

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

October 17, 2018

Zoning Board Members	
Chris Wider – Chairman ----- Present	Bob Luciano - Associate Member ----- Present
Michael Kulesza – Vice Chairman --- Absent	Medora Champagne – Assoc. Member --- Present
Joseph Sebastiano – Clerk ----- Present	Amy Brady – Administrative Asst. - ----- Present
Don Hanssen – Full Member ----- Present	Dan Hill, 40B Consultant Attorney-----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.

PUBLIC HEARINGS:

The Preserve at Abbyville – (cont'd from 10/3/18)

Abbyville Commons – (cont'd from 10/3/18)

Mr. Wider announced that these hearings would be continued.

Mr. Sebastian made a motion to continue the public hearings for The Preserve at Abbyville and Abbyville Commons to November 14, 2018, at 7:00 P.M., in the King Philip Middle School auditorium; Mr. Hanssen seconded the motion; the vote on the motion was unanimous.

Norfolk Station, LLC – Comprehensive Permit, 194 Main Street

Mr. Sebastiano read the public notice into the record. Mr. Wider said the applicant wants to review the plan, and asked for a withdrawal without prejudice.

Mr. Sebastiano made a motion to withdraw without prejudice, the application for a Comprehensive Permit at 194 Main Street; Mr. Hanssen seconded the motion; the vote on the motion was unanimous.

APPOINTMENTS:

Request for modification to Comprehensive Permit for 25 Rockwood Road (Village at Norfolk) – Mr. Wider recognized Bob McGhee, DPW Director, who initiated the request for modification. Mr. McGhee said that the Comprehensive Permit required a sidewalk be installed by the developer from the entrance to the development to the train station, on the development’s side of the road. Mr. McGhee then noted that there is a need for site improvement at the intersection of Boardman Street and Rockwood Road, a few hundred yards down the road, which has been an ongoing issue for the town. He feels this intersection would be a more worthwhile project for the 25 Rockwood Road developer, and proposed a switch, with the DPW doing work between the development and the train station, and the developer doing work at this intersection.

Regarding the intersection at Boardman & Rockwood, Mr. McGhee referred to Google Earth and detailed where land needs to be cleared and graded, and a sign installed that would flash the traveling speed for traffic. He has negotiated with the resident there at 42 Rockwood Road, and plans to have a

Right of Entry form signed. He said that traffic is an issue, not only during school hours but also at night and on weekends for the sports that go on. Looking down Rockwood toward the center of town on Google Earth, Mr. McGhee pointed out heavily used sidewalks near Hillcrest Village, that tend to get underwater and freeze over; in response to that, the DPW had put in a crosswalk, so people could cross to the sidewalk on the other side, and get to town that way; he is proposing the same solution at the new development site. He stated further that, although they could certainly put a sidewalk in, with the current berm there is not really enough space in front of well-established residences for a full sidewalk, without taking down walls and fences, since a 3' grass strip and a 5' sidewalk would be necessary. A vertical curb would be the alternative.

Mr. Sebastiano asked what the right of way is in that area, and Mr. McGhee responded that he thinks it is about 30'. Mr. Howe asked, if the vertical curb were installed, would there be a sawcut to transition to the lower curb, and Mr. McGhee responded in the affirmative. Mr. Luciano expressed concern about the proximity of the sidewalk to the street and asked if a guardrail would be warranted; Mr. McGhee said it would not. Mr. Hanssen asked if there would be a sign or something similar to indicate the presence of the crosswalk; Mr. McGhee said yes. Mr. Wider asked when the work at 42 Rockwood would commence, and he said he is working on getting the right of entry form signed, and needs approval from this board to let the developer know that the trading of work is approved; he hopes before Thanksgiving, and stated that the DPW would be in charge of coordinating the work that needs to be done. Mr. Wider told Mr. McGhee that the board would discuss this further tonight, and get back to him.

Chris Henry, 30 Boardman Street, said this was discussed at length at public hearings for the project, and safety was a real concern. He appreciates the town saying they would take on the sidewalk project, but expressed concern that it might get "pushed aside" and potentially not happen at all. He also said it is a great opportunity to connect to the sidewalk near Hillcrest Village, so those residents would not have to cross the street. With lots of walkers to the town and the school, sidewalks on both sides of Rockwood would be beneficial. The developer has already agreed to putting in the sidewalk, and flashing speed limit lights, and he would like assurances that work will actually happen.

