

Zoning Board of Appeals
 One Liberty Lane
 Norfolk, MA 02056
 March 4, 2020
 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 ----- Absent	

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:

15 Lincoln Street, SP (cont'd from 1/15/20)

Mr. Sebastiano read the public notice into the record. Present were Nathan Collins, NextGrid; and Brian Yergatian, BSC Group. Plans presented and referred to were entitled “Photovoltaic System, 15 Lincoln Road, Norfolk, MA,” prepared by BSC Group, dated 9/27/19, rev’d through 2/13/20.

Mr. Collins gave an overview of the project. The proposal is for a 1 MW on a 5.6 acre parcel off Lincoln Road. He described the parcel as covered in automobile parts, including gas and oil tanks, and piles of batteries and contaminated dirt. The current owner owes about \$70,000.00 in back taxes to the town and has filed economic hardship for that, as well as for the brownfield process with DEP. Applicant is proposing to clean up the site to town and state standards. They have been working with a Licensed Site Professional (LSP) who has placed the cost for this cleanup at about \$700,000.00. Project would be a southfacing, fixed-tilt solar facility. To the south of the property is an Eversource easement for high tension lines; there are 5 residential abutters to the north and east, all of whom have been made aware of the project, and are generally in favor of it. One abutter submitted a letter to the Planning Board concerned that the 6” space under the surrounding fence which allows wildlife access, could be a danger to her dog. Agreement with the Planning Board was reached, whereby the applicant will fix a wooden fence which extends to the ground, in that area only. Site plan review approval has been received from the planning board, and they hope to finish with the Conservation Commission next Wednesday, 3/11/20.

Mr. Hanssen asked Mr. Collins to point out where the abutters houses are, within the properties. The houses are closer to the Daisy Lane side of their lots, and are set up so they will see over the top of the panels. They are all over 100’ from the property.

Mr. Sebastiano asked who will oversee the clean up; it will be DEP. The cleanup plan will be presented to them, and they will inspect when cleanup is finished, before construction starts. The LSP will be doing the cleanup work. One megawatt could supply 200-400 houses with electricity.

Materials will be removed, not capped. Site will be cleaned to residential standards. Timing is critical because of the declining block structure of the Massachusetts Smart program that makes this work financially. Trucks will be exiting towards Walpole, towards the closest highway. They hope for cleanup to take one month, followed by inspections, and then installation should take about 40 days, followed by more testing, for a total of about 3 months from start to finish. There is no lighting proposed on the site; there is only one small area with electricity. The fence will be 7 feet high.

Mr. Collins reviewed the zoning reliefs being requested: D.1.e.2; E.1.b.; and M.7.a. Mr. Yergatian provided additional information on the requests. Variance Criteria were reviewed. Back taxes will be payed upon closing.

Mr. Sebastiano made a motion to close the public hearing for 15 Lincoln Road; Mr. Hanssen seconded the motion; the vote on the motion was unanimous.

194 Main Street, "The Residences at Norfolk Station," Comprehensive Permit (cont'd from 2/5/20) - Mr. Wider said the applicant had asked for a continuation to April 1.

Mr. Kulesza made a motion to continue the public hearing for 194 Main Street to April 1, 2020, at 7:20 P.M. ; Mr. Sebastiano seconded the motion; the vote on the motion was unanimous.

UNANTICIPATED NEW BUSINESS:

Mr. Wider said an agreement had been reached in the appeals case between the applicant for 144 Seekonk Street and the appellant. As with 43 Rockwood Road last month, Mr. Wider is seeking approval from the ZBA to sign the agreement on behalf of the board.

Mr. Kulesza made a motion to grant Mr. Wider approval to sign on behalf of the ZBA in the matter between Ms. Sweeney and the applicant at 144 Seekonk Street; Mr. Sebastiano seconded the motion; the vote on the motion was unanimous.

DELIBERATIONS:

15 Lincoln Road, Solar Array – Special Permit

Findings of Fact:

In the B-4 zoning district

5.6 acre parcel

Used as an auto dump for past 30 years

Current owner owes \$70,000.00 back taxes which will be paid back upon closing

Applicant will clean the property

Property is a brownfield site, potentially leaching contaminants into Stop River

Site cleanup is being managed by an LSP

Received Planning Board site plan approval 2/11/20

Will produce 1 MW of electricity

6 residential abutters (including Eversource easement to the south and landlocked parcel to the west)

Cleanup should take 1 month

Mr. Wider read the Special Permit criteria worksheet into the record.

Mr. Sebastiano made a motion to grant the Special Permit for 15 Lincoln Road to allow a large ground-mounted solar array; Mr. Hanssen seconded the motion; the vote on the motion was as follows:

Christopher M. Wider ----- yes to grant
Michael J. Kulesza ----- yes to grant
Joseph Sebastiano ----- yes to grant
Donald Hanssen ----- yes to grant
Devin P. Howe ----- (absent)

15 Lincoln Road, Solar Array – Variances

Variance criteria were discussed.

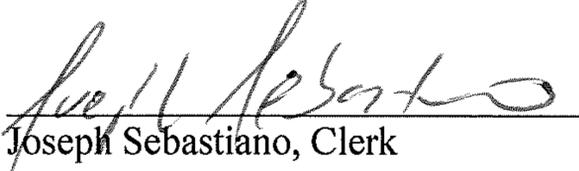
- With respect to a particular land or structure – it is 15 Lincoln Road
- Circumstance related to soil conditions, shape or topography – this is a brownfield, so soil conditions are such that this is undevelopable other than for this application. Unique topography that drops off 40' on the side of Stop River, and residential homes to the east are elevated 40'. Mr. Sebastiano will properly document dimensional requirements proposed vs. actual.
- Literal enforcement would cause an economic hardship – yes, project would not be financially viable if dimensional requirements were strictly imposed
- Effect on the public good is positive

Mr. Sebastiano made a motion to approve the variances with respect to E.1.b., D.1.e.2., and M.7.a. for 15 Lincoln Road to allow a large ground-mounted solar array; Mr. Hanssen seconded the motion; the vote on the motion was as follows:

Christopher M. Wider ----- yes to grant
Michael J. Kulesza ----- yes to grant
Joseph Sebastiano ----- yes to grant
Donald Hanssen ----- yes to grant
Devin P. Howe ----- (absent)

Mr. Wider said he had spoken to Town Counsel, who said that a quorum of 4 voting members is required for Special Permits and Variances; a quorum of 3 is required for Comprehensive Permits.

Mr. Sebastiano made a motion to adjourn the meeting; Mr. Kulesza seconded the motion; the vote on the motion was unanimous. The meeting adjourned at 8:15 P.M.


Joseph Sebastiano, Clerk