

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

September 5, 2018

Zoning Board Members	Others
Christopher Wider –Chairman ----- Present	Robert Luciano – Assoc. Member ----- Present
Michael Kulesza –Vice Chairman --- Present	Medora Champagne – Assoc. Member --- Present
Joseph Sebastiano – Clerk ----- Present	Daniel C. Hill, 40B Attorney ----- Present
Donald Hanssen –Full Member ----- Present	Amy Brady – Administrative Asst. ----- Present
Devin Howe – Full Member ----- Present	

The duly posted meeting of the Zoning Board of Appeals convened at 7:00 P.M. in the auditorium of the King Philip Middle School. Mr. Wider announced that this meeting was being audio and video recorded, and detailed where the video could be watched.

**PUBLIC HEARINGS:**

**273 Dedham Street, Variance**

Mr. Hanssen read the public notice into the record. Mr. Wider announced that the applicant had revised the plan so that they would not need a Variance, and is requesting to withdraw their application without prejudice.

*Mr. Hanssen made a motion to withdraw without prejudice, the Variance request for 273 Dedham Street; Mr. Howe seconded the motion; the vote on the motion was unanimous.*

**17 Lawrence St – The Preserve at Abbyville and Abbyville Commons** – (hearings continued from 8/15/18)

Present were Bill McGrath, Engineer, BETA Group; Jason Plourde, BETA Engineering, Traffic; Scott Ridder, BETA Engineering, Landscape & Architecture; Frank Ricciardi, Weston & Sampson; Sean Reardon, Tetra Tech; Thomas DiPlacido, applicant; John Smolak, Smolak & Vaughan, LLP; Matt Mrva, Bohler Engineering; Rick Goodreau, United Consultants, Inc. (UCI)

Plans and other documents presented and discussed were plans prepared by UCI, dated 3/15/17, Rev. through 6/28/18 as follows: Cover Sheet; Construction Detail (3 pp); Abbyville Commons (10pp); Grading & Utilities (15 pp); Index Plan (1 pg); PDWS (3 pp); Plan of Lan (16 pp); Lawrence Street Plan (3 pp); Roadway Plan & Profile (19 pp). Plan prepared by UCI, dated 3/15/17, “Existing Conditions”. Technical Supplement Drainage Calculations, prepared by UCI, dated 10/17/17, Rev through 6/28/18; “Grading & Utility Plan,” dated 8/31/18, 1pg. prepared by UCI; “Landscape Master Plan,” dated 9/26/16, Rev through 8/1/18, prepared by UCI; 9/4/18 Letter from BETA, 9/4/18 “Comprehensive Plan, Landscape Design;” Consolidated Construction & Operations Management Plan (CCOMP), prepared by DiPlacido Development Corporation, Rev. 7/9/18; Letter from Tetra Tech, 9/4/18, “Earthwork Update & CCOMP Review.” Abbyville Traffic Analysis Update – Final Build Program, prepared by Green International Affiliates, Inc., dated 4/13/18; the following letters GIAI regarding traffic: 6/5/18 Response to Town of Wrentham, Updated Analysis Park Street & Main Street, 8/30/18 Summary of Progress; Mitigation, 8/30/18 Main Street at Park Street. The following letters from BETA Group regarding traffic: 6/28/18 Response to Town of Wrentham & GIAI, 8/31/18 Traffic Peer Review, 5<sup>th</sup> Letter.

Mr. Wider reviewed the agenda for the evening. Mr. Wider would first recognized Atty. Smolak for an overview, then Tom DiPlacido, then Matt Mrva for updates on landscape design, and then Frank Ricciardi, of Weston & Sampson, for an update on the 21E (Massachusetts Oil and Hazardous Material Release Prevention Act.) Next would be peer reviews from BETA Group and Tetra Tech, and finally discussion of waivers.

Atty. Smolak gave an overview of the project to date. Updated civil engineering plans have been submitted; updated waiver lists, updated comprehensive construction management plan, updated landscaping plans and traffic information and mitigation letters have been submitted. A letter from CAQ regarding wastewater treatment has been submitted; additional field testing has been performed regarding water elevation onsite which

was observed by the Board of Health; and a Public Involvement Plan was held with regard to potentially hazardous material at the site. Weston & Sampson has submitted proposed protocol for additional testing. In response to these submissions, they have received "closure" letters from reviewers involved: 3 from BETA, dealing with civil, landscaping and traffic; a letter from Horsley and Witten was received dated 8/21/18 relating to hydrogeo concerns as well as wastewater treatment at the site with regard to the wastewater discharge permit. Atty. Smolak stated that he believes these letters show there are very few outstanding issues in the eyes of the peer review consultants.

