

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

June 21, 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 ----- Present	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 7:15 P.M. in Room 124 at the Norfolk Town Hall. Mr. Kulesza announced that this meeting was being audio and video recorded.

MINUTES:

Mr. Wider made a motion to accept the minutes of May 24, 2017; Mr. Sebastiano seconded the motion; the vote on the motion 4-0 with Mr. Howe abstaining.

PUBLIC HEARINGS:

25 Rockwood Road, Village at Norfolk – Comprehensive Permit (cont’d) - present were Dan Hill and Kaitlyn Baptista, Law Offices of Daniel C. Hill; \Bisher Hashem, Applicant; Paul Cusson, Delphic Associates; Christopher Agostino, Ruberto, Israel & Weiner; Jim Pavlik, Outback Engineering, Inc.; Jason Sobel, Green International; Mike Zavalia, BETA; Tom Ryan, Ryan Associates.

Plans provided were entitled “Site Plans for Comprehensive Permit ‘The Village at Norfolk’ in Norfolk Massachusetts,” prepared by Outback Engineering, Inc., dated February 21, 2017, revised 5/11/17 (10 pages), and revised 6/16/17 (p. 5 of 10 intentionally missing). Also provided were plans entitled “Post Development Drainage Map “The Village at Norfolk” in Norfolk, Massachusetts, prepared by Outback Engineering, Inc., dated February 21, 2017, revised 5/11/17, revised 6/16/17. Other documents provided include: Memo dated 6/20/17 from Outback Engineering to the ZBA re: Revisions to Comprehensive Permit Plans, The Village at Norfolk, 25 Rockwood Road; Supplemental Drainage Report, dated 6/20/17, prepared by Outback Engineering; Green International Affiliates, Inc. Village at Norfolk Traffic Peer Review, Second Response to Comments, dated 6/16/17; Sheet L-1.0, prepared by Ryan Associates, dated 6/21/17, entitled “Full Site Rendered Plan, Village at Norfolk”

Mr. Kulesza resumed the public hearing at 7:15 P.M., recognizing Atty. Agostino. Atty. Agostino recapped previous discussions, including the May 24, 2017, meeting, when the applicant was informed that the Board and other Town Officials felt that the project was too dense, and a June 5, 2017, workshop was scheduled. At the June 5 workshop, concerns were raised that there was not enough open space; the turnaround at the end of the project was a concern, as were the number of retaining walls, and the impact to houses at the entrance to the project site. It was also stated that the presentation did not give enough of a “feel” of what the project would look like, and a more 3-D approach was requested. It was further stressed by the applicant at the meeting that the project is for 32 units, which the applicant feels is critical. With the stated concerns in mind, the applicant submitted the revised plans (detailed above) which

maintained the 32-unit count, but combined some units into multi-unit buildings, moved some units from the front of the site to the rear of the site, and added landscaping features, to enhance the open space. Mr. Pavlik reviewed changes made to the plan, beginning with the triplexes now at the front and rear of the site; the shortening of the cul-de-sac at the rear of the site by about 100' and removal of units on one side of the cul-de-sac roadway; and removal of units at the front of the property; the entrance road was also shifted 5' to the north.

Upon inquiry from Atty. Hill, Atty. Agostino replied that, upon general acceptance by the Board that this layout might be acceptable, the applicant will "drill down" and provide more detailed plans and a 3D presentation. Atty. Hill inquired about the rain garden feature. Mr. Pavlik indicated on the plan where the rain gardens can be found, and where the runoff will be collected. After some discussion regarding septic systems, Atty. Hill asked if waivers were being requested from the Board of Health. Mr. Cusson responded that the waiver request would need to be looked at again.

