

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

November 1, 2017

Zoning Board Members	Others
Michael Kulesza –Chairman ----- Present	Betsy Fijol – Administrative Asst. - Present
Robert Luciano –Vice Chairman --- Present	
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 meeting room 124 of the Norfolk Town Hall. Mr. Kulesza announced that this meeting was being audio and video recorded.

PUBLIC HEARINGS:

144 Seekonk Street – Appeal – Continued from October 11, 2017 - Present were Bob Bullock, Norfolk Zoning Enforcement Officer; Edward (Ted) O’Harte, applicant; Rob Knapik, Attorney; Steve O’Connell, Engineer, Andrews Survey & Engineering

Mr. Kulesza called the continued hearing to order for the 144 Seekonk Street Appeal to order at 7:03 pm. Mr. Kulesza wanted to make sure that everyone knew that the hearing tonight was only to discuss the violation of Norfolk Zoning Bylaw D.1.a.1. and not a discussion about the proposed 40B development.

Mr. Kulesza explained that the Board is in receipt of a letter, dated October 26, 2017, from Lorraine Sweeney, 14 Stop River Road resident, and invited Ms. Sweeney to comment on her letter.

Ms. Sweeney said that she walked the site with the Board on October 17, 2017 and was alarmed by the expanse of the land clearing, excavation, filling and clear cutting of trees that had been carried out prior to the issuance of any permits for these activities. Ms. Sweeney requested that the ZBA require the appellant to provide an ALTA survey illustrating the following:

1. Boundary
2. Topography with contours at 2-foot intervals
3. Trees-6” caliper and above, to include species and canopy
4. Characteristics and location of understory vegetation
5. Cart Paths
6. Observed evidence of current earth moving work
7. Topography of all disturbed areas including spot grades on a 10-foot grid
8. Location of wetland areas as delineated by appropriate authorities

Mr. Bullock explained how the violation letter was initiated.

Mr. Knapik said that the work that was done was in preparation of a residential development and disputed that Norfolk Zoning Bylaw section D.1.a.1. applies to this project.

Mr. O’Connell had submitted an existing conditions plan earlier in the day as requested by the Board at the last hearing and that was displayed on the smartboard. Mr. O’Connell explained that the paths were created in order to access the site in order to conduct soil testing. There were some areas that required extensive excavation in order to determine the extent of the ledge.

Mr. Knapik presented the Mass Housing Eligibility letter which states that soil borings should be done throughout the site. Mr. Knapik said that there is evidence that only limited clearing and excavation for the purpose of obtaining the data in order to obtain a permit and asked the Board to find that the appellant has not violated the bylaw and is not subject to fines.

Mr. Kulesza opened the hearing to public comments.

Mr. Kulesza asked to discuss a recommendation of the Board to require the applicant to provide and ALTA/ACSM survey, signed and sealed by the applicant's land surveyor, to document existing conditions for the property at 144 Seekonk Street. This should at a minimum illustrate, but not limited to:

1. Boundary
2. Topography with contours at 2-foot intervals
3. Trees-6" caliper and above, to include species and canopy
4. Characteristics and location of understory vegetation
5. Cart Paths
6. Observed evidence of current earth moving work; i.e. Disturbed area delineation
7. Topography of all disturbed areas including spot grades on a 10-foot grid
8. Location of wetland areas as delineated by appropriate authorities; i.e. Delineation of flagged wetland resource area approved by the Norfolk Conservation Commission in July and August of 2005 (not to be confused with flagged wetland resource areas proposed on ANRAD currently under review by the Norfolk Conservation Commission)

Mr. Kulesza said this would be at the applicant's expense.

Mr. O'Connell said that wetland delineations under the Wetland Protection Act are only valid for 3 years, so that particular condition #8 would not meet ALTA standards. Mr. O'Connell asked to utilize the currently proposed wetland resource areas that are pending approval by the Norfolk Conservation Commission.

Ms. Sweeney asked to have the past and present wetland flags shown.

Mr. Howe said it's important to have a comparison of pre-disturbance versus post-disturbance and an analysis of how much filling was done on the site.

Mr. Wider made a motion to approve having an ALTA/ACSM survey of the property at 144 Seekonk Street to be done by an independent engineer including:

1. *Boundary*
2. *Topography with contours at 2-foot intervals*
3. *Trees-6" caliper and above, to include species and canopy*
4. *Characteristics and location of understory vegetation*
5. *Cart Paths*
6. *Observed evidence of current earth moving work; i.e. Disturbed area delineation*
7. *Topography of all disturbed areas including spot grades on a 10-foot grid*
8. *Location of wetland areas as delineated by appropriate authorities*

Discussion on the motion-Mr. O'Harte asked that his engineer perform this work.

Mr. Wider amended his motion that the applicant's engineer, Andrews Survey, may perform the work but the work will be peer reviewed at the applicant's expense by one of the Board's consultants; Mr. Hanssen seconded the motion; the vote on the motion was unanimous.

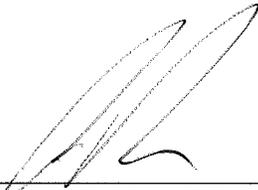
Mr. Wider made a motion to continue the hearing for the 144 Seekonk Street appeal to December 6, 2017 and/or a date and time specified before that; Mr. Sebastiano seconded the motion; the vote on the motion was unanimous.

17 Lawrence St – The Preserve at Abbyville and Abbyville Commons – continuation from October 11, 2017- The Board was in receipt of a request for a continuance of the public hearings for The Preserve at Abbyville and Abbyville Commons to the November 15, 2017 meeting.

Mr. Wider made a motion to continue the hearings for The Preserve at Abbyville and Abbyville Commons to November 15, 2017, at 7:15 P.M.; 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 8:37 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.