Next Mr. Mrva mentioned 2 items that hadn't been shown to the Board yet, but were included on the 8/1/18 drawings, are an area at an abutter's driveway and adjustment to the design of what was formerly the boathouse. Agreement was reached with the abutter that their driveway that currently exits onto Lawrence Street will be reconfigured to exit onto Cranberry Meadow Way. In coordinating with the proposed plans for the causeway, the configuration of the amenity area by Bush Pond needed to be reconfigured; it has been located further to the northwest, and they intend to use some of the existing foundation to create a terrace that would overlook Bush Pond with a simple pavilion structure on top of it. All comments from the BETA response letter have been addressed in the new plan, although a few small items might need to be addressed, such as the species of shrubs within the cul-de-sac, which will be replaced with the dwarf varieties, to alleviate concerns about sight distances, and a few other such items.

Atty. Hill asked if the Board had seen these plans; yes, they had been submitted. Atty. Hill asked for more information on what drove the redesign of the amenity area; Mr. Mrva explained that the area where it was formerly proposed was now to be mitigation area for the proposed roadway, so it was relocated; also MEPA documents noted encroachment on the pond, so it was deemed best to scale back the project, while keeping an architecturally and aesthetically pleasing view.

In response to Mr. Wider, Mr. DiPlacido said that architectural plans could be wrapped up and submitted to BETA next week.

Mr. Wider recognized Frank Ricciardi, Weston & Sampson (W&S), peer reviewer for the Buckley & Mann property and the Abbyville projects. Mr. Ricciardi referred to the W&S Report presented at the last ZBA meeting, which has now been finalized and notes data gaps and additional areas they would like tested. He has met with Steve Vetere of Mabbet Associates (LSP for the developer,) and told him he felt additional testing was necessary to define the nature and extent of contamination. He said the community group is very active and knowledgeable; he said the site has been reopened, the prior closure having been deemed incomplete by DEP. They want ecological risk evaluated, and he thought Mr. McMannis, from the previous evening's Public Involvement Plan (PIP) meeting was very thorough. He feels a conceptual site model needs to be presented in the Phase 2 Scope of Work, showing how the contaminants came to lie in the environment, in order to get an idea where they came from, what sampling was done, and what sampling needs to be done in order to close some of the data gaps. Aerials prepared by the community group including the carbonizer lagoons, trenches, dyehouse lagoons, Bush Pond, Mill River and all the water bodies, machine areas, and discolored areas will be reviewed by Mr. McMannis and his team. Mr. Ricciardi said that all of the groundwater wells on the site will be tested, which is a big area of concern. The entire site model will be re-evaluated, and will hopefully alleviate concerns of a pathway from the contamination site to the surrounding community. Mr. Ricciardi hopes to meet with Mr. Vetere again, in order to come to agreement on the samples that should be taken.

Mr. Kulesza asked about the Phase 2 Scope of Work, and Mr. Ricciardi said it is being prepared by the developer's team on behalf of Buckley & Mann, the owner of the site, and will be peer reviewed by W&S. Mr. Kulesza asked who will be responsible for determining the number and extent of test holes, noting he does not approve of merely 6" to 1' test holes. Mr. Kulesza said he would recommend to the Chair that a hold be put on the project until the testing is done, or deny the project. He said his concerns are the contamination, and he will insist on comprehensive oversight of the Phase 2 Scope of Work. Mr. Ricciardi responded that he does believe the previous closure of the site did not meet the requirements of the Mass. Contingency Plan (MCP) which could lead someone to believe it is "clean" when it is not. The iterative process that now has to be gone through with the reopening of the site requires establishing the nature and extent of contamination, how widespread on the ground and how deep it goes. He stated that there is recourse if the requirements are not met in the eyes of the town's LSP reviewer. He expressed confidence that the nature and extent would be properly defined, although he did not know how long that would take. He has met with the developer's team as well as the citizens group, and it is in everyone's best interest to wrap this up correctly, in order to protect the public health

and the environment. Depth, fate and transport of contaminants, ecological risk, human health risk, sampling of the water bodies are all concerns that will be addressed.

