

Zoning Board of Appeal
 One Liberty Lane
 Norfolk, MA 02056
 January 16, 2019
 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----- Absent	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 7:18 P.M. in the auditorium of the King Philip Middle School. Mr. Wider announced that the meeting was being video- and audiotaped.

PUBLIC HEARINGS:

194 Main Street – Residences at Norfolk (40B)

Mr. Wider announced that he will be recusing himself from this hearing, and relinquished the Chair to Mr. Kulesza. At the request of Mr. Kulesza, Ms. Champagne read the Notice of Hearing into the record.

Ms. Champagne made a motion to stay the hearing, as follows:

I move that the Board invoke the provisions of Chapter 40B regulation 760 CMR 56.05(3) to the pending application for comprehensive permit filed by Norfolk Station, LLC, for the so-called “Residences at Norfolk Station” project, and stay the commencement of the Board’s public hearing on the application until there are no longer three comprehensive permit applications pending before the Board that collectively propose the construction of more than 200 housing units.

Mr. Hanssen seconded the motion; the vote on the motion was unanimous.

Mr. Wider resumed as Chair.

9 Fruit Street (cont’d from 1/2/19)

Mr. Kulesza made a motion to continue the hearing for 9 Fruit Street to March 6, 2019, at 7:00 P.M. at the Norfolk Town Hall; Ms. Champagne seconded the motion; the vote on the motion was unanimous.

7:00 P.M. 17 Lawrence Street – The Preserve at Abbyville (cont’d from 12/20/18)

7:00 P.M. 17 Lawrence Street – Abbyville Commons (cont’d from 12/20/18)

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 presented and referred to were a plan entitled “The Preserve at Abbyville Layout Plan,” dated December 2, 2018, revised through 1/14/19; 2013 Order of Resource Area Delineation (ORAD) issued by the Norfolk Conservation Commission; a Concept Layout prepared by Bohler

Engineering, dated 1/16/19; Glen Fontecchio Architectural Review Letter, dated 1/14/19; a PowerPoint presentation entitled "The Preserve at Abbyville and Abbyville Commons" prepared by Bohler Engineering (33 slides); Letter dated 10/15/18 from Sandra Myatt to Board of Health (BOH); letter dated 12/19/18 from BOH to ZBA; Letter from Dorothea Collins to the ZBA, dated 1/15/19.

Atty. Smolak began by introducing the team, and giving an overview of the development team's agenda for the evening. Mr. DiPlacido said the response to public comments and the scope of work regarding the PIP (Public Involvement Process) was published to the DEP website last week, and letters sent to petitioners notifying them of such. Next, Mr. DiPlacido addressed the sidewalks on Lawrence Street that had been requested at the last hearings; meetings have since occurred with town representatives, and the applicant is currently waiting to hear back from the DPW as to where to place the sidewalk. Regarding Buckley Way (formerly Buckley Boulevard) the plans have been reviewed, and it is feasible to move that entrance way as requested by the neighbors. Mr. Goodreau presented a plan showing the approximate location of the new sidewalk, and the new location for Buckley Way; Mr. Goodreau reviewed the resulting sight distances, which meet or exceed the preferred sight distances cited by traffic engineers. The plan also shows the waterlines and sewer lines in the roadways; Mr. Goodreau reviewed the drainage plans, and discussed a potential bioretention area. Regarding 51 Lawrence Street, Mr. Goodreau noted the NW corner that is approximately 45' from the two houses that will be located there; a minimum 20' buffer has been provided in the rear of 51 Lawrence. Mr. Goodreau discussed the roadway standards.

With no questions forthcoming from the Board, Mr. Wider recognized Mr. McCarthy, the Town Planner. Mr. McCarthy said he had reviewed the 2013 ORAD plan with the Conservation Agent, and it does not appear that any work will require Conservation approval. He noted that the ORAD did identify the area as bordering vegetated wetland (BVW,) but it might actually be an isolated vegetated wetland (IVW).

Next, Matt Mrva presented new landscaping layouts, indicating that the only significant changes are related to the changed in roadway design (Buckley Way,) which did necessitate some relocating of houses in that area; vegetated buffers to Lawrence Street remain significant. Mr. Mrva addressed comments from Glen Fontecchio's review letter, particularly with respect to street-facing garages; some of these have been left in the duplex area in order to preserve some open space. Side and rear elevations will be provided to Mr. Fontecchio to better show the massing between the single- and two-family homes. Density in the area of Mann's Loop was discussed.

Mr. Wider asked about lighting and the mail kiosk; Mr. Mrva showed an illustration of the light posts, and in response to Mr. Howe, Mr. DiPlacido said that the lights will be on a photocell and maintenance will be deeded to homeowners, with a Homeowners' Association (HOA) that can monitor it.

