

Zoning Board of Appeal
 One Liberty Lane
 Norfolk, MA 02056
 January 31, 2019
 7:00 P.M.

Christopher Wider – Chair ----- Present	Medora Champagne – Associate Member-- Absent
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.

PUBLIC HEARINGS:

7:00 P.M. 17 Lawrence Street – The Preserve at Abbyville (cont'd from 1/16/19)

7:00 P.M. 17 Lawrence Street – Abbyville Commons (cont'd from 1/16/19)

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

Plans presented and referred to, prepared by United Consultants, Inc., dated March 15, revised through 1/24/19 as follows: “The Preserve at Abbyville Lawrence Street Plan” 2 pp; “The Preserve at Abbyville Conceptual Grading Plan, Lots 43, 44 & 45” 1 pg; “The Preserve at Abbyville Preliminary Plan – Overview” 1 pg; “The Preserve at Abbyville Preliminary Plan” 7 pp. “Abbyville Commons Preliminary Plan – Overview;” “Abbyville Commons Preliminary Plan” 3 pp; Also, plans prepared by Bohler Engineering, dated September 26, 2016, revised through 1/30/19, Project UC987, pp L-1 through L-9 (with extra L-2 color-coded lighting shown) and including Concept Layout cover page.

Atty. Smolak introduced the developer’s team, and gave an overview of their intended agenda for the evening. Mr. Vetere began, saying they are in the early stages of field investigations for the environmental response actions per the Mass Contingency Plan (MCP); responses to comments on the phase II scope of work were filed on January 11, 2019, and activities were commenced on January 18, 2019. Information will be communicated to those on the Public Involvement Plan (PIP) mailing list, and distributed to all the public repositories, and a public meeting will be held.

Mr. Goodreau said new preliminary plans had been drawn up for the Preserve project, including 88 single family house lots, a roadway system consisting of 3 roads: Buckley Way, Elliot Drive and Mann’s Loop. Elliot Drive has been relocated per discussions at the last meeting to be aligned at Brett’s Farm Road. Sheet 7 provides a Typical Roadway Section. Property line to property line ROW will be 50’ with a 26’ asphalt paved surface, all per town specs for a secondary roadway. A 5’ sidewalk will be constructed around the site. Adjustments to types of houses have been made; all will have a minimum 40’ setback from the roadway, and greater than 10’ from the side and rear lot lines. Easements have been added around 51 Lawrence Street, and all houses that abut Lawrence Street have a 25’ buffer thereto.

Plans for the new Commons project include 88 duplex units (44 buildings), and 2 roadways, one East-West and one North-South. 24’ of pavement, face of curb to face of curb, is proposed, with Cape Cod

site, Atty. Smolak asked for some relief from fencing the entirety of it; Atty. Hill said he thought that could be addressed in the Construction Management Plan (CMP). Regarding Section C.8. Mr. McCarthy asked to ensure that the 7:00 A.M. and 8:00 A.M. start-up times include any prep work like equipment start-up and loading, supply deliveries, etc., and no idling or parking on Lawrence Street; Mr. McCarthy also noted that the requirement to issue the final Certificate of Occupancy no more than 30 months from the start of the project was rather aggressive; what that date should be will be tabled and discussed at a later date. Regarding Section C.9. Air Pollution Monitoring and Mitigation, Mr. McKinlay said that he recommends a dust mitigation plan be put into place, that would include public involvement and a site-specific threshold which would be lower than the 150 ug/m³ standard mentioned in this condition; he recommended 5 monitoring stations, but suggested the final number and locations of stations could be decided with public involvement; Atty. Hill stated his preference that these details be worked out as part of the Decision; Mr. Vetere stated that he felt it was necessary to make a distinction between excavation and earthwork within the disposal site boundaries where there is contaminated soil, noting that the PIP is a specifically geared toward MCP issues, and the bulk of the earthwork occurs outside those boundaries. Atty. Hill asked the applicant to develop a dust mitigation plan before the Decision is finalized, and asked Mr. McKinlay to work with the applicant. Discussion ensued with respect to dust and noise monitoring, as well as vibrations (Section C.10.). Mr. Wider asked that the consultants from W&S and Mabbet get together to come to agreement on these Conditions. Regarding C.11., Roads, Mr. McCarthy requested that the phrase "The roadways that are intended to be public roads shall not be accepted until the top course of pavement has gone through one full winter." be added to this condition. C.16., Stabilization Requirements, Atty. Hill noted that a bond may be required. Atty. Smolak requested that Section C.18, Blasting, be limited to the first paragraph, as the rest is covered by state law. Mr. Wider and Atty. Hill said they will speak to the Fire Chief about that.

At this time, Mr. Wider opened the hearing to public comment. Sandra Myatt, Eric Road, questioned, although the levels of dust are known, how is the level of contaminant within the dust known, and also expressed concern with striking or omitting portions of the Condition relating to blasting. Atty. Hill said he will check whether the blasting regulations listed in the current draft go beyond state law, or if they are covered by state law. With regard to contaminant levels, Mr. McKinlay said that maximum contaminant levels are usually assumed. Mike Guidice, Eagle Drive, asked what happens when thresholds are exceeded; Atty. Hill responded that like any violation of a permit, there would be an Enforcement Order issued, and the applicant would have to explain what they would do to comply. Dorothea Collins, 51 Lawrence Street, said she didn't think there was enough buffer; she asked what the bond amount would be for the stabilization. Mr. Howe asked if a Condition could be created for the timing of landscape screening of Lawrence Street; Atty. Hill said it could be addressed in the landscape section of the Conditions. Peg Bedard, Lawrence Street, stated her opinion that since vibrations would be ongoing for 7 years, conditions should apply; she also asked if nearby houses that get very dusty will be cleaned periodically. John Godin, Lawrence Street, wanted C.8. to note that trucks should not park on any abutting side roads; Mr. Wider said that the Condition as written would cover that. Ms. Myatt asked if the limited hours for trucking is addressed in the Decision; Atty. Hill said they will look at that in the CMP language.

Atty. Hill said that Section H.1. was drafted based upon his conversations with the town's LSP and the LSP retained by PIP, and seeks to ensure that a Comprehensive Site Assessment (CSA) by the applicant's LSP, which is expected to be completed in May, 2019, is submitted to the town and its consultants for review, potentially triggering changes to the Decision and re-opening of the Public Hearing. Atty. Smolak said that it is in everyone's best interest to be sure that all work done complies with the MCP and a permanent solution is achieved, but he feels that the number and types of reviews outlined are excessive, citing case law. Atty. Hill said he is familiar with the case law, but feels this project has unique factors that warrant closer oversight. Mr. Howe asked what the Permanent Solution Statement (PSS) means exactly, and Mr. McKinlay said that it is a closure report that means a status of "no significant risk" to human and ecological factors has been achieved; Mr. Howe asked if, at the time of PSS, can there still be risk of harm to human health; Mr. McKinlay said that is the point at which an independent review is warranted to ensure that risk has been properly characterized, and if mitigation is required. Atty. Hill stated that he still feels strongly that it is important for the town's hydrologist to

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

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

A handwritten signature in cursive script that reads "Donald M. Hanssen". The signature is written in dark ink and is positioned above a horizontal line.

Joseph Sebastiano, Clerk