

Zoning Board of Appeals  
 One Liberty Lane  
 Norfolk, MA 02056  
 February 27, 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----- 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. Room 124 of the Norfolk Town Hall. Mr. Wider announced that the meeting was being video- and audiotaped.

**PUBLIC HEARINGS:**

**Village Green, The Enclave** (cont'd from 2/6/19)

Present were Bill McGrath, BETA Engineering; Sean Reardon, Tetra Tech; Tom DiPlacido, Project Manager; John Smolak, attorney; Randy Miron, Bohler Engineering; Matt Mrva, Bohler Engineering

Mr. Hanssen recused himself from the hearing.

Plans and documents presented and referred to were site plans entitled “Preliminary Plan for Comprehensive Permit Proposed The Enclave at Norfolk,” prepared by Bohler Engineering, dated 6/13/17, rev. through 1/25/19, pp. C-1 through C-35, plus 5 pp. ALTA/ACSM Land Title Survey (by others); Tetra Tech letter to ZBA, dated 2/26/19, “40B Civil Peer Review;” Green International Affiliates, Inc. (GIAI) letter to ZBA, dated 2/26/19, “Traffic Update – Revised Plan;” Stormwater Drainage Analysis, prepared by Bohler Engineering, dated 6/13/17, rev. through 1/25/19.

Mr. DiPlacido noted that the project has gone through several changes, and now has new engineering plans; those plans have been submitted to the Norfolk Conservation Commission (NCC,) with a March 13 hearing date scheduled. Mr. DiPlacido referred to the Tetra Tech Letter of 2/26/19, stating that most concerns have been met, with only a few easily addressed items remaining. Next he referred to the GIAI letter of 2/26/19; in the absence of Bill Scully, he reviewed that the initial traffic review was based on 56 non-age-restricted townhouse units, which has now been reduced to 40 units of age-restricted housing, resulting in 50% reduction in traffic; site entrance has not been changed; Village Green is being overlaid and sidewalks added out to Rte. 115. A walkway through the back of the property is also being proposed to the NCC could also reduce traffic.

Mr. Miron reviewed the new proposal; 40 age-restricted units; 20 buildings; cul-de-sac 1,325’ long; each unit on individual lot, individual septic system; buildings at least 25’ apart; 50’ buffer along Village Green; wetland crossing (raised boardwalk) proposed in back of site, ties into existing cart path, leads to Juniper Lane; maintaining Conservation Restriction area in back of site; actively working with Natural Heritage (NHESP); subdividing a sliver of 16 Village Green to make it compliant from a lot area perspective. Stormwater Management Report filed shows compliance with DEP standards; reducing runoff rates and volumes; adding recharge, improving water quality. Two drainage areas, one in back of site with a couple infiltration basins and sediment forebay; over 90% of drainage from site is collected in 2 basins with riprap spillway that discharges into wetlands; underground infiltration basin in front near Village Green, collects from entryway to site, up to 100 year storm. Grading designed to be balanced cut/fill site. Witnessed soil testing has been done with the Board of Health (BOH); all but a few lots had perc rates less than 20 mins/inch; also scheduling more testing. New underground water, propane and electric services are proposed.

Mr. Mrva said a low stonewall entry feature has been added at the Village Green Street entry; entry through treelined boulevard, enhanced landscaping and evergreens added to further buffer from abutting properties; roadway was narrowed to be 84' from neighboring house on one side to edge of roadway, and 78' from neighboring house on the other side to edge of roadway; a "no mow" seed mix will be added to buffer. From overflow parking area, approximately 64' to nearest property line, and another 138' to existing home on that property. Closest proposed building is approximately 53' to nearest property line, and another 105' to existing home on that property. Mr. Mrva also addressed the wetland crossing walkway, subject to NCC discussions; reviewed plan details (pg. C-33) regarding the stonewall feature; the cul-de-sac, which has a seating area, special paving and enhanced landscaping; and updated plantings for units; evergreen vegetation has been added to the property across the street to help shield headlight glare; 8'6" lamp posts would run along cul-de-sac with one for each duplex building; low-level, way-finding lighting; units would also have a sconce light on the garage, and a deck light. Mr. Mrva also showed the preliminary location for the walkway, saying it still needs to be field verified and discussed with NCC.

