

Zoning Board of Appeals  
 One Liberty Lane  
 Norfolk, MA 02056  
 March 12, 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	Betsy Fijol – Executive Assistant----- Present
Donald Hanssen – Member ----- Present	Richard McCarthy – Town Planner -----Present
Devin Howe – Member----- Present	Dennis Murphy – Hill Law -----Present

The duly posted meeting of the Norfolk Zoning Board of Appeals convened at 7:16 P.M. Room 124 of the Norfolk Town Hall. Mr. Wider announced that the meeting was being video- and audiotaped.

**PUBLIC HEARINGS:**

17 Lawrence Street, CP (cont'd from 2/19/20)

Present were John Smolak, Attorney; Tom DiPlacido, applicant; Rick Goodreau, United Consultants, Inc. (UCI); Matt Mrva, Bohler Engineering. Plans presented and referred to were entitled “The Preserve at Abbyville, Norfolk, MA,” prepared by UCI, dated 3/15/17, rev'd through 12/2/19; “Rendered Master Plan,” prepared by Bohler Engineering, dated letter dated 9/30/19; 2/17/20 from BSC Group to the Norfolk ZBA; BETA Review letter dated 3/5/20; UCI Response letter dated 3/10/20.

Atty. Smolak gave an overview of the redesigned project. It now encompasses approximately 66 acres; 64 units are proposed – (4) 4-bedroom units and (16) 3-bedroom units, each on their own lot; and (44) 2-bedroom units in the form of duplex condominiums. Mass Housing said Project Eligibility Letters (PELs) can be modified at the time of approval, assuming a permit is granted. All work is taking place outside of any Conservation jurisdictional areas and referred to the BSC letter of 2/17/20. The letter from abutters dated 1/6/20 was recognized, and will be responded as the hearing process progresses.

Mr. Goodreau reviewed the new plan. Site entrance is proposed to be opposite Brett’s Farm Road. Site consists of approximately 66 acres of land; two houses at the front of the site are proposed to be removed. The front (southern) end of the site is predominantly wooded, the rear (northern) side of the site is predominantly a gravel pit. Road A is proposed that will begin at Lawrence Street and terminate in a cul-de-sac, approximately 1,930 total length, which will provide access to the 20 individual building lots. F The 4 lots for the 4-bedroom homes are 40,000 s.f.; 16 lots for the 3-bedroom homes are 30,000 s.f. Roadway is proposed to be 24’ in width from front of curb to front of curb; 1’ asphalt cape cod berm is proposed on each side for a total of 26’ in width. One sidewalk is proposed on the easterly side of Road A terminating at the cul-de-sac area. Condominium roadway is a loop roadway of approximately 1,287’ in length; proposed to be 22’ from face of curb to face of curb, also with 1’ cape cod berm for a total of 24’ in width; sidewalk is proposed on the easterly inside loop. Condominium loop road is to be a private road, part of the condominium association; Roadway A is proposed to ultimately be accepted by the town. Site development area is approximately 25 acres; impervious area proposed is approximately 5.6 acres.

Mr. Goodreau indicated 2 wetland areas on the site. Wetland flags in the field were reevaluated; BSC performed a site evaluation and advanced soil loggings; findings have been provided. Three flags were adjusted approximately 2’ (G77,78,79) and buffer zone was adjusted accordingly. A subsequent site walk took place involving BSC; the applicant; Mr. Goodreau; and Janet DeLonga, Norfolk’s Conservation Agent.

Limit of work is approximately 104' from the wetland boundary in one area; remainder of site is at least 110' from boundary. Limit of work will be demarcated with orange construction fencing as well as a silt fence, which will be installed and inspected by Ms. DeLonga before any construction begins.

Each individual house lot will have its own septic system; the condominiums will have one soil absorption system of about 9,600 gallons for the entire lot; individual tanks for each unit into a common collection unit, then to the soil absorption area. All septic plans will be submitted to the Norfolk Board of Health (BOH,) and will meet Title 5 requirements and town BOH regulations.

There is no longer a boulevard entrance proposed. Mr. Goodreau showed pictures of the site entrance and surrounding areas.

Mr. Goodreau indicated 2 areas where ledge removal may be required. In the first area, the first option will be hammering, with blasting as the second, if hammering doesn't work. In the second area, where there is a green overlay shown on the plan, Mr. Goodreau noted that changes have been made to the plan since submittal. Two buildings (4 units) have been relocated from that area, and grading has been pulled back from the town line. A slope of 2:1 is proposed in that area, which will minimize the amount of cuts, increasing the likelihood of not encountering ledge. The first option here will be to install fencing, the second hammering, and third blasting. This area is approximately 830' from the closest property on Lawrence Street, and about 315' to the house in Franklin.

