

Zoning Board of Appeals  
 One Liberty Lane  
 Norfolk, MA 02056  
 April 1, 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	Richard McCarthy – Town Planner -----Present
Devin Howe – Member----- Present	Daniel Hill – Hill Law -----Present

The duly posted meeting of the Norfolk Zoning Board of Appeals convened at 7:04 P.M. Mr. Wider announce that in accordance with the Governor’s Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency, the April 1, 2020, public meeting of the Norfolk Zoning Board of Appeals would be physically closed to the public to avoid group congregation, and further that:

Alternative public access to this meeting shall be made utilizing the Zoom virtual meeting software <https://zoom.us> for remote access. This software will allow users to view the meeting and send a comment or question to the Chair via the “Raise your Hand” function. The Meeting will be recorded for future rebroadcast by Norfolk Community Television.

**PUBLIC HEARINGS:**

77 Boardman Street, Special Permit

Present was Leticia Arriaga. Mr. Sebastiano read the public notice into the record.

Ms. Arriaga said she bought the property 5-6 months ago. She does not want to make any physical changes to the building; she needs the permit so that her mother can move in and continue receiving rental benefits. There are 2 bathrooms and a kitchen in each section of the house. The two units do not have separate electrical services. Both units have a basement, but there is no living area in the basement. Mr. McCarthy has verified that each unit will have at least 800 square feet. House was built in 1900, additions were added by the previous owner. Separate utilities are not required by the bylaw. Mr. Hanssen asked if each unit of the building could be sold separately in the future, once it is designated as a two-family. Mr. McCarthy said the ZBA could condition it that the Special Permit would terminate upon sale of the property. Ms. Cordahi asked if there could be a condition that it only be rented out to family members; Mr. McCarthy said yes, it could.

*Mr. Sebastiano made a motion to close the public hearing for 77 Boardman Street; Mr. Hanssen seconded the motion; the vote on the motion was unanimous.*

19 Shire Drive (formerly 7 Philips Way,) 3 Special Permits

Mr. Sebastiano read the public notice into the record. Mr. Wider said that the applicant had requested a continuance to May 6, 2020. The applicant has granted extension to the time to act on the original submittal.

*Mr. Sebastiano made a motion to continue the public hearing for 19 Shire Drive to May 6, 2020, at 7:00 P.M.; 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 3/4/20)

Mr. Wider ceded the Chair to Mr. Kulesza, and recused himself from the meeting.

Present were Bill McGrath, BETA Group; Al Quaglieri, applicant; Michael O'Shaughnessy, attorney; Bill Scully, GIAI; Jamie Bissonnette, ZCE; Greg Siroonian, Rescom Architectural. Plans presented entitled "Conceptual Layout Plan, Residences at Norfolk Station" and "Conceptual Grading and Drainage Plan" prepared by Zenith Consulting Engineers (ZCE,) dated 3/18/20; "Residences at Norfolk Station," prepared by Rescom, dated 3/18/20; Letter re Traffic from Green International Affiliates, Inc. (GAIA) to the Norfolk ZBA, dated 3/25/20; Cover letter for GAIA Traffic letter from Michael P. O'Shaughnessy, dated 3/27/20.

Atty. O'Shaughnessy gave an overview of the project to date, noting that the ZBA felt that the massing and scale were of great concern. In response, the plan has been changed from an apartment building to a townhouse community. There are a total of 11 buildings, encompassing 36 units; Six duplex buildings along Main Street are a mix of two and three bedrooms; to the rear of the site are 24 one- and two-bedroom units, within 5 buildings. The duplex units have varied elevations; they have a one-car garage in the rear, plus one extra parking spot. Mr. Siroonian said other projects in town, and the town's design review guidelines were considered. Building heights are 33' + 7 or 8" ("modest and well proportioned".) Buildings are scaled modestly, and have interesting and varied roof pitches and other design elements, compatible with the historic context of Norfolk; there is a pedestrian walkway, and trees along the sidewalk, and good sized green spaces. The 6 buildings in the front have a one-car garage in the rear, with an extra space, and the five other buildings in the rear and to the side have individual parking spaces. Exteriors are proposed to meet design guidelines with respect to materials, colors, etc.; window styles are varied; mechanical systems are contained within buildings; light fixtures are compatible with surroundings.

Atty. O'Shaughnessy addressed traffic, stating that existing uses were analyzed for the earlier, 60-unit proposal, and this proposal would generate less traffic than that. Sight distances were also addressed. They felt that all of the board's concerns and BETA's comments had been addressed. An updated letter was prepared March 25, 2020, based on the new design. A fair number of walking and bike trips from the project are expected.

Mr. Bissonnette said the septic will be located in the center behind the duplexes and in front of the sixplexes, similar to previous, but slightly more south; drainage is similar to last design as well, to the east. Design will meet stormwater management, goal is to infiltrate and recharge all stormwater, there is no outlet.

Atty. Hill asked about the change from 60 rental units to 36 ownership units. Atty. O'Shaughnessy said, taking the board's concerns with massing, they felt this was a better option. Atty. Hill said it is important to get feedback on the architectural, and suggested Cliff Boehmer of David Square Architecture review it. Regarding traffic, he said his concerns raised in his letter of January 16, 2020, have not been resolved; he thought that more backup information was to be forthcoming, such as sight triangles, engineer's calculation methods (i.e. field vs. desktop,) more current speed data. He said he also had concerns that the grade change in Main Street has not been fully addressed, and suggested the board ask the applicant for this backup information, forward the plans to BETA and Davis Square for review, and request the applicant provide an extension to the current April 15 deadline for completion of the hearing.

Mr. Kulesza asked about Mr. Boehmer's expertise in smaller buildings; Atty. Hill said it is not so much building size, as context as to how a project fits into a set of guidelines.

Atty. O'Shaughnessy said many of the traffic issues raised in Atty. Hill's 1/16/20 letter have been addressed to BETA's satisfaction, according to previous review letters; in addition, the site entryway has been moved to the west, increasing the sight distance to the east, even taking into account the grade change. Atty. Hill said he is not looking for a full traffic study, he is just looking for backup documentation. Mr. Scully said he could provide that information. Mr. McGrath said the sight triangle is important to determine that the applicant has site control within the triangle; more documentation to back up the sight distance as it relates to the grade should be provided; data on the increase in level of service has been provided previously. Mr. Scully will provide this information.

Atty. O'Shaughnessy said the project has been designed to meet the town's design guidