

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

August 16, 2017

Zoning Board Members	Others
Michael Kulesza –Chairman ----- Present	Amy Brady – Administrative Asst. - Present
Robert Luciano –Vice Chairman --- Present	Dan Hill – 40B Attorney
Christopher Wider – Clerk ----- Present	
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:

194 Main St – Special Permit - present were Al Quaglieri, applicant, and Jamie Bissonnette, Zenith Consulting Engineers, LLC.

Plans presented were entitled “Plan to accompany ZBA special permit,” prepared by Zenith Consulting Engineers, LLC, dated July 17, 2017.

Mr. Kulesza opened the public hearing at 7:00 P.M. Mr. Wider read the public notice into the record. Mr. Bissonnette began by showing the plans, and stating that the applicant was seeking a Special Permit from the Zoning Board to raze the single-family dwelling, and construct a two-family dwelling in accordance with the Norfolk Zoning Bylaws. Mr. Wider confirmed that both the house and the garage will be razed, and that the same curb-cut will be used for the driveway, although it may be re-graded and re-configured. Mr. Hanssen asked if the septic design has been submitted to the Board of Health; it has not. Mr. Wider confirmed that it will be two 2-bedroom units, and Mr. Bissonnette stated that they believe the system they will propose will be more than adequate. The garages will face Main Street. The driveway will be asphalt. There were no questions from abutters. Mr. Kulesza read the Criteria Worksheet. In response to a question from the Board, Mr. Quaglieri stated that the siding and trim is the same as that used on his buildings on Valley Street, which was approved by the Design Review Board. Mr. Wider requested that the applicant look into 2 garage doors on each side of the dwelling; Mr. Quaglieri will look into it.

Mr. Wider made a motion to close the public hearing; Mr. Sebastiano seconded the motion; the vote on the motion was unanimous.

25 Rockwood Road, Village at Norfolk – Comprehensive Permit (cont’d) - present were Daniel Hill and Kaitlyn Baptista, Law Offices of Daniel C. Hill; Bill McGrath, Engineer, BETA; Jason Plourde, Traffic Engineer, BETA; Bisher Hashem, Village at Norfolk, LLC, Applicant; Christopher Agostino, Attorney, Ruberto, Israel & Weiner; Bill Scully, Traffic Engineer, Green International Affiliates, Inc.; Jim Pavlik, Outback Engineering, Inc.

Documents presented and referred to were: BETA letter to the ZBA, “Traffic Peer Review, Third Comment Letter,” dated 7/27/17; Green International Affiliates, Inc. letter to the ZBA, “Traffic Peer Review, Third Response to Comments,” dated 8/14/17; Glen Fontecchio, Architect, letter to Bill

McGrath, BETA, regarding architecture, dated 8/9/17; Outback Engineering letter to ZBA, "Revisions to Comprehensive Permit Plans," dated 8/14/17; Outback Engineering updates to Plan Sheet #4,5,7,8,& 10, dated February 21, 2017, Rev. 8/14/17.

Mr. Plourde began by stating that many outstanding traffic issues have been addressed. One question that still remains is whether the Board feels that Saturday traffic is busier than weekday mornings. Next Mr. Plourde stated that the applicant did collect additional speed data, closer to the proposed driveway, and found it to be consistent with two previous findings (as per their response letter dated 8/14/17, actual data points were not provided.) Mr. Plourde stated that the intersection sight distance triangle (ISD) looking to the north has been modified so as to not cross any property lines, but the south-looking ISD triangle still crosses an abutting property, and he suggests an easement may be necessary. Lastly, Mr. Plourde referred to trucks that cross the centerline when turning into and out of the driveway, and suggests safety measures such as flaggers, during construction. Mr. Plourde reviewed various traffic calming measures, such as advance warning signs and driver speed feedback signs. Atty. Agostino stated his belief that the south-looking ISD triangle is an item that could be addressed as a condition of the permit, since it is measured by the 14-1/2' back standard, when in practice people edge up before pulling out, and it would therefore be more beneficial to measure in the field, after the driveway is constructed. Mr. Plourde noted that measuring from 10' back is also an accepted standard, but that data was not provided. Mr. Scully responded that they had not measured from 10' back, but his feeling was that, even at 12' back, the issue of crossing the abutting property would not exist. Mr. Scully stated that the applicant is interested in traffic calming measures, and he has spoken to the police chief about it. After more discussion of sight distances, Mr. Howe requested that the applicant provide a sketch showing the ISD from 10' back, as well as speed data points from the most recent tests.