Mr. Wider said the Comprehensive Permit is clear that if the sidewalk is done, it must be done before the first occupancy permit is issued. The board will need to discuss what conditions will be if the sidewalk condition is waived.

PUBLIC HEARINGS: (cont'd)

Village Green – The Enclave – (cont'd from 10/3/18)

Present were Thomas DiPlacido, DiPlacido Development Corp., Project Manager; Matt Mrva, Bohler Engineering; Josh Swerling, Bohler Engineering

Plans and documents presented and referred to were entitled "Preliminary Plans for Comprehensive Permit 'The Enclave at Norfolk'," prepared by Bohler Engineering, dated 6/13/17, rev through 9/11/18: "Site Plan Rendering," "Overall Site Plan, [p. C-5]," overall grade sketch.

Mr. DiPlacido began by explaining that the current plan had only been presented as a concept plan, but the engineers have now had time to do some testing, engineering and talking to the neighbors to ensure it can actually be done. Referring to the plans, Mr. Mrva said that each lot would have its own septic system, and sizing for those systems are now shown on the plan, based on preliminary testing; witnessed testing is planned for the first week of November (11/5/18), but in the meantime they used a conservative perc rate. Modifications to the plan include an increased buffer between the homes to the north side of the roadway, where there is now a 50' undisturbed buffer that will remain; 15' setbacks to internal property lines have been maintained, as well as 25' to external properties. Soils onsite appear to allow the intended drainage. In terms of grading, Mr. Mrva

said that they have been able to maintain a balance of cuts and fills; homes in the back will be walkouts to help maintain the balance. The plan is to get the results of the witnessed testing back and get engineered plans out for peer review before the next hearing.

Mr. Hanssen asked what the mix is of 3-bedroom to 4-bedroom homes; Mr. Mrva said that is not known yet, and Mr. DiPlacido added that some units will have a master on the first floor. Mr. Wider asked about the property sizes, and Mr. Mrva pointed out the chart printed on the plan that shows the size of each unit. Atty. Hill asked if the 50' would be a "no-touch" area, and Mr. Mrva said there would be a fence during construction; Atty. Hill asked what would keep future owners from going in and clearing there; Mr. DiPlacido said some sort of easement would be necessary, and he is discussing this with the owners. Mr. DiPlacido asked how wide the roads are; Mr. Mrva answered he believes the main road is 24' but he will need to check to be sure; the entrance will still be a boulevard and the driveways vary from 12'-18' wide; all garages are 2 car garages; driveway lengths vary, starting at 50' minimum. Mr. Luciano asked if the roads will be privately owned; Mr. Mrva said the intent is for the road to be town-owned; Atty. Hill asked if the town will accept the detention basins as well, and how they will be accessed; Mr. Mrva said once the basins are fully designed, easements over the private property to get to them will be included; Atty. Hill asked about having a gravel road leading to them, and Mr. Mrva said they would explore that and other options as well; Mr. DiPlacido said there would be a Homeowner's Association (HOA) to maintain common areas, and mowing detention basins could be included in that. Mr. Wider asked about an access trail out to Juniper Lane, which had been discussed previously, and Mr. DiPlacido said he was hoping to schedule a site visit in November to assess that possibility. Mr. Wider asked if there was also a plan for access to Rockwood Road between #44 & 48 where there is currently an easement; Mr. DiPlacido said they would take a look at it, and if it's achievable, it does make sense.

Mr. Hanssen requested to make some comments, as he had missed the last meeting. He said that although the density of 26 units is much lower than the 48 they were looking at previously, he is disappointed because he feels that the board, by focusing on density, encouraged the developer to abandon the over 55 years of age restriction. He said the board has a responsibility to the entire Norfolk community, and in their zeal to drive down density, he feels they let down some seniors. Speaking personally, he would like to downsize and stay in Norfolk, in a ranch-style ownership community, such as Village River's Edge, and there are not many in town. He said there were already 8 or 9 reservations of the original 56 age-restricted units proposed, several from Norfolk. He noted that the 48 age-restricted unit proposal was 20% less dense than River's Edge; this proposal also included 12 age-restricted affordable units. He said this proposal was self-sustaining, in that it provided tax revenue to the town, with no impact to the schools, and it included the HOA taking care of the road; in addition it is walkable to the town center and the train. He said he feels the board was too quick to rule out the age-restriction. He felt the age restricted units would have less traffic impact, as many seniors don't need to get up and out between the hours of 6 & 8 A.M. He mentioned the potential for increased water usage in terms of loads of laundry and dishes and showers, in a 3-4 bedroom home community vs. an age-restricted senior community. Mr. Hanssen encouraged the board, the abutters, and the town at large to consider the needs of the seniors of Norfolk going forward from here.

