

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

October 18, 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 7:00 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 July 26, 2017, as written; Mr. Hanssen seconded the motion; the vote on the motion was unanimous.

Mr. Wider made a motion to accept the minutes of September 13, 2017, as written; Sebastiano seconded the motion; the vote on the motion was unanimous.

PUBLIC HEARINGS:

25 Rockwood Road, Village at Norfolk – Comprehensive Permit (cont'd) - present were Bill McGrath, Engineer, BETA; Glen Fontecchio, architect; Bisher Hashem, Village at Norfolk, LLC, Applicant; Christopher Agostino, Attorney, Ruberto, Israel & Weiner; John Cronin, MZO Group; Tom Ryan, Ryan Associates; Jim Pavlik, Outback Engineering;

Documents presented and referred to were: Memo from Hill Law to the ZBA, “The Village at Rockwood,” dated 9/22/17, referencing action items from the 9/20/meeting; BETA letter to ZBA, “Traffic Peer Review – Final Letter,” dated 10/12/17; plans entitled “Unit B.1., Corner Unit #15,” sheet 08a, dated 9/28/17, prepared by MZO Group; BETA letter to ZBA, “Comprehensive Plan – Landscape Architecture Review,” dated 10/12/17; “Cut/Fill Estimate,” dated 10/4/17, prepared by Outback Engineering; “Waiver Request Review,” dated 10/11/17, prepared by BETA

Mr. Kulesza called the continued hearing to order for 25 Rockwood Road to order at 7:15 pm. Mr. Kulesza began by referring to Atty. Hill’s memo of action items:

- 1) Mr. Kulesza confirmed that the applicant had the signed and stamped copy of the sight distance plan, as requested at the last meeting. Referring to the letter submitted 10/12/17, Mr. McGrath confirmed that comments have been addressed.
- 2) Regarding Unit #15, Mr. Kulesza asked if the architects had communicated; Mr. Cronin responded that they had communicated, and the results were reflected on the latest plans; Mr. Hanssen asked if anything had been done with regard to the orientation of the building; Mr. Ryan replied that the site plan was revised so that this wasn’t a dead-end, and stairs were added; Mr. Fontecchio elaborated on some conversations, and stated that he was satisfied that major concerns had been addressed.
- 3) Mr. Ryan confirmed that masonry fieldstone walls, as opposed to concrete or “redi-rock” were now indicated on the plan labeled 2.0; Mr. Wider asked why there was a chain link fence along an abutter’s property, and Mr. Ryan responded that it would give more visibility than a 6’ high board fence. Mr. Fontecchio responded that the abutter’s preference should be taken into consideration.

- 4) Mr. McGrath noted that the changes presented tonight had not been reviewed; it did seem that comments from the 10/12/17 review letter had been addressed, but one more review would be necessary. Abutter Timothy Drolette was consulted, and voiced his feelings on how the plans would affect his property. Mr. Kulesza asked Mr. McGrath to include comments on various fencing options along that property line in his next review. Discussion ensued with regard to photometrics.
- 5) Mr. Pavlik stated that they had done some research on the DEP website and found a Technical Paper that indicated the TP-40 data was still to be used, that has not been changed. Mr. Kulesza stated that he was comfortable with the peer reviewer's opinion that TP-40 is acceptable.
- 6) Mr. Pavlik explained the figures on the Cut/Fill Estimate dated 10/4/17. Mr. McGrath concurred with the preliminary figures, adding that the total estimate of 12,000+ cu.yd. of fill required, may be lower. Mr. Kulesza asked about a trucking plan, and Atty. Hill answered that will be addressed in the Construction Management Plan, which will be a condition of the decision. Abutters requested that police details be required during trucking, and that times be enforced.
- 7) Mr. Pavlik stated that they had provided additional figures. Mr. McGrath stated that he was satisfied that there were no negative impacts from the mounding.
- 8) Curbing changes were made, and are shown on the new plan.

The Board moved on to review of waivers, from the Waiver Request Review memo of 10/11/17, prepared by BETA.

Site Plan Approval

SITE PLAN APPROVAL

7.3.1. Applicability - procedural- can be waived

7.4.2 Site Plan Requirements – procedural- can be waived

7.4.2.2. Site Plan Requirements - procedural- can be waived

7.4.3.9. Yard Setbacks – discussion ensued regarding “10ft. side yard setback to 8ft.” and whether this was a side yard or a rear yard (ref Zoning Bylaw I.4.b.3.G.) – Atty. Hill recommended that the decision state this waiver is for that specific building (unit 17). Atty. Agostino stated that they will review the plan to ensure that this waiver will not apply to other units. Atty. Agostino stated that the decision would be made approving the plan, whether or not all bylaws were specifically enumerated; Atty. Hill stated that if a bylaw is discovered to have been missed, they should come before the board again; Mr. Kulesza stated that, having worked with Mr. Hashem on Boyde's Crossing, he would be comfortable with following the same process as before; it was discussed that any additional waivers discovered but not previously enumerated, would be treated as insubstantial modifications.

