

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

January 24, 2018

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 7:07 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.

PUBLIC HEARINGS:

17 Lawrence St – The Preserve at Abbyville and Abbyville Commons – (hearings continued from 1/3/18)

Present were Bill McGrath, Engineer, BETA Group; Scott Ridder, BETA Group. Dan Hill, Daniel C. Hill Law Offices; Glen Fontecchio, architect; Thomas DiPlacido, applicant; John Smolak, Smolak & Vaughan, LLP; Matt Mrva, Bohler Engineering; Henry Arnaudo, HPA Design.

Plans and other documents discussed were “Hydrogeologic Evaluation Report, Abbyville Commons/The Preserve at Abbyville, Lawrence Street, Norfolk MA, Transmittal #X277029,” dated 12/15/17, prepared by GeoHydroCycle; hydrogeologic evaluation approval letter from MassDEP to Thomas DiPlacido, dated 1/17/18; PowerPoint presentation entitled “The Preserve at Abbyville and Abbyville Commons,” prepared by Matt Mrva, Bohler Engineering.

Mr. Kulesza announced that a continuation to April 30, 2018, had been authorized by the applicant. Mr. Kulesza said that after brief discussions on hydrogeological issues, the night would focus on landscape & architecture. Atty. Hill discussed the 4 major areas of inquiry that were discussed in the recent workshop: 1) Compliance with the Federal Clean Water Act. Since this area is within the watershed of the Charles River, it is subject to a total maximum daily load limitation (TMDL) for certain a classification of pollutants, e.g. phosphorous. 2) impacts of effluence from the wastewater treatment (WWTP) plant on nearby private wells; 3) impacts of effluence from the WWTP on Bush Pond and the AUL area; 4) whether cuts will have adverse effects on the quality of groundwater in the area. The applicant did agree to provide boring logs and other materials critical to ascertain accurate groundwater elevations.

Atty. Smolak noted that a hydrogeological study, dated December 15, 2017, had been submitted to Mass DEP, in support of a future groundwater discharge permit that would be sought in connection with both projects; DEP responded via letter of approval dated January 17, 2018. The next step will be to file an actual groundwater discharge permit application.

Mr. Mrva distributed copies of his Powerpoint presentation, “The Preserve at Abbyville and Abbyville Commons.” Mr. Mrva gave an overview of the site, which is 203 acres; 141 being preserved as open space, 52 comprising The Preserve at Abbyville, and 8.8 comprising Abbyville Commons. There are two entries off Lawrence Street, roads that loop around, homes that face into the woods or open space³, wetland and natural features are preserved. There is boathouse potential for connection at Bush Pond. The new neighborhood will be tied into the trail network. Mr. Mrva detailed distances to abutting homes, and pointed out the natural vegetation that will remain and be maintained. Common parking areas have been added. There is a gazebo area, town common with pavilion, mail kiosks near the entry. There are proposed stone walls and lighting features at the entry with proposed street trees and flowering trees, and signage.

Atty. Hill asked if the town green is part of the water treatment area; Mr. Mrva replied that it is part of the leach area, and pointed out where the actual building is, over by the pond. Mr. Mrva continued, detailing street trees and buffer plantings within the development, as well as overviews of prototypical units, and detail of lighting fixtures. In response to a question from Mr. Hanssen, Mr. DiPlacido said that the street lights would be controlled by the homeowners' association (HOA), and lampposts at the ends of driveways will be controlled on a photocell from each house, and it will be a requirement in the deed that those lights are maintained by the homeowner. In response to a question from Mr. Kulesza, Mr. DiPlacido detailed where houses had been pushed back in order to improve open space. In response to a question from Atty. Hill, Mr. DiPlacido said that at a time when the roadways are accepted by the town as public roadway, there would be an easement o that street trees and lights within the right of way will continue to be maintained by the HOA; the streetlights will be on a separate meter, payable by the HOA. Mr. DiPlacido said that "cross easements" would be developed between the homeownership development and the rental development. In response to Atty. Hill, Mr. DiPlacido stated that state mandated funds would be placed into an account for maintenance and replacement of the WWTP. In response to a question from Mr. Wider, Mr. Mrva replied that streetlights are placed at intersections, and lighting to homes will be by individual lampposts.; the boathouse/dock area would not be lighted because it is not designed for use at night.

