

**Town of Norfolk
Zoning Board of Appeals
One Liberty Lane
Norfolk, MA 02056**

April 19, 2017

Zoning Board Members	Others
Michael Kulesza –Chairman ----- present	Betsy Fijol – Administrative Asst. - Present
Robert Luciano –Vice Chairman--- present	Ray Goff – Town Planner - Present
Christopher Wider – Clerk -----present	
Joseph Sebastiano –Full Member - present	
Donald Hanssen – Full Member – present	
Associate Member - vacant	

The duly posted meeting of the Zoning Board of Appeals convened at 7:00 P.M. in Room 124 at the Norfolk Town Hall. Mr. Kulesza announced that this meeting was being audio and video recorded.

MINUTES:

March 22, 2017 -

Mr. Wider made a motion to accept the minutes of February 15, 2017, as amended; Mr. Sebastiano seconded the motion; the vote on the motion was unanimous.

PUBLIC HEARINGS:

35 Pine Street, Special Permit Extension – present was Al Quaglieri, applicant.

Mr. Kulesza opened the hearing at 7:00 P.M. Mr. Wider read the public notice into the record. Mr. Kulesza directed Mr. Quaglieri to give an overview of the project to date, and reasoning on why the permit should be extended. Mr. Quaglieri explained that he does not have any tenants for the building. He thought he had a medical company for the second floor, which was key marketing point for the site, but it didn't work out, so he is requesting an extension to keep marketing the property. Mr. Kulesza opened the hearing to questions from the Board. Mr. Sebastiano clarified that no building has been done on the site. Mr. Wider inquired as to whether there was any question with regard to the septic system; Mr. Quaglieri answered that the septic system is approved, and there is no issue. It was noted that this is the 3rd extension. Mr. Kulesza opened the meeting to questions from abutters. Tom Martin, 42 Everett Street asked what parking in the front yard really means, and Mr. Wider answered that it means there will be limited parking in the front of the building for commercial and handicapped parking.

Mr. Wider made a motion to close the public hearing for 35 Pine Street at 7:07 P.M. Mr. Sebastiano seconded the motion; the vote on the motion was unanimous.

Mr. Wider made a motion to extend the permit for 35 Pine Street; Mr. Hanssen seconded the motion; the vote on the motion was as follows:

- Mike Kulesza – yes to grant*
- Robert Luciano – yes to grant*
- Christopher Wider – yes to grant*
- Joseph Sebastiano – yes to grant*
- Donald Hanssen – yes to grant*

25 Rockwood Road, Village at Norfolk, Comprehensive Permit - present were Dan Hill and Kaitlyn Baptista, Law Offices of Daniel C. Hill; Bill McGrath, BETA Group, Inc.; Jason Plourde, P.E., traffic engineer for BETA Group, Inc.; Bisher Hashem, Applicant; Eoghan Kelley, Stonebridge Homes; Bill Scully, Director of Transportation Planning, Green International Affiliates, Inc.; Jim Pavlik, Outback Engineering, Inc.;

Plans presented were entitled "Site Plans for Comprehensive Permit 'The Village at Norfolk' in Norfolk Massachusetts," prepared by Outback Engineering, Inc., dated February 21, 2017, and signed by Jim Pavlik on 2/21/17 (5 pages); and color-coded "Preliminary Condominium Site Plan, The Village at Norfolk, Norfolk, MA" prepared by Outback Engineering, Inc., dated February 21, 2017 (1 page).

Mr. Kulesza continued the hearing at 7:15 P.M. stating that our objective is to do the peer reviews on both Civil Engineering and Traffic, and ceded the floor to Mr. McGrath to review his findings. Mr. McGrath referred to the Comprehensive Plan Peer Review, prepared by BETA, dated April 13, 2017, regarding civil site and stormwater management. Mr. McGrath acknowledged that the plans are preliminary, but wanted to make sure the Board understands everything as we go through the review. Mr. McGrath proceeded through the bullets in the above referenced document. Mr. Kulesza suggested having the applicant respond to each bullet as it arises; Mr. McGrath was agreeable to that, but Mr. Pavlik noted that since they had only received the review one week prior, individual bullets have not all been addressed, so it would be better to hear the whole review, before responding. Mr. McGrath proceeded through the bullet list.

