

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

October 11, 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 7:20 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:

18 Union Street – Special Permit

Mr. Wider made a motion to continue this hearing to November 15 at 7:00 P.M.; Mr. Hanssen seconded the motion; the vote on the motion was unanimous.

144 Seekonk Street – Appeal – Present were Bob Bullock, Norfolk Zoning Enforcement Officer; Edward (Ted) O’Harte, applicant; Rob Knapik, Attorney; Steve O’Connell, Engineer, Andrews Survey & Engineering

Mr. Wider read the Public Notice into the record. Mr. Kulesza recognized Mr. Bullock, who gave an overview, stating that a neighbor had complained that the applicant was doing work possibly on her property. Mr. Bullock determined that there was no work crossing over the property line, but that it appeared that work for testing had actually progressed further into developing roads than it should have; trees taken down, roads graveled in. Mr. Bullock informed the applicant at that point that work must stop, and there would be a fine of \$300/day until the property was restored, which really couldn’t happen, so it will be up to the ZBA to make a determination of what the restoration would be.

Mr. Wider asked if there has been any activity out there since, and Mr. Bullock confirmed no work has gone on to his knowledge, ~~except~~ ^{except} some requested by Mr. Bullock for safety reasons.

Mr. Kulesza stated that the Board would like to schedule a site visit. A date of October 17, 2017, was agreed upon. It was agreed that five abutters could attend, a list would be provided to the applicant prior to the day, and consent forms would be signed.

Mr. Wider made a motion to conduct a site visit on Tuesday, October 17, 2017, at 8:00 A.M.; Mr. Hanssen seconded the motion; the vote on the motion was unanimous.

Atty. Knapik addressed the Board, requesting that fines not continue to accrue during the time delay incurred by waiting for a site visit. Mr. Kulesza stated that the final outcome would happen in the next two weeks.

Mr. Wider made a motion to continue this hearing to November 15, 2017, at 7:00 P.M.; Mr. Hanssen seconded the motion; the vote on the motion was unanimous.

Mr. O'Harte addressed the Board, observing that Mr. Kulesza had stated "two weeks," but November 15 is almost a month away. Mr. Kulesza stated that they hadn't set a date to deal with the issue, but it would most likely be the week after; Mr. O'Harte restated "within two weeks," and Mr. Kulesza confirmed that it would be within two weeks.

Mr. Andrews addressed the Board, stating that they must continue the hearing to a time and date certain; Mr. Wider stated that they just did, and then restated his motion as follows:

Mr. Wider made a motion stating that there would be a walk-through next Tuesday at 8:00 A.M. after which a public hearing will be held, date and time uncertain at this point, for the appeal of the Zoning Officer's decision; Mr. Hanssen seconded the Motion; the vote on the motion was unanimous.

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; Jason Plourde, BETA Group Traffic Engineer; Sean Reardon, TetraTech; Thomas DiPlacido, applicant; Rick Goodreau, Engineer, United Consultants, Inc. (UCI); John Smolak, Smolak & Vaughan, LLP; Matt Mrva, Bohler Engineering

Plans and other documents discussed were: Plans prepared by UCI entitled "The Preserve at Abbyville & Abbyville Commons Phasing Plan," dated March 15, 2017, rev through September, 2017; UCI plans entitled "The Preserve at Abbyville & Abbyville Commons Landscape Master Plan," dated September 26, 2016; BETA letter to the ZBA, dated October 5, 2017, "Comprehensive Plan – Peer Review Comment Responses"; BETA letter to the ZBA, dated October 10, 2017, "Comprehensive Plan – Construction Traffic Review"; BETA letter to the ZBA, dated October 10, 2017, "Traffic Peer Review – Second Comment Letter"; Norfolk Fire Department letter to ZBA, dated October 11, 2017; .

Mr. Kulesza recognized Atty. Smolak, who gave an overview of topics to be covered: phasing, landscape architecture, stormwater and engineering peer review response items, and traffic.

Mr. DiPlacido began by reviewing the phasing plan, which creates road loops within each phase; the first phase would include the two entrances to the property, with the one closer to Park Street being dedicated for construction vehicles. There would be some overlap of phasing. Construction vehicles and equipment would be housed on site, not visible from the street. Mr. DiPlacido discussed issues that have been raised on Lawrence Street, stating that meetings have been held with several town officials; although a public way, some improvements will be made by the developer. To that end, testing has been done on the bridge, bridge abutments, and Lawrence Street causeway. Atty. Hill noted that the developer's team was at the Conservation Meeting tonight to get permission to do more testing on and around the causeway, with a goal toward widening it.

Mr. Kulesza opened the meeting to public comment. Tom Erdmann, Stuart Street in Franklin, stated that he knows there is rock out there that he believes will need to be blasted, and questioned who oversees the locations of the borings that were done; Sandra Myatt, Eric Road, stated that she read that DEP said there was 10' of topsoil and then bedrock on the site; Dave Mastro, Lawrence Street, relayed information from the fire chief's comments and pictures at a recent Planning Board meeting, and expressed concerns about the width of the Causeway; Peg Bedard, asked if the entire site was to be handled with a wastewater treatment plant, and Mr. DiPlacido replied that it was; Ms. Bedard questioned the borings with regard to leaching areas, Mr. DiPlacido replied that DEP will need to approved; Ms. Bedard asked if the construction would be phased, or if it would be "moonscaped," and Mr. DiPlacido directed her back to his phasing presentation.