Chris Henry, 30 Boardman Street, asked why the latest data was collected with a radar gun, instead of with strips across the road, and Atty. Agostino responded that it was done that way, because in his view, it was a merely a request to confirm that data taken previously at nearby sites would hold true closer to the driveway itself.

Mr. Kulesza next turned to discussion of architecture. Mr. McGrath reviewed the architect, Glen Fontecchio's three recommendations in his letter of 8/9/17, indicating that all three address trying to make the street faces of the buildings as attractive as possible. First, using two single garage doors, rather than one wide door; making the front entrances more accessible with a porch of some kind of roof covering; and third, making unit 15 more accessible, as it is, it doesn't faced either the center green or the street. Mr. McGrath stated that Mr. Fontecchio was also looking for some drawings that show how the structures look as you enter the development. Mr. Hashem suggested, with regard to the garage doors, that perhaps some architectural features to make the doors more appealing would work, as providing 2 doors per garage would mean adding 4 more feet, but he does feel that otherwise, the comments are all very reasonable. Mr. McGrath suggested that Mr. Fontecchio communicate directly with the applicant and his architect in the coming weeks. Atty. Hill asked if the Board had seen a request from Mr. Fontecchio to the applicant requesting additional information; they had not seen that, as email exchanges asking for information to be provided were exchanged between parties that did not courtesy copy all members of the board. Atty. Hill noted that the board would like to see a streetscape; Atty. Agostino responded that he thought the redesign of the site, moving buildings away from the front of the property, addressed the Board's concerns in that regard. Mr. Wider asked that Mr. McGrath formalize a request in writing for all materials required, and all memos be distributed to the full board, and to both teams, in order to avoid miscommunications.

With no further questions regarding architecture, Mr. Kulesza moved the discussion to the mounding analysis for septic and stormwater filtration. Mr. McGrath stated that they had received some information, but had not had time to respond formally. He stated that the methodology seemed appropriate. They had analyzed the septic system leach field and the conclusion was that the mound was not going to come close the bottom of the leach field; they did not do a mounding analysis of the stormwater infiltration system, which Mr. McGrath feels should be done. Atty. Agostino stated that the

state requires a mounding analysis with regard to the septic system, but the analysis as regards stormwater infiltration basins is a local requirement, from which a waiver was requested. Atty. Hill stated that although that is what the law states, there are instances where the groundwater elevation is within a couple of feet of the bottom chamber elevation. Mr. Hashem reviewed the trouble they had had finding groundwater earlier in the project, and stated that it would be burdensome to do so at this point. Mr. Pavlik showed on the plan where overflow pipes had been added, per the ZBA's request; these pipes would only be necessary in the event of a 100 year storm. In response to Mr. Howe's question, Mr. Pavlik stated that the Board does have calculations in the Drainage Report showing this would only be necessary for a 100 year storm; Mr. Howe noted that calculations for 2, 10, and 25 year storms were not provided. Mr. Wider noted that the outlet for the overflow pipes is in line with the existing intercept that goes down Ware Drive, and which should not have additional water put into it. Mr. Howe asked if sediments getting into the stormwater system would impact its efficacy, and Mr. Pavlik responded that it could, but they were using a conservative approach in designing for a 100 year storm. Mr. Pavlik also stated that, except in the case of a 100 year storm, all stormwater would be handled onsite, there would be no runoff. Mr. Howe expressed concern that the design allows for the buildup of sediment in the rocks above the basins, posing potential trouble in reduced capacity after years of buildup; Mr. Pavlik conceded that maintenance would be necessary. Mr. McGrath stated that the Operations & Maintenance plan that the applicant has agreed to put in place is very important, and must be adhered to. It was agreed that mounding analyses should be done where groundwater elevation is within 3-4' of the bottom of the chambers. Mr. McGrath will specify which ones need to be looked at. Mr. Howe said it appears that some of the systems with overflows are not connected with the corresponding ponds downstream, and stated that should be shown. Also, roof drain connections to ponds need to be shown. In response to a question from Atty. Hill, Mr. McGrath responded that it is not uncommon to have a 2' high leaching bed for the septic system.