Mr. Kulesza turned to Mr. McGrath for Peer Review. Mr. McGrath said that they have only had a short time to review the plans, and that his opinion is that overall, the landscape and lighting plans seem appropriate, although there are alternative approaches that might work better. Mr. McGrath then introduced Mr. Ridder. Mr. Ridder said that he will be looking more closely at species of plant material, tree spacing, irrigation, proximity to common areas, etc. In response to Mr. McGrath, Mr. DiPlacido responded that there is more than enough loam onsite for the project. Mr. McGrath confirmed that they will be ready with a full review in time for the next meeting, February 13, 2018.

Mr. Kulesza opened the meeting for public comment.

Larry Wilson, Lawrence Street, asked if consideration had been given to the light "aura" or "halo" that might be emitted at night; Mr. Mrva replied that the fixtures are full cutoff dark sky compliant LED fixtures with cark sky compliant caps, to prevent light from spilling offsite. Mr. Wilson also asked if loam would be exported off site. Mr. Mrva and Mr. DiPlacido said that the intent is not to export any loam, but that couldn't be guaranteed, there may be the need to remove some at the end of the project.

Joe Morray, 32 Berkshire Street, asked about landscaping plans around Bush Pond. Mr. Mrva said they are planning pathway access to the boathouse and the pond, with minimally invasive landscape treatment, preserving what's there now.

A gentleman from Park Street (name inaudible, writing on signup sheet not discernable), asked about detention basins and who monitors them. Mr. McGrath responded that has been reviewed; they are infiltration basins, so the water that goes in will infiltrate back into the ground, meeting state stormwater policy designed to protect wetlands. The HOA will also be responsible for an operations and maintenance plan. The gentleman asked if there is any buffer zone from the development to wetland, and was informed that the developer would need to go before the Conservation Commission if they were to propose work within 100' of the wetlands.

Karen McCabe, Lawrence Street, asked if there would be sidewalks, and if the street tree roots might damage those sidewalks. Mr. Mrva responded that there will be sidewalks, and root growth has been accounted for by a 6'-7' tree belt in order to not damage sidewalks. Atty. Hill asked if Bohler Engineering would provide detail showing the 6' tree belt between the paved surface and the sidewalk; Mr. Mrva affirmed.

Mr. Howe drew Mr. Mrva's attention to the 1' and 2' candles on the map, indicating that the arrows indicating each might be reversed. Mr. Howe noted an area in the southwest corner where it looks like the lighting circle is crossing some houses, and Mr. Mrva said they would look at it and adjust as necessary. Mr. Howe also asked for, and Mr. McGrath concurred, a photometric plan that shows at what point the light becomes 0 (zero).

John Semas, 35 Robin Road, asked if there was a cut and fill plan and was informed that it had been discussed at a previous civil engineering meeting.

Tom Ryan, Park Street, asked about airborne pollutants for health and safety, and also with regard to impact on his solar panels. Atty. Hill said that dust control is being reviewed by the peer review engineers. Mr. DiPlacido

added that those concerns were addressed in the Comprehensive Operation and Management Plan, which is posted on line.

Ms. McCabe asked expressed concern with emergency vehicles being able to get around stopped traffic where there is a center berm. Ms. McCabe asked how many additional parking spaces were added; after counting, Mr. Mrva replied that there are 30. Ms. McCabe asked if an open space preservation design had been looked at, rather than the current design, and noted that most of what has been labeled open space is really unbuildable. Mr. Mrva responded that much of that land is actually buildable, and that the contiguous forested open space is seen as a benefit to the project and to the town. Ms. McCabe asked about the pump for the WWTP; Mr. DiPlacido explained that the WWTP is down at the lower part of the project, and works by gravity; when wastewater flows down to that building, it is pumped up into an area that offers greater separation to groundwater and is the furthest point away from a potential town well. Ms. McCabe asked about the possibility of reusing the treated water for irrigation or toilet flushing. Mr. DiPlacido said they had looked into it, and it's difficult with DEP in Massachusetts to do that and make it work; Ms. McCabe said the town of Littleton excels in it. Atty. Hill asked if there was a specific project in Littleton, and Ms. McCabe said there is, but she didn't recall the name, it could probably be Googled. Mr. DiPlacido said his WWTP engineer would be at the next meeting and could answer the question more thoroughly.

