

Zoning Board of Appeal
 One Liberty Lane
 Norfolk, MA 02056
 December 20, 2018
 7:00 P.M.

Christopher Wider – Chair ----- Present	Medora Champagne – Associate Member-- Present
Michael Kulesza – Vice Chair ----- Present	Robert Luciano – Associate Member ----- Present
Joseph Sebastiano – Clerk----- Present	Amy Brady – Administrative Assistant----- Present
Donald Hanssen – Member ----- Present	
Devin Howe – Member ----- Present	

The duly posted meeting of the Norfolk Zoning Board of Appeals convened at 7:00 P.M. in the auditorium of the King Philip Middle School. Mr. Wider announced that the meeting was being video- and audiotaped.

MINUTES:

Mr. Sebastiano made a motion to accept the minutes of February 28, 2018; Mr. Hanssen seconded the motion; the vote on the motion was unanimous.

Mr. Sebastiano made a motion to accept the minutes of December 5, 2018; Mr. Hanssen seconded the motion; the vote on the motion was unanimous.

PUBLIC HEARINGS:

7:00 P.M. 17 Lawrence Street – The Preserve at Abbyville (cont'd from 12/5/18)

7:00 P.M. 17 Lawrence Street – Abbyville Commons (cont'd from 12/5/18)

Present were Dan Hill, Attorney; Bill McGrath, Engineer, BETA Group, Inc.; Sean Reardon, Engineer, Tetra Tech, Inc.; Thomas DiPlacido, developer; John Smolak, attorney for developer; Camille Macomber, stenographer; Rick Goodreau, Engineer, United Consultants, Inc. (UCI); Matt Mrva, Landscape Architect, Bohler Engineering

Plans and documents referred to were a PowerPoint presentation entitled “The Preserve at Abbyville and Abbyville Commons” and a document entitled “Significant Revisions for Abbyville Current Proposal 12/20/2018”

Mr. Wider introduced Attorney Smolak who introduced the development team and gave an overview of events to date and the evening’s presentations. Based on the most recent feedback an alternative proposal will be presented that encompasses 176 ownership units (88 single family and 88 duplex), with no rental units, a reduction of 28 unit from the previously peer-reviewed proposal; earth removal would be reduced to 650,000 net cubic yard, down from 985,000 net c.y. (56% down from the original 1.48K cy proposal.)

Next, Matt Mrva showed the current plan with single family lots around the perimeter with an average lot size of 23,000 s.f., minimum frontages of 100’ (average 114), minimum 40’ front yard setback and 10’ side yard setback. Duplex units are in the inner core, with master bedrooms on the first floor, 2 car garages. Inner core roads would be private, homeowners’ association (HOA) –owned, the outer loop road would be public. Larger lot sizes allow for a variety of house types and garage styles; density is decreased; there is a good deal of open space internally, while allowing a good amount of buffering to the street. Pocket parks remain throughout the development; entries from Lawrence Street will be enhanced

with stone walls and landscaping. Public roadway is being reduced from 11,000 linear feet to 6,000 l.f. resulting in reductions in impervious areas as well as long-term maintenance costs to the town. All homes are outside of the 100' buffer.

Rick Goodreau noted the westerly entrance, Buckley Boulevard, where a roundabout was eliminated, creating a 3-way "T" intersection. Existing houses to the west of Buckley Boulevard facing Lawrence Street will be razed, and new houses erected will face inward to the development, with landscape buffering the rear yards to Lawrence Street. To the east of Buckley Blvd. which has been shifted to be 180' from the property at 51 Lawrence Street, as opposed to the previously proposed 60'. The lot #44 has an area of 65,800 s.f. with a vista easement area of 21,500 s.f. Side entry garages under the first floor have been proposed, which helps to limit the grading into the rear yards. Total units proposed comprise just under 68 acres.

Tom DiPlacido elaborated on the grading changes made near 51 Lawrence Street, including an area that went from a 2' to a 20' "no-touch" border; he noted that the vista easement areas will include restrictions from any grading or building within those limits in perpetuity, to protect the sight lines for that property; next, he reviewed the various house styles and elevations as regard the duplex units, which have not been previously reviewed. Mr. DiPlacido then proceeded to focus on the comparison chart in the PowerPoint presentation, and the "Significant Revisions" document. While noting that the Public Involvement Plan (PIP) is not part of the decision for this comprehensive permit, Mr. DiPlacido stated that the developers are working toward a final resolution to the environmental concerns on the Buckley/Mann property, as well as proposing work to bring the Bush Pond Dam up to standard; these are two items he said the Mann family is not prepared to undertake, and the concerns would go unanswered and/or become the responsibility of the town. In addition, a water main on Lawrence Street up to Brett's Farm Road is being proposed. Lawrence Street will be widened to 24' and reclaimed and overlaid as necessary on the same portion of the Road. Approximately 130 acres will be set aside as Conservation Land.