Chris Henry, 30 Boardman Street, stated that he did not think a waiver should be granted for mounding, and he would like to see mounding analysis done at the rear of the property.

It was agreed that Mr. McGrath will prepare comments to the Waiver Request list for the next meeting, focusing on those he feels are most important, and including mounding analyses. Atty. Hill will begin drafting the Decision, including the waiver table to have available. Atty. Agostino suggested using the Decision from Boyde's Crossing as a template, and he will forward it to Atty. Hill.

Mr. Kulesza next turned the conversation to sidewalk and emergency access. Mr. Hashem noted that he has met twice with Bob McGhee, DPW Director, and Mr. McGhee proposed that the DPW would construct the sidewalk in exchange for the developer making improvements at the intersection of Route 115 and Boardman Street, including traffic analysis, cutting trees and taking out a hill which is on private property. Mr. Hashem stated that Mr. McGhee said he had obtained what was necessary for permission, from the owner of the hill. Mr. Kulesza suggested that Mr. McGhee be invited to the next meeting to discuss this.

Ed Nolan, 5 Medway Branch, asked why the intersection is not in the DPW budget, and stated his belief that, if it is a hard winter, the DPW may not have funds for the sidewalk next Spring; Mr. Nolan further stated his opinion that the intersection is not the developer's concern. Mr. Kulesza responded that traffic in the area is a part of this discussion, and improvements to that intersection were requested by, among others, the Superintendent of the Norfolk Schools. Mr. Henry stated that, to him, the sidewalk is a more pressing issue in conjunction with this project. Marth Henry, 30 Boardman Street, suggested asking the developer to deal with both issues.

Mr. Kulesza next turned to the emergency access road, expressing the need for a second ingress/egress in the case of an emergency to this development, and it could be used for Hillcrest Village as well. As the road is only 14' wide, it would be used for emergencies only, and gated at all other times. The road is 25' paved at the entrance now, then turns to gravel; the board would be asking the applicant to pave it, if permission is granted by the Board of Selectmen. Atty. Hill suggested that it could be a condition of the

Decision. In response to questions from Don Hanssen, it was clarified that the land is, and would remain town property, but maintenance would be the responsibility of the Condo Association; also it would be conditioned to be for emergency use only in perpetuity.