Atty. Hill thanked Mr. Ricciardi for the thorough report, and asked how we go to this point. The site was closed out in 2001 through a Response Action Outcome (RAO) statement, and the recording of an Activity & Use Limitation (AUL) on the property; those should have been the closure points under 21E where people can feel comfortable with the site; he questioned how it is that 17 years later, when somebody “blows a whistle” to DEP which results with an audit letter being sent, we are suddenly in a position where Mr. Ricciardi is advising the town that the sampling and modeling that was done in 2001 was inadequate, and where sampling done between 2014 and today shows elevated concentrations of several contaminants in the soils and groundwaters “all over the site.” Atty. Hill questioned how areas that are now being flagged for testing were never tested before, in spite of being known to have been used the manufacturing processes, and stated that he has lost faith in the 21E process. Atty. Hill asked how we can be sure that sites like these are being closed out properly, what went wrong in this case, and how can it be prevented from happening again.

Mr. Ricciardi responded that he couldn't comment on the LSP that did the closure in 2001, but he explained that it is a privatized process wherein the state allows individuals to get licensed by taking an 8 hour test; he said there are processes by which sites are ranked, and the LSPs involved in higher-ranked sites get direct oversight by DEP, but the lower-ranked sites go on the opinion of the LSP. In this case, the LSP felt that he had evaluated the nature and extent, the fate and transport of contaminants, and the human health and ecological risk, and he (the LSP) opined that a permanent solution (known then as the RAO) was achieved. Mr. Ricciardi said DEP audits every site that has an AUL at some point; when this site was evaluated in 2017, the auditor noticed that ecological risk was never evaluated on this site that contained a river, lagoons, wetlands, etc., which Mr. Ricciardi characterized as a big, glaring mistake. He stated that the lack of definition of extent in instances of exceedance of criteria indicates that there was some disconnect with the opinion of the LSP. Mr. Ricciardi expressed confidence that consensus can be reached with all of the current interested bodies as to the testing that needs to be done to truly define nature and extent. He doesn't know how long the process will take; it is iterative, in that when a sample tests positive, then another is taken farther out, and the process can be repeated over and over. Once the nature and extent is defined, then you can define remedial actions and other restrictions, and keep moving through the phased process of the MCP.

Atty. Hill asked if there are any accountability or reconciliation policies regarding the LSP who issued the RAO in 2001. Atty. Hill mentioned areas 3, 4, 5, 6, 7 & 8 on page 6 of the W&S report, that Atty. Hill said are on the project site, and are areas that were used to process waste and were used as dredging stockpile areas, but for which no sampling exists. Moving forward the Board needs to understand what the risks are, what the process is for cleanup, and whether or not there are factors that will play a role in whatever decision they make. Atty. Hill read from the report indicating non-naturally-occurring findings, and Mr. Ricciardi said because of those, he has recommended more testing of Volatile Organic Compounds (VOCs). Atty. Hill asked if arsenic would be naturally occurring, and Mr. Ricciardi said it is commonly elevated in bedrock wells, but he has requested additional testing to be sure it is naturally occurring at those levels, and not site-related. In response to Atty. Hill, Mr. Ricciardi said that some of the metals, such as chromium and lead, are above what would be naturally-occurring, and so must be site-related.

Atty. Hill asked Mr. Ricciardi to give a brief explanation of the “Method 3” risk assessment which Mr. Ricciardi recommends using. In evaluating human health risk, there are 3 methods presented in the MCP. Method 1 is cleanup standards that are promulgated by the DEP, they are very conservative values, which assume worst case conditions, and are broken down into other categories; Method 2 allows you to adjust some of the conditions like dose and exposure in order to make it more site specific; Method 3 is a full site-specific assessment which looks at current and future uses of the site, exposures that would be anticipated and projects it out for cancer and non-cancer risk over a 30 year period. It is the LSP who determines which method to use; DEP would only determine that for a Tier 1 site, which this site does not trigger.

