

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

September 13, 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	

The duly posted meeting of the Zoning Board of Appeals convened at 7:18 P.M. in auditorium of the King Philip Middle School. Mr. Kulesza announced that this meeting was being audio and video recorded, and detailed where the video could be watched. Mr. Kulesza also announced that there was a stenographer present.

**PUBLIC HEARINGS:**

17 Lawrence St – The Preserve at Abbyville and Abbyville Commons – continuation - Present were Bill McGrath, Engineer, BETA Group; Dan Hill, Daniel C. Hill Law Offices; Thomas DiPlacido, applicant; Rick Goodreau, Engineer, United Consultants, Inc. (UCI); John Smolak, Smolak & Vaughan, LLP; William Scully, Traffic Engineer, Green International

Plans and other documents discussed were: UCI Letter to the ZBA, “The Preserve at Abbyville and Abbyville Commons, State and Town of Norfolk Stormwater Standards,” dated August 15, 2017; UCI Letter to the ZBA, “Re: Norfolk, MA – The Preserve at Abbyville, Abbyville Commons, Comprehensive Plan,” dated August 29, 2017; UCI Memo, “Revised Site Grading with 6 to 8 percent roadway,” dated August 28; BETA Letter to the ZBA, “Norfolk, MA – The Preserve at Abbyville, Abbyville Commons, Comprehensive Plan – Peer Review Comment Responses,” dated July 27, 2017; BETA email to ZBA, “Abbyville,” dated 9/13/17; plans entitled “Site Grading Plan,” dated July 31, 2017, prepared by UCI; plans entitled “Post-development Watershed Map,” dated March 25, 2017, Rev. through 8/2017, 3 pages, prepared by UCI; plans entitled “Roadway Plan and Profile,” dated March 25, 2017, Rev. through 8/2017, pages 2/19, 4/19, 10/19, 18/19, prepared by UCI; plans entitled “Grading and Utility Index Plan,” dated March 25, 2017, Rev. through 8/2017, 15 pages, prepared by UCI; PowerPoint presentation entitled “Abbyville Commons and the Preserve Traffic Study,” dated September 13, 2017, prepared by Green International Associates, Inc.(GIAI); GAIA letter to the ZBA, “Responses to Comments from Traffic Peer Review for Abbyville Commons dated July 21, 2017,” dated August 28, 2017; GAIA letter to the ZBA, “Responses to Comments from Traffic Peer Review for Preserve at Abbyville dated July 21, 2017,” dated August 28, 2017; GAIA letter to the ZBA, “Responses to Comments from Traffic Peer Review for The Preserve at Abbyville/Abbyville Commons Comprehensive Plan dated July 21, 2017,” dated August 28, 2017; UCI Report, “Technical Supplement Drainage Calculations,” dated August 30, 2017; Mike Guidice, Resident’s, letter to the ZBA “Phasing Schedule Evaluation,” with attachments, dated August 17, 2017, and including sheets “Abbyville Phasing Timeline Projected Truck Traffic Impact,” Figures 1a and 2a, received September 13, 2017.

Mr. Kulesza recognized Atty. Smolak, who introduced the applicant’s team, and walked through the order of presentations. Atty. Smolak stated that topics to be covered were civil design, traffic, and some phasing. Atty. Smolak introduced Mr. Goodreau, who began by passing out copies of the UCI Letter to the ZBA, dated 8/15/17. Mr. Goodreau stated that a stormwater report was included in the initial filing, and included the 10 State Stormwater Standards.

Mr. Goodreau gave an overview of the proposed stormwater system, stating that it was designed to capture the stormwater generated from the development area in a series of catch basins, and then piped through manholes that would then be piped to sediment forebays before ultimately ending up in three infiltration basin areas. Mr. Goodreau indicated where the three basin areas are located on the plan. Mr. Goodreau then proceeded to detail how the system design would meet or exceed the 10 Standards, as outlined in the letter. Mr. Goodreau next drew attention to the table on the last page of the letter, which details groundwater separations, and noted that none were under 4', therefore a groundwater mounding report is not applicable.