Mr. Kulesza instructed Mr. Pavlik that the Board would like to see an item-by-item response from Outback; and Mr. Pavlik agreed, noting that some comments, particularly with regard to road geometry may be consolidated, and may also be addressed in the traffic study. Mr. Pavlik made general comment on each of the items, and stated that they will be addressed on the next revision. Items 19-23, regarding Drainage, they are in the process of conducting additional soil testing onsite, so the next revision will include a comprehensive review of all the drainage calculations, along with the septic systems.

Mr. Kulesza opened the meeting to follow-up questions from the Board. Mr. Hill clarified with Mr. Pavlik that some soil testing is still ongoing, so BETA has not been able to fully complete that aspect of the review. Mr. Hill questioned when that work will be completed and provided to the Board; Mr. Pavlik responded that it would be available in about 2 weeks. Mr. Hashem added that testing had been interrupted by rain, but preliminary observation holes in some cases did not encounter ground water, in others about 10' – 12' down, in one case, at the entrance, at 2-1/2' down. Mr. Hill asked if the applicant had met with the DPW Water Department to determine if there was sufficient flow capacity; Outback to correspond with the DPW. Mr. Hill asked if it would be possible to separate out a utility sheet on the drainage plans; Mr. Pavlik responded that there the ZBA does have an electronic copy of that on file. Mr. Hill asked out curbing on the street design (Cape Cod), and asked if the Town normally required vertical granite around catch basin, etc. Mr. Goff responded that the Planning Board is moving more toward Cape Cod berm throughout the site, but with vertical granite at the entrance radii. Mr. Hill noted that since this is a private way, not to be accepted as a public way, it is a somewhat complicated drainage system for the unit owners to maintain. Mr. Hill asked about internal sidewalks; Mr. Pavlik responded that there are some internal sidewalks around the courtyard. The utility plan was presented on

the whiteboard, which also shows the sidewalk network. Mr. Hill asked what material that would be made of; Mr. Hashem responded that it would be impervious pavers, such as some sort of brick. Mr. Hill ensured that these sidewalks have been/will be taken into account for drainage calcs, and noted that it was somewhat unusual to have sidewalks run behind the homes. Mr. Hashem said that the condos really do not have backyards, and expanded on the set up of the side yards of the units. Mr. Hill stated that every unit has a driveway, and asked if every unit will have a garage; Mr. Pavlik responded that many units will have integral one- or two-car garages, either drive-under or front-loading, and some will have detached garage buildings, which will be deeded with the units. Mr. Hill asked if the 18' length of the driveways would be enough to keep cars from being bumped into the street; Mr. McGrath answered that 18' would be the absolute minimum. Mr. Hill turned to the town-owned right of way at the western point of the project, which runs to Boardman Street, and which is an unimproved, wooded path. The applicant is proposing to turn that into a paved driveway, and Mr. Hill asked if they had spoken to anyone in town for the right to do that. Mr. Hashem responded that it's up to the wishes of the town, and that the Fire Chief has requested that they do that, but if the town is opposed to that, they won't. Mr. Hill stated that there might need to be a second means of egress to the project, without which there is a very long dead-end road to get to the last unit; Mr. Hashem responded that the Fire Chief said if the road were not paved, the sprinklers would need to be installed in the last few units. Mr. Kulesza informed Mr. Hill that the ZBA has spoken with the Fire Chief, and his strong preference that the Department does have access through the back road, because the front entrance at Rockwood Road could be blocked if the train gates are down. This is not something the ZBA can authorize, it will be done through the Board of Selectmen, and the Fire Chief has contacted them. Mr. Hill noted that the developments drainage system relies on the Town's basin for overflow for 100 year and lower storms, and there is a question as to the right to overflow into the Town's basin.

Mr. Hanssen inquired about the rationale for 2 spaces where the sidewalk exits to Rockwood Road. Mr. Hashem said it was for extra parking for the first 3 units; Mr. Hanssen questioned how effective they might be, or how they might impact traffic on Rockwood Road. Mr. McGrath concurred, noting that it would be very dangerous backing out of those spots, given the site distance curves. Mr. Sebastiano expressed concern that the majority of people walking in and out of the property will be more likely to walk the main (drive-in) entrance, rather than the sidewalk situated farther north, and questioned why not have the sidewalk adjacent to the main entrance. Mr. Scully answered that they would take a look at that.

Mr. Wider expressed frustration with items still to be resolved: DPW with water analysis and sidewalks on Rockwood Road, MBTA and Selectmen with regard to the road from Boardman Street.