Sandra Myatt, Eric Road, asked if there would be blasting to do some of the planting, and Mr. Mrva replied he did not believe so. Ms. Myatt asked about outcroppings remarked on at a previous meeting; Mr. DiPlacido said in those areas, the grades would be brought up with filling around the ledge. Mr. DiPlacido said he didn't expect blasting, but couldn't promise there wouldn't be any. Asked if the Construction Management Plan (CMP) would include a blasting plan, Mr. DiPlacido respond that yes, he agreed that would be in compliance with state regulation and the Town of Norfolk Fire Department regulations. Ms. Myatt asked if the slope in a particular area would meet the 3 to 1 requirement, and if it would be terraced. Mr. Mrva said he did not have the grades with him, but they are showing a stabilization no-mow slope mix in that location and he believes they meet the slope requirements.

Referring to the TMDL on the water, Ms. Myatt said that she believed the state has declared the Mill River and the tailrace impaired, and also has classified the tailrace as a river; she questioned if the River's Act on the buffer zone had been met. Atty. Smolak said that the TMDLs are not enforceable at this point, but the ZBA is taking extra steps to make sure that if and when they become enforceable, the project would be in compliance. Mr. DiPlacido said that he had gone before Conservation for this property 2 years ago, and the tailrace was defined as not a river. Ms. Myatt said she would send something to the Board.

Mr. Kulesza announced the next presenter would be the architect, Henry Arnaudo. Mr. Arnaudo began by presenting 8 models of homes in the homeownership project. Most have 2-car garages, a few have 1-car garages. Model A is the only unit with a first-floor master bedroom, and the only unit that has the garage door that is forward of the front door. The Model B is a 2-bedroom colonial, all bedrooms upstairs; Model B2 has rooflines less than 2 stories tall and a different floor plan on the second floor; Model B3 is a full 2 stories tall, and can be made into different styles, such as Greek revival, farmhouse, shingle, etc. The Model C has the same footprint as the B Model, but with a third bedroom over the garage; dormers and such are used for variation. All in all, there are about 26 façade variations for about 150 houses. The Model D is bigger, about 2,700 square feet, 4 bedrooms, 2-1/2 baths, all bedrooms upstairs, 3 different rooflines. The Model E is also large, about 2,800 s.f., 4 bedrooms, 2-1/2 baths, all bedrooms upstairs. The Model F is specifically designed for a corner lot that is narrow; 1,800 s.f. colonial, variable facades. Model G is a cape variation, 3 or 4 bedrooms. The final one is also a corner house, and is the biggest at 3,000 s.f.; 4 bedrooms, 2-1/2 baths.

Three models are proposed for the rental units, all duplexes. One is a 1-bedroom, 1-1/2 bath ranch model, all rooms on the first floor, no attached garage; one is a 2 bedroom, 1-1/2 bath with bedrooms on the second floor; the final is a 3-bedroom with master bedroom on the first floor. There are handicapped accessible units in 1, 2, and 3-bedroom configurations. Two 12-bay garages are proposed as part of the rental project.

Mr. Kulesza recognized Mr. Fontecchio, who will be peer reviewing the projects. Mr. Fontecchio said that he had met with the applicant several months ago, and a lot of the comments made at that time had been taken into consideration, in order not to feel like a "cookie cutter" development.

Mr. Sebastiano asked how many parking spaces are available for the rental units; Mr. DiPlacido said that each unit has one driveway parking space, and if they rent a garage they can gain 2 more spaces (one inside the

garage, one in front of it.) Atty. Hill asked if these could be put into a “sketch up” file, or somehow shown as 3 dimensional. Mr. DiPlacido said they could do something like that.

Mr. Hanssen asked if there is a plan that shows which house model goes in which spot. Mr. Arnaudo responded that yes, that has been done with the exception of the Model H, because it was added at the last minute. Mr. DiPlacido elaborated that the footprints are interchangeable, so that some can be switched if certain ones are more marketable.

