

Zoning Board of Appeals  
 One Liberty Lane  
 Norfolk, MA 02056  
 August 7, 2019  
 7:00 P.M.

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

The duly posted meeting of the Norfolk Zoning Board of Appeals convened at 7:04 P.M. Room 124 of the Norfolk Town Hall. Mr. Wider announced that the meeting was being video- and audiotaped

**PUBLIC HEARINGS:**

10 Old Populatic Rd, Special Permit

Mr. Sebastiano read the Public Notice into the record. Plans presented and referred to were entitled “Special Permit Plan of Land, 10 Old Populatic Road, Norfolk, MA,” prepared by Guerriere & Halnon, Inc., dated January 10, 2016. Present was Ryan Dulac, applicant/owner.

Mr. Dulac stated that he wants to re-open the Special Permit issued in 2016, which has expired. There are no changes to the plan. Mr. Wider questioned the 24’ x 24’ 2-bay garage shown on the plan; Mr. Dulac said there was a special condition saying it couldn’t exceed 18’. Mr. Wider said that because nothing existed there before, it would create a new nonconformity, which is not allowed; he was surprised it got through on the previous permit. Mr. Dulac asked the board to review the rest of the permit, without considering the garage, and to continue with tonight’s hearing. Mr. Wider said if any new information comes to light regarding the garage, they will revisit it during deliberations.

After boxing in the corner of the building, it will be conditioned that the measurement remains at 11’1”. Mr. Dulac said he want to put a 4’ x 6’ granite set of 4 steps, which was not on the original approval. The bylaw allows for a landing, but only for a certain area; the administrative assistant will forward the appropriate bylaw to the applicant. Mr. Howe noted that Old Populatic Road runs right through the property.

Mr. Drolette, 27 Rockwood Road stated that he believes the garage is no more nonconforming than the house, since the setbacks are less, regardless of the fact that it’s across the paper road.

*Mr. Sebastiano made a motion to close the public hearing; Mr. Kulesza seconded the motion; the vote on the motion was unanimous.*

15 Bridie Ln, Special Permit

Mr. Sebastiano read the Public Notice into the record. Plans presented and referred to were entitled “Plan of Land, 13 & 15 Bridie Lane, Norfolk, MA,” prepared by Paul N. Robinson Associates, Inc., dated November 21, 2005, as incorporated in the Boston Solar/Blake Randolph Application for ZBA Special Permit, dated June 20, 2019. Present was Stefan Rosellini, Boston Solar.

Mr. Rosellini said the application is for ground-mounted solar, 11.55 kW, 35 panels, 39’W x 17’L x 12’H, located in the side/back yard, 50’ from all borders. It is sized specifically for usage for the home; there will be no profit. It will be a 2-part install; first the framing will be installed and a trench will be dug from the panels to where it will connect with the house, where it will be connected to the electrical system; there will be an emergency disconnect located adjacent to the utility meter. The area is screened by trees, as shown in photographs submitted.

In response to Mr. Sebastiano, Mr. Rosellini said that he does not think it will be visible from Bridie Lane, as it will be shielded by trees. Mr. Sebastiano suggested it might be more visible in the winter. Mr. Rosellini said no roadways will be impacted; equipment will be contained on the property; there will be no noise from the array; there are no conservation resource areas nearby, although it is in a protected habitat area; Mr. Rosellini presented an email from NHESP stating that the project is exempt from a MESA review pursuant to 321 CMR 10.14.

Mr. Wider asked if there were dwellings on both properties shown on the plan; Mr. Rosellini said there are, and the second dwelling would be mostly, but not completely screened from the panels; there are currently no plans to add additional screening. The abutters were notified via the Notice of Hearing, but there was no additional outreach. Mr. Sebastiano asked if there was a possibility of offering additional consumption back to the grid; Mr. Rosellini said during the summer, there would likely be energy fed back to the grid, which would credit the electric bill, which would carry through to the winter months; it all stays on the customer's account. In response to Mr. Sebastiano, Mr. Rosellini said that Boston Solar has not installed this type of system in Norfolk before; they have installed in Harvard, Hamilton, Charlton. Mr. Rosellini is not aware of any communication between the owners of 15 Bridie Lane and 13 Bridie Lane, and to his knowledge the owner of 15 Bridie Lane has not proposed any additional screening between the lots. In response to Mr. Howe, currently, no battery storage is proposed, although it could be in the future; there is no fencing proposed, but there will be a mesh on the back of the array to protect anyone from accessing the wiring behind the panels; there is no threshold at which enclosures must be installed that Mr. Rosellini is aware of for residential installations. Mr. Wider said he had spoken with Peter Diamond, Electrical Inspector for the town, who advised that since both electrical and building permits will be required, the ZBA might let those departments determine what enclosures or other protective systems should be incorporated. Mr. Howe suggested that chain link not be allowed.