Atty. Hill asked Mr. Ricciardi for his recommendation to better evaluate the groundwater flow, with regard to transport of materials. Mr. Ricciardi said the transport of materials is very concerning with the Zone II for the Franklin well onsite. To date arsenic is the only thing that has been tested for and detected in the groundwater; W&S has not tested the groundwater. The TCE (a VOC) is more concerning because it is denser and heavier, and would sink. Some deep wells installed onsite have not had TCE's detected, but W&S will be looking very closely at it, to see if deeper wells are warranted. Mr. Ricciardi said the hydrogeological review that was done is

not a MCP item, but W&S did review it, and the model was approved by DEP; there were some issues where the proponent recommended some safeguards to adequately address the data gaps that were identified in the model.

Atty. Hill noted that Mr. Ricciardi had recommended testing to 4' – 9' in some areas; Mr. Ricciardi said there were some data gaps on the vertical as well as the horizontal extent. Next, Atty. Hill asked about the wastewater treatment plant and mounding, and wondered if the recharge of the wastewater onsite could potentially push the contaminants in the soil toward Mill River or Bush Pond; Mr. Ricciardi said that was possible, but as of this date contaminants have not been found in the groundwater above regulated amounts, using the most stringent criteria; unless that happens, it is really not a concern.

Mr. Luciano asked, if nothing ever happened to this site all, do the contaminants deteriorate. Mr. Ricciardi said there is biodegradation of organic contaminants, such as petroleum and volatile organics, but that could take decades if not centuries to happen. He also reiterated that those contaminants have not been found in the groundwater so far. Other contaminants such as metals are very persistent in the aquifer, and they don't really degrade; these also have not been found in levels above the most stringent standards.

Next Mr. Wider recognized Atty. Smolak, who wanted to clarify that the applicants didn't cause the historic issues on the property, but their representative has stepped up to the plate to evaluate and characterize, has been working cooperatively with the town's peer review consultant to make sure matter are adequately characterized, and the has an interest in ensuring the whole site is properly characterized and closed out under the MCP. In summary, the applicants have been working hard to resolve any outstanding issues, and talk of "shutting down" the project is not only inappropriate, but it wouldn't be allowed as a matter of law under Chapter 40B. Mr. Wider agreed that everybody want the site cleaned.

Mr. Wider recognized Sean Reardon, Tetra Tech, to give highlight of his review of the Construction Management Plan (CMP). Mr. Reardon said he has presented to the ZBA for this case before, primarily with relation to earth removal activities, risks and mitigation. At the last meeting, Mr. DiPlacido presented and plan, and aspects were discussed; a revised version has been submitted, which Mr. Reardon believes addresses "most if not all" of the comments that the reviewer had. Mr. Reardon said some key take-aways from the CMP are 1) having something in place to deal with the causeway that wasn't safe to be running trucks with gravel and such-that project is progressing, 2) limiting truck traffic – Mr. DiPlacido has proposed limiting trucks to an average of 45 loads per day, with a maximum of 60 loads per day; Tetra Tech has asked for a 30-day rolling average to ensure there are not too many 60 load days in succession; 3) removal activity has been limited to the hours of 8:30 am – 2:15 pm in consideration of school children; 4) identification of Abbyville earth removal trucks – placards will be utilized as well as manifests and daily logs. In summary, Mr. Reardon feels the applicants have done a good job of identifying and addressing all of the issues that have been discussed; some minor suggestions have been made, but nothing of substance. Mr. Reardon said they are still at 900,000 cu.yds. of material being removed from the site; "certainly" more could be done to lessen that, but at least the 900K is a defensible number.

Mr. Kulesza discussed the possibility that contaminated material may have to be removed from the site and replaced with other clean material, suggesting it might be a good idea not to remove the full 900+ cu.yds. before determining if any will need to be brought back in. Mr. Reardon concurred that it all does depend on timing. In response to a question from Atty. Hill, Mr. Reardon responded that hazardous material removed may not necessarily have to be replaced. Mr. Kulesza said he would like to address this in the future.

Atty. Hill asked if the reviewer and the developer were now in agreement as to earth removal quantity, truck traffic, sequencing, etc., and Mr. Reardon responded they are now in agreement. Mr. Wider asked what would be the method of ensuring compliance with the CMP; Mr. Reardon replied that documentation is the big thing: every load should have a shipping label or a manifest; and the placards are important; consequences need to be clear. Mr. Howe asked how potentially contaminated material, if there was any, would be disposed of; Mr. Reardon said that anybody who accepts that material should be looking for documentation that it is suitable for them to accept it. Mr. Ricciardi elaborated that any material that is of environmental concern is "remediation waste" that needs to be logged completely separately and delineated in the field by the LSP. Mr. Howe asked if the LSP needed to be onsite during excavation, and Mr. Ricciardi replied that they would have to be ensure that areas that were cleared by nature and extent were staged properly, and no material was being excavated from areas not yet cleared; he said the development plans indicate that the former building areas will be the last to be

excavated, and there isn't contamination up on the hillside. Mr. Reardon elaborated that the end of the LSPs process will clearly define an area of concern; any material removed from within the contamination boundary must be meticulously documented. Mr. Reardon said there's always a possibility of missing a site, and said that there should be some level of oversight for areas outside the contamination boundary as well.