Mr. Wider said this is not cast in stone, but a resounding reply had been heard from the abutters in favor of the non-age-restricted community. Chris Henry, 30 Boardman Street, asked what the full developed length of the cul-de-sac is; Mr. Mrva said he would have to check, probably around 1,200' and Mr. Henry noted that that is about double of what is allowed in the bylaw. Claudia Wilkinson, 25 Village Green, said that there was a "very vague" idea thrown out several meetings ago, that the developer might consider 8 – 10 market rate homes, which is what she thought the neighborhood was excited about; speaking for herself, she doesn't know how 26 3- and 4-bedroom homes would impact traffic in the neighborhood, and feels that would be helpful in deciding if this should be age-restricted. Mr. Wider said it was a couple of meetings ago, looking at the 48 age-restricted duplexes, when lifting the age restriction was authorized; Mr. DiPlacido then came back to the last meeting with the conceptual plan for 26 single family homes, and was told to go forward with developing this plan. Ms. Wilkinson said nobody came and asked her which she preferred, and she didn't know who in the neighborhood was "overwhelmingly" in favor of the 26 single family homes. Brad Walker, 16 Village Green, said he had met with Mr. DiPlacido and 2 or 3 other neighbors, and they felt the current plan affords more privacy than any of the previous plans.

Bob Cook, 32 Stan Hope Drive, asked about the letter from Chief Stone requesting a second way in and out of the development. After the board reviewed the latest email from the police chief, Mr. Wider said they had been trying to set up a meeting with him, and would continue to do so. In response to Atty. Hill, Mr. DiPlacido said that there were a couple of alternatives to create a second egress: one would be to exit onto Juniper, which he said would necessitate extensive wetlands crossing, including some type of bridge; he said there were many problems with that when a different development had been looked at several years ago; another idea that has been brought up is an easement onto Village Green, but the developer has no right to that; also, between# 44 & 48, extensive wetlands crossing would be necessary. Mr. DiPlacido said walkways and pedestrian pathways did make sense.

Mr. Wider said that he would like to get a straw poll as to whether members of the board would prefer to see age-restricted or non-age-restricted. Mr. Hanssen said he had put a non-binding reservation in to buy a unit, and will have to recuse himself from voting, but he is very sensitive to the encroachment on abutters; however, he feels that an age-restricted 40B project would have a lesser impact on the total community. Mr. Wider asked Mr. DiPlacido if he knew what the market rate would be for the units in each scenario; Mr. DiPlacido said the market rate age-restricted units would probably be in the \$550-600,000 range, with the affordables at about \$195,000. The 26 market rate 4 bedroom homes would probably be in the upper \$600K to mid-\$700K. He added that you do need more density with an age-restricted project as it has a much more complicated infrastructure than a single family home project; more cul-de-sacs, walking trails, a park, much more landscaping, a larger common area and wastewater treatment system. All of these factors combine to necessitate a number of units in the upper 40's, low 50's; the units sell for less, but cost more to develop. Mr. Sebastiano said he is also in favor of an age-restricted development, while trying to increase the buffer. Ms. Champagne also said she is in favor of an age-restricted development, as did Mr. Howe. Mr. Luciano said he would need to see a more indepth analysis before making a decision. Mr. Wider stated that he knows Mr. Kulesza is in favor of non-age-restricted. He went on to say that previously approved 40Bs in town are too dense, and he considers less density a positive; he agrees that downsizing opportunities should exist for seniors, but he is in favor of the non-age-restricted option in this case.

