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

November 9, 2017

Zoning Board Members	Others
Michael Kulesza –Chairman -------- Present	Amy Brady – Administrative Asst. - Present
Robert Luciano –Vice Chairman --- Present	
Christopher Wider – Clerk ---------- Present	
Joseph Sebastiano –Full Member --- Present	
Donald Hanssen – Full Member ---- Absent	
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:

25 Rockwood Road, Village at Norfolk – Comprehensive Permit (cont'd from 10/18/17) - present were Daniel C. Hill, Attorney; Bisher Hashem, Village at Norfolk, LLC, Applicant; Christopher Agostino, Attorney, Ruberto, Israel & Weiner

Mr. Kulesza called the continued hearing to order for 25 Rockwood Road at 7:00 P.M., and referred to Attorney Hill for an explanation of documents in front of the Board, which were drafts of the Decision for this case. Atty. Agostino requested that the Board vote tonight to approve the project with conditions, and Atty. Hill agreed that that would be acceptable.

The Board and the applicant, along with his attorney, began review of the drafts. Discussion ensued with regard to recording the full plan set at the Registry of Deeds vs. recording the Decision only; it was agreed that one page of the plans would be recorded along with the Decision. It was further agreed that parties will speak with Bill McGrath, peer review engineer, to assure that he would sign off on the stormwater component of the Decision, as well as with Bob McGhee, Norfolk DPW Director, regarding water connections. Atty. Hill called attention to Section D.4., local needs, stating that he had drafted the 4 conditions listed, and expected they would be acceptable to the State. In Section D.6., regarding phasing-in of affordable housing, Atty. Hill preferred language that one affordable unit will be constructed for every three mark-rate units; Mr. Hashem stated that is not feasible, since the houses are so close together that they must be built in order, which may not agree with the designation of affordables; Atty. Agostino suggested using language from the Regulatory Agreement, which states units will be "substantially" built at a rate of 3 market rate units to 1 affordable, provided that under no circumstances may more than 4 consecutive Certificates of Occupancy be issued for market rate units, until at least one is issued for an affordable unit. It was agreed to leave the blasting language in. Moving on to the Fire Protection section, it was noted that although the foundations are 15' apart, sometimes a porch or gutter might impinge a few inches into that, which would be consistent with fire code (10'), but put the developer in violation of this agreement; it was agreed to leave it up to the Fire Chief. It was also agreed that the Decision would state that hydrants will be located as shown on the plan. Regarding the sidewalk, Mr. Hashem suggested conditioning it to be constructed halfway through the project, rather than prior to issuance of the first occupancy permit; Atty. Agostino believes this is warranted, as it is a "linkage" item, and not on-site; Mr. Hashem noted that circumstances such as it being winter at the time of first occupancy, or DPW issues, might make this infeasible; it was agreed to table the discussion until after the driveway discussion. Section G.1. was accepted, and discussion returned to the sidewalk; Mr. Hashem asked if he had the option of posting a bond; Mr. Kulesza responded that this is a busy area, and the Board wants the sidewalk built first. Discussion next turned to Section G.4. regarding the posting of a bond before

commencement of any construction activities (i.e., site clearing). Mr. Hashem asked for a dollar value, and Atty. Hill said that Bill McGrath would be consulted, but he expected it would be in the low tens of thousands, not hundreds of thousands; Mr. Hashem also asked that there be a release date/event specified. Regarding signage for snow plow areas, the Board was willing to forego signs. Since the waivers have been previously addressed, it was decided at this point that the two lawyers will work together to develop a final version of the Decision to be presented at the next meeting.

Mr. Wider made a motion *to close the hearing for 25 Rockwood Road, Village at Norfolk;* ***Mr. Sebastiano seconded*** *the motion;* ***the vote on the motion*** *was unanimous.*

Mr. Wider made a motion *to grant the Comprehensive Permit application and the project as proposed in the most recent set of plans (which will be detailed in the written Decision), and subject to conditions that the Board will memorialize in the written Decision to be issued in the next 40 days, consistent with these deliberations;* ***Mr. Sebastiano seconded*** *the motion;* ***the vote on the motion*** *was as follows:*

*Michael Kulesza – **yes to grant***
*Robert Luciano – **yes to grant***
*Christopher Wider – **yes to grant***
*Joseph Sebastiano – **yes to grant***
*Don Hanssen – **absent***

<u>60 River Road</u> – Variance

Present were Matthew Watsky, Attorney, and Scott Goddard, applicant/trustee

Plan presented were entitled "60 River Road, Lot Development Plan of Land in Norfolk, MA," dated June 21, 2016, rev. through 9/16/16, prepared by Merrikin Engineering, LLP

Atty. Watsky described the property, which was built in 1952, as completely within and below the flood plain. Slab on grade at elevation 132, flood plain elevation is 136.7. The project proposed to remove the existing house, and build a new house with all of the living area elevated above the flood plain. Atty Watsky stated that Bylaw Section D.5.c. would allow for expansion of the house by 25%, complying with flood elevations for that 25%, but that would leave all of the existing living space, cesspool, etc., below the flood plain. Section D.5.d.2. seems to allow for an exception, but only if there is no flooding, which is not the case with this house.

In response to a question from Mr. Luciano, Atty. Watsky answered that the foundation would be concrete with openings. Atty. Watsky and Mr. Goddard confirmed that the Board of Health has approved a septic design for this project, and that a Notice of Intent will be filed with the Conservation Commission.

Mr. Wider referred to a filing for this property in 2014 that was denied. Mr. Goddard responded that the previous filing did not pass Board of Health standards, and they were unable to balance their fill in the flood plain calculations (too much fill in the flood plain.) Mr. Goddard stated that this is a completely re-engineered plan.

Mr. Wider asked specifically which bylaw they are asking a Variance from, and Atty. Watsky answered that they are asking for a Variance from D.5.c. and D.5.d.2. Discussion ensued regarding how this project fits the Variance criteria, and whether they actually need a Special Permit as well. Mr. Wider stated that he would speak with Town Counsel for clarification, and that the Board needed time to review the input received from Conservation Commission with regard to the previous filing.

Mr. Wider made a motion *to continue the hearing for 60 River Rd. to December 20, 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. Sebastiano seconded the motion; the vote on the motion was unanimous.

The meeting was adjourned at 9:40 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.

TOWN OF NORFOLK
ZONING BOARD OF APPEALS

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CERTIFICATION PURSUANT TO G.L., Ch.39, §.23D
(ACCEPTED UNDER ARTICLE 12
OF THE SPECIAL TOWN MEETING
OF OCTOBER 24, 2006)

DATE: 12/20/17

APPLICANT'S NAME: [illegible]

PROJECT NAME/LOCATION OF PROPERTY:

60 River Rd.

CASE NO: _____

ASSESSORS' REFERENCE: Map_____Block_____Lot_____

I, Don Hanssen hereby certify that I have examined all evidence received at the one (1) session of the public hearing in the above matter held 11/9/17 including (check all that apply):

_____ An audio/video recording

_____ Minutes

_____ Other supporting plans & documents

_____
Signature Board Member