

Zoning Board of Appeals
 One Liberty Lane
 Norfolk, MA 02056
 December 18 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	
Devin Howe – Member ----- Present	

The duly posted meeting of the Norfolk Zoning Board of Appeals convened at 7:10 P.M. Room 124 of the Norfolk Town Hall. Mr. Wider announced that the meeting was being video- and audiotaped.

Mr. Wider presented cameraperson Christina Gleason, who is retiring, with a plaque thanking her for 20+ years of service.

NEW BUSINESS:

Vote Insubstantial Change – Transfer of Ownership, The Enclave – Tom DiPlacido notified the Board of a transfer of ownership for the property permitted as “The Enclave” on Village Green to a newly created entity “EE Norfolk LLC,” with the original applicant, Norfolk Holdings, LLC retaining greater than 50% ownership in the project. Mr. DiPlacido asked that the Board vote this as an insubstantial change. Attorney Dan Hill said that although a formal vote isn’t necessary, it would be fine to make the vote. Mr. Wider said the vote would be taken later in the evening.

PUBLIC HEARINGS:

144 Seekonk St, “Lakeland Hills,” CP (cont’d from 10/30/19)

Plans and documents presented and referred to were entitled “Presentation Plan, SK1,” prepared by Andrews Survey & Engineering, Inc. (ASE), dated 12/6/19; “Well Location Exhibit,” prepared by (ASE), dated 12/16/19; “Proposed Residential Development, 144 Seekonk Street, Norfolk, MA,” Traffic Impact and Access Study, prepared by WSP USA, dated November 19, 2019; Memorandum re “Traffic Peer Review” prepared TEPP, LLC, dated 12/18/19; Letter from Deputy Fire Chief to ZBA, dated 12/15/19; Response letter from ASE to the ZBA, dated 9/23/19, rev’d through 11/27/19; Groundwater evaluation report prepared by GeoHydroCycle (GHC), dated 10/27/19; 12/16/19 eMail from abutter, Monica Cullen, regarding placement of traffic tubes.

Present were Kristen LaBrie, ASE; Sean Reardon, Tetra Tech; Ted O’Harte, applicant; Christopher Agostino, attorney; Philip Cherry, WSP USA; Stephen Smith, GHC

Atty. A. said that they had been tasked with collecting more traffic data, which they have submitted to the Board; the applicant’s traffic engineer and the board’s traffic review engineer have been in contact. Regarding the wastewater treatment plant and the location of proposed leaching field with regard to stormwater basin #4, Mr. Smith had prepared a report, dated 10/27/19, and will talk more about that tonight. Information on surrounding well locations, along with soil and groundwater data that was collected at the time of construction, was collected.

Before beginning traffic discussion, Mr. Kulesza asked about the status of the town surveying Seekonk Street; Mr. Wider said they had not heard back yet. Philip Cherry said new traffic data was collected since the last meeting; it was found that peak hours were similar to the data from 3 years ago; speed was similar to, but slightly less than data collected 3 years ago, which he attributed to new signage. Level of Service (LOS)

numbers do not worsen in a 7 year build scenario. Safety near Stop River Road was evaluated; one crash in the last five years, property damage only, 250' away on Seekonk Street, was the only accident found. Sight distances were further evaluated based on the information collect November 5, 2019; they feel confident that intersection and stopping sight distances (ISD and SSD) are within tolerance at 36.2 and 38.5 m.p.h. (85th percentiles), as long any shrubs in the way are in the right of way (ROW) or on the applicant's property and can therefore be removed. They feel it would also meet the 40 m.p.h. threshold. Site distances for southbound vehicles turning left turn into the site within tolerance using the 35 m.p.h. posted speed (also assuming removal of foliage). There is a 26' discrepancy at the prevailing speed; mitigating measures such as signage and speed feedback signs could be employed.

Atty. Hill questioned an area on the left-turn diagram where the sightline is outside of the ROW. Atty. A. said there is currently no obstructive foliage in that area, and questioned whether it is enough of a critical deficiency to imperil health and safety under Chapter 40B that would require some mitigation measures, such as reviewed by Mr. Cherry, or perhaps moving the driveway. The driveway was placed where it was in order to prevent headlights shining in on property across the street. Mr. O'Harte noted that there is a fire hydrant within the area where the sight distance crosses onto private property. All other diagrams show appropriate sight distances within the required lines, with a little overlap onto some currently clear private property shown as "available." Atty. Hill indicated other areas on the diagram where it is difficult to see if the sight lines are clipped. Atty. A. said that if there is any interaction from 14.5' back, it is de minimis, but under the 10' criteria, there is no interaction.