A parking plan has been provided. Each of the 20 house lots has a 2-car garage, plus room for a minimum of 2 more cars in the driveway, exceeding bylaw requirement of 2 spaces per single family house lot. Eight condominium buildings (16 units) have a 1-car garage, plus one space in the driveway, exceeding the bylaw requirement for 1.5 spaces for condominiums; fourteen condominium buildings (28 units) have 2-car garages plus two driveway spaces. All driveway areas are a minimum of 20' from either the curb line or from the backside of the sidewalk. There are 16 additional parking spaces around the site. There will be one mailbox area for the condo units, and one for the single family homes.

Property is in an R-3 zoning district, and a chart has been prepared with all dimensions. A National Pollutants Discharge Elimination System (NPDES) permit is typically put together with a Stormwater Pollution Protection Plan (SWPPP) and dictates elements such as erosion control, site stabilization, material stockpile areas, etc. The NPDES plan is overseen by an environmental monitor who is present at the site as necessary. It is required because the applicant is proposing to disturb over one acre of land, and is filed with the US EPA. These documents are typically generated after permit approval and before construction, so the Planning Board would typically condition in their Decision that these documents are available prior to construction.

Water connection in the vicinity of 14 Lawrence is proposed; 8" water main with 3 hydrants for fire protection. Patching and loaming and seeding will be performed as necessary.

Changes made since submittal include: sidewalk added to condominium area, 2 buildings removed and grading revised in the SW condominium area; central mailbox added to condominium area; parking spaces added within mailbox area; revised grading on lots 9, 11, and 17; revised some site grading and some of the condominium building types.

A response letter to BETA's review has been prepared, and they are working toward addressing all of the comments. Mr. McGrath said 24' for Roadway A is 2' narrower than what the bylaw requires for a secondary road, which this is; similar for the right of way (ROW); cul-de-sac length by law (500' vs. 1,800+). All of these issues will require waivers, and perhaps input from public safety departments. There are concerns regarding extensive grading on the right side of the parcel near lots 8, 9, 10, and 11 where retaining walls are propose. BETA has asked for cross sections to consider opportunities for modifications. Regarding earthwork, there are about 23,200 c.y. of material to be imported; applicant is putting together additional analysis that identifies additional materials that will be realized on the site that will further reduce

that number. Mr. McGrath noted that there are several retaining walls proposed; more detail is required. BETA has comments on technical design of the infiltration basin proposed at the far end of the cul-de-sac, but these should not affect sized of the system. BETA requests that erosion control be shown on the plans. Traffic report has been received, but review is not completed yet.

Mr. Howe commented that the relocation of a couple of hydrants might allow for better ongoing maintenance, and suggested extending the sidewalk around the cul-d-sac. He echoed BETA's comments with respect to tee valves, excessive pavement in the cul-de-sac, and the emergency spillway, and expressed concern with the sediment forebay's proximity to riprap. Mr. Howe also expressed concern with the pace of the overall review process.

Mike Guidice, Eagle Drive, suggested bringing stubs into other side streets from the new water main that the applicant is putting in; he also commented on the current condition of the road where the water main would go in; suggested extending it into Franklin for emergency connection purposes; and commented on a hydrant that is on high ground. Mr. Wider said they will talk to the DPW and the applicant with regard to these comments.

Jon Godin, 34 Lawrence Street, asked if there will be a sidewalk the length of Lawrence Street; there will not.

Sandra Myatt, Eric Road, asked about the cul-de-sac. Mr. Goodreau said a grass circle will be added in accordance with town regulations, either 15' or 20'.

Dave Dimond, 3 Brett's Farm Road, pointed out some areas of concern that have been discussed, including determining the exact location and status of a vernal pool. He said he would like to have a site walk with the applicant to alleviate concerns. Mr. Wider said the Conservation Agent has been out there looking at the vernal pool.

Matt Mrva, Bohler Engineering, reviewed the landscape plan. Street trees are proposed at 50' on center lining the proposed roadway (mix of deciduous trees,) ornamental trees throughout the site, evergreens for buffering between some buildings. Individual landscape plans are proposed for each house type on the site. Altogether, 118 street trees, 197 evergreens are proposed. Lawn areas around each home, conservation seed mix on slopes outside of house lots. Mr. Mrva showed slides depicting low stone wall entry features and walls within the site and behind some of the buildings. Street lamps are proposed at 20' mounting height, with no light spill, to be maintained by the Homeowners' and Condominium owners' Associations; photometrics have been provided. Individual lamp posts would be responsibility of individual land owners; no new lighting is proposed for Lawrence Street.

Rich McCarthy, Town Planner, said the street trees need to be outside of the grass strip. Mr. Wider asked the applicant to address a potential bus stop location.

Karen McCabe, 26 Lawrence Street, asked about a green area for the condominiums; Mr. DiPlacido said no playground is proposed, Mr. Mrva pointed out green areas. Mr. Dimond asked for more specifics on the lighting; Mr. Mrva said the color temperature will be specified, but the go for a little "warmer."

