

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

June 7, 2017

Zoning Board Members	Others
Michael Kulesza –Chairman ----- Present	Amy Brady – Administrative Asst. - Present
Robert Luciano –Vice Chairman --- Absent	Ray Goff – Town Planner - Present
Christopher Wider – Clerk ----- Absent	Dan Hill – 40B Attorney
Joseph Sebastiano –Full Member --- Present	
Donald Hanssen – Full Member ---- Present	
Devin Howe - Associate 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.

PUBLIC HEARINGS:

56 Priscilla Ave. (cont'd) - Variance - Present were Karen Keegan of Guaranteed Builders, Inc.; Mike & Barbara Black, property owners. Plans presented were entitled “Plot Plan, Project Location: 56 Priscilla Avenue, Norfolk, MA,” prepared by Guaranteed Builders, Inc., dated 3/31/17, revised 6/7/17, signed by David E. Teachout.

Mr. Kulesza began by recognizing Ms. Keegan who distributed the plans and stated that the homeowners were seeking to build a 24’ x 20’ garage in their yard, requiring variance relief from side and rear setback requirements. Side setback would be 5’, and rear would be 18’; height of the garage is 22’. There is also a septic system in the rear which would be 5.9’ from the slab foundation, which the owners would be willing to move. With no further discussion forthcoming, Mr. Kulesza stated that the case would be deliberated at the June 21, 2017, meeting.

Mr. Sebastiano made a motion to close the public hearing; Mr. Hanssen seconded the motion; the vote on the motion was 4-0.

17 Lawrence Street – The Preserve at Abbyville – Comprehensive Permit
17 Lawrence Street – Abbyville Commons – Comprehensive Permit

The two hearings were opened and heard concurrently. Present were Bill McGrath, BETA Group, Inc.; Dan Hill and Kaitlyn Baptista, Law Offices of Daniel C. Hill; Thomas DiPlacido, Manager for Abbyville Residential, LLC (Abbyville Commons) and Abbyville Development, LLC (The Preserve at Abbyville); John Smolak, Smolak & Vaughan, LLP; Carlos Quintal and Rick Goodreau, United Consultants, Inc.; Ed Marchant, EHM, real estate advisor; Matt Mrva and Jason Miller, Bohler Engineering.

Mr. Sebastiano read the Public Notices into the record. Mr. Kulesza recognized Atty. Smolak, and notified him that two full members of the Board were absent (although an alternate member was present), giving him the option of going forward or not. Atty. Smolak asked to confirm that the Town has accepted the Mullin Rule, to which Mr. Goff confirmed that it has, and Atty. Smolak agreed to go forward with the meeting. Mr. Kulesza next asked if the applicant would be willing to help pay legal fees for technical legal assistance to the Board by Attorney Daniel C. Hill, to which Atty. Smolak replied in the affirmative.

Mr. Kulesza explained that the main purpose of tonight's meeting would be for the applicant to give an overview of the project, and future meetings would be dedicated to categories such as stormwater, site plans, etc., with peer review input. Mr. Kulesza turned it over to Atty. Hill to give an overview of MGL 40B.

Atty. Smolak then began by introducing the team and providing a broad overview of how the presentations would progress for each of the proposed projects. Atty. Smolak handed out a presentation outline, as well as Project Fact sheets for each of the two projects.

Next, Mr. DiPlacido began with a history of the project, beginning with the name Abbyville, which was the name of that area of town many generations ago. In response to an abutter question, Mr. DiPlacido gave an overview of the history he knew of the project, beginning in the early 2000's when the town had an opportunity to buy the property, but it never happened, he does not know why. Next, around 2004-05, there was proposed subdivision to build a development called Swan Pond which was on its way to approval in 2007-08, when the economy took a downturn, and the developer who had a Purchase & Sale (P&S) agreement with the Mann family (owners of the property) decided not to purchase it. After a few years, the Mann family reached out to Mr. DiPlacido, who entered into a P&S agreement with them in 2012. Mr. DiPlacido stated that in the intervening years, he has met with town officials many times, including the Town Planner, DPW, Building Inspector, and Town Administrator, critiquing various designs and plans in an effort to put forth the best plan.