Mr. Goodreau next noted that the hydrogeological study that is going to be completed will look at the groundwater mounding elevations of the system, and that report will be forthcoming as part of the sewage treatment discharge work.

Mr. Kulesza noted that since this information had been so recently received, the BETA engineer would be prepared to comment on it at the next meeting, and asked if there were any general comments ready for tonight. Mr. McGrath stated that they had previously reviewed the initial stormwater design and found it to be generally in compliance with the stormwater standards; but as it has since been revised based on changes recommended, BETA is in the process of reviewing it again, in particular Standards 2, 3, and 4.

Mr. Goodreau next reviewed UCI's response to BETA's 7/27/17 Peer Review comment responses, detailing how the BETA comments had been addressed (outlined in the 8/29/17 UCI Letter). Mr. Goodreau referred to the Plan "The Preserve at Abbyville & Abbyville Commons Site Grading Plan," dated July 31, 2017, and the UCI Memo dated 8/28/17, and reviewed grading changes that have and that can be made; this documentation was undertaken in response to BETA's Review Comment #6.

Mr. Hanssen noted that the 18,000 cubic yards reduction in materials to be removed from the site based on these new grades, is a very small percentage of the 1.3 million cubic yards originally proposed.

Mr. McGrath stated that many changes that have been made are positive, and BETA will finish up their review and get the Board a formal letter.

Attorney Hill noted that the suggestion to UCI was to look to find ways to minimize cuts and preserve some of the natural topography of the site, but UCI instead maintained the same roadway/site layout and looked at ways to increase the grades of the roads, rather than trying to change the overall layout; Attorney Hill inquired as to the reason for that. Mr. Goodreau answered that two study points had been looked at, labeled A and B on the plan, which are the existing roadway grades from Lawrence Street at the proposed intersections; also point C, which is the terminus of Elliot Boulevard at the town-owned property; all of these are fixed elevations. There are also the three areas where fill is proposed to construct the roadways. These points, in conjunction with the contouring around the site, suggested the current proposal. Attorney Hill suggested the Board might want to explore deviating even more from Subdivision regulations regarding road grades.

Mr. Goodreau turned to the stormwater report, which includes 6 soil test pit logs in the areas of the proposed infiltration basins; also includes 8 borings advanced up to and including 60', in order to get a feel for possible groundwater issues or refusal issues that might arise. An additional 3 borings were advanced at the direction of Stephen Smith, GeoHydroCycle, Inc., for the original sewer discharge area. Borings were also done in and around the AUL area some time ago, and have been checked over a period of years.

Mr. Howe asked how many feet the sight would have to be lifted in order to be a balanced site; Mr. Goodreau estimated in the vicinity of 30-40'. Mr. Howe asked what the grade is coming from Lawrence Street into the site; Mr. Goodreau answered that Buckley Boulevard comes in at a 3% grade downward, and Elliot Boulevard comes in at 1% downward, then transitions to 2% at station 150. Mr. Howe

questioned how changing the entrances to a positive, rather than a negative slope might help to lift the whole site. After some discussion, Mr. Howe suggested to Mr. Kulesza that this subject should be examined further. Mr. Kulesza concurred, and stated that bringing in an additional consultant, as discussed at the last meeting, will serve to bring more focus on the subject.