Mr. Henry asked questions with regard to liability should someone walking on the road slip and fall; Ms. Henry asked if the engineering aspects have been looked at, and how the portion of the Hillcrest septic system that on the property will be affected; Mr. Pavlik pointed out on the map that the road would not intersect with the leaching field. In response to questions from Ms. Henry, Mr. Kulesza responded that he had met with the DPW and Fire and Police Chiefs this week, and they do support it. In response to Mr. & Ms. Henry, Mr. Kulesza said there is no formal letter documenting the Chiefs' responses. Timothy Drolette, 27 Rockwood Road, suggested installing a breakaway gate at Hillcrest Village, and using that instead of this emergency access road. Mr. Henry referred to the Board of Selectmen's refusal to allow a particular second access at Boyde's Crossing, suggesting that instead abutting property owners might be willing to allow access through their properties; Mr. Henry suggested the same could be done in this case. Mr. Kulesza stated it would be up to the Selectmen to decide. Ms. Henry asked why the design was changed to enter through Kids' Place, rather than directly off Boardman Street (i.e. on Medway Branch); Mr. Kulesza began by answering that the Board had started looking at the direct entrance but there were issues, and Ms. Henry interjected, pressing for details on that point. Mr. Kulesza began responding that ownership was one of the questions; upon further interruption, Mr. Kulesza asked for silence while he completed his answer. Mr. Kulesza then continued, detailing discussions about the access road, and how, when questions of ownership came up regarding the direct access, the idea of entering through Kids' Place was brought up, and was considered; it was felt that this was "cleaner" as far obtaining permission to use it, and it seemed to provide clear emergency access. Ms. Henry asked why emergency access had never been an issue for Hillcrest Village; Mr. Kulesza responded that Hillcrest Village was never before this Board, but that this emergency access did happen to benefit them. Mr. & Mrs. Henry asked if there were the same ownership issues on the portion of the access road being utilized in this plan, and Mr. Kulesza responded that his understanding was that the ownership issues did not apply to this portion. Expanding on Mr. Kulesza's response, Mr. Wider stated that another reason the original idea was dropped, was because the MBTA did not respond to early requests for improvements where the access road intersects with the tracks. Mr. Hashem stated that according to his research, the town does own all of the access road. In response to questions as to why the proposed road makes a sharp turn, Mr. Pavlik said it used an existing cart path, and avoided cutting down trees; Mr. Pavlik also responded that a fire truck could "absolutely" make the turn. Mr. Henry reiterated his concern about the town giving access rights to their property to a private developer. Discussion ensued, with Atty. Hill stating that the Henrys' concerns were known, and would be considered. As Mr. Kulesza continued, he was again interrupted, and stated his right to have a resident removed if necessary. Mr. Kulesza questioned whether, if there were no ownership issues, as Mr. Hashem indicated, whether using Medway Branch might be a better solution. Atty. Hill asked if the town had any ideas of disposing of the Kids' Place property, or using it, and Mr. Kulesza responded that they would like to keep it, and maybe use it as a park. Mr. Kulesza suggested the Board of Selectmen with a couple of options in terms of utilizing the road.

Mr. Kulesza made a motion to request that the Board of Selectmen to create an emergency access road over town-owned land abutting the developer's property, or an alternative road which would run from the applicant's cul-de sac to the location of the former town playground, or alternative location, as depicted on the emergency road access plan prepared by the applicant, dated 8/17/17, to be amended with an alternative roadway. The ZBA support of this request would be conditioned on the road not exceeding 14' in width, and be constructed and maintained, including snowplowing, by the applicant and consequent Condo Association, and be gated with access limited to police, fire, and public works departments. Mr. Wider seconded the motion. The vote on the motion was as unanimous.

Mr. Wider made a motion to continue the hearing for 25 Rockwood Road to 9/20/17 at 7:15P.M.; Mr. Sebastiano seconded the motion; the vote on the motion was unanimous.

MINUTES:

Mr. Sebastiano made a motion to accept the minutes of July 5, 2017; Mr. Wider seconded the motion; the vote on the motion was unanimous.

Mr. Sebastiano made a motion to accept the minutes of July 19, 2017; Mr. Wider seconded the motion; the vote on the motion was unanimous.

DELIBERATIONS:

The Board entered into deliberations for 194 Main Street.

Findings of fact:

- It is in the B-1 District
- There is an existing single family home
- Applicant is proposing a duplex with a total of 4 bedrooms
- One septic system
- Existing structures will be demolished (garage & house)
- Existing driveway will be used
- Lights shall not be offensive
- Schematics of project are in keeping with the character of the area

Mr. Wider made a motion to grant the Special Permit; Mr. Sebastiano seconded the motion; the vote on the motion was as follows:

- Mr. Sebastiano – yes to grant*
- Mr. Wider – yes to grant*
- Mr. Kulesza – yes to grant*
- Mr. Luciano – yes to grant*
- Mr. Hanssen – yes to grant*

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

The meeting adjourned at 9:50 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.