With the straw poll showing 4 in favor of age-restricted [including 1 non-voting member, 1 associate member], 2 in favor of non-age-restricted, and 1 undecided [associate member], Mr. Wider said that the developer should go back to the 48 unit age-restricted plan and find a way to reduce density and increase the buffer, and take the police chief's request for two egresses into consideration. Atty. Hill asked if it would be possible to have a smaller number of age-restricted units; Mr. DiPlacido said most seniors are downsizing, so the market value of age-restricted must be lower and the numbers don't work out in favor of a low number of age-restricted units. Mr. DiPlacido asked who would be the voting members, and Mr. Wider stated that would be himself, Mike Kulesza, Joe Sebastiano, Devin Howe and Bob Luciano, making the board an even split of 2 to 2 with 1 undecided. Mr. Wider said he felt the opinions of the non-voting members were important, too; he went on to say that several neighbors were in attendance at the last meeting, and they seemed to be strongly in favor of non-age-restricted. Mr. Wider asked if there was a way to combine the age-restricted and non-age-restricted, and Mr. DiPlacido said that would be a real challenge. Mr. DiPlacido said that the development team is in need of direction. In good faith, they have been through several variations of this plan, and are now unclear on which direction to go from here. He feels that both plans are good quality plans, but did say that if the age-restricted plan is chosen, it would be very difficult to reduce the number of units. Mr. Wider said it seems that the opinion of the board is to go with age-restricted, but he still thinks 48 units is too much, and he still wants to see buffers and incorporation of the police chief's comments.

Ms. Wilkinson said she did not want her comments to be taken as a vote for either age-restricted or non-age-restricted, but she doesn't understand why 28 age-restricted buildings cannot have the same buffer as 26 non-age-restricted buildings. Mr. Wider asked Mr. DiPlacido if he understood the direction the board wants to go in, and Mr. DiPlacido said he did, but he may not be able to satisfactorily meet the reduced unit count, increased buffer, two egress, age-restricted requirements. Discussion ensued with regard to two egresses, and the problems encountered with wetlands several years ago; a meeting with public safety personnel was proposed. Mr. Wider said he would also like Tetra Tech to look at the 48 unit age-restricted plan. Mr. Swerling noted that Tetra Tech had already seen plans, and it was his feeling that they really couldn't comment on which option would be better from an engineering standpoint, they would simply comment on the actual engineering of

whichever plan was chosen; Atty. Hill said they would be asking Tetra Tech for a more overall opinion and advice.

Mr. Sebastiano made a motion to continue the public hearing for The Enclave to Tuesday, October 30, 2018, at 7:00 P.M. at the Norfolk Town Hall; Mr. Hanssen seconded the motion; the vote on the motion was unanimous.

9 Fruit Street (cont'd from 9/19/18)

Mr. Sebastian made a motion to continue the public hearing for 9 Fruit Street to December 5, 2018, at 7:15 P.M., in the Norfolk Town Hall; Mr. Hanssen seconded the motion;

Mr. Howe asked if Town Counsel had been asked if constructing an addition to a house built prior to 1961 still entitled it to be converted to a two family; Mr. Wider said Mr. Bullock had been asked, and his opinion was that it could still be converted; the bylaw didn't state that such an addition would negate the possibility. Mr. Wider said he would find out if Mr. Bullock had spoken to Town Counsel.

the vote on the motion was unanimous.

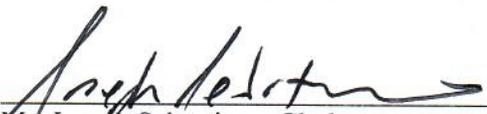
Mr. Wider returned to the discussion of 25 Rockwood Road. Mr. Wider recalled that during the original discussions regarding this sidewalk, the board had felt that it was important to have a sidewalk on the same side of the street as the development; he did not feel that this requirement should be removed. Mr. Hanssen echoed support for the comments. Both agreed that people tend to walk right out onto crosswalks without paying attention to oncoming traffic. In addition, someone from the development walking to take the train would have to cross the street twice. Mr. Howe pointed out that the Comprehensive Permit states that the sidewalk must be built prior to any occupancy permits being approved, and questioned what would happen if the DPW failed to complete the sidewalk; Mr. Wider responded that Mr. Hashem would not receive occupancy.

Mr. Henry noted that the developer had also agreed to install flashing lighted signs on both sides of the road, and wanted to be sure that requirement will remain as well.

Mr. Wider said the developer, Mr. Hashem will be asked to submit the formal request for modification. This discussion will be continued on October 30.

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

The meeting was adjourned at 9:10 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.