Mr. Luciano asked about exterior siding, and was informed it would be mostly Certainteed Monogram 4” clapboard exposed vinyl siding, with some brick veneer integrated. Mr. Wider asked if the passing of the Stretch Code in Norfolk would affect the building, and Mr. DiPlacido responded that they have been building Stretch Code compliant houses for years.

Mr. Kulesza opened the meeting to public comment.

Sean Finnerty, 56 Park Street, asked what kinds of market research studies, if any, have been done, stating that he believes many renters would be older “empty-nesters.” Mr. DiPlacido responded that some preliminary studies had been done on the rentals, and found that the homeownership development becoming populated will help to drive the rental component. Mr. DiPlacido concurred that many renters might be older, and may travel to warmer climes in the winter, and stated that was a consideration in the number of garages offered; Mr. DiPlacido also noted that the duplex style gives it the feeling of an independent house, and that it would also be attractive to a young family or single person starting out. Another demographic looked at was single parents that might have kids only on weekends, but would like some yard for play and the independent home feeling. Mr. Finnerty asked what would happen if the market changes. Mr. DiPlacido said that was a reason for only opening up certain sections of the property during phasing, and not opening up the entire area. Approximately 30 houses will be built each year, and the flexibility to interchange styles with the same footprint will add to the marketability for various market conditions. Mr. Kulesza added that the town hired a consultant to put together the Housing Production Plan, who interviewed members of the community, and the number one request was for additional apartments.

An unidentified speaker asked about the impact to schools. Mr. Kulesza replied that it is very frustrating for the Board, but impact to the school is not within the purview of the ZBA; when they try to complain to the state about it, they are told “Get to 10% and then come talk to us.” Mr. DiPlacido added that they are very cognizant of that fact, and that is part of the reason that they offer 2 and 3 bedroom units, which generally have occupant with fewer, or no, school age children.

Mr. Kulesza steered the dialogue back to architecture.

Mike Guidice, Eagle Drive, stated that he thought increasing the number of rentals with garages would improve the look of the neighborhood. Secondly, Mr. Guidice said that he thought the two large garage buildings seemed out of place, and would like to see them broken up to four or six units. Mr. Kulesza asked Mr. Fontecchio to look at this in his review. Mr. Wider asked if each rental unit would be limited to renting one garage and Mr. DiPlacido said that would be the case.

Peg Bedard, 28 Lawrence Street, stated that she has a 2-bedroom house with 3 school-age children in it, so what Mr. DiPlacido said is not always the case. Ms. Bedard said she thought there would be no duplexed, and was informed that that was with regard to the ownership units. Ms. Bedard expressed concern about only one parking space per rental unit, and asked how much rental of a garage would be; Mr. DiPlacido responded that it is in the pro forma, but he didn’t know exactly, and it would be market-driven; also, including a garage with every rental unit would drive up the rental price for people who were not looking for that. Ms. Bedard also stated her concern that older residents would like a garage offsite. Ms. Bedard also said that she thinks the large garage bays are out of character for the town.

Mr. Arnaudo addressed the detached garage structure, stating that the rental units originally were apartment buildings, and have now been made into duplexes. Mr. Arnaudo said that a lot of cost goes into building a house for rent as opposed to an apartment building, and that this development is unique in that respect.

Ms. Bedard stated that of the 54 units, if there are 24 garages, 30 units will have one parking spot, and she does not feel that is realistic.

Atty. Hill expressed his opinion that the developer ought to consider the comments and look at incorporating a “softer” parking design than the long strip of garages, and to providing more parking spaces. Atty. Hill also wondered how garage rental would work with allocation of the affordable units.

John Godin, 34 Lawrence Street asked if there would be basements in any of the houses or rental units; Mr. Arnaudo responded that there are basements in the for-sale houses, but the rental units are slab on grade. Ms. McCabe expressed concern with slab floors being colder, Mr. Arnaudo responded that the Stretch Code and Energy Star compliance make a far superior system than even those built 10 years ago.