Mr. DiPlacido reviewed that the development will consist of 20 houses and 44 two-bedroom condos. He noted that lot sizes are similar to the 30,000 zoning requirements of surrounding areas, making side-entry garages, porches and other attractive architectural elements possible. Mr. DiPlacido reviewed the various unit styles. Traditional colonial and cape style units are proposed. All units will have full basements. Single family houses range from 1,800 – 3,000 s.f. with room for additions.

A Construction Management Plan (CMP) will be developed. Comments before its development are helpful; a site walk would be welcome, after checking with the owner of the property.

Ms. McCabe received answers to several architectural questions. She asked about hydrant spacing, and Mr. DiPlacido said that discussions could be entered into with the town, perhaps with the town purchasing some structures, and the developer installing them. Ms. McCabe asked if the developer could contribute to a sidewalk fund to have a sidewalk built on Lawrence Street, since a sidewalk is only proposed on one side of the project's road. Mr. Wider said that a sidewalk on Lawrence Street could not be a condition of permitting this project there are; other sidewalk priorities in town; in addition, the developer has requested a waiver from this requirement, and that will be weighed with all other waiver requests for this project. Ms. McCabe expressed concern with the street width. Mr. McCarthy said there is a balance, but the school of thought in planning is toward more narrow roads, and Mr. Wider added that the DPW favors 22' wide roads.

Ms. McCabe expressed frustrations that plans were being presented at the last minute. Mr. DiPlacido explained that these are the December 9 plans, but with changes in one area related to recent comments from BETA, which they wanted to get a jump on. With the exception of the one-car garage condominium, all other architectural styles have been presented previous hearings for this project.

Mr. Guidice asked for and received confirmation that all units are for sale, no rentals. Chris Wagner, Park Street, asked for and received information on the cut and fill areas, especially with regard to ledge removal, and expressed interest in a walk through. Mark Pauly, 14 Lawrence Street, asked who owns the undeveloped land on the parcel; Mr. DiPlacido said it would be part of the condominium association, but if the town has interest, he would be open to allowing public access through that to surrounding land owned by the town. Ms. McCabe thanked the applicant for addressing many concerns from the abutters' letter of 1/6/20. Mr. DiPlacido asked to receive the letter in MSWord format, so they can respond inline; an abutter will send it to him. Ms. Myatt asked if potential buyers have a choice of which house style they like, and Mr. DiPlacido explained the process, noting that not all houses will fit on all lots, and they would not place two identical ones next to each other.

Next meeting will encompass a follow-up for civil, and more in-depth review on landscape, architecture and traffic. Mr. McCarthy will speak to DPW about issues brought up tonight. Mr. Smolak will submit an extension on the 180-day period.

***Mr. Sebastiano made a motion to continue the public hearing for Abbyville to May 6, 2020, at 7:00 P.M. ; Mr. Hanssen seconded the motion; the vote on the motion was unanimous.***

### **OLD BUSINESS:**

#### **19 Shire Drive (formerly 7 Philips Way)**

Mr. McCarthy reviewed the case to date. After it was closed, an issue was raised as to what constitutes the rear of the building; the applicant has since redesigned the site so the parking is actually in the rear of the lot. The address has been reassigned as 19 Shire Drive. Town Counsel has advised that the hearing be re-advertised and re-noticed, and then the board can take in the new plan as testimony. Should the board grant this request, the hearing could be re-opened and deliberated within the timeframe of the original submittal.

***Mr. Sebastiano made a motion to allow the withdrawal without prejudice and re-submittal of 7 Philips Way, (now known as 19 Shire Drive;) Mr. Kulesza seconded the motion; the vote on the motion was unanimous.***

#### **The Enclave**

Atty. Smolak said Massachusetts Housing Finance Association (MHFA) recently decided to adopt the Department of Housing and Community Development's (DCHD) policy on age-restricted units. This policy says that if a municipality restricts children under the age of 18 from a 40B project, then the affordable units will not count toward their Subsidized Housing Inventory. DHCD adopted this in February, 2018; the

applicant asked in MHFA in March or April of 2018 if they had adopted the policy, and were informed they had not; as extra precaution, the applicant asked DCHD if they thought their policy would apply to MHFA projects, and they said it would not. Since that time, MHFA decided to adopt the policy but did not tell pending applicants. Atty. Smolak has contacted DCHD to get a ruling as to whether this policy will be imposed upon The Enclave, given the timeline of events. A response is due tomorrow.

***Mr. Sebastiano made a motion to adjourn the meeting; Mr. Howe seconded the motion; the vote on the motion was unanimous. The meeting adjourned at 9:46 P.M.***

  
Joseph Sebastiano, Clerk