Mr. DiPlacido noted that the current plan concentrates on utilizing already disturbed land. Two-, three- and four-bedroom homes are dispersed throughout, and the rental components are also detached units. Open space has been increased to about 140 acres since the first iterations of the plan, and 4 miles of trails have been preserved and augmented. Mr. DiPlacido stated that they allowed the town to test the water in one area, and based on good preliminary results, have set aside that area and its surrounding locus for potential use as a town-wide well. Infrastructure and improvements along Lawrence Street were discussed. Build-out will be gradual, over 6-8 years, so there is not an immediate large influx of demands on town infrastructure. Mr. DiPlacido turned the discussion over to Matt Mrva, Landscape Architect.

Mr. Mrva gave an overview of the layout of the property, noting stone walls and a "boulevard" like entrance, 1-1/2 acre common area with a pavilion, a dock with a gazebo and trails leading out to it, and an additional small common area with a gazebo. Mr. Mrva stated that the distance from the street to the first home is about 200' at one entrance, and about 150' at the other, with much of the vegetation preserved. Street trees and decorative lighting will be provided. Mr. Mrva turned the discussion over to Rick Goodreau, Civil Site Engineer.

Mr. Goodreau stated that the site will be serviced by underground conduits for electric, cable, and TV, there will be no overhead poles within the project area. A 12" water main with a connection on Park Street is being proposed, which will pass through the development and terminate at the potential well-site area. An 8" water main will continue on Lawrence Street, up to the intersection with Brett's Farm Road. Fire protection in the form of hydrants will be provided along Lawrence Street, and connections to town water will be available to Lawrence Street residents. Mr. Goodreau gave an overview of the stormwater system for the site: catchbasins within the roadway, interconnected to drain manholes via underground piping, with sediment forebay areas and detention and infiltration ponds. No proposed stormwater discharge up to and including 100 year storm. Individual houses in the Preserve project will have individual septic systems, and the Commons project will have a shared common septic area. Mr. Goodreau turned the discussion back to Mr. DiPlacido.

Mr. DiPlacido addressed the architectural design, showing photos of home styles that are proposed. The one hundred, forty-eight units will include one hundred, sixteen unattached, single-family homes and thirty-two duplexes. Thirty-seven units will be affordable. There are thirty-two 2-bedroom homes, sixty 3-bedroom homes, and fifty-six 4-bedroom homes. Of the 190.67 acre lot, 140 acres are open space, with impervious

areas covering only 7.3%. Abbyville Commons will consist of 48 units, of which 23 will be duplexes, and 2 will be detached single family units; eleven 1-bedroom units, thirty-two 2-bedroom units, and five 3-bedroom units. Eighty-eight parking spaces are proposed. Mr. DiPlacido turned the discussion back to Atty. Smolak, who wrapped things up, acknowledging receipt of comments from the Board of Health and the Conservation Commission, other peer reviews to come, and thanking all those involved in the project to date.

Mr. Kulesza stated that he would like to arrange a site visit. Date and time was set as June 21, 2017, at 5:30 P.M. It was agreed that David Mastro of 26 Lawrence Street would arrange a list of 5 abutters who would sign liability waivers and attend the site walk. Mr. Kulesza asked Mr. DiPlacido for a mock-up of a house with landscaping. Mr. Kulesza asked what the average lot size would be; Mr. Goodreau responded that the smallest is 6,500 s.f., the largest is 25,000 s.f., and the average is 10,000 s.f. Mr. Kulesza opened the meeting to questions from other Board members.

Mr. Sebastiano asked for clarification on the number of affordable units in the Commons project, which is 12 (although all 48 count toward the town's Subsidized Housing Inventory). Mr. Hanssen confirmed that there is no age-restricted component to this project. Mr. Howe asked for more information on the basis for the site layout, which includes multiple dead-end roads, and questioned if fire truck could turn around. Mr. DiPlacido responded that this approach has been used in other developments within town, with no problem with the Fire Department; Mr. Kulesza noted that the Fire Department will be weighing in with comments. Mr. Howe asked about the parcel to the west of "Elliot Boulevard," if there were plans for future expansion; Mr. DiPlacido stated that that parcel is owned by the town of Norfolk, and the project is merely providing access to it for the town. Mr. Howe asked if a cut and fill analysis has been performed on the site, referencing cuts in excess of 40 and 50 feet; Mr. DiPlacido responded that that will be done when the final layout is approved. Mr. Howe elaborated that his concern with this would be traversing the Lawrence Street bridge with over 100,000 cubic yards of cut; Mr. DiPlacido stated that this has come up in discussions with town officials, and the DPW is looking into it; Mr. Howe noted that Mass Housing had suggested improvements on Lawrence Street, and Mr. DiPlacido stated that is being addressed in the traffic study. Mr. Howe asked how the detention ponds were sized; Mr. Goodreau will provide calculations. In response to a question from Atty. Hill, Mr. DiPlacido stated that much of the exportation of cuts will happen over a period of years, as the different phases are built. Atty. Hill asked if there will be a homeowners association (HOA), and if the roadways will be accepted by the town; Mr. DiPlacido responded that there will be an HOA, with private yards and some common areas. Roadways may or may not be accepted by the town, depending on future discussions. Atty. Hill asked how much of the 140 acres of open space is wetlands, and was informed that about 100 acres is upland, and 40-50 acres is wetland. In response to Atty. Hill's question, Mr. DiPlacido stated that they will be filing a Notice of Intent with the Conservation Commission at some time during the ZBA hearing process. In response to a question from Mr. Howe, Mr. Goodreau responded that where a water or other utility line runs through a property, an easement will be sought.