Mr. Hill asked if additional plans will be submitted, with measurements of open space, developed space, etc., to which Mr. Goodreau replied yes. Mr. Wider noted that the bioretention area was not depicted in the landscape presentation and was assured that all plans will be reconciled before submission. Mr. Wider recognized Bill McGrath, BETA engineer, to discuss the changes that had been made. Mr. McGrath said he understood the reason for leaving street-facing garages, but suggested some variation in the aesthetics of the garages. Regarding the density in the Mann's Loop area, Mr. McGrath concurred that some work is needed there, perhaps with orientations, to relieve the feeling of high density. Mr. McGrath indicated area where massing between the single- and two-family homes may be a concern. With regard to questions regarding the need for an additional traffic study, Mr. McGrath said that the Cranberry Heights proposal was received later and was not considered in the original traffic study; however, Cranberry Heights is proposed to be 21 single-family homes, and the concept change for Abbyville resulted in a reduction of 28 units, so no change in the outcome of the traffic study would be expected; as such, Mr. McGrath did not see the need for a new traffic study. Mr. McGrath suggested that some street lighting be provided at streetway intersections, and suggested that the Board get a draft copy of the HOA agreement when it becomes available. Mr. Wider asked that a lighting plan be provided to BETA.

Referring to the Board of Health (BOH) letter to the ZBA dated 1/18/19, Mr. Wider invited BOH member, Fran Sullivan, to speak. Ms. Sullivan said that a letter from Sandra Myatt, Norfolk resident, had been received by the BOH, which laid out 10 items that may be of BOH concern. The BOH discussed this with Ms. Myatt, other neighbors, and Frank Ricciardi and Paul McKinlay of Weston & Sampson (W&S), at a BOH meeting. The BOH determined that items #3, 4 and 5 were BOH concerns that should be addressed by the ZBA through the permitting process for the Abbyville developments; the BOH requested to be involved in the design and implementation of enforcement actions that address those items, and to be copied on all correspondence and invited to meetings regarding those items. Mr. McCarthy said that W&S has since generated a letter with guidance on how to approach those items that he will share with the ZBA. Sean Reardon, Tetra Tech, said he feels that dust monitors are a reasonable request; he suggested that the applicant draw up a general plan, and the town/ZBA will dictate the specific standards.

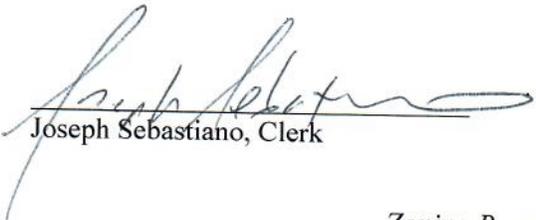
At this time, Mr. Wider asked Atty. Hill to address the Waiver Requests submitted by the applicant. Atty. Hill's comments are addressed on his marked-up version of the List of Waivers, Revised 1/10/19, submitted by the applicant. The board proceeded to discuss the waiver list.

At 9:45, Mr. Wider opened the meeting to public comment. Dave Dimond, Brett's Farm Road, asked about linkage, and what the ZBA should be doing about contamination. Atty. Hill said that the ZBA does not have the authority to impose conditions to anything that is regulated under the 21E; he said that the ZBA would be relying heavily on Weston & Sampson (W&S), who was hired by the town to review the site, and ensure that the town's and public's interests are represented; Mr. Wider suggested that a representative from W&S come to the next meeting to provide input on conditions. Sandy Myatt, Eric Road, asked if the Board would hold off on issuing a Comprehensive Permit until the nature and extent of contamination is determined; Atty. Hill said the Board was required to act within 180 days of the opening of the hearing; although the applicant has agreed to multiple extensions to date, further extensions could be denied at any point, and because case law says that zoning boards don't have any authority under 21E, there would be no justification for further extension; Ms. Myatt asked how the ownership of the Activity Use Limitation (AUL,) if issued, would be written into the Comprehensive Permit; Atty. Hill said that if the boundaries of the AUL changed, hypothetically across the tail race and into the development, that would require the applicant to come back to the ZBA with a request for amendment or modification, as he could not build houses in an AUL area. Draft language for a condition covering this potentiality was discussed. Ms. Myatt asked if a condition could be that a permanent solution be achieved before a shovel goes into the ground; Mr. DiPlacido said that would not be the intention, they would want to begin prepping the site for work, acres away from where there might be any potential for cleanup; Ms. Myatt asked how far away they would be willing to stay; Atty. Smolak said that judgement should be made by the Licensed Site Professional (LSP); Mr. Wider said it would be discussed with the W&S representative at the next meeting. Dorothea Collins, 51 Lawrence Street, thanked the board for consideration shown to her property so far, but said that she believes the property is still at risk, and she still has concerns which are outlined in her letter of 1/15/19..

Mr. Kulesza made a motion to continue the hearings for The Preserve at Abbyville and Abbyville Commons to January 31, 2019, at 7:00 P.M. at the King Philip Middle School; Mr. Howe seconded the motion; the vote on the motion was unanimous.

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

The meeting was adjourned at 9:55 P.M.


Joseph Sebastiano, Clerk