition that the applicant deposit funds into the town's sidewalk account.

Chris Henry, 30 Boardman Street, commented that the town should take advantage of having the builder construct sidewalks and would like to see a sidewalk built from the senior center on Medway Branch down to Barnstable Road.

Mr. Searle moved to modify the approved subdivision plan for Norway Farms Open Space Preservation Subdivision to eliminate the section of sidewalk from the entrance of Norway Farms Drive to Lake Street with the condition that funds of \$30 per linear foot be deposited into the town's sidewalk account. Mr. Weddleton seconded the motion. The motion carried, 4-0.

Ms. Maitland requested that the Board amend the subdivision modification application that was submitted to include the request to eliminate the sidewalk from Norway Farms Drive to Lake Street.

Mr. Peck moved to amend the subdivision modification application that was submitted to include the request to eliminate the sidewalk from Norway Farms Drive to Lake Street. Mr. Searle seconded the motion. The motion carried unanimously.

Request for Release of Lot 5 Norway Farms Drive

Ms. Maitland explained that the applicant is requesting the release of Lot 5 Norway Farms Drive.

Mr. McCarthy said that the applicant is up to date on the affordable housing contribution and contribution into the homeowner's association open space maintenance account.

Mr. Searle moved to release Lot 5 Norway Farms Drive. Mr. Peck seconded the motion. The motion carried unanimously.

Project: Public Hearing for Annual Town Meeting Proposed Zoning Amendment submitted by Citizen Petition

Mr. Byron called the Public Hearing to order at 9:35 pm to discuss the proposed amendment to Norfolk Zoning Bylaw Section J.7.a.1.C. that was submitted by citizen petition. Mr. Searle read the Notice of Hearing into the public record.

Mr. Svalbe recused himself from the hearing as the Planning Board Associate Member as he is an abutter to this zoning district.

Elizabeth Whitney, 26 Valley Street, explained that she has submitted a citizen petition for a proposed zoning amendment at the Annual Town Meeting and the goal of the proposed amendment is to provide an option for residential development in the C-1d On Highway Zoning District by Special Permit on the undeveloped parcels of land by amending Norfolk Zoning Bylaw Section J.7.a.1.C. She explained that there was a zoning change in 2013 that would allow residential development in the C-1d Off-Highway Zoning District by Special Permit and would like to see residential also allowed in the C1-d On-Highway Zoning District by Special Permit.

The proposed Article 24 is proposed at the 2020 Annual Town Meeting as follows:

To see if the Town of Norfolk will vote to amend Section J.7.a.1.C. Special Permit Uses by the Planning Board of the zoning bylaws by inserting the following new language below after DRIVE-UP WINDOWS; or take any action relative thereto:

J.7.a.1.C. Special Permit Uses by the Planning Board

- **Residential DWELLINGS at a density of not less than 4 units per 30,000 square foot or greater lot and not more than 1 unit per 5000 square feet of land. Special Permit for the following area: Starting on the northern side of Route 115 (Pine Street), northwest of Everett Street at the intersection of the C-1 and R-3 district and running northwesterly along Route 115 (Pine Street) for a depth of 300 feet to Route 1A (Dedham Street) then turning northeasterly along Route 1A (Dedham Street) and running on the easterly side of Route 1A (Dedham Street) for a depth of 300 feet ending at Valley Street.**

Mr. McCarthy explained that there was a mistake on the Town Meeting Warrant Article 24 with the Advisory Recommendation that said it is zoning by right and should be by Special Permit. Mr. McCarthy displayed a PowerPoint presentation that explained the area in the C-1d Zoning District that would be subject to the zoning amendment proposal. There are 3 undeveloped lots within that district.

Mr. Searle and Mr. Peck agreed that the proposed zoning bylaw amendment is being narrowly applied by not including all the area in the C-1d On-Highway Zoning District.

Mr. Byron did not agree with Mr. Searle & Mr. Peck and feels it is appropriate to leave the other areas in the on-Highway district as Commercial only and supported Ms. Whitney's proposal.

Mr. Weddleton moved to support at the annual town meeting the proposed amendment to Norfolk Zoning Bylaw Section J.7.a.1.C. that was submitted by citizen petition. There was no second to the motion.

Mr. Searle moved to **not** support at the annual town meeting the proposed amendment to Norfolk Zoning Bylaw Section J.7.a.1.C. that was submitted by citizen petition. Mr. Peck seconded the motion. The vote on the motion is as follows: Mr. Weddleton-no, Mr. Peck-yes, Mr. Searle-yes, Mr. Byron-no. (2-2, so the motion was tied). There will be no favorable Planning Board support on this article to the Town Moderator for the 2020 Annual Town Meeting. Mr. McCarthy explained that if the article does not pass at Town Meeting, it cannot come back for two years.