Mike Ianiro, 15 King Street, asked where renters’ guests could park if they didn’t rent a garage. Mr. DiPlacido said that parking on one side, inside the loop wouldn’t prevent access by emergency vehicles, but he said that they would take a look at adding some common area parking as well. In response to a question from Mr. Ianiro, Mr. DiPlacido said there would be rules and regulation that would address overnight parking for any length of time.

Brian Kahaley, Cranberry Meadow, asked if the 24 garages were not all rented, would they stay vacant, would they be made available to others in the public; Mr. DiPlacido responded that they would only be available to the 56 rental units. Mr. Hanssen asked if the manager of the rental complex would have the ability to reduce the rental price to meet market demand, and Mr. DiPlacido responded yes.

Matt Eustis, Boardman Street, asked how on-street parking in the rental area might affect emergency vehicle traffic; Mr. McGrath said on-street parking may not have been addressed in the review process, and they would revisit it. Mr. Eustis also asked about the waiver for asphalt curbing, instead of granite. Mr. DiPlacido responded that on the radii of the cul-de-sacs, there will be vertical granite curbing proposed, and the rest of the roadways would be a Cape Cod bituminous berm instead of slope granite curbing, which is actually what the Planning Board is going to for ease of maintenance for the town and DPW. Mr. Wider asked why the radii would be vertical granite and Mr. DiPlacido responded that was to define each radius better for traffic.

Atty Hill asked about the slope of the green common area in the rental unit project going from 200’ up to roughly 224’; Mr. Mrva responded that was over the course of 400’, which he said is a pretty shallow slope. Mr. Fontecchio said to put it into proportion, it is about half the slope of a handicapped ramp. Atty. Hill asked if that is too steep to be usable lying on a blanket or playing ball; Mr. Mrva replied no, and said he would provide a visual at the next meeting.

Mr. Howe asked if there would be vents associated with the water treatment system underneath, and Mr. DiPlacido responded that he didn’t know. Mr. McGrath said that he thought it would be helpful on the landscape architecture review to have a rough layout of what that leaching system looks like. Mr. Mrva said he would provide that information.

An unidentified speaker asked if there were median strips throughout the entire property, and Mr. Mrva responded only at the main entry. The speaker asked about on-street parking in the winter in the rental area, and Mr. Kulesza said that parking in the rental area was being revisited.

Margaret Kahaley, Cranberry Meadow Road, noted that in her recent experience with rental units, the number of bedrooms typically matches the number of parking spots.

Mr. Kulesza thanked everyone for their attendance and concluded the hearing for the night.

Mr. Wider made a motion to continue the public hearings for The Preserve at Abbyville and Abbyville Commons to February 13, 2018, at 7:00 P.M. to address the hydrological study, to continue the architectural and landscaping review and other issues, at the King Philip Middle School; Mr. Hanssen seconded the motion; the vote on the motion was unanimous.

NEW BUSINESS:

Select Peer Reviewer for The Enclave

The Board and Atty. Hill reviewed proposals submitted by TetraTech and BETA Group. It was noted that BETA has already done work on The Enclave for the Conservation Commission. Atty. Hill suggested dividing

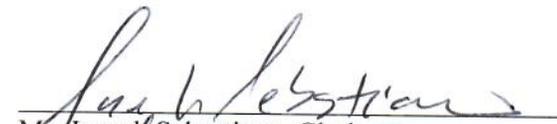
the project among reviewers. The Board thought TetraTech could provide a “check & balance” to the civil engineering review conducted by BETA for ConCom. It was agreed to go back to TetraTech and BETA for supplemental proposals for only the Civil Engineering/Stormwater aspect, and only the Traffic/Landscape and Architecture aspect of the project, respectively.

Reorganization of the Zoning Board of Appeals

Mr. Kulesza made a motion to nominate Mr. Wider as Chair of the Board, and Mr. Sebastiano and Mr. Hanssen as co-Clerks of the Board; after some discussion, Mr. Wider amended the motion to add nomination of Mr. Kulesza as Vice-Chair; 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 10:00 P.M


Mr. Joseph Sebastiano, Clerk, or
Mr. Donald M. Hanssen, 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.