With no further questions forthcoming, Mr. Kulesza turned to the traffic portion of the meeting. Mr. Scully, who gave an overview of reviews to date, and showed the new Powerpoint presentation dated 9/13/17. Mr. Scully stated that the diagrams being presented would be forwarded to BETA. Green International concluded that traffic would increase on Lawrence Street; current volumes are low and could accommodate the increase; safety concerns relate primarily to current observed speeds. Mr. Scully stated that after working closely with UCI, all stopping and intersection site distances meet or exceed minimums, when all future mitigations are taken into account; existing bridge conditions need to be addressed, regardless of new development; project mitigation plans are being prepared to alleviate safety concerns, and enhance traffic system. Such plans include LED "intersection warning" signs as one approaches Main Street westward from Park as well as speed feedback display signs on Park Street; Mr. Scully stated that the intersection of Park and Main does not meet the requirements for a traffic signal; Lawrence Street, between Park Street and the bridge, would be reconstructed to a width of 22', and would have a sidewalk added; a cantilevered sidewalk along the bridge would be constructed, and Lawrence Street between the bridge and the entrance to the development ("the causeway") would be milled and overlaid; widening at this point is not suggested due to proximity to the water, but a boardwalk is proposed up until there is no water on the side, reverting to sidewalk the rest of the distance to the entrance; signs on Lawrence Street reminding drivers it is a thickly settled district; adding a fogline to the current striping, to encourage slower speeds; Mr. Scully reviewed options for the bridge, such as the state's small bridge program, and the larger MassWorks grant. Some testing has been done on the bridge by the town, and the developer will need to do abutment tests and some borings in the pond. Mr. Scully reviewed some construction traffic plans; it is not expected that the bridge will be fully closed; trucks coming to the site would only come through Franklin if the bridge were fully closed. In response to Attorney Hill's question Mr. DiPlacido responded that truck traffic headed toward Park Street would then split 60/40, with 60% going toward 140 in Wrentham, in order to get to Rte. 495, Rte. 1 and Rte. 1A, where ultimate destinations would be. Traffic that did go toward Main, would split again, with most going toward Franklin to get to Rte. 495; about 25% would go toward Norfolk center to get to Rte. 115.

Mr. Kulesza opened the meeting to the public for questions. Rosey McQuillan, 11 Bush Pond Road, expressed safety concerns with the additional truck traffic on Lawrence Street, and asked, if we do not get the MassWorks grant, who's responsibility will it be to redesign the bridge to withstand the truck traffic; Attorney Hill responded that there are ongoing discussions about contingency planning; if the town did not receive a grant, then it would most likely impose conditions that would require the developer to contribute a percentage of the cost to upgrade the bridge.

David Mastro, 26 Lawrence Street, noted that widening the bridge without widening the causeway would simply move the bottleneck area. Peg Bedard, 28 Lawrence Street, expressed concern about maintenance of brush in the area, and about other new developments going in nearby; Atty. Hill confirmed that Mr. McGrath will include the new 92-unit development, Park Place, in the future build scenario. Mr. Guidice, Eagle Drive, noted that Park Place is listed in the traffic study, but not the number of units. Mr. Guidice took issue with the characterization of clear visibility exiting Lawrence Street. Margaret Kahaly, 11 Cranberry Meadow Road, asked if/when the town will have a weight limit restriction on the bridge; Ms. Kahaly also expressed concern about the brush, which turns into snowbanks in the winter. Mr. Mastro asked how many trucks were predicted on a given day.

Mr. Kulesza recognized Bob McGhee, Director of Public Works, to speak on some of these issues. Mr. McGhee noted that the bridge is 102 years old, and work was going to be done on it, regardless of this project. Mr. McGhee brought his concerns to the selectmen and fire and police departments; \$60,000 was secured from Chapter 90 funds (1/2 is still left) and the concrete was reinforced so it wouldn't deteriorate any further. As construction was taking place on the bridge, the DPW was made aware of a \$500,000

grant, and the chances look good for getting it. Cost estimates of \$875,000 for construction and \$170,000 for engineering, were obtained by the DPW.

