

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

April 26, 2018

Zoning Board Members	Others
Chris Wider – Chairman ----- Present	Devin Howe - Associate Member ----- Present
Michael Kulesza – Vice Chairman --- Present	Medora Champagne – Assoc. Member --- Present
Donald Hanssen – Clerk ----- Present	Amy Brady – Administrative Asst. - ----- Present
Joseph Sebastiano –Clerk ----- Absent	Daniel Hill – Attorney -----Present
Robert Luciano – Full Member ----- Present	

The duly posted meeting of the Zoning Board of Appeals convened at 7:05 P.M. in Room 124 of the Norfolk Town Hall.

**PUBLIC HEARINGS:**

**Village Green – The Enclave** – (hearing continued from 2/28/18)

Present were William McGrath, BETA Group, Inc.; Thomas Diplacido, DiPlacido Development Corp., Project Manager; John Smolak, Attorney; Sam Mermelstein, Norfolk Holdings, LLC; Matt Mrva, Bohler Engineering; William Scully, Green International Affiliates, Inc.

Plans and documents presented and referred to were Smolak & Vaughan letter to the Norfolk Zoning Board of Appeals (ZBA), dated 4/24/18; Bohler Engineering response letter to TetraTech Review of 2/28/18; Traffic Impact and Access Study, prepared by Green International Affiliates, Inc. (GIAI); BETA Traffic Peer Review, dated 2/22/18; GIAI response to Traffic Peer Review; Environmental Partners’ Norfolk Water System Subdivision Water Review, dated 4/13/18; Norfolk Fire Department to the ZBA, dated 2/15/18; Plan entitled “Site Plan Rendering,” prepared by Bohler Engineering, revised through 2/15/16; PowerPoint presentation entitled “The Enclave at Norfolk,” dated 4/26/18; Devin Howe letter to the ZBA, dated 3/4/18, re: “The Enclave at Norfolk, Between 16 & 18 Village Street, Comment Letter;”

Mr. Wider called the continued public hearing to order and announced that tonight would focus on traffic, and a revised plan submitted by the applicant. Mr. Wider recognized Atty. Smolak, who introduced the team for the applicant and ran through their proposed agenda for the evening. Atty. Smolak continued, referring to questions that were raised at the last hearing. Regarding the 55+ age restriction and whether children can be excluded, he said the answer is yes, that is allowed under the Mass Housing Finance Authority. Regarding septic design flow, Atty. Smolak said that all proposed units are 2 bedrooms, and 150 gpd is being used; Atty. Hill asked if the Norfolk Board of Health had a more stringent requirement, and Atty. Smolak responded that he did not know. Regarding whether the so-called “paper street” located between 10 and 12 Village Green could provide lawful access, he said the answer is no; although it was shown on the plans when the subdivision was created in 1960, an easement was not obtained. In addition the deeds for #10 and 12 Village Green indicate the properties are bound by a way, invoking the derelict fee statute which says the owners of the deeded property would own to the center of the way, unless there was a contrary intent shown; additionally, Atty. Smolak said that case law indicates if you own land at the end of such a way, there is no right of access. Atty. Hill asked if Village Green is a public way, accepted by the town, and Atty. Smolak responded that he believes it is, but that stub was not part of it and no fee was reserved by the developer of the original subdivision, but they will talk to the surveyors to confirm those facts. Regarding whether the owner of 18 Village Green had rights in the proposed Road A, a 50-year title search did not reveal any such rights. With regard to licensing for underground LPG tanks, the 2/15/18 Fire Department said that an above-ground tank of 10,000 gallons would require licensing; the applicants’ intent is to install a series of 1,000 galloon underground tanks, which would require a permit for each, but not a license.

Mr. Wider opened the meeting to questions from the Board. Atty. Hill addressed the access point, which he referred to as a strip of land that was carved off of 16 Village Green several years ago, which may have taken away from the minimum lot size for that property. It was stated, however, that if that did occur, the applicant could deed back some land to #16, bringing it back to conforming status. Atty. Hill will follow up on this. Atty. Hill will also ensure the information presented regarding age restriction is correct.

Mr. DiPlacido reviewed the Alternate Layout Plan (slide #9 of the PowerPoint presentation,) noting that discussions had been undertaken with the residents at #12, 14, and 16 to address their concerns. As a result, the first line of single story ranches, directly behind these homes, were spaced farther apart and buffered with evergreens, and the backyard setbacks were designed at 25', in keeping with the underlying residential zone; in addition, two-story homes were introduced to allow for more separation between units. Attention was also given to lighting to ensure that it didn't spill toward the neighbors. The mailboxes were also moved further into the development.