Atty. Hill also addressed the locations of the speed tubes that were placed, referring to a letter from an abutter, Monica Cullen. Mr. Cherry said that the traffic contractor may at times slightly modify the locations due to conditions on the ground, and they may have affixed it to the nearest speed sign. Ms. Cullen said she thought the speeds may have appeared lower because the tubes were placed close to a bend in the road, rather than on a nearby straightaway. Mr. Wider asked Mr. Cherry to have the traffic contractor indicate more precisely where the tubes were placed, and provide that information to the board's traffic reviewer, Kim Hazarvartian. Atty. Hill said he had spoken to Mr. Hazarvartian about that, as well as about the weather, another issue raised in Ms. Cullen's email, and said Mr. Hazarvartian will submit a memo to the board. Atty. Hill said that Mr. Hazarvartian thought it would be appropriate to add a factor of 2 or 3 m.p.h. to the more recent counts. Atty. Hill thought that Mr. Hazarvartian would be amenable to accepting 40 m.p.h. as a design speed for sight distances. Mr. Cherry said that would wait for that memo before responding.

Mr. Kulesza asked if the number of cars shown between 6:30 A.M. – 7:00 A.M. on the volume report (total of 369 cars in both directions) is a lot of cars; Mr. Cherry said the capacity of a roadway of that type is around 1,000 cars in each direction.

Mr. Howe asked if ASE could stamp the boundary plan; Ms. LaBrie said they have done that. Atty. A. said that some of the lot lines, including the one in question (with the fire hydrant,) were surveyed using a stone bound located from a recorded plan. Mr. Cherry said they will update the left-turn diagram to reflect staying completely within the town ROW. They will also provide an inset that shows all 3 areas where the sight lines are "cutting it close" to the ROW. Atty. Agostino said a workshop might be helpful. Mr. Martin said it might be helpful to wait for the town to do their survey before going too far with the current ROW information, in case it changes. Mr. Wider said the board will wait for Mr. Hazarvartian's response, and let Mr. Cherry answer that, before any other decisions are made. Mr. Reardon said that the current plans are or will be stamped by a professional surveyor, so the town survey would be expected to replicate that.

Debra Gursha, 143 Seekonk Street, expressed concerns about clearing of foliage and neighbors' landscapes. Ms. Gursha noted that all critical infrastructure (town center, churches, schools, dance school) are south of the development, and expressed concern about the intersection at Seekonk and Main Streets; she also expressed concerns with snow banks in heavy snow winters. Ms. Gursha also noted concerns about vehicle safety on Seekonk Street itself, and said that Medfield straightened and widened this street on their side.

Moving on to Civil Engineering, Ms. LaBrie said all crossroads have been eliminated, as has the double-entry boulevard (with approval from the Fire Chief.) There is a roundabout with parking to accommodate

the bus stop as well as the mailboxes; there is a crosswalk and a sidewalk with a grass strip around the inside perimeter of the roadway. A paved trail system has been added from one side of the property to the other, and a proposed walking path, which goes through the property to the proposed recreation field on top of the leaching system; at one point, the walking path doubles as access to the wastewater treatment plant (WWTP) and the infiltration basin. There are 84 units, a mix of duplexes and single family houses. All driveways are at least 20' back from the ROW, for a total of 24'-27' total. Distance is at least 21' between units. Rework of grading allowed them to eliminate proposed walls, and to rework stormwater systems making them more efficient, in excess of a 100 year storm. Ms. LaBrie elaborated on overflow systems, noting that overflow that was previously directed toward an abutting property now flows toward the wetland.

In response to Atty. A., Ms. LaBrie said the limit of work has moved mostly outside of the 50' wetland buffer; there is only one unit within the 50', and one between the 50' and 100' buffers. There is about 100' from the edge of the berm of the retention pond to the corner of the rec field on top of the leaching field. The basin cannot be moved over due to 3 to 1 grading between the edge of the basin and the edge of the property. In response to Atty. Hill, Atty. A. said an HOA would maintain the rec field, and keeping it to passive recreation only is proposed.