Ulrike Mende, 18 Bridie Lane, asked what the rationale was for ground-mounted as opposed to roof-mounted; Mr. Rosellini said it was partly based on the orientation of the roof, which is East/West facing and ground-mounted allows the system to be south-facing; also aesthetics for the roof and the possibility of needing a roof replacement; a survey of the roof by the solar company showed replacement might be necessary soon after install. Ms. Mende asked about visibility from Bridie Lane, expressing concern about property values.

Jim O'Neil, 16 Bridie Lane, said he has the same concerns and does not want to see the array from his property. The administrative assistant, Amy Brady, stated that she is an abutter at 7 Bridie Lane, and noted that house at 13 Bridie Lane is new construction and the new owners were not notified directly, since they were not yet on the abutter list.

Mr. Kulesza suggested a site visit would be in order, and Mr. Wider asked that a landscape plan including screenings be submitted for the next hearing. Mr. O'Neil asked about voltage and expressed safety concerns; Mr. Wider said that will be handled by the building and electrical departments. A site visit was scheduled for Thursday, 8/15/19 at 7:00 P.M.

***Mr. Sebastiano made a motion to continue the public hearing to 8/21/19, at 7:15 P.M.; Mr. Hanssen seconded the motion; the vote on the motion was unanimous.***

### 35 Leland Rd, Special Permit

Mr. Sebastiano read the Public Notice into the record. Plans presented and referred to were entitled "Site Plan Located in Norfolk, MA for Mark Gilmore, 35 Leland Road," prepared by United Consultants, Inc. (UCI), dated June 28, 2019. Present was Rick Goodreau, UCI; Mark Gilmore, owner/applicant.

Mr. Goodreau gave an overview of the project in which the applicants propose raze the existing structure, which is serviced by a stone driveway and a recently installed septic system; retaining walls, brick pavers, stone and concrete patios, lead down to Kingsbury Pond; and build a new house. The new house would be serviced by an asphalt driveway, and connected to the existing septic and water systems. A deck in the rear is also proposed. Some setbacks have been increased, some decreased but are in compliance with zoning; the

left and front setbacks do not meet zoning requirements, but are less nonconforming to what is currently there. Curb cut for the driveway will be decreased; existing shed will stay.

*Mr. Sebastiano made a motion to close the public hearing; Mr. Howe seconded the motion; the vote on the motion was unanimous.*

194 Main St, Comprehensive Permit, "The Residences at Norfolk Station"

Mr. Wider announced that he would recuse himself from this hearing due to a financial relationship with the applicant. Mike Kulesza will be chairing this hearing.

Mr. Sebastiano read the Public Notice into the record. Plans presented and referred to were entitled "Comprehensive Permit Plan, The Residences at Norfolk Station, 194 Main Street, Norfolk, MA," prepared by Zenith Consulting Engineers, LLC (ZCE) dated August 29, 2018; "Residences at Norfolk Station rendering, dated August 23, 2018, prepared by Rescom Architectural, Inc. Present were Al Quaglieri, applicant; Michael O'Shaughnessy, attorney; Bob Forbes, ZCE; and Greg Siroonian, Rescom Architectural, Inc.

Atty. O'Shaughnessy gave an overview of the project, which is an age-restricted (55+) 72-unit 3-story building, with a mix of 1 and 2 bedroom units, located at 194 Main Street. Atty. O'Shaughnessy stated that the applicant meets the three necessary criteria for presenting this project: 1) it is a limited dividend organization, limiting the amount of profit than can be made; 2) it is fundable by a subsidizing agency (MassHousing); and 3) the applicant has site control. It is about a 1 acre building on a 2-1/2 acre site; 110 parking spaces, all of which are in the rear, with 60 of them underground; there will be a maintenance building, a bocce court, a dog walk area and a pickle court; project is in good proximity to the train station.

Mr. Forbes reviewed the existing conditions: it's on 2.57 acres; 3 existing uses are a residential dwelling, commercial and office structure, and a garage; back corner is 100' to the train station. A large portion of the front of the property is currently paved, with gravel and lawn in the remainder of the site. Mr. Forbes detailed where the different amenities are located. Pursuant to a traffic site, there is only one entrance; one of the two current entrances does not meet sight distance requirements. There is a drainage easement that drains 194 Main Street and some other areas to the west, then goes through town; current drainage on the site mimics the easement; a manhole near the train station accepts virtually all of the runoff from the site. Up to a 5" rainfall (in excess of a 10 year storm), everything will infiltrate with the new plan; in a 100 year storm, there will be a "little bit" of water, but it will be "significantly less" than what goes there now. Municipal water connections are proposed; building will be sprinklered, and the existing onsite septic system will be utilized, and expand to the entire rear of the site. The front of the building will be landscaped; cypresses along the backside and the MBTA side will provide a visual barrier, and there will be shade trees throughout the site; there will be a 6' high fence on one side; the dog area, and pickle and bocce courts will be in the rear.