Mr. Mrva showed how moving the septic field creates an open green area where there were formerly two units, while addressing the comments from Tetra Tech regarding length of force main, access to dosing chamber, etc. The two units were moved to where the septic field was, and a buffer of trees was added. The pump chamber was taken out of the roadway and moved into open space, maintaining access from the roadway for necessary maintenance. The entry roadway was changed to a boulevard design, with 2 15' lanes, and the turning radii were changed to accommodate a 42' truck minimum could maneuver throughout the site. Perc rates between 2 and 7 minutes per inch were witnessed by the town in the new septic area. A water system assessment has been prepared by the town's consultant. Mr. Mrva noted that comments received this day from Tetra Tech regarding this new plan will be addressed, and more detailed engineering done, after getting an understanding if the Board was agreeable to this new conceptual plan.

In response to a question from Mr. Kulesza, Mr. Mrva said the roadway widths within the development are 22' wide, and driveways are a minimum of 19' from edge of road to garage. Mr. Kulesza expressed concern with 22' wide roadways, based on experience at Boyde's Crossing; Mr. McGrath said that on-street parking comes into play as well. Mr. Mrva noted that pull-off areas have been added in some areas. Mr. Wider suggested moving the mailboxes closer to one of the pull-off areas. Total parking spaces were discussed, and Mr. DiPlacido noted that each unit has 4 spaces, 8 total for the two-family units.

Mr. Wider discussed driving down other 40B developments in other towns that feel like "row housing." Mr. Mrva noted aspects of the plan that attempt to address that issue (i.e. movement of 2 units, wider spacing in the front, and bend of the road in the rear.) Mr. Sebastiano asked about sidewalks, and Mr. Mrva responded that the sidewalks will run on one side, the inner loop, and connect out to Village Green. Mr. Howe mentioned ADA compliance issues he had mentioned in his letter to the ZBA, and questioned whether the portion of the sidewalk going out to Village Green needs to be ADA compliant; Mr. Mrva was unsure and said he would look into it. In response to Atty. Hill, Mr. DiPlacido responded that there is no community building planned, as there are not enough units to support it, fiscally. Atty. Hill referred to a memo in which he request detailed septic system specifications; Mr. DiPlacido said that it is in preliminary stages, because they are looking for input from the board as to whether the proposed design/placement is acceptable; size, perc rates and groundwater depth indicate it is feasible in the newly proposed location. Atty. Hill asked about the cut and fill plan; Mr. DiPlacido responded that it was originally a 14,000 cy fill; but they are now proposing walk-out basements, so there will be less fill, particularly near the wetlands. Mr. Mrva said the property is generally sloping down with the topography. Mr. Wider said that Fire and Police comments will be re-solicited when new plans are submitted. In response to a question from Atty. Hill, Mr. DiPlacido and Mr. Mrva said that there will be pump chambers for the lower units, which will run on electricity and a back-up generator; details have not been completed, pending input regarding the new conceptual plan.

Mr. Kulesza commented with regard to the roadway layout, saying that he is not comfortable with 22' wide roads and would rather see 24'. Mr. Kulesza also said that the density was too much. Mr. Hanssen commented that he, too, feels that it is too dense, and contrasted it with the Village at River's Edge (VRE). Mr. DiPlacido said that the distance between buildings is similar to VRE, and suggested that turning some buildings may create a feeling of less density; cutting units may be difficult within the pro-forma. Mr. Wider noted that the disturbed area of this development is around 12 acres, and most 40Bs in town are about 4 units per acre. Mr. McGrath

suggested that perhaps the architectural review should be started a little earlier in the process than is usual. Atty. Hill felt that it was more of a site design issue than an architectural issue.

Mr. Wider opened the hearing to public comment. Brad Walker, 16 Village Green, said that this plan is a “significant improvement” over the original. Jennifer Putt, 27 Village Green, asked if a roadway or a walkway could be added on the southern side of the property; Mr. DiPlacido explained that there are extensive wetlands there that it would be very difficult to connect through there. Stephanie Ackley, Boardman Street, asked if there were dimensional specs available on the two-story units; Mr. DiPlacido said they are 70’ across x 62’ deep, and in the mid-30’s in height. Ms. Ackley asked if adding more trees might be a simpler way to address the feeling of “row housing.” Mr. Mrva said they will look into adding more trees. Ms. Ackley asked if on-street parking will be allowed; Mr. Wider said there are 8 parking spaces per unit, Mr. Mrva added that there are 14 additional spaces, and Mr. DiPlacido said that additional parking would be limited to one side of the road. Ms. Ackley asked if it would be a one-way street, and Mr. DiPlacido responded that it would not.