Mr. Wider recognized Mr. McGrath, who introduced Jason Plourde, traffic engineer for BETA. Mr. Plourde said that the last peer review letter in response to Green International Affiliates, Inc. (GIAI) was back in November, 2107. A substantial amount of coordination has transpired since then, and the letter submitted on 8/31/18 was based on 4 documents put together by GIAI, on April 13, 2018; July 19, 2018; and two on August 30, 2018. Updates were based upon comments received from neighborhood abutters and from abutting towns. The April 13 memorandum deals with an updating of the International Transportation Engineers (ITE) trip generation database since this project began. In July GIAI addressed mitigation issues the intersection of Park & Main, suggesting, in part, 2 lanes for turning traffic, which would result in substandard lane widths; projected traffic at this intersection does not meet the standard for a traffic light; in August an updated traffic signal analysis was provided, as well as off-site mitigation at this intersection, including driver feedback signs.

Mr. Wider asked what could be done at the intersection, and Mr. Plourde said that the sightline is an issue that needs to be dealt with, as well as being able to warn traffic coming from the west (from Franklin). Mr. Plourde felt that improving sightlines and installing illuminated or flashing signage would certainly help.

Mr. Wider asked what could be done during the construction period, suggesting perhaps police presence. Mr. Plourde ceded to Mr. Reardon, who said that it would depend on how many other trucks are added in with the earth removal trucks. Mr. Luciano asked if all of the projects going on are considered, with regard to installing a traffic signal at the intersection, and if it were found to be necessary, could the cost be shared between developers. Mr. Plourde responded that the first thing a traffic engineer does in putting together a traffic study is to coordinate with the municipality to determine how many applications have been submitted in the area that would affect the traffic; Mr. Luciano asked if that would include the surrounding towns, and Mr. Plourde said yes, Green did reach out to Wrentham and Franklin as well; with regard to sharing cost, Mr. Plourde said it would be up to the community. Mr. Sebastiano asked, if there were not going to be a traffic light at the intersection of Park & Main, would restriping for 2 lanes on each side make sense? Mr. Plourde agreed that it should not be restriped for two cars on each side, as long as it is unsignalized. Mr. McGrath clarified that a two lane approach is not on the table from the developer right now. Mr. Kulesza asked if Cranberry Heights was taken into consideration and Mr. Plourde said he would need to look it up, there is a list of about 10 proposals that were included.

Next discussion turned to Landscape & Architecture. Referring to Bohler Engineering plans date 8/1/18, Mr. McGrath said that Scott Ridder had conversed back and forth with Matt Mrva, and they were generally satisfied that previous comments had been addressed, and there were just a few comments going forward. Mr. Ridder noted some of these current issues to be plantings in the roundabouts that in time would get too large to see around or through; around the pond, a few more native plants were requested around the wetlands; the curved walk leading from the road to the patio, looks steep and whether or not it is ADA compliant is in question; how the wastewater treatment plant (WWTP) is going to look – it will look like a residential building.

Mr. Wider asked what to expect in terms of caliper of trees and depth of loam; Mr. Ridder responded that 3" caliper trees were asked for, requiring a rootball about 20" deep, with foliage roughly 3' across. Mr. Ridder said that 6" of loam is fine for a standard lawn; you could go down to 4" with a conservation mix, but 6" all around is great. Mr. McGrath recalled hearing that the developer had proposed to use all of the loam on site, and not to export any; Mr. DiPlacido said that if there were extra loam after covering everything with 6", including yards, open areas and exposed gravel areas, then some would have to be exported.

