

Zoning Board of Appeals
 One Liberty Lane
 Norfolk, MA 02056
 October 30, 2019
 7:00 P.M.

Christopher Wider – Chair ----- Present	Josephine Cordahi – Associate Member --- Present
Michael Kulesza – Vice Chair ----- Present	Timothy Martin – Associate Member ----- Present
Joseph Sebastiano – Clerk----- Present	Amy Brady – Administrative Assistant----- Present
Donald Hanssen – Member ----- Present	Dan Hill – 40B Consultant Attorney ----- 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:

The Preserve at Abbyville (cont'd from 10/16/19)
Abbyville Commons (cont'd from 10/16/19)

Present were Tom DiPlacido, DiPlacido Development Corp.; John Smolak, Attorney; Rick Goodreau, United Consultants, Inc. (UCI). Plans presented and referred to were entitled “Abbyville, Norfolk, MA, Rendered Master Plan,” prepared by Bohler Engineering, dated 9/30/19.

Atty. Smolak said the design has been reworked; Mass Housing has indicated that they are supportive of the redesign. The applicant is presenting tonight in order to get input from the board on the direction they are taking with the project.

Mr. DiPlacido said the overall density was decreased and each house lot has more area. Within the 66.04 acres are 20 single family, 3-bedroom houses on 17.29 acres, and 22 duplexes, consisting of 44 2-bedroom condominiums on 48.75 acres. 39.375 acres within the condominium area will not be disturbed. The main road in, ending in a cul-de-sac, would be put forth for town acceptance as a public way, lined with single-family homes. The 44 condominiums are on 1,350’ of loop road that would remain private. There are extra parking places and a planted green area; septic and drainage areas were noted, and are supported by soil testing. Single family lots are 30,000 s.f. and the condominiums would not go over 10K gals/day. Mr. DiPlacido then discussed density comparisons. Mr. DiPlacido said no civil engineering has been done at this point, as they are looking for direction from the board. There will be sidewalks on the public way, and there will be some type of trail system. Bringing water down Lawrence Street would be part of this project.

Mr. Goodreau said the proposed road is lined up with the road across the street, with an angle entry, in compliance with subdivision regulations. Making it more perpendicular was discussed, although Mr. Goodreau feels sight distances in this design are adequate. Mr. Hanssen pointed out a unit that seems to back up very closely to the unit next to it. Some of the condominiums will have master bedrooms on the first floor.

Atty. Hill asked where the “hot spots” are on the abutting property; Mr. DiPlacido said it’s over 1,000 feet away, and water flows away from the proposed development, with a hill in between. Atty. Hill said he thinks the site is a little closer to the wetlands, and it will be important to get those lines delineated with the Conservation Commission. A revised sight distance memorandum should be submitted. The applicant is striving for a balanced site.

Dave Diamond, Brett’s Farm Road, referred to an area of ledge, and asked if there will be retaining walls in a particular area. He also pointed out a potential vernal pool; noted potential good access to previously landlocked areas, via the proposed public way. Sandy Myatt, 8 Eric Road, asked if the wetlands will be re-delineated, and Mr. Wider said yes. Ms. Myatt said it might be prudent to do another traffic study, as traffic

has increased in the last couple of years. The applicant will file a local amendment with the Zoning Board of Appeals, indicating the reduced area to be developed. In response to Jon Godin, 34 Lawrence Street, Mr. DiPlacido said the existing 2 houses across from Brett's Farm Road would be razed; Mr. Godin asked for consideration regarding the timing of the water line installation (i.e. not during school months, if possible.) Atty. Hill asked about the vernal plan; Mr. Diamond pointed to where it is on the plan. Ms. McCabe asked if the amendment regarding the area to be developed will be presented at the next meeting, or at the end of the hearing; Atty. Smolak said the plan they submit to the ZBA will show only the area being developed; the Comprehensive Permit won't be modified by Mass Housing if and until a Comprehensive Permit is issued. Ms. McCabe expressed concern that the project could revert to the larger project if the Mann family decides to go through with the purchase and sale in the future; Atty. Hill said that could happen, the ZBA has no control over that, but that is not anybody's intention at this point.

Mr. DiPlacido said they would like to have plans, through the ZBA, to the consultants in mid-December. Atty. Smolak said they would request an extension of the 180 days to January 31, 2020.

Mr. Kulesza made a motion to continue the hearing to January 15, 2020, at 7:00 P.M.; Mr. Sebastiano seconded the motion;

Mr. Howe asked if there will be communications among the applicant's and town's engineers between now and the next meeting; Mr. Wider said the applicant would submit plans mid-December, and then they would be peer reviewed before the meeting in January. Mr. DiPlacido asked for and received confirmation that the engineers could communicate directly with each other; Ms. McCabe asked if the residents could participate in those discussions. It was noted that the plans can be made available to the public, when they are submitted for peer review.

the vote on the motion was unanimous.