Mr. Wider asked Mr. DiPlacido to give an update on the MGL c. 21E Site Assessment project. Mr. DiPlacido responded that the testing plan and scope of work are still being developed and should be developed in the next few weeks; the hope is to get in to start testing in January.

Sean Reardon said that a lot of time had been spent working with the developer to respond to the public's concerns, and that the reduction in the roads was a big turning point in reducing infrastructure and freeing up space to give to the residences. Bill McGrath said the reduction in impervious area will be a benefit to stormwater management; reduction in number of units will benefit traffic impacts, but BETA will need to take another look at it. Mr. Howe asked if the green buffer areas will be existing vegetation, or graded and replanted; Mr. Mrva answered that it is still being looked at; would probably be some berms, but generally a mixture of existing and new vegetation. Mr. Sebastiano asked for clarification on some lot sizes, which was addressed by Mr. DiPlacido.

Atty. Hill asked, while understanding that these are conceptual plans and have not been truly engineered, could the approximate area of the drainage structures be pointed out; Mr. Goodreau pointed them out on the Revised Layout slide in the presentation. Regarding access, Mr. Goodreau pointed out the access point for each pond, with the third one being via an easement between two properties. Raingardens and plantings are also being considered in the condominium area. With regard to recreation areas, Mr. Mrva said it would be passive recreation areas only, such as the pocket parks, and connection to the existing trail network, but no large recreation areas as proposed with previous layouts; there will also be no beach house or clubhouse. The condominiums will be 2 and 3 bedroom units. Mr. DiPlacido said there is not yet an in-depth analysis of the school-age children impact with this layout. Atty. Hill confirmed that the same wastewater treatment plans will be followed, and asked where the effluent will go, without the large, central leaching field; Mr. DiPlacido showed where it will be directed to underground tanks and pumped up to the same general area it was in before; the area will be smaller due to the reduction in the number of units. Mr. DiPlacido reiterated where the roadway will be public, around the perimeter with the single-family homes; and where it will be private (HOA-owned), within the condominium area.

Mr. Luciano asked if there would be a noticeable transition from the single-family home areas to the inner condominium area, and Mr. DiPlacido responded that there will be vegetated buffer areas and perhaps a stonewall entrance to the condominiums, making it a smooth transition. Mr. Hanssen asked if there would be room for a park, perhaps with a swingset in the condo area; Mr. DiPlacido said that would probably not be proposed; it is likely that the 1st floor master bedrooms in the area will attract older residents, not likely to have many children around; he said it might be more conducive to something like horseshoes, suitable for a wider age group. The ability to “stagger” the houses, as well as the different shapes and garage entries allowing for more creativity in placing the homes was discussed.

Mr. Wider, before opening the hearing to public comment, asked the individual boardmembers if they could support the new layout proposal. All members voiced their support; changes such as a 2-year reduction in truck traffic and a 3x increase in lot size were mentioned.