Regarding civil site and stormwater, Mr. McGrath said the last official letter was last October, and much has happened since then with public input and discussions with the developer. For example, dead-end streets have been eliminated and made into through-streets, streets have been widened to subdivision standards, design and input of visitor parking. There is still a good amount of cut on the site, but road profiles are consistent with good engineering practice. Changes have been made to garage layouts. In general, changes are positive; some detailing on roundabout and roadway geometry needs to be done, more for the final construction documents. A revised stormwater plan was submitted, which addresses previous concerns, as well as the new roadway layout (wider roads, more impervious surfaces). Mr. McGrath believes there is no further review needed at this stage.

Mr. Wider asked if there will be Cape Cod berms on the roadways and granite around the drains, and Mr. McGrath said that was correct. In response to another question from Mr. Wider, Mr. McGrath said they would have their architect look at the plans again and issue a final letter. Mr. McGrath said it would be important to clarify the ownership of all of the infrastructure, roadways, pumpstation, drainage, etc. Mr. DiPlacido will look into getting those answers.

Mr. Wider opened the meeting for public comment. Margaret Kahaly, Cranberry Meadow Road, was looking for more information on the wastewater treatment plant; expressed her desire for more testing around the concrete foundations, including the possibility of asbestos, especially in light of the plan to use one foundation in the new boathouse; said she did not understand how any building could go forward in light of the continuing investigation into the AUL area. Mr. DiPlacido said the WWTP written descriptions were submitted in July, and peer review comments have been addressed, as summed up in Horsley & Witten's close-out letter. Regarding additional testing, it will be handled through the PIP process. Mr. Ricciardi said he has requested additional testing; with regard to asbestos, it is more of a Bureau of Waste Prevention issue than an MCP issue, but he agrees that it would be a good idea to test. Mr. Wider asked if it would be better to leave the foundations in or take them out, if they are asbestos impacted; Mr. Ricciardi said an evaluation would need to be done.

Dorothea Collins, 51 Lawrence Street, said two sides of her property are proposed to be excavated, including up to 4 feet of the back property line. She said that Horsley-Witten (H-W) had made suggestions regarding her property, and she doesn't believe any of those suggestions have been incorporated. Based on that, she believes the town's LSP should take the lead on the testing, as opposed to giving comments. Mr. Ricciardi said that he had didn't know the mechanism, or validity, for the developer to hire the town's LSP; Atty. Hill said that it wouldn't be feasible, but the town does have oversight. He also said that H-W's letter was mainly to suggest conditions to put on a permit, which wouldn't necessarily be seen on the plans. Ms. Collins said H-W had suggested the slope from her property may be too high, and would benefit from mitigation for erosion; Mr. DiPlacido said those concerns were addressed in the landscape design plans, and cited the **August 21, 2018, response letter**, which says H-W's suggestion for mitigation at this address and others had been accepted and satisfactorily addressed by the applicant.

Peg Bedard, 28 Lawrence Street, said there would be 90-120 truck trips per day, and asked how many minutes between those truck trips in a 6.5 hour day; her math said 3-4 minutes, and this was for earth removal alone; Ms. Bedard wondered how all the trucks could be counted. Mr. Wider said that Mr. Reardon had reviewed and commented on this, and did feel that it was reasonable. Mr. DiPlacido said there will be a 30-day running average of no more than 45 truckloads (90 trips) per day for earth removal, and mechanisms were being put in place to track this. Mr. DiPlacido said he believes that the soil removal trucks would represent about a 10% increase to existing traffic on Lawrence St. Ms. Bedard asked how much other construction vehicles would be added to the earth removal trucks, stating that she wouldn't be able to leave her driveway. Mr. DiPlacido recalled that a report had been submitted to the Board at some point that showed the impact of all truck traffic on existing traffic conditions, as well as during buildout through the phases. Mr. Reardon said that the applicant had done detailed projections, but acknowledged that construction plans often change, making it very hard to predict construction traffic.

Ms. Bedard expressed concern that the project might be closed without full knowledge of the delineation of contamination. Atty. Hill stated that the Board has taken in all of the information presented by the experts at the last several meetings, and will take that all into consideration, along with any future information, in the Conditions of any permit that may be granted; he added that a permit may be 30-40 pages long, with hundreds of conditions for pre-construction, post-construction, and during construction. Mr. Wider said that the town had hired Mr. Ricciardi to ensure the town's interests in the matter of contamination.