Mr. Luciano asked if the developer would be considering varying the facades of the buildings. It was agreed that it is early in the process for that, and Atty. Hill suggested involving a site design engineer; Mr. Kulesza agreed it would be beneficial to involve a 3d party on behalf of the town to work with the applicant’s engineer. Mr. Mermelstein said he is in favor of that, if the goal is to improve the overall character of the development, and not to cut down density. Mr. DiPlacido suggested presenting the current plan to the potential site design reviewer and having them come back with a proposal. Receiving consensus, Atty. Hill said that he would get a price proposal, and Mr. DiPlacido suggested arranging a workshop meeting.

With no further questions forthcoming, Mr. Wider recognized Mr. Scully. Mr. Scully referred back to the traffic report dated June, 2017 and review comments from Beta. New comments were submitted by GIAI this week (April 24). Critical areas are Village Green onto Cleveland Street, and the Cleveland & Seekonk Street and Cleveland & Rockwood Road intersections. Traffic studies were performed in March of 2017. Cleveland Street has good visibility near Village Green, it is stop controlled at Rockwood Road. 2,800 vehicles/day were measured on a weekday on Cleveland Street, with travel speeds about 31-32 mph within 500’ of Village Green; 80% of traffic speed is under 35 mph. Three years of crash data were reviewed at all three intersections, and no major issues were noted. Village Green is 22’-26’ wide, narrower toward the Cleveland Street end. Straight and level near Cleveland Street; 250 vehicles/day were measured, with average speeds of 20-21 mph. There is a 90 degree curve about 500-600 feet west of proposed site drive, which doesn’t appear to cause a problem, but does help keep traffic moving slowly in the neighborhood. Although the proposed development would be age restricted, a more conservative approach was taken, not considering the age restriction; forecasted for a 7 year period, including current approved projects and 1% annual growth rate. Using the non-age-restricted methodology, 388 total (enter & exit) site-generated vehicle trips are forecast, with 38 in and 38 out at peak hours. Analysis shows 65% of traffic turning left onto Cleveland Street and left on Rockwood, 5% turning right on Rockwood, 5% going straight across onto Tucker Road; and 25% turning right onto Cleveland Street, out to Seekonk Street. Major streets all have capacity to accommodate extra traffic, but with an increased delay at Cleveland exiting to Rockwood in the morning peak hours; this additional delay would be under 10 seconds using the age-restricted formula. Site distance criteria would be satisfied. Regarding the internal roadway, emergency trucks were found to be able to move around the circle. BETA peer review comments were address. Mr. Wider informed Mr. Scully that a blinking red/blinking yellow traffic light is proposed at the intersection of Boardman Street and Rockwood Road, which may turn steady red for busses, and asked if that had been taken into consideration. Mr. Scully said they had seen that, but hadn’t had time to review it. It is his opinion that it’s far enough away that it won’t have too much impact. Mr. Scully addressed the current road conditions on Village Green, and said that the pavement surface between the site drive and Cleveland Street will need some type of treatment. Some sort of a warning sign about the 90 degree curve on Village Green may be warranted. Mr. Wider mentioned that Cleveland Street is scheduled for paving soon, and Mr. DiPlacido should have a conversation with the DPW Director about that schedule. Mr. Wider also mentioned that there are no sidewalks on Village Green, or on Cleveland Street between Village Green and Rockwood Road. Atty. Hill commented that this site was not necessarily as “walkable” as Village at Norfolk. Discussion ensued as to whether this is a dead end road, whether Village Green is a dead end road, and if so, where to begin and end measuring. Site triangles are to be provided from GIAI to BETA. Mr. DiPlacido asked if the site was not considered “walkable” due to distance, or due to lack of sidewalks; Mr. Wider responded that he felt there should be sidewalks. Mr. Sebastiano commented that the Town’s master plan does call for connection of sidewalks wherever feasible, for

existing residents, as well as new residents. Mr. Howe asked what benefits are derived from a “boulevard” as opposed to a straight street; Mr. Scully said it is wider, so if one side gets blocked, you can run traffic on both sides of the median, and it is aesthetically appealing. Mr. Wider opened the meeting to public comment.

Bob Lowndes, Stanhope Drive, commented that the number of car trips seems to be doubling, and questioned whether the recently approved development on Cleveland Street had been considered; Mr. Scully confirmed that it would be doubling, and that the Cleveland Street development was included. Mr. Lowndes asked if there would be a stop sign from the site onto Village Green; Mr. Scully said yes. With no further questions, Mr. Wider turned to scheduling the next meeting.

***Mr. Kulesza made a motion to continue the public hearings for The Enclave to May 30, 2018, at 7:00 P.M. in Room 124 of the Norfolk Town Hall; Mr. Sebastiano seconded the motion; the vote on the motion was unanimous.***

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

***The meeting was adjourned at 9:15 P.M***

  
Mr. Joseph Sebastiano, 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.