The lamp posts will be on private property, about 2' off the right of way; they will be on a photocell and either Homeowner Association (HOA) or homeowner metered. The road will be a public way, each lots will be owned by the homeowner, and managed by an HOA; the HOA will be responsible for common areas, such as the entryway, mailbox area etc. Retention areas will be the responsibility of the town, but it could be possible for the HOA to be allowed to keep it mowed, etc. Atty. Hill asked about access to the retention basins, to the walkway, and the path of the walkway; there will be an easement from Juniper Lane through a proposed single family home (SFH) on Juniper Lane (which is not part of this project.)

Mr. Reardon referred to the Tetra Tech comment letter of 2/14/19 and the subsequent 2/21/19 letter from Bohler, which addressed most of the issues; those remaining are minor and could be addressed quickly, or as a condition of the Decision. Most issues were bookkeeping type, but some require discussion. Because the road will be accepted as a public roadway, it should be built to Planning Board (PB) standards. PB requires a 2-1/2" binder course; since this is a denser subdivision, Mr. Reardon recommends 3". The originally proposed boulevard entrance has been reduced down to a 24' width roadway, which is more than adequate; suggest speed table be moved closer to the entry, more in sight of traffic entering. Applicant has shown right sized septic, but it is tight, and could be a risk going forward; current tests look good. Underground propane tanks have been "okayed" by Fire Department, but Mr. Reardon recommends a permanent marker. Stormwater report has been reviewed; one item commented on is infiltration rates are robust, have requested they be adjusted in the final plans. Final documentation from NHESP has been requested. Conditions Assessment of Village Green and Cleveland Streets has been requested, and agreement from the applicant to repair any damage; applicant has offered to overlay the street, but would still like Conditions Assessment done. All requests from the reviewer have been addressed, or agreed to be shown on the final plan.

Atty. Hill asked if comments on drainage issues raised by Tetra Tech have been adequately addressed; Mr. Reardon said they had, and should not result in roadway or building layout changes to the plan. Mr. Howe referred to an area in the top left of the plan that might be tributary to the site; Mr. Reardon said there is a ridge that directs that drainage around the site, so it never actually enters; Mr. Howe said that diversion needs to be cited in the report; Mr. Reardon said they would take a look at that. Mr. Howe referred to cross slopes on the gravel roads, said that should be included in the detail; he asked about the speed table, which Mr. Miron said is 3" high; Mr. Reardon suggested adding a light at either side of the speed table. Mr. Howe asked about ADA parking spaces, which seem to not be ADA compliant with the spot grades as shown on the plan; developer will ensure final plans reflect the proper ADA space compliancy; Mr. Reardon asked who will be responsible for the parking spaces, since the road will be publicly accepted; Mr. DiPlacido said the HOA will be responsible.

Mr. Wider said landscaping and traffic will be addressed at the next meeting, and opened this meeting to public comment on what was discussed tonight.

Brad Walker, 16 Village Green, asked if they are planting new trees, because the existing are being taken out; Mr. Mrva responded no, they are keeping a lot of the existing and adding some evergreens; Mr. Walker asked about potential steepness of grading and a chainlink fence; Mr. Mrva said there is no change of

grade within the wooded area, but then it drops within the site; Mr. Miron pointed to a stone retaining wall on the plan, 4'-5' high at its maximum height with proposed chain link for fall protection. Mr. Reardon referred to another wall, and Mr. Wider noted that walls will need to be fieldstone, not modular. Mr. Wider mentioned the sidewalk on Village Green, which will not have a 3' grass strip, and said he would like to get a copy of that detail to Bob McGhee, DPW Director; he also said the DPW will be repaving Cleveland Street at some point, and suggested trying to coordinate that with the overlay of Village Green. Mr. Mrva asked if the fieldstone wall need to be natural stacked, dry laid; Mr. Wider said fieldstone face, and they could use 106/108 Main Street as a guide. Regarding the proposed boardwalk, Mr. Wider asked if there will be hand rails; Mr. DiPlacido said it will only be about 18" off the ground, and it will be up to NCC how they want to handle it, adding that railings may mean more maintenance in the future; if it is open to the public, then the town will be responsible for it, not the HOA. It is a NHESP area, so minimal impact will be required. Mr. Luciano asked about potential egress to Rockwood Road, and Mr. Mrva said it was looked at, and there is no viable way through there without crossing over private property, or land they don't control.