Mr. Searle moved to close the hearing for proposed Zoning Amendment that was submitted by citizen petition for the 2020 Annual Town Meeting. Mr. Weddleton seconded the motion. The motion carried unanimously.

New/Old Business

Maple Park Estates III/Hampton Road from station 2+30 to 11+24.97-Request to modify approved curbing from granite to asphalt berm

Barry Lariviere, Assistant DPPW Director, said he received a call from the developer that they were going to be putting the final touches on the section of Hampton Road between Berkshire Street and Essex Street. He said he suggested that the developer approach the Board for a modification of the approved subdivision plan to use monolithic asphalt berm that they have been using in other subdivisions, rather than sloped granite curbing.

The subdivision developer, Scott Colwell, submitted a request to the Board to modify the approved subdivision curbing from sloped granite to asphalt berm from the section of Hampton Road between Berkshire Street to Essex Street at the request of the Department of Public Works.

Eric Dugas, 10 Hampton Road, asked about the benefit of using asphalt berm rather than sloped granite curbing. Mr. Lariviere said the granite curbing is more expensive for the town to maintain.

Michelle Maheu, 10 Hampton Road, said that a majority of the subdivision is already granite curbing and feels this section of Hampton Road should be consistent with what's already been installed to keep it uniform.

Bob Pasche, Stop River Road resident, said they did this on Stop River Road and it's not really noticeable.

Jennifer Hartwell, 19 Hampton Road, said she agrees with Ms. Maheu that esthetically it would look better if it is completed with sloped granite curbing.

Mr. Searle moved to modify the approved subdivision curbing from sloped granite to asphalt berm from the section of Hampton Road between Berkshire Street to Essex Street. Mr. Peck seconded the motion. The motion failed to carry (Mr. Weddleton-recused, Mr. Peck-no, Mr. Searle-no, Mr. Byron-no).

7 Hill Street-Request for Extension of Site Plan & Special Permit Decision #2018-03 to 6/28/21

Mr. Weddleton moved to extend the 7 Hill Street Site Plan & Special Permit Decision #2018-03 to 6/28/21. Mr. Peck seconded the motion. The motion carried, 4-0.

Subdivision Completion Update-Alexander Estates Subdivision- Frederickson Road, & Oakview Trail

The Board discussed the status of the completion of Alexander Estates Subdivision off the ends of Frederickson Road and Oak View Trail.

Mr. Lariviere said that he was contacted by the developer, Ron Bonvie, who finally has a paving contractor (A-1 Paving) to do the final paving by July 1st. He said he also discussed the tree plantings, detention basin maintenance & asphalt swales with Mr. Bonvie.

Carol Thibodaux, 27 Fredrickson Road, commented that the tree work to be done in her yard has not been done.

Tiese Hickman, 31 Fredrickson Road, asked Mr. McCarthy to pull up the approved landscaping plan and commented that the developer has left the subdivision a mess, which is causing a safety hazard for children and pointed out several deficiencies from the approved subdivision plan. Ms. Hickman said she wants the Board to hold the developer accountable for the completion of the subdivision.

Mr. McCarthy said the developer was in front of the Board in December 2019 for extension of time to complete and an extension was granted to June 30, 2020.

The Board agreed to invite the developer, Ron Bonvie, to the July meeting to discuss the status of the completion of Alexander Estates Subdivision and concerns from the residents.

Bond release remaining amount Silver Fox Run (\$60,500)

Mr. McCarthy explained that Silver Fox road has been completed and accepted at town meeting in November 2019.

Mr. Searle moved to release the remaining bond in the amount of \$60,500. Mr. Weddleton seconded the motion. The motion carried, 4-0.

B-1 Zoning Working Committee Updates

Mr. McCarthy said that there is a joint meeting with the B-1 Zoning Working Committee –sewer district on June 29, 2020.

The Planning Board will designate a Planning Board member to the B-1 Zoning District Working Committee at the next meeting.

Need for New Associate Planning Board Member

Mr. Svalbe is unable to continue as Associate Planning Board member, so please contact the office if there is any interest.

Design Review Board Appointment

Mr. Searle moved to appoint Arlen Li as Planning Board Representative on the Design Review Board with a term to expire 6/30/23. Mr. Peck seconded the motion. The motion carried, 4-0.

Meeting Minutes

Mr. Searle moved to approve the 5/12/20 minutes as amended. Mr. Weddleton seconded the motion. The motion carried, 4-0.

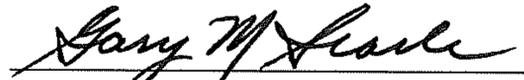
Meeting Schedule

The next regular meeting was scheduled for July 14, 2020.

Adjournment

Mr. Peck moved to adjourn the meeting at 11:22 pm. Mr. Searle seconded the motion. The motion carried unanimously.

Respectfully submitted,



Gary Searle, Clerk