Mr. Siroonian detailed the rendering of the 3 story building; several different shapes were looked at; this one follows the easement line and is segmented into smaller components, flanked by brick towers with clock faces; there is a continuous roofline that allows for a flat roof down below to hide mechanical and venting systems; there are also different sized peaks and cupolas to break up the roofline. There are balconies that create indentations and shadow that break up the scale. There is one main corridor flanked with stair cases, and the middle section has a staircase within the tower on one side, and an elevator within the tower on the other side. One bedroom units are on the front side of the building and 2-bedroom units are on the rear side. Different materials to be used include brick, flat panels, shingles, clapboards, and some vertical components in the balconies, but care was taken not to use too much variety; there will be louvered openings at the parking garage level.

Mr. Kulesza asked if Mr. Quaglieri would be open to considering a quote only from BETA Group for peer review; if he was not happy with the bid, then the board would solicit other bids. Likewise, for the architecture piece, the board proposed getting a quote only from Cliff Boehmer of Davis Square Architects, who specialize in projects like this; again if Mr. Quaglieri is not happy with the bid, the board will solicit

other bids. Mr. Quaglieri agreed to both of these proposals. Mr. Kulesza also requested that the applicant cover legal fees for the board's consultant attorney; Atty. O'Shaughnessy expressed concern that the bill might get quite high, and asked for a cap, at which point it could be re-negotiated; the board will get numbers for the applicant. Atty. O'Shaughnessy said the plans are ready for peer review.

Mr. Howe<sup>asked</sup> why the project was to be age-restricted; Atty. O'Shaughnessy said that seemed to be one of the aims of Norfolk's Housing Production Plan; they are amenable to considering non-age-restricted, one-, two- and three-bedroom units; he feels that the footprint of the existing building could be used, and peer review could still go forward. Mr. Kulesza expanded on a desire for non-age-restricted. Mr. Sebastiano questioned the number of parking spaces for 72 units; Mr. Forbes said other 40B, over 55 projects generally provide 1.5 spaces per unit, and they are at 1.54; with non-age-restricted, they will have to take another look at it. Atty. O'Shaughnessy cited a project he worked on right down from a train station and said 1.5 spaces per unit is typical; visitor spaces are encompassed in the total spaces shown. Mr. Sebastiano asked if there was a way for emergency units to drive around the building; Mr. Forbes said fire Chief Bushnell was satisfied with the egress, and had asked to have a hydrant on site, which will be provided, and a dedicated parking space for an ambulance, which is currently on the plan. Mr. Quaglieri said if the change is made to non-age-restricted, the project will shrink from 72 units to 60 units, which would increase the per-unit car count. Mr. Hanssen noted the density is stated as 28.8 units per buildable acres which is "comparable to other rental developments in the area" and asked them to elaborate; Atty. O'Shaughnessy said they looked at projects in Walpole and other surrounding towns, but didn't have the list with him; he said he would provide that to the board. Mr. Hanssen's initial concerns regard parking and traffic; he said of all the surrounding communities, Norfolk is the only one with a grade-level railroad crossing in the middle of town.

Chris Henry, 30 Boardman Street, asked if the height to the peak of the roof meets current zoning; Mr. Siroonian said from the average grade to the highest peak is 56'9" and a waiver has been requested. Mr. Henry expressed support for the project, but said he was in favor of keeping it age-restricted, especially regarding parking and school-age children. Regarding parking, the number of bedrooms in either case is governed by the size of the septic; although the number of cars per unit may go up with fewer units, the total cars will not necessarily go up. Mr. Henry asked if a waiver will be requested for the 50' setback for residences, and Atty. O'Shaughnessy said he didn't know specifically, but if it was required, it was requested. Mr. Hanssen asked if consideration was giving to mixing age-restricted and non-age-restricted housing, perhaps in the different wings; Atty. O'Shaughnessy said they would have to look into it. Martha Henry, 30 Boardman Street, asked why the board was now requesting non-age-restricted; Mr. Kulesza said mainly because the proximity to the train station attracts younger people who work in the city; Ms. Henry said she owns property right next to a train station in another town, and has never had one tenant who took the train. Peter Chipman, 201 Main Street, expressed support for the project; he noted that the zoning requirement for parking in the B-1 district is currently 1.5, but the consultant currently looking into that may be requesting it be lowered to 1 car per unit; he also mentioned that the number of stories may be increased, and expressed support of the underground parking in this project. Mr. Henry asked if all of these units will count toward our affordable housing goal, since it is rental property, and the answer was yes.

***Mr. Sebastiano made a motion to continue the public hearing to 9/18/19, at 7:15 P.M.; Mr. Howe seconded the motion; the vote on the motion was unanimous.***

Mr. Wider resumed as Chair.

***Mr. Howe made a motion to endorse the final plans for The Enclave; Mr. Kulesza seconded the motion; the vote on the motion was in favor 4-1, with Mr. Hanssen abstaining.***

***Mr. Hanssen made a motion to adjourn the meeting at 9:05 P.M.; Mr. Sebastiano seconded the motion; the vote on the motion was unanimous.***

  
Joseph Sebastiano, Clerk