Atty. Hill reviewed his notes from previous meetings. Regarding water pressure, Mr. Miron said there is a letter in the file indicating that pressures are sufficient; Mr. Reardon said that opinion was issued based on data provided by the applicant, including fire flow test results, done when the project was a higher density/higher use development. Traffic letter from GIAI indicated that trips will be less, delays will be less; but there isn't reference to the level of service at Cleveland Street, which was going from classification D or E to F; Mr. Plourde, the traffic consultant from BETA, had previously mentioned that the intersection could be monitored to see if it was getting worse, warranting further mitigation; Mr. Wider said that the developer is already providing mitigation, in putting in sidewalks on Village Green and Cleveland Streets, as well as the boardwalk out to Juniper; the sidewalks will be built during construction, more on the earlier side, perhaps after 10 or 20 units, but it will need to be coordinated with the DPW; the boardwalk would be more toward the end of the project. Updated architectural plans will be submitted, to be reviewed by BETA for the meeting toward the end of next month. A revised waiver list will be submitted and reviewed.

***Mr. Kulesza made a motion to continue the hearing for Village Green, The Enclave, to March 6, 2019, at 7:00 P.M. at the Norfolk Town Hall; Mr. Sebastiano seconded the motion; the vote on the motion was unanimous.***

### **71 River Road, Special Permit Request** (cont'd from 2/6/19)

Present were the applicants, Ted Lambert and Lisa Larsen. Plans presented were entitled "Proposed House Plan, 71 River Road, Norfolk, MA," prepared by GLM Engineering, Inc., and dated 12/19/19.

Mr. Wider called the continued public hearing to order at 7:00 P.M. and gave an overview of the status, stating that a couple of members of the Board had had questions about whether the joining of these parcels of land was allowable. The merger doctrine was discussed, and Mr. Wider stated that the new house would be less nonconforming than the current house once all three lots are officially merged with a perimeter plan. Mr. Wider said that all setbacks will need to be shown on an updated plan. In response to a question from Mr. Lambert, Mr. Wider said that the perimeter plan should be done before a building permit is applied for. , Town Planner Rich McCarthy confirmed that the merger doctrine does apply, and all 3 lots are merged; a perimeter plan and a new deed will need to be filed at the Registry of Deeds.

***Mr. Kulesza made a motion to close the hearing for 71 River Road at 7:05 P.M.; Mr. Sebastiano seconded the motion; the vote on the motion was unanimous.***

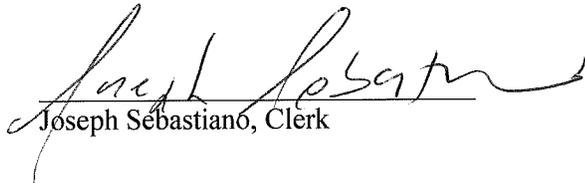
The Board began deliberation on this application for a Special Permit at 8:20 P.M.

the Board voted unanimously to **GRANT** a Special Permit in accordance with the following Conditions to Ted Lambert and Lisa Larsen to allow for the demolition and reconstruction of an existing non-conforming single family residence in the R-2 district. The vote on the motion was as follows:

Christopher Wider	- Yes to grant
Michael Kulesza	- Yes to grant
Joseph Sebastian	- Yes to grant
Donald Hanssen	- Yes to grant (Certified pursuant to MGL Ch. 39, s.23D)
Devin Howe	- Yes to grant

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

***The meeting was adjourned at 8:35 P.M.***

  
Joseph Sebastian, Clerk