Karen McCabe, 26 Lawrence Street asked if any blasting was included in the Construction Management Plan (CMP). Mr. Reardon said that there is a blasting management plan included in the CMP, but no blasting is planned at this point. Ms. McCabe asked, if blasting needs to occur, will there be future meetings; Mr. Reardon said that before any blasting occurs, the applicant must obtain a permit, under tight regulations from the Fire Department. Ms. McCabe said that dust meters were requested by the residents; Mr. DiPlacido said there is a dust management plan in the most recent CMP, but dust meters are not proposed. Mr. Reardon said that this project will produce much dust but that mitigation is more important, before there is much dust to be metered; Mr. Reardon also said that the CMP did propose adequate mitigation plans, and it was a matter of ensuring the

procedures are followed. Atty. Hill asked if any of the large projects Mr. Reardon has been involved in were near small town areas; Mr. Reardon replied that it is relatively consistent. He said the furthest point of this site is hundreds, if not thousands of feet from the residents and that the trouble spot would be at the entrance. Maintaining a vegetated buffer between the site and the neighbors is important; in addition, the fact that the site is low is a positive; as well as the open area in the river section, which the dust will be drawn to. Mr. Ricciardi said that perimeter dust monitoring and engineering controls would be warranted in a contaminated site where the neighbors are very involved; the engineering controls are water and calcium chloride, along with coverings, vegetated buffers, perimeter fences with dust screens and other such measures; perimeter monitors measure nuisance dust with particulate meters; he concurred with Mr. Reardon that engineering out the dust before it reaches the perimeter is key, and recommends that daily records from perimeter monitors be kept in the office, administered by someone with the knowledge to be able to communicate the findings.

Mr. Howe asked if any blasting could have an impact on the contaminated areas; Mr. Ricciardi said it would really depend on the delineation of contamination. He said that if the bedrock was in a saturated aquifer it would be very deep, and blasting up and around the perimeter of the site, it would be unlikely to cause unwanted migration of contaminants; if it were in a contaminated site, it would have impacts, but he was confident no one in the town or on the development team would want to blast contamination. Ms. McCabe stated that she thought the residents would appreciate dust monitoring over the length of the project. Ms. McCabe asked for clarification on the trucks, earth removal as well as general construction trucks, as far as what direction they would be coming and going from. Mr. DiPlacido said the earth removal and heavy transport trucks such as lumber and concrete are all proposed to exit up Lawrence Street, toward Park Street; smaller pickup trucks, vans, etc., could come from any direction. Ms. McCabe asked if widening the roads impacted the width of the sidewalks, lengths of driveways, etc. Mr. Goodreau said the main roadway system is a 50' layout, 26' of pavement, leaving roughly 12' on each side; 7' grass strips are proposed between the curb and the 5' wide sidewalk on the side with sidewalks, the other side will have a 12' grass strip; houses are a minimum of 20' from the right of way line, to allow for driveway lengths of at least 20'. Ms. McCabe said she also agrees that the contamination problem should be resolved before construction begins.

Ron Ober, Main Street, suggested that watering down trucks before they leave the site, even if they are covered, would be a good idea. Mr. Wider asked how the 106/108 Main Street project was affecting Main Street, and Mr. Ober said he had no concerns, but the project is not near the scope of this one.

Sandra Myatt, Eric Road, said there have been 10 meetings so far, and asked if there could be one ZBA meeting dedicated to answering questions from residents; she also asked if the site would be evaluated for a Tier 1 or Tier 2 if something came up, and if it meets Tier 1 right now; Mr. Ricciardi said that Steve Vetere, of Mabbett Associates said at the Public Involvement Plan (PIP) meeting last night that it does not meet Tier 1 standards (contamination above drinking water standards in groundwater), but if anything comes up during testing, they are obligated to report that, and reclassify if necessary. Ms. Myatt said the residents had requested a 100' buffer behind the Lawrence Street homes, and she does not see that on current plans; Mr. Mrva said that one of the changes made since the plans were last shown was to add evergreen screening along the properties along the top of the hill, adjacent to existing vegetation, but he didn't know the exact dimensions. Mr. Goodreau said all the area to the east of Buckley Boulevard would remain natural, with no vegetation removal. Ms. Myatt said the vegetated buffers referred to are not the same as natural woodland. Ms. Myatt said the neighbors recommend 12" of loam in this Zone 2 area instead of 6" of loam. Ms. Myatt also requested that the Board hold off on giving the OK for a Comprehensive Permit because the disposal site has not been fully defined. Mr. Goodreau indicated an area to the east of the road with "well over" 100' of natural buffer, and noted that there will be vegetation on the slope going down behind #51 that will also help with the dust. Ms. Collins noted that her land does rise up before it slopes off, so it is not visually noticeable, and questioned why her property was impacted so much on such a large piece of land.