Mr. Reardon said Tetra Tech had reviewed the stormwater plans thoroughly. There are some details the would like to see changed, for example, the flow going to the basins is a little too much for the basins to handle. The road going out to Seekonk Street is a 6% slope; the speed of stormwater flowing down might jump right over the catch basin; he suggested a defined low point at the entrance. Some adjacency issues exist where basins are upgradient from foundation systems. The stormwater basin is about 8'-9' lower than the leaching field, creating a concern of water from the leaching field affecting the basin hydrology; documentation illustrating and effects should be provided. General comments other than stormwater will be documented in a letter.

In response to Mr. Sebastiano, Mr. Reardon said there are different schools of thought regarding screening around retention basins, and he personally advocates against it; Mr. Howe concurred. Ms. Cordahi mentioned current problems on Seekonk Street such as catch basins that are not maintained and freeze up in the winter, and speeding traffic; she said she would not want to see these problems made worse by this development.

Hydrology and surrounding wells have been reexamined by Stephen Smith of HydroGeoCycle. Mr. Smith said static groundwater levels at 4 wells are higher than the mounding in the basin, so groundwater will flow from the wells toward the basin. There is a groundwater divide with water flowing in a southeasterly direction on the eastern side of the divide, and in a southwesterly direction of the western side of the divide. Other homes within the 1,000' radius are on town water. Mr. Reardon asked for a diagram showing the location of the leaching field and with a radius around it, and all wells within that radius.

Mr. Smith referred back to his October 27 report, indicating 6 groundwater monitoring wells, each of which was drilled down to refusal. Elevations showed water flowing to the south-southeast. Seasonal high groundwater raised groundwater about 3'. A discharge of 25,000 gallons per day (gpd) resulted in a mound of about 2.6' beneath the system, which was added on to the seasonal high groundwater, and which still resulted in a southerly flow. The basin was then moved more south. Mr. Smith has calculations for the new location of the basin, and will provide those to Mr. Reardon.

Atty. A. said that they feel they have submitted sufficient data to show that this location is workable, and DEP will be overseeing the permitting. Atty. Hill said that Peter Dillon, hydrologist for Tetra Tech has reviewed this project, and a primary concern is the density and lack of room for contingencies, so if one system fails, there are not really other options; there must be great confidence in the design and performance of the system. Mr. Dillon recommended that some local regulations be applied to this project, and he supplied an 8-point bullet list. Mr. Reardon suggested obtaining a statement of impact analysis which states that abutting wells should not be affected, and which cites relevant physics and any issues.

Atty. A. said the concern is showing preliminarily that there is no major defect in proposing basin #4 adjacent to the leaching field; he does not believe that all of the digging and testing under local bylaw is necessary at this stage. He feels that it is sufficient to show at this stage that it is feasible, and more testing will be done at the state level, and local conditions could then be imposed. He feels the critical concern of nearby locals wells has been addressed.

Mr. Reardon said the Mr. Smith's information and Ms. LaBrie's information need to "come together" and be consistent throughout the submittal, so minimally the October GHC report needs to be updated. Atty. A. said that is in process. Atty. Hill said that it is up to the board how much information they require at this point. Mr. Reardon said he expects to have a review letter prepared before Christmas, and will include Peter on it. Mr. Reardon also cautioned that DEP's review of the hydrogeo study would not necessarily be focused on stormwater compliance standards. DEP will likely focus on the WWTP, and not necessarily on the interaction between it and the stormwater system.

In response to Mr. Smith, Atty. Hill reviewed the 8 point bullet list from Peter Dillon. Discussion ensued with regard to the "10 feet of separation" phrase, methods/assumptions for determining bedrock.

- Location of any private or irrigation wells within 1000 feet of the discharge location, including the boring log for each location.
- Analysis of Impact to these drinking water supplies, including fracture trace.
- In accordance with Norfolk Regulation 4.19.8 Geotechnical Testing-In-situ permeability testing (usually falling head tests within a borehole) within Infiltration Basin #4 to establish vertical conductivity.
- Borings and monitoring wells (two) within the area of Infiltration Basin #4 to establish high groundwater and saturated thickness.
- Geologic cross-section perpendicular to groundwater flow including new boring locations. Demonstrate that subsurface disposal is 10 feet above bedrock per Norfolk Regulations
- In accordance with Norfolk Regulation 4.19.4, groundwater mounding analysis for the 2, 10 and 100 year storm using HYDROCAD hydrographs, demonstrating basin drainage within 72 hours.
- Analyzed impacts to groundwater flow at steady state wastewater discharge with potential interference from stormwater mounding.
- Determine elevation of any groundwater mounding at the boundary of downgradient wetland to ensure no breakout.