144 Seekonk St, Comprehensive Permit, "Lakeland Hills" (cont'd from 10/2/19)

Documents presented and referred to were plans entitled "Lakeland Hills, a Comprehensive Permit Plan, Norfolk Massachusetts, Pursuant to MGL Chapter 40B," prepared by Andrews Survey & Engineering (ASE), dated 10/23/19; "Lakeland Hills, Townhouse Community, Presentation Plan, SK-1" prepared by Andrews Survey & Engineering (ASE), dated 10/23/19; Groundwater Evaluation letter from GeoHydroCycle to Mr. Ted O'Harte, dated 10/27/19; ASE Peer Review Comment Responses letter dated 9/23/19, revised through 10/30/19; BETA Soil Evaluation letter dated 10/23/19; EcoTec Findings of Site Visit letter dated 10/27/19; Project Overview "Lakeland Hills Project Description, 84 Unit Preliminary Plan." Present were Kim Eric Hazarvartian, TEPP, LLC; Sean Reardon, Tetra Tech; Ted O'Harte, Lakeland Hills, LLC; Attorney Agostino; Travis Brown, ASE; Phillip Cherry, WSP

Attorney Agostino reviewed discussions from the last meeting, including general civil design, as well as concerns about the initial traffic report; a scope of extensive soil testing to be conducted was discussed and has been undertaken; a more comprehensive traffic report has been submitted.

Mr. Cherry said sight distances were re-measured; he noted two "25 MPH, intersection ahead" advisory signs as one is approaching the site, which were not there when the speed counts were taken in 2016. All distances were based on a 40 mph prevailing speed. Stopping sight distance (SSD) heading south is at least 450' at 40 mph, required is 305'; heading north, some shrubbery near a fire hydrant (i.e. within the town's right of way, or "ROW") could be removed, which they feel would result in 320' of stopping sight distance. Regarding intersection sight distance (ISD) looking south, there is a clump of trees within the town's ROW, that if removed, would increase the ISD to at least 390'. Looking north presents the same situation, resulting in at least 325' ISD.

Reconfiguration of driveway entrance; a double-barrel boulevard narrows down to a 24' wide paved segment; a mountable curb is proposed with at least a 3' grass strip on each side. There is a circular turnaround for buses, a bus shelter, and 8 angled parking spots. Mr. Cherry said information was received from the Town Planner regarding The Enclave, which provided data for the intersection at the

Cleveland/Seekonk intersection, and 84 Cleveland Street, which provided data for Fruit at Cleveland; they merged that with their own information and “grew” the 2016/2017 data to 2019 volumes, as well as to 2026 build and no-build projections, and then added another 10%. In the build condition in 2026, neither the driveway nor the Fruit/Seekonk and Cleveland/Seekonk intersections was less than Level of Service (LOS) B, with the exception of the Cleveland Street approach in the A.M. which became LOS C; this is true for both the build and the no-build scenarios. It was noted that the current iteration of the plan shows 84 units, down from 96, which would reduce the traffic numbers.

Mr. Hazarvartian suggested one more Automatic Traffic Recorder (ATR) count to provide a current data point for reference. The plans should show the ROW on the opposite side of the street; he asked that the applicant confirm the driveway across the street, as there is some conflicting information. Mr. Hazarvartian referred to the one-access nature of the project, and suggested that the boulevard-type roadway with a mountable median might be preferable. He questioned if any of the accidents over the years happened at the Cleveland or Fruit Street intersections. Atty. Agostino addressed the double-barrel roadway, and said feedback they received indicated that it wasn't desirable, and they feel this is a good compromise.

Atty. Hill said the property boundaries of the site are different on the applicant's plan than they are on the town's GIS service. Mr. Brown said they used a Land Court plan, and there have been no changes in the last few years. On-site instrument surveys were taken, and there are some concrete bounds. Mr. Howe said it would be useful to show the ROW on the other side of the street. Mr. Brown said based on what they've seen there is about a 33' wide right away, and the paved surface is not aligned on the center line. Mr. Howe said they should get the ROW at least up to the limits of the SSD. Mr. Hazarvartian said in his opinion the boulevard entrance is the best alternative when a remote second egress is not possible. Mr. Reardon suggested getting the opinions of the Fire and Police Chiefs. Mr. Wider suggested that the applicant reach out to the Assistant DPW Director, Barry Lariviere to get the correct layout of the road. Mr. Howe asked for a third sketch showing southbound traffic making a left turn into the development; Mr. Hazarvartian concurred that would be a good idea. The applicant will continue to follow up with the bus company regarding the bus stop, and fire and police chiefs will be made aware. The pavement on each side of the boulevard is 18'.

Lorraine Sweeney, 14 Stop River Road, asked which intersection is LOS C; Mr. Cherry clarified that the LOS C condition is not current, but results as a 2026 condition regardless of whether projections are build or no-build; it is at Cleveland and Seekonk in the A.M. Ms. Sweeney asked about the intersections of Seekonk Street with South Street in Medfield, and with Stop River Road; they will look at accident info at Stop River.