Mr. Kulesza stated that he approved of the direction the project was headed. Mr. Kulesza inquired as to why no mention was made of the road near the old "Kids' Place" playground on Boardman Street, which had been discussed at the June 5 workshop. Atty. Agostino responded that with only 6 units in that area, the applicant can meet safety standards without formal access to that road, however, they would consider creating access for emergency purposes, by placing a gate at the cul-de-sac. Mr. Howe asked if a turning analysis had been done on the cul-de-sac, and was informed that the cul-de-sac design did not change, it was the same as the one in the original traffic report by Green International.

Atty. Hill asked if BETA's sight distance concerns from the traffic report had been addressed, and was informed by Atty. Agostino that yes, they had been addressed, and a new report was submitted, dated June 16.

Mr. Sobel referred to BETA's comments regarding speed data, and stated that they had gone out and done more speed checks, closer to the site driveway, and found that the 85th percentile speeds were lower in both directions. Mr. Sobel next discussed site triangles, stating the southbound meets the 250' minimum requirement for 35 mph, where the 85th percentile was 32 mph. Atty. Hill asked for clarification between minimum vs. desirable intersection sight distance; at 35 mph it is 250' vs. 390'. Mr. Wider referred to trees and a wall at the point of the northbound triangle, and Mr. Sobel said some trimming of the tree foliage might be required, but the wall and the trees were behind the triangle. Upon questions from Timothy Drolette of 27 Rockwood Road, it became apparent that there were additional Automatic Traffic Recorders (ATRs) in that area of Rockwood Road, that were not related to this project. Mr. Drolette also stated his opinion that there would not be sufficient site distance around his property; Atty. Agostino stated that BETA would review the data, and the applicant's team would respond accordingly. Mr. Sobel resumed with the northbound side, which has 230' sight distance, meeting the requirements for 33 mph, which is the documented 85th percentile in this area.

Atty. Hill suggested that a sensitivity analysis be done, showing actual sight distances, and what speeds they correlate to. Mr. Hanssen inquired about a sidewalk being installed going toward the commuter rail, and how it would affect sight lines; Mr. Sobel responded that installing a sidewalk would improve the sightline. Mr. Kulesza asked if there were plans to have a sidewalk go southbound, and the answer was no.

Mr. Kulesza recognized Chris Henry, of 30 Boardman Street, who asked a question regarding truck turning requirements with regard to sight distance, and was informed that the sight distance does not change for trucks that might cross the center line. Mr. Howe stated concerns regarding a utility pole that appeared to be right on the sightline, but was informed that it was not right on the edge.

Chris Henry and Martha Henry of 30 Boardman Street inquired about driveway lengths and pavement widths, sidewalks, snow storage vs. septic and other layout details, and their concerns were addressed. Mr. Henry inquired as to the Board of Selectmen's opinion on use of the access road; Mr. Kulesza said that the applicant would be the one to approach the Board for permission to use it; Atty. Agostino stated that based on the new plan, they had no intent to request approval to use the access road.

Mr. Drolette requested information on the septic system near the front of the property, and Mr. Pavlik responded that individual leaching trenches were being proposed, and both primary and reserve were shown on the plan, and finished grade would be about equal to existing conditions, with fairly deep groundwater. Mr. Drolette noted that the basements on either side of the subject property were below the level of the proposed septic design. Mr. Zavalia commented that BETA was looking closely at these systems as well. Mr. Howe requested information as to what happens to runoff from the housing site next to this property (Hillcrest Village) if the area it used to run off into is built up; Mr. Pavlik responded that there will be a cut there, allowing the current runoff pattern.

Mr. Henry inquired about retaining wall from both within the property, and from the abutter's side, and if there will be a fence on top; Mr. Pavlik addressed these questions.

Mr. Howe asked how the applicant proposed to construct a retaining wall so tight against the property line near the MBTA, and Mr. Pavlik responded that they have applied to the MBTA for a license to construct. Mr. Kulesza asked how long that process will take, and Mr. Hashem replied that his understanding is that it will be 60-90 days.