Ms. Kahaly asked about sidewalks; Mr. DiPlacido responded that repaving part of Lawrence Street is proposed with this project, but the sidewalks on Lawrence Street are to be completed by another developer currently in talks with the Town. However, Rich McCarthy, Town Planner, said the proposed subdivision called Cranberry Heights is currently before the Planning Board, and although sidewalks on Lawrence Street are part of that conversation, it is not yet confirmed who will be responsible.

Next David Dimond, Brett's Farm Road, gave a statement about the previous night's PIP meeting, saying it was very helpful, and encouraged ZBA members to review the video. He noted particularly a discussion regarding

stomach cancer, its prevalence in town, and its causes (including Chromium 6), and said that he concurs with Mr. Ricciardi that more testing is needed to establish the vertical and horizontal extents of contamination. Mr. Dimond noted land in the area that is owned by the town and shows signs (flock and sheen) of contamination, and encouraged the town to join in the PIP process for that reason. Mr. Dimond also asked what the best way would be to share information with the town boards, the town's LSP, the applicant's LSP, etc., without violating Open Meeting Law. Mr. Wider said to continue sending them to the Town Planner. Mr. Dimond asked Mr. Ricciardi to define "significant risk" to the board, as he did to the public.

Mr. Ricciardi said "significant risk" as defined in the MCP is an excess lifetime cancer risk of  $1 \times 10^{-5}$  and a hazard index, which is noncancerous risk, of less than one. He said sites always have some risk, and site risk is very limited in comparison to household, occupational and diet risks, for example. Using the example that eating seafood is 10 to 100 times more risk for PCB exposure than site risk for the same, he stated that linking site exposure to cancer prevalence involves a very intensive study. Next Mr. Dimond asked if risk level is consistent across all states in the US, and Mr. Ricciardi said it does vary, but is typically between  $1 \times 10^{-6}$  and  $1 \times 10^{-5}$ .

Mr. Bedard suggested leaving old growth in the ground during construction to better protect nearby residents; she said that she does not believe blasting should be done on the site; Meadowlark, Stuart Street and another development in Franklin are very close and should be considered; there shouldn't be any parking on Lawrence Street; she stated that this is no longer an AUL, so those regulations don't apply, and the setbacks are unknown.

Mr. Kulesza made known his feeling that the developer's LSP, due to a "minimalist" approach to testing at the site, bears some responsibility for the recent focus on the need for additional testing at the site. Regarding a path forward for the Board to ensure a safe project for citizens, Mr. Kulesza feels the project needs to be slowed down, and laid out a couple of options. First, for ZBA members to meet with Mr. DiPlacido over the next year or so, and step by step, analyze information as it comes in; second, to deny the project, which would likely end up in Appeals court for several years, a very expensive proposition for the town, which would also slow it down; third, approve the project and deny the waivers, which would also likely entail an expensive legal process and slow down the progress.

At this point, school personnel announced that the meeting was running over the venue's allotted time, and the custodians needed start the breakdown process.

Atty. Smolak said that to the extent that any Boardmember has concerns or comments with regard to particular waiver, it would be beneficial to have those communicated to the applicant before the next hearing. Mr. Wider said that a working session could be set up before the next public meeting on October 17. Before voting to continue to that date, the applicant asked if an additional, later public meeting date could be established at the same time. Mr. Wider said they would try to schedule another meeting for November 7, but room availability was unknown for either date. It was decided to continue to the next regularly scheduled date at Town Hall, at which a date, time, and place certain will be announced.

**Mr. Hanssen made a motion to continue the public hearings for The Preserve at Abbyville and Abbyville Commons to October 3, 2018, at 7:05 P.M. at the Norfolk Town Hall, Room 124; Mr. Sebastiano seconded the motion; the vote on the motion was unanimous.**

**Mr. Hanssen made a motion to adjourn the meeting at 9:00 P.M.; Mr. Sebastiano seconded the motion; the vote on the motion was unanimous.**

*The meeting was adjourned at 10:30 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.