Mr. Kulesza opened the meeting for public questions. Peggy Bedard, Lawrence Street, asked if the open space land is developable; Mr. DiPlacido responded that there is potential for development, but that is not the intention; there would be talks with the town to see if they would like it donated, or maintained with a Conservation Restriction (and a nitrogen restriction because it's in a Zone 2 of a Franklin well).

Mike Mastro, Lawrence Street, asked if there are endangered species; Mr. DiPlacido responded that they have had discussions with Natural Heritage, and they have deemed it free of endangered species; information between the organizations to date will be provided. Mr. Mastro expressed concern for surrounding septic tanks, and Mr. Goodreau responded that that has been taken into consideration in the plans, and will be peer reviewed.

Dave Gray, Park Street, expressed concern for his well, and asked if any modifications will be made to Bush Pond. Mr. Goodreau responded that no changes will be made to the pond. Mr. Gray asked if any treatment or weeding will be done to the pond; Mr. DiPlacido responded that there are currently no plans, but it would be

discussed with the Conservation Commission. Mr. Gray asked if the “3 acres of hazardous waste” would be excavated; Mr. DiPlacido referred to a 2002 Environmental Cleanup supervised by Camp, Dresser, McKee, resulting in an Activity Use Limitation (AUL), which among other things, prohibits excavation in the area. Mr. DiPlacido stated that he had also worked for two years with 2 different Licensed Site Professionals (LSPs) doing borings throughout the site. In response to a question from Atty. Hill, Mr. DiPlacido responded that, historically, there was a textile mill on the property, and the AUL area consists of components and debris from when the mill was taken down.

Keri Gillis, Eagle Drive, asked if the Cleanup checked the whole site, so they were sure that there is no hazardous waste where the development is being built; Mr. DiPlacido responded that the whole site was checked, and he independently opted to have the LSPs come in and check it as well.

Atty. Hill suggested locating all private wells within 400’ of the development on a plan, showing groundwater contours and flows, and addressing potential impacts on them from the development.

John Curran, Bush Pond Road, asked what the population increase will be, and if the project is going to take 6-7 years to complete, will there be a separate means of egress for the contractors. Mr. DiPlacido responded that he will get some information together on the population growth, and will work with the ZBA regarding egress for contractors.

Debbie Carr, Bush Pond Road, asked about chemicals “dumped” on the site. Mr. Goff suggested that the AUL be reviewed by our peer reviewers.

Jon Godin, Lawrence Street, referred to the narrowness of Lawrence Street, and expressed concern about traffic, and questioned if there would be sidewalks or road-widening. Mr. DiPlacido responded that there are improvements, such as widening and trail networks, proposed for Lawrence Street, but not currently sidewalks.

Larry Wilson, Lawrence Street, asked if there have been any studies on impacts on property values. Mr. DiPlacido responded that there have not. Mr. Wilson asked if there were any historical studies. Mr. Marchant responded that MIT has done a study on this, and a copy will be submitted to the Board and posted to the town’s website. Mr. Wilson asked if area wells and septic are affected, will the developer provide remediation, and post a cash bond for such. Mr. DiPlacido referred to Atty. Hill’s request to provide well locations within 400’ which will be peer reviewed. Atty. Hill elaborated that there is a science to modeling effects on wells and septic, and stated that there could be a condition in the Decision for monitoring and resolving issues that arise.

Janet Curran, Bush Pond Road, asked if there are other developments of this density in Norfolk, that have only two ways of getting in and out. Mr. Goff cited the Fox Run development, but it was noted that the two egresses are on separate streets, not just one, like this one.