Mr. Kulesza recognized Matt Mrva to address the landscaping architecture. Mr. Mrva gave an overview of the trail systems within the proposed development. Atty. Hill asked if the trails would be open to the public; Mr. Mrva indicated where the internal trails do connect with trails outside of the development, but Mr. DiPlacido stated that they were still in discussions with the town as to whether it would be a public trail system, or owned privately by the Homeowners Association.

Mr. Kulesza turned to Mr. McGrath, who cited the second review letter of October 5, 2017, and gave an overview of those comments. Mr. McGrath stated that concerns regarding geometry have been addressed, but they did ask for some additional information lane widths, corner radii, and center circle. Mr. McGrath addressed the truck traffic issue, and discussion regarding the ledge; BETA would like to see the additional borings, and to see the areas of ledge on the plan; Mr. McGrath stressed the importance of a comprehensive Construction Management Plan. Mr. McGrath also stated that some revisions had been reviewed, which would result in 18,000 less c.y. of fill being removed, but that is a small number, and the Board should continue to work with TetraTech to maximize that number; regarding stormwater, Mr. McGrath stated that how the forebays affect the size of the detention basins needs to be looked at closely, with some revisions as to infiltration and exfiltration; a couple of forebays seem to indicate they will overtop in a 100 year storm, and plans to meet with the developer and engineer. Mr. Goodreau stated that he had had discussions with BETA, agrees with comments, and is in the process of making revisions.

Mr. Plourde stated that although letters have not been provided back and forth, a lot of coordination has been going on, and as a result, the initial 15 comments had been reduced to the 5 outlined in the letter of 10/10/17; additionally, communication since then has reduced those 5 down to 2. One remaining issue is whether Saturday traffic should be looked at, but it was determined that weekday rush hours are more critical than Saturday traffic. The second issue pertains to the intersections at Main and Park, and at Lawrence and Main. First of all regarding Main & Park, whether a traffic signal would be warranted, and it was determined that it is not; and secondly, what steps can be taken to make the intersection safer, such as signage and vegetation clearing – more information should be forthcoming from the applicant. Regarding Lawrence & Main, sight line issues were discussed, and more information will be provided on that. Mr. Plourde stated that the issue showing the sight line crossing over a property was resolved.

Mr. Kulesza stated that the Board is looking at retaining two additional firms to address the issues of cuts and fills (TetraTech), and hydrology (Horsley/Witten). Mr. Reardon of TetraTech addressed the board, stating that after looking at the plans and discussing with the applicant, there does appear to be room for decreasing cuts & fills and associated truck trips. In response to Mr. Kulesza, Mr. Reardon said that he would be ready to present by the next hearing.

Mr. Kulesza recognized Mike Guidice, who replied to the applicant's comments on his presentation at the September 13 hearing. Atty. Hill requested that Mr. Goodreau share his CAD file with TetraTech and the Board, so that numbers can be verified. Mr. Wider asked Mr. Plourde if construction traffic was taken into account in the traffic studies, and was told that it was not, as that is outside the scope of a traffic impact study. After a question from Dave Mastro regarding other construction traffic (such as lumber trucks, cement trucks, etc.), Atty. Hill asked the engineers what was reasonable to request estimates for; Mr. McGrath responded that it's more important to look at earth removal trucks, as other trucks don't come and go on such a steady schedule; Mr. Reardon concurred.

Atty. Hill requested that the applicant begin the Construction Management Plan, and requested that a template be provided; BETA will provide one. Mr. Reardon cautioned against comparing this project to others that may have some similar characteristics, and instead focus should be on defining and documenting items unique to this project.

Brian Kahaly, Cranberry Meadow Road, asked if other nearby projects should be considered, and Mr. Reardon responded that they should, but with the main focus as indicated above. Bill White, Mill Street in Franklin, expressed concerns with traffic, hours of operations, and starting date; Mr. McGrath stated

that hours are currently proposed for 7:00 am to 5:00 pm. Atty. Hill stated that ZBAs generally look to what the Planning Board requires, and tailor accordingly.

Peg Bedard, Lawrence Street, asked if the developer on Park Street is the same as this one, and was informed it is not. Ms. Bedard also asked how Mill Street will be dealt with; Mr. DiPlacido responded that they are not looking to put construction traffic on Mill Street.

John Curran, Bush Pond Road asked where trucks will queue. Sandra Myatt, Eric Road, questioned what is in the material being removed, such as silica, which is a carcinogen. Ms. Bedard asked for a 3D model of the traffic to show how long it will take to leave her driveway, and to show the impact at the intersection at Myrtle Street. Atty. Hill confirmed that the queuing up of cars at intersections is included in the traffic studies, but that cannot be done for individual driveways.

Jennifer Ryan, Park Street commented on trucks already traveling on Park Street. Dorothea Collins, Lawrence Street, cited "Earth Removal and Environmental Protection," in the Boston College Environmental Affairs Law Review, Volume 3, Issue 1, dated 1/1/1974.

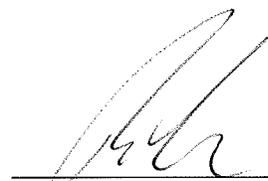
Mr. Howe asked if MEPA has been filed with yet; Atty. Hill stated that he did not believe so, but that Norfolk would want to weigh in on it.

John Godin, Lawrence Street, referred to current traffic issues occurring at the site of the project on Cleveland Street; Atty. Hill advised that putting a condition in the decision deferring to the police department on this should be discussed at an early pre-construction meeting.

Mr. Wider made a motion to continue the hearings to November 1, 2017, at 7:15 P.M.; Mr. Sebastiano seconded the motion; the vote on the motion was unanimous.

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

The meeting was adjourned at 9:30 P.M



Mr. Robert Luciano, Vice Chair

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.