7.4.3.16. Stormwater Facilities – Mr. McGrath explained that some minor details don't specifically comply with town bylaw, such as roof runoff going into their underground infiltration system as opposed to a drywell as stated in bylaw. – can be waived

7.4.3.25. Waivers -procedural – can be waived

7.4.3.27. Driveways – no issues per Mr. McGrath – can be waived

7.4.3.27.3. Parking Areas– no issues per Mr. McGrath – can be waived

7.5 -7.9: Submission - procedural – can be waived

BYLAWS OF THE TOWN OF NORFOLK

Article VII Section 1: EARTH REMOVAL- Mr. McGrath stated that documents showing 5,400 yds. to be removed have been provided, and suggests that as long as the Construction Management Plan is provided and the board has a chance to look at truck traffic & routing. Atty. Hill stated that even without a waiver, a permit could be applied for, so this waiver is primarily procedural – can be waived.

Article VII Section 7: POST-CONSTRUCTION STORMWATER MANAGEMENT OF NEW DEVELOPMENTS & REDEVELOPMENTS – procedural – can be waived

Article IX: Sign Regulations – can be waived

ZONING BYLAWS WITH AMENDMENTS THROUGH MAY 2014

PARKING

Section F.7.a. – procedural –can be waived

Section F.7.b.1. and F.7.b.1.a – off-street

Parking - count was 25, not 24 extra parking spaces – can be waived

Section F.7.i – travel lane widths – can be waived

Section F.7.n – parking lots and Appurtenances - Mr. Pavlik stated that most driveways are 9 x 19, but some are 9 x 18; the 9 x 18 will be identified on the a list to be submitted with the final plans.

SITE PLAN APPROVAL

Section F. 11. and its subsections a.-d. – process – can be waived

DESIGN REVIEW

Section F.12., F.12.c.1, F.12.d.-g. – no discussion

Section F.12.f.1: Section F.12.f.1 – no discussion

AFFORDABLE HOUSING DEVELOPMENT

Section H.3.: - process - can be waived

B-1 DISTRICT (OUTSIDE BUSINESS CORE)

Section I.4.a.10 – project roadways to comply with the specifications - no discussion

Section I.4.a.11 – more than 16 bedrooms on a lot where this is not a Planned Multi-lot Development (PMLD) - no discussion

Section I.4.b.3.(G) – assumed to be limited to unit #17, unless informed otherwise

Section I.6.d - linked parking – No longer applicable

Section I.7. and I.7.a. - no commercial component – can be waived

BOARD OF HEALTH ON-SITE SEWAGE DISPOSAL REGULATIONS, EFFECTIVE MARCH 26, 2015

Section III.1: maximum groundwater levels must be determined between

December 15 and April - Board of Health Agent, Wade Saucier will be contacted for comment

Section III.2: showing road crown and gutter elevations and final grades at 4 corners of each building - Board of Health Agent, Wade Saucier will be contacted for comment

Section III.5: septic system design for new homes accommodate a garbage grinder – Board of Health Agent, Wade Saucier will be contacted for comment

Section V.: variance procedures administered by the Board of Health - Board of Health Agent, Wade Saucier will be contacted for comment

Board of Health - REGULATIONS FOR PROJECT PLAN AND SUBDIVISION APPROVAL, –Adopted July 3, 1988, Amended January 16, 1991 & September 20, 2010– Board of Health Agent, Wade Saucier will be contacted for comment

BOARD OF HEALTH - SUBMITTAL GUIDELINES FOR SUBDIVISION PLANS, SITE PLANS OR OTHER TYPES OF PROJECT PLANS– Board of Health Agent, Wade Saucier will be contacted for comment

BOARD OF HEALTH – GROUNDWATER SUPPLY REGULATIONS, PUB. JULY 18, 1988, AMENDED AUGUST 10, 1988

The Board moved to discussion of the redlined versions of the Decision.

Mr. Wider made a motion to continue the hearing for 25 Rockwood Road to 11/9/17 at 7:15P.M.; Mr. Sebastiano seconded the motion; the vote on the motion was unanimous.

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

The meeting adjourned at 9:15 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.