Mr. Wider opened the hearing to public comment. Margaret Kahaly, Cranberry Meadow Road, referred to a paragraph in the original Mass Housing Project Eligibility Letter (PEL) which stated compliances that must be met prior to issuance of a building permit for this project. Ms. Kahaly asked how this project would affect the percentage of affordable housing in Norfolk; 44 units (25% of the project) will be added to the affordable inventory. Karen McCabe, Lawrence Street, asked if there will be sidewalks on the portion of Lawrence Street that is being widened; Mr. DiPlacido said he did not believe so, but there would be sidewalks added from Park Street to the first entrance of the development Park to the bridge construction as part of that grant, and from the bridge construction to the entrance by the developer.) Ms. McCabe said she highly recommends sidewalks further down Lawrence Street due to the increase in traffic that will be generated from the development. There will be sidewalks within the development. Mr. DiPlacido detailed where road improvements are being made, in conjunction with the water main installation. The second entrance is still where it was previously proposed and peer reviewed, with peer review comments incorporated. Mr. Sebastiano expressed his understanding of Planning Board Regulations that require sidewalks on both sides of streets within subdivisions, or, if on one side, then mitigation outside the project is considered; Mr. DiPlacido said that he has historically only been required to install sidewalks along the frontage of the development, and whereas the developer is doing the road improvements and widening, perhaps the town might look at installing sidewalks. Mike Guidice, Eagle Drive, echoed concerns on the sidewalk, and also followed up on the location of the Buckley Boulevard (2nd) entrance, and suggested possible lining it up with Brett’s Farm Road. Mr. DiPlacido noted that all of the intersections have been peer reviewed as has traffic. Mr. Goodreau said the Town of Norfolk Planning Board Regulations have a roadway separation of (he believes) 350’. He also noted there is a small wetland that would be impacted directly across from Brett’s Farm Road. Dave Dimond, 3 Brett’s Farm Road, inquired about phasing; Mr. Reardon recalled that there were about 8 phases for the last layout, and this is a simpler plan, but phasing needs yet to be determined. Atty. Smolak said if the Board is receptive to this 176-unit proposal, then it is his position that further peer review of this proposal could be conditioned in the decision, if granted; Mr. Wider concurred. Sandra Myatt, Eric Road, referred to previous discussions regarding classification of the tail race as a river, and a map from 1851 that she had sent to the Board. The Board secretary was not able to access the map. Ms. Myatt contends that it is a river, and is therefore subject to the riverfront act, with a buffer of 250’ rather than the 100’ wetland resource area buffer zone. Atty. Smolak said this is the 3rd or 4th time this has been discussed, and a full response was submitted in January, 2018. He added that that area has never been identified as a riverfront area, either when the cleanup work was undertaken in 2011 at which time it was reviewed by the Conservation Commission, nor when DiPlacido filed an ANRAD for the project, which as reviewed by BSC and also by Tighe and Bond, the Commission’s consultant. Atty. Hill clarified that the Zoning Board of Appeals cannot determine what is or is not a river. Ms. Myatt said that the Resource Area Delineation has expired and asked if the Board would be requiring a new one. Atty. Hill said that a condition of the project would be that the developer obtain all necessary permits including Conservation; Ms. Myatt asked how a permit could be issued when the PIP process is not completed and the contamination limits have not been identified; Atty. Hill said he envisions a condition where no building permits (and perhaps other permits) would be issued until those questions are answered, but added that discussions need to occur that may or may not allow some earth removal in some areas prior to full resolution of the PIP. Ms. Myatt stated that she feels there is still too much trucking proposed, and she

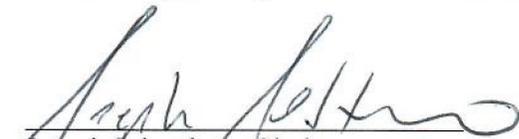
feels a balanced site is still possible. Mr. DiPlacido said that balancing cuts and fills over 68 acres would require clearing all those acres at one time, rather than phasing; moving materials around, resulting in a very difficult situation for dust control, stormwater control, etc.; it would be very expensive and challenging, and would create a very difficult situation for the neighborhood. Mr. Reardon agreed that cutting the grades at this point to balance the site, would create more construction work. Peg Bedard, Lawrence Street, stated her opinion that the neighborhood is not reflected workshop discussions, and asked how long the project will go on; Mr. Wider said that has not been determined yet, as this plan is just being presented tonight. Ms. Bedard stated her opinion that 650,000 c.y. of material removal is still too much; and her opinion that work should not begin before resolution of the environmental concerns, reiterating paragraphs from the PEL; Mr. Wider said that would all be worked through during deliberations and conditions. Ms. Bedard said that some of the aspects being discussed as negotiations are actually requirements from the PEL, and expressed her strong agreement that additional sidewalk should be installed on Lawrence Street. Chris Wagner, Park Street, asked if Buckley Boulevard would still have a divider; Mr. Goodreau said it would not. Mr. Wagner stated his opinion that the road should be moved in a westerly direction, away from the dangerous curve cited by Mr. Guidice; with regard to the PIP process, Mr. Wagner asked if uplands beyond Mill River would also be tested, and if a determination had been made on whether the Conservation would become town-owned, or part of the HOA; Mr. DiPlacido reiterated that the Scope of Work and testing plans for the PIP process would be published soon; once contaminants are found, testing expands out and once the LSPs are comfortable that the horizontal and vertical limits of contamination have been identified, then that is where the end the testing. Mr. DiPlacido said if the town wanted control of the Conservation land, he would be agreeable to that. If the Town does not want control of the land, then it would belong to the HOA. Ms. Kahaly commented that the LSP has 2 years to submit their report before any cleanup begins.

Mr. Wider requested that Mr. Mrva send an architectural spec to Mr. McGrath. Mr. Wider also requested that Mr. DiPlacido take another look at the location of Buckley Boulevard, and proposed a workshop discussion with regard to a sidewalk between the two entrances. Mr. Wider stated that waivers and conditions, including the cleanup process, will be discussed at the next meeting.

Mr. Kulesza made a motion to continue the hearings for The Preserve at Abbyville and Abbyville Commons to January 16, 2018, at 7:00 P.M. at the King Philip Middle School; Mr. Howe seconded the motion; the vote on the motion was unanimous.

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

The meeting was adjourned at 9:19 P.M.


Joseph Sebastiano, Clerk