Monica Cullen, 150 Seekonk Street, referring to the fence they had requested, said it is important that it completely fence the “pond;” Atty. A. clarified that it is not really a pond. Mr. Wider said that will be looked at more closely during the landscape architecture phase. It was noted that there is a sidewalk throughout the site.

The discussion turned to Civil Engineering. Mr. Brown said reducing impervious area was a goal of making the boulevard a single roadway. Extensive soil testing came back with the result of good material, sand, so any stormwater design will take that into account. Groundwater depth was not an issue; direction of groundwater flow is away from private wells on Seekonk St. Unit count has been reduced. A previous traffic calming circle has been eliminated; roadway has been reduced by over 1,000 l.f.; impervious area has been reduced by about 10%; the dead-end “hammerhead” has been eliminated; a straight section previously forming part of a loop has been eliminated, as well as a “cut-through” road and extra roadway at the top. A site has been proposed for the wastewater treatment plan (WWTP) to handle 25,000 gpd, or 225 bedrooms. Groundwater basins have been moved and redesigned. 4' sidewalks are provided throughout the project, abutting the Cape Cod berm; cut-fill analysis indicates 75,000 c.f. net cut, which is less than previously submitted. An updated response letter was received today. Mr. Reardon said many of the initial concerns have been addressed in these preliminary drawings; he will have more detailed comments as plans progress. Grading does allow an access drive to service the WWTP and components. A vertical bituminous berm is currently proposed, but Cape Cod berm will be requested. Mr. Howe asked about the necessity of the remaining “cut-through” road; Mr. Brown said they will take a look at that. Two locations have been identified where a playground could be placed. Atty. Hill said the lots themselves are very small, and it

would be good to have some larger green area; information regarding septic should be forthcoming for the next meeting; he pointed to where there may be a seasonal stream, protected under local bylaw; the board will discuss with Marta Nover, of BETA, and get back to the applicant. Regarding test pits, Mr. Reardon said Tetra Tech was out there during the testing, and everyone seems to have a consistent viewpoint. Mr. Reardon added that groundwater depth can vary dramatically throughout a site, so the specific locations are important. Atty. Agostino said there were two elements to the soil testing; ASE did traditional test pits, but because they are doing a WWTP, and there were concerns about some private wells, and to get more data on the groundwater flow, Steve Smith of GeoHydroCycle, was hired and submitted a groundwater evaluation report.

Mr. Howe asked for confirmation that the wetland will continue to get some recharge. The drainage ponds closest to Seekonk Street do not have outlets; in a storm exceeding a 100-year storm, extra water would run down Seekonk Street, and its path will be looked at; it will have to not exceed pre-development conditions; it will not flow onto an abutter's property; the aim is to look at having extra capacity in those, while being cognizant of abutters' concerns regarding depth; ultimately the goal is to recharge on site.

Mr. Brown said it would take 3-4 weeks to develop the next level of plans; Mr. Reardon said consensus was needed on the boulevard vs. non-boulevard roadway, as that will greatly affect stormwater design; Atty. Agostino said they would get more feedback from safety officials. Plans will be submitted by November 30, 2019, and the next meeting will be on December 18, 2019. Atty. Hill stated that sight distance issues still need to be resolved; Atty. Agostino suggested a work session; Mr. Brown said they will contact Barry Lariviere. Mr. Hazarvartian and Mr. Cherry will communicate directly, and a work session will be arranged if necessary, potentially with Mr. Howe as ZBA representative; Mr. Sebastiano confirmed that the new plans need to include the new ATR and sight distance information.

Ms. Sweeney pointed out a Certified Vernal Pool on an abutting property that the applicant should be aware of when redesigning the plans. Mr. Howe asked Mr. Brown to show an approximate buffer zone to that resource.

Mr. Hanssen made a motion to continue the public hearing to 12/18/19, at 7:00 P.M.; Mr. Sebastiano seconded the motion; the vote on the motion was unanimous.

MINUTES:

Mr. Howe made a motion to accept the minutes of September 4, 2019; Mr. Sebastiano seconded the motion; the vote on the motion was unanimous.

Mr. Hanssen made a motion to accept the minutes of September 18, 2019; Mr. Sebastiano seconded the motion; the vote on the motion was unanimous.

Mr. Howe made a motion to accept the minutes of October 2, 2019; Mr. Sebastiano seconded the motion; the vote on the motion was unanimous.

UNANTICIPATED NEW BUSINESS: Minor Modification #2 to 39 Mirror Lake Ave. Special Permit

Mr. Sebastiano made a motion to approve the modification; Mr. Hanssen seconded the motion; the vote on the motion was unanimous.

Mr. Hanssen made a motion to adjourn the meeting at 10:05 P.M.; Mr. Howe seconded the motion; the vote on the motion was unanimous.



Joseph Sebastiano, Clerk