Margaret Kahaly, Cranberry Meadow Road, asked if the capped land will be part of what is donated back to the town or if it will be maintained by the HOA; Mr. DiPlacido responded that it is part of the land that may be Conservation Restricted, or Open Space the town may be interested in.

Lucia Olsen, Cranberry Meadow Road, expressed concern about Lawrence Street as it goes into Franklin and turns into Mill Street (very narrow and winding). Mr. Kulesza responded that will be part of the traffic study.

Arthur Wagner, Park Street, expressed concern about traffic on Park Street; Mr. Kulesza responded that will be part of the traffic study.

William Gross, Essex Street, asked if the Norfolk School System has been engaged in any studies for this project, and if there have been any economic studies done (would there be contingencies if there is a downturn in the economy, and the project is abandoned). Mr. Gross stated that these questions need not be addressed right now, but he wanted them on the record.

Peg Bedard, Lawrence Street, asked where the first phase would start, and Mr. DiPlacido indicated on the plans where it would start. Ms. Bedard stated that her driveway would be impacted greatly by the development; Mr. DiPlacido stated that adjustments to Lawrence Street will be made based on the traffic study, and he would be happy to come out and look at her driveway to better understand the potential issues.

Karen McCabe, Lawrence Street, asked what would happen to the apartments if they were not rented, noting that it is far from public transportation and not a real "rental community." Mr. DiPlacido responded that they will be building to market demand, and not necessarily all of them at once. Mr. Marchant expressed his opinion that there will be strong demand for these free standing rental units; if there are problems with renting, the price could be adjusted downward, as that is usually the problem.

Mr. Gross, Cranberry Meadow Road, expressed his disagreement with Mr. Marchant on the rentals, and noted that he doesn't feel people will necessarily want to buy houses surrounding an "apartment complex."

Catherine Lowndes, Stanhope Drive, questioned the impact on the town water system; Mr. DiPlacido informed her that a water consultant has been retained to analyze the project.

Bob Lowndes, Stanhope Drive, asked if it would be possible to get a copy of the MIT report; yes, it will be posted on the town's website.

Mike Cronenberger, Brett's Farm Road, asked if any tests have been done on the dam in the pond, and if there are deficiencies, will it be upgraded; Mr. DiPlacido responded that no engineering has been done on the dam.

Rosey McQuillan, Bush Pond Road, asked if a smaller development has been considered, and asked for confirmation that the hearing period is 6 months; Atty. Hill responded that the 6 months is not something set by the town, it is set by the state. If the town does not close in 6 months, the applicant can go to the state and say the town delayed the process, and ask that the state issue the permit; likewise if the applicant has not provided information the town has reasonably requested, the town can ask for extra time to receive the information and make a decision. Also, the town can ask the applicant to work with them if extra time is needed. Mr. Goff responded to the first part of the question, stating that numerous iterations of the plan had been discussed over the preceding years, leading to the one brought forward.

Peg Bedard, Lawrence Street, questioned having the rentals in the front of the property, and said she would like to see another egress not on Lawrence Street; Mr. DiPlacido responded that many plans had been reviewed, and it was felt that this was the best, and the concerns of the load on Lawrence Street will be addressed in the traffic study.

Mike Guidice, Eagle Drive had the following comments: he felt the number of students cited in the handout seemed low, but even at that, would require at least 6 additional classrooms; and he noted that the traffic on Lawrence Street would triple the current load.

Atty. Hill noted the number of comments on the impact on schools and other infrastructure, and asked if any fiscal impact analysis reports had been submitted; Mr. DiPlacido responded that they had not, and Atty. Hill requested that be done. Atty. Smolak responded that is not a requirement under 40B, and further stated that years ago, enrollment at the elementary schools in Norfolk was 1,200, and it is currently just over 800. Atty. Hill restated his opinion that it would be beneficial to have this study due to the size of the project; Atty. Smolak responded that they would look into it.

Karen McCabe, Lawrence Street, expressed disagreement with the peak traffic hours in the traffic study, and asked how water is being brought over the bridge, and Mr. Goodreau explained the process. Ms. McCabe also asked about 40B rules in general, as far as being near public transportation, etc. Atty. Hill responded that it was not a requirement, but perhaps should be considered as the hearing progresses.

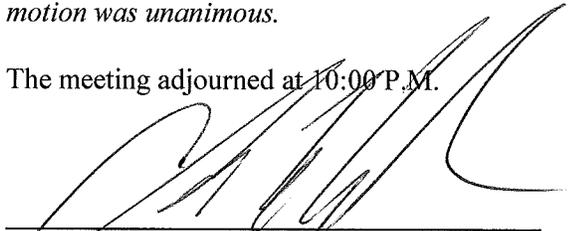
Questions continued regarding road and bridge conditions, which will be addressed as the hearings progress, and will be detailed in a construction plan.