Larry Wilson, 22 Lawrence Street, asked if the current bridge could handle 40 trucks per day, and Mr. McGhee answered "no." Mr. Wilson asked how long it would take to build a bridge that you could run 40-50 trucks a day across, and Mr. McGhee answered that perhaps 7-8 months, but always with at least one-way traffic. Mr. Guidice asked if Mr. McGhee thought that the current width of the street, including the causeway, could support the proposed project; Mr. McGhee declined to offer a personal opinion. Mr. Guidice asked if milling and overlay was consistent with what Mr. McGhee would do on the causeway. Mr. McGhee stated that his answer would be the result of a conversation, and he would probably request that it be reclaimed. Ms. Bedard talked about the width of trucks and the difficulty of them passing each other. Karen McCabe, Lawrence Street, asked why the town needs the MassWorks grant in addition to the \$500,000 grant applied for by the DPW; Mr. McGhee answered that it was advisable to have it in place. Tom DiPlacido clarified that the MassWorks grant is \$1.8 million and would cover the entire cost of the bridge at no expense to the town, and would cover the cost of building a boardwalk, and reconstruction of the causeway as well. Atty. Hill asked Ms. McCabe to clarify if she was against the grant; Ms. McCabe stated that, the way the bridge is now, we have a reason to deny the project, but with the grant we lose that "bargaining chip." Atty. Hill clarified that under 40B, if there is offsite infrastructure that needs to be improved to accommodate a project, that burden typically falls on the town; the town could not deny this project because of the condition of the bridge, but could condition the project on the developer contributing to the reconstruction of the bridge.

Keri Gillis, 7 Eagle Drive, asked if the scope of the development project was increased to get a larger grant; Atty. Hill explained that the developer did need to increase the density of the project to qualify for the grant, and so chose to propose an increase the number of units, rather than decreasing the area of the project; the increase in the number of units results in a decrease in the number of bedrooms, theoretically resulting in lower impact on schools.

Jon Godin, 34 Lawrence Street, asked if this is one project or two, and doesn't 40B allow a town to reject outright a project that consists of over 200 units, based on the current number of dwellings in town. Atty. Hill responded that he doesn't know the large-scale threshold number for Norfolk, but will have it at the next meeting, but even if it is 200, the board has the option of denying or not denying, it is just a tool at their disposal.

With no more questions forthcoming, Mr. Kulesza turned to the Phasing portion of the meeting. Mr. DiPlacido suggested holding that until the next hearing due to the late hour, and the board concurred.

Mr. Kulesza next recognized Mike Guidice, who gave a presentation on his calculations of the trucktrip/truckload information presented by the applicant. Mr. DiPlacido responded that he felt his own team's calculations were correct. The numbers will be peer reviewed.

Atty. Smolak asked that topics for the next meeting be reviewed. Mr. McGrath stated that he hoped to submit his letter for the civil site/stormwater by the end of the week, or early next week. Mr. Kulesza answered that civil, stormwater and traffic would continue to be reviewed, as well as the additional peer review by TetraTech and the hydrogeologic study. Atty. Smolak reminded the Board that the 180 day period will end on 12/4/17.

***Mr. Wider made a motion to continue the meeting to October 11, 2017, at 7:15 P.M.; Mr. Hanssen seconded the motion; the vote on the motion was unanimous.***

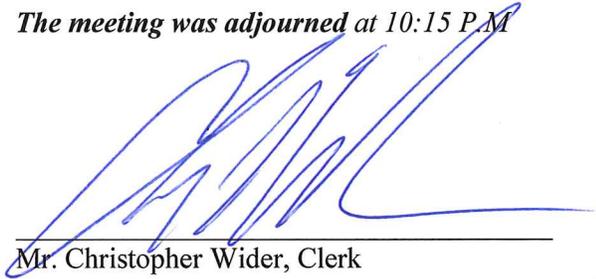
**APPOINTMENT:**

Stonebridge Homes - Request the release of lots for construction at Boyde's Crossing

***Mr. Wider made a motion to have BETA review the financials supporting the cost to be completed. Mr. Hanssen seconded the motion; the vote on the motion was unanimous.***

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

***The meeting was adjourned at 10:15 P.M***



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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.