Mr. Kelley referred to the site plan, noting that the town-owned road (pathway), is not on the property, and there is a sidewalk along the inside of the property. He noted that a few ideas have been mentioned, such as a second platform. Mr. Kelley's contact at the MBTA said that would be very doubtful. A second suggestion was to extend the on-property walkway, that would deflect people coming up the town road, onto the private walkway, to ensure no one would hop the tracks, but he was not confident that people would not find some way to hop over, as it would be much quicker. The third option would be to try to direct foot traffic around the Boardman and Main Streets, as that would be technically shorter.

Martha and Chris Henry, 30 Boardman Street, expressed concern that paving the town road would encourage more foot traffic than currently travels the road. Mr. Kelley clarified that the

road would only be paved to where it connects with the new development, not all the way (40-500') and a fence would be put in place to dissuade people from crossing unsafely.

Discussion ensued with regard to what responsibility the developer, the town and the MBTA may have with regard to keeping the path safe.

Mr. Kulesza opened the meeting to questions from the public.

Chris Henry, 30 Boardman Street, stated his belief that a path from Boardman Street to the back of the housing development would require Town Meeting approval, and expressed concerns about drainage, the developer's access to the town's drainage system, and pedestrian safety. Mr. Hashem responded that he is open to concessions to help with pedestrian safety, and his belief that it is not unusual for a development to use existing catch basins designed for drainage overflow in this area.

Al Quaglieri, owner of 194 Main Street, 40 x 80 s.f. garage, 3,750 s.f. two story commercial building, and a single family house, had many questions regarding landscaping, linear feet of road in the development. Mr. Quaglieri expressed concerns with units that butt up to his property will create conflict between commercial and residential, with the backsides of the new properties being close to his commercial property. Mr. Quaglieri asked what his appeal process would be if this proposal were approved, and Mr. Hill explained the appeal process to him. Mr. Quaglieri stated that he believes he has an ownership stake in the pathway, and produced documentation: Mass General Law, Part II, Title I, Chapter 183, Section 58; Case study Linda Sarafin Rowley & others vs. Massachusetts Electric Company, November 5, 2002 – March 12, 2003; Case Study in the Matter of the New York, New Haven and Hartford Railroad Company, Debtor, August 13, 1968.

Chris Henry, 30 Boardman Street, checked in on the status of finding clear title on the "pathway" in question.

Al Quaglieri asked if the colored rendering that shows trees would be similar to the final landscape plan

Martha Henry, 30 Boardman Street, asked for timing on finishing the drainage test pits, and Mr. Hill followed up with questions for the applicant's engineer to be clear that complete water calculations and other plans for the detention basin coming from Boardman Street will be shown on the next revision of plans. Mr. Hill inquired about drainage works on Housing Authority property, and Mr. Pavlik informed him it is the Housing Authority's septic system.

Mr. Wider asked the applicant and his engineer if there is a way to do a drawing that shows only the roadways and the walkways.

Mr. Kulesza recognized Bill Scully, Traffic Engineer, Green International Affiliates, Inc. Referencing the document "Traffic Impact and Access Study, Proposed Residential Development, 25 Rockwood Road, Norfolk, Massachusetts," prepared for Stonebridge Homes, Inc., dated November 2016, prepared by Green International Affiliates, Inc., Mr. Scully gave an overview of the document, and touched on some points in the BETA review, that will be complied with in the next revision.

Mr. Sebastiano expressed concern with additional left turns coming out of the development. Mr. Luciano inquired if there was any concern with the guardrails coming down and stopping traffic in front of the development. Discussion ensued regarding traffic volume and turning.

Mr. Kulesza recognized Jason Plourde, traffic engineer for BETA Group, Inc. Referencing the Review Letter dated April 12, 2017, from BETA Group to the ZBA, Mr. Plourde began by stating he wanted to be sure the review was based on national, state and local traffic engineering standards and guidelines. Mr. Plourde stated that some standards are based on state guidelines, and it's up to the town to decide if they want it or not. For instance the state has a guideline of a 2 year period between the time traffic counts are collected and a traffic study is submitted, and if it goes beyond 2 years, then new traffic counts need to be collected. Mr. Plourde noted that this had happened at the round-about, where the counts were collected in April, 2014, the study prepared in October 2016, and submitted in January, 2017 (Comment T1). Next, citing methodologies of the Institute of Transportation Engineers (ITE), Mr. Plourde noted that Saturday afternoon traffic data was missing (Comment T2). Referencing Comment T3, Mr. Plourde questioned why Count Station #6189 was used, when there are closer, more recent Count Stations available. Comments T4 & T5 relate to Vehicle Speed and Crash Data. In both instances, Mr. Plourde notes that there is a currently existing cause for concern, and suggests the applicant meet with town officials to discuss strategies that could potentially improve safety. Mr. Plourde continued with Comments T6 – T14, all of which are detailed in the referenced Review Letter.