It was decided that the next meeting on July 5 will encompass the site Civil Engineering and Stormwater reviews, and August 2 will be traffic reviews. Atty. Hill suggested that an environmental review by an LSP be done; BETA does have LSPs. It was suggested that the next meetings be held in a larger location.

Mr. Sebastiano made a motion to continue the two public hearings to July 5, 2017, at 7:15 P.M.; Mr. Hanssen seconded the motion; the vote on the motion was unanimous.

Mr. Sebastiano made a motion to adjourn the meeting; Mr. Howe seconded the motion; the vote on the motion was unanimous.

The meeting adjourned at 10:00 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.



**TOWN OF NORFOLK
ZONING BOARD OF APPEALS**

ONE LIBERTY LANE
NORFOLK, MASSACHUSETTS 02056

TEL: (508) 541-8455
FAX: (508) 541-3377

www.virtualnorfolk.org

CERTIFICATION PURSUANT TO G.L., Ch.39, §.23D
(ACCEPTED UNDER ARTICLE 12
OF THE SPECIAL TOWN MEETING
OF OCTOBER 24, 2006)

DATE: 6-21-17

APPLICANT'S NAME: Abbyville Development, LLC

PROJECT NAME/LOCATION OF PROPERTY: 17 Lawrence St.
The Preserve @ Abbyville

CASE NO: 2017-03

ASSESSORS' REFERENCE: Map _____ Block _____ Lot _____

I, Bob Luciano hereby certify that I have examined

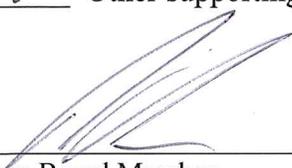
all evidence received at the one (1) session of the public hearing in the above matter held

6/7/17 including (check all that apply):

An audio/video recording

Minutes

Other supporting plans & documents



Signature Board Member



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DATE: 6-21-17

APPLICANT'S NAME: Abbyville Residential, LLC

PROJECT NAME/LOCATION OF PROPERTY: 17 Lawrence St.
Abbyville Commons

CASE NO: 2017-04

ASSESSORS' REFERENCE: Map _____ Block _____ Lot _____

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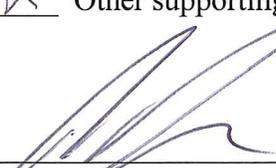
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DATE: 6-21-17

APPLICANT'S NAME: Guaranteed Builders + Developers Inc

PROJECT NAME/LOCATION OF PROPERTY: 56 Priscilla Ave.

CASE NO: 2017-05

ASSESSORS' REFERENCE: Map 4 Block 13 Lot 28

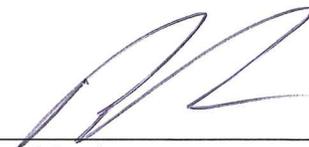
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APPLICANT'S NAME: Abbyville Development, LLC

PROJECT NAME/LOCATION OF PROPERTY: 17 Lawrence St.

The Preserve @ Abbyville

CASE NO: 2017-03

ASSESSORS' REFERENCE: Map _____ Block _____ Lot _____

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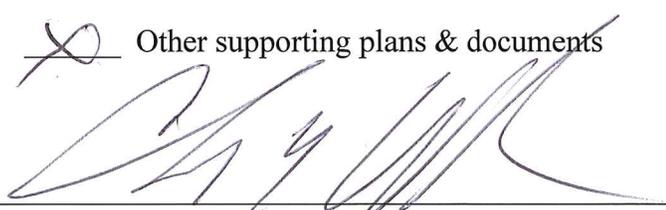
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DATE: 6-21-17

APPLICANT'S NAME: Abbyville Residential, LLC

PROJECT NAME/LOCATION OF PROPERTY: 17 Lawrence St.
Abbyville Commons

CASE NO: 2017-04

ASSESSORS' REFERENCE: Map _____ Block _____ Lot _____

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[Signature]
Signature Board Member



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OF OCTOBER 24, 2006)

DATE: 6-21-17

APPLICANT'S NAME: Guaranteed Builders & Developers, Inc

PROJECT NAME/LOCATION OF PROPERTY: 52 Priscilla Ave.

CASE NO: 2017-05

ASSESSORS' REFERENCE: Map 4 Block 13 Lot 28

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[Signature]
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