Mr. Henry asked which side of the wall along the MBTA would be visible from the uptown area – vinyl board side, or chain link; Mr. Ryan replied that it would be the vinyl.

Atty. Hill asked if the applicant had spoken to neighbors regarding retaining walls next to their properties, and Mr. Hashem answered that he is in discussions with the neighbors, including agreeing to plant some trees on the neighboring property. Atty. Hill asked that those trees be shown on the next plan iteration.

Mr. Sebastiano suggested traffic controls, such as the 25mph speed sign in that area, should be evaluated for efficiency.

Ms. Henry asked if any of the existing vegetation can be conserved. Mr. Hashem responded that they would take a look at it, but often the problem is that once clearing is done around a particular tree, it can become a danger as a stand-alone tree.

Mr. Kulesza stated that at the next meeting for this hearing, July 19, there would be a traffic peer review from BETA, as well as a review of the current iteration of drainage. Mr. Kulesza would like the architect, Glenn Fontecchio, to look at the plans. Atty. Agostino asked if the Board felt that the applicant had sufficiently addressed the "overburdening" of the site, so that they would feel comfortable going forward with new plans, and Mr. Kulesza affirmed that the Board was comfortable with the direction the applicant was taking.

Atty. Hill asked if action had been taken on the idea of building a sidewalk from the site, and Mr. Pavlik indicated where it appears on the new plans. Atty. Hill asked the applicant to prepare a sidewalk detail sheet, and provide it to the Board, and to the DPW for review. The applicant agreed to have all requested documents and revisions to the Board by July 7, 2017.

Mr. Wider made a motion to continue to the hearing to July 19, 2017, at 7:15 P.M.; Mr. Sebastiano seconded the motion; the vote on the motion was 5-0:

DELIBERATIONS:

56 Priscilla Avenue – Variance Request

Findings of Fact

24' x 20' x 22' high garage being requested
Garage would be 5' from right property line
16.5' from existing tank, 5.9' from leaching field
Applicant is open to moving the septic chamber system
Nearest abutter is 130' away
Rear setback would be 18'
Abutter (Wayne Sundquist, 50 Priscilla Ave.) was against the garage being built
The lot is a nonconforming lot
There will be no living quarters on the second floor of the proposed building

Criteria from Worksheet A from the application received 5/1/17 were entered into the record.

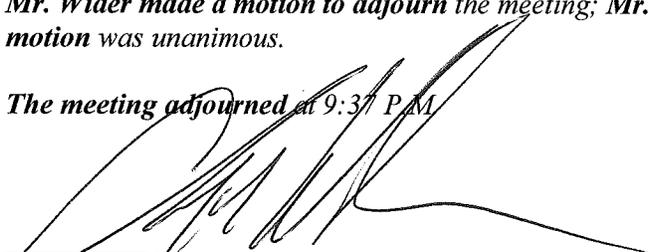
Mr. Sebastiano stated that he does not recall setting a precedent for granting a variance for a garage too close to the lot line. The Board concurred and cited a recent case on Boardman Street that was denied. Mr. Kulesza referred to item 2 from Worksheet A, regarding soil conditions, shape and topography, and the Board agreed that the lot does not meet any of these criteria.

Mr. Wider made a motion to approve the request; Mr. Hanssen seconded the motion; the vote on the motion was as follows:

*Mr. Kulesza – No to grant
Mr. Wider – No to grant
Mr. Sebastiano – No to grant
Mr. Hanssen – No to grant
Mr. Luciano - absent*

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

The meeting adjourned at 9:37 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**

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

DATE: 7-5-17

APPLICANT'S NAME: Village @ Norfolk, LLC

PROJECT NAME/LOCATION OF PROPERTY: 25 Rockwood Rd
The Village @ Norfolk

CASE NO: 2017-01

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

6-21-17 including (check all that apply):

- An audio/video recording
 Minutes
 Other supporting plans & documents

[Signature]
Signature Board Member