Mr. Hill noted a discrepancy in the Green International Study, using 25 mph northbound on Rockwood Road, where the data puts the 85th percentile at 37 mph, and 35 mph southbound, where the 85th percentile is also 37 mph. Mr. Hill also questioned using an Intersection Sight Distance (ISD) of 6' back from the paved surface, although 14.5' is the standard. Mr. Hill noted that the ISD of 6' and the wrong design speed, it still doesn't comply with the desirable ISD either northbound or southbound on Rockwood Road.

At the request of the Board, Mr. Plourde explained the difference between ISD and Stopping Sight Distance (SSD). Mr. Hill suggested that the applicant's traffic engineer update the report using 85th percentile speeds.

Mr. Scully responded that Green International will respond to BETA's comments, and they will do a sightline profile. Mr. Scully explained the rationale for the speeds used in the study, as well as other (i.e. growth, count station) data, and stated that they will collect some additional information to support their contentions.

Mr. Wider suggested that the two traffic engineers should communicate directly with each other, to sort out what they can. Mr. Kulesza asked Mr. Goff to contact the Police Chief for comments.

Mr. Kulesza recognized Mr. Quaglieri, who had a question regarding vehicles leaving and entering the site at peak hours. Mr. Quaglieri then reiterated his intention to appeal should the proposed project be approved.

Mr. Kulesza stated that the next agenda (May 24, 2017) will include continuation of Civil Engineering and Traffic Reviews.

Mr. Hashem asked if the landscape/architecture should be present at the next meeting; the Board responded that it would be good if the plans could be submitted, and reviewed with some of the walkway plans.

Mr. Wider made a motion to continue the public hearing to May 24, 2017, at 7:15 P.M.; Mr. Hanssen seconded the motion; the vote on the motion was unanimous.

NEW BUSINESS:

Boyde's Crossing - Entrance Sign Details: The Board agreed to the backlit sign, with Mr. Hashem's reassurance that if it was not acceptable after installation, he would turn off the backlighting.

Boyde's Crossing - Request to Change Affordable Units 27 to 25 and Unit 30 to 36 ("B" Units with no option of 3rd bedroom, to "A" Units, that do have the option)

Mr. Wider made a motion to accept the change in affordable units; Mr. Hanssen seconded the motion; the vote on the motion was unanimous.

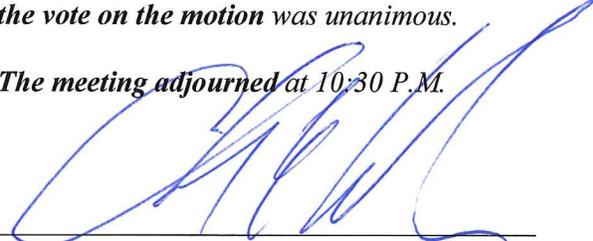
Sign Acknowledgement of Lakeland Farms Regulatory Agreement: The Regulatory was signed.

175 North Street – Withdrawal Received

Mr. Wider made a motion to accept without prejudice the withdrawal of the Variance request; Mr. Sebastiano seconded the motion; the vote on the motion was unanimous.

Mr. Wider made a motion to adjourn the meeting at 10:30 P.M.; Mr. Sebastiano seconded the motion; the vote on the motion was unanimous.

The meeting adjourned at 10:30 P.M.



Mr. Christopher Wider, Clerk

In accordance with the requirements of G.L. 30 § 22, approval of these minutes by the Board constitutes its certification of the date, time and place of the meeting, the members present and absent, the matters discussed, and the action taken by the Board with regard to those matters (if any). Any other information contained in these minutes is included for context only. Notes memorializing deliberation or discussion of any matter are in the summary form and may include inaccuracies or omissions. Where proof of the content of a statement is required, a tape recording or transcript should be consulted, if available.