Timelines were discussed. The current 180-day period for the hearing expires on 2/1/2020; an extension until the end of March was requested.

Atty. Hill said Marti Nover of BETA and Dr. Rockwood of EcoTec had met onsite the previous Thursday (12/12/19) and Ms. Nover will be providing a report to the board. Atty. Agostino requested a copy of the report when it becomes available.

Mr. Howe asked for data regarding how much speed feedback signs reduce speed.

In response to Monica Cullen, 150 Seekonk Street, Mr. O'Harte said they have been in contact with Holmes's bus company regarding the bus stop for school children. Mr. Wider asked Mr. O'Harte to get a letter from Mr. Holmes. Ms. Cullen also asked if lighting on the site will be reviewed, and Mr. Wider said it will be reviewed when architecture is reviewed.

Deborah Gursha, 143 Seekonk Street, said that Seekonk Street is an egress passageway for Gillette Stadium, and residents see increased volumes and speeds after events there. She also noted that it is a throughway for utilities such as Tree Tech and oil companies.

Mr. Kulesza made a motion to continue the public hearing for Lakeland Hills to January 29, 2020, at 7:00 P.M.; Mr. Sebastiano seconded the motion; the vote on the motion was unanimous.

15 Lincoln St, SP

Mr. Wider said that a request to continue the hearing had been received.

Mr. Hanssen made a motion to continue the public hearing for 15 Lincoln Street to January 15, 2020, at 7:30 P.M.; Mr. Sebastiano seconded the motion; the vote on the motion was unanimous.

NEW BUSINESS:

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Vote to “Stay” 35 Pine Street Comprehensive Permit Application

Mr. Kulesza made a motion to invoke the provisions of Chapter 40B Regulation 760 CMR 56.05(3) for the pending application for a Comprehensive Permit filed by 35 Pine Street, LLC, for the so called “Residences at Pine Street,” to 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. The subject application was received in this office on November 26, 2019.

Mr. Sebastiano seconded, and the vote on the motion to invoke the stay was as follows:

Christopher Wider, Chair	-	Abstained
Michael Kulesza, Vice Chair	-	Yes to invoke stay
Joseph Sebastiano, Clerk	-	Yes to invoke stay
Donald Hanssen, Full Member	-	Yes to invoke stay
Devin Howe, Full Member	-	Yes to invoke stay
Timothy Martin, Associate Member	-	Yes to invoke stay

Vote Insubstantial Change – Transfer of Ownership and, Sign Regulatory Agreement for The Enclave

Mr. Kulesza made a motion to grant an insubstantial change consistent with the provisions of CMR 760 56.05(12)(b), that the Comprehensive Permit for “The Enclave at Norfolk” be transferred from the original applicant to the newly constituted entity, EE Norfolk Holdings, LLC.

Mr. Sebastiano seconded, and the vote on the motion to invoke the stay was as follows:

Christopher Wider, Chair	-	Yes to grant
Michael Kulesza, Vice Chair	-	Yes to grant
Joseph Sebastiano, Clerk	-	Yes to grant
Donald Hanssen, Full Member	-	Yes to grant
Devin Howe, Full Member	-	Yes to grant

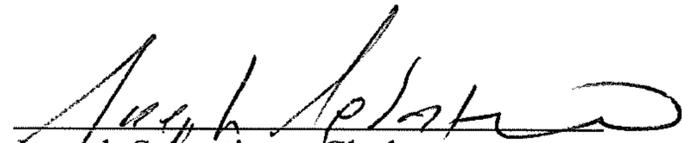
Review Subsidized Housing Inventory Biennial Update – it was noted that this update was included in members’ packets for review.

APPROVE MINUTES:

December 4, 2019

Mr. Howe made a motion to accept the minutes of October 16, 2019, as amended; Mr. Kulesza seconded the motion; the vote on the motion was unanimous

Mr. Kulesza made a motion to adjourn the meeting; Mr. Sebastiano seconded the motion; the vote on the motion was unanimous. The meeting adjourned at 9:40 P.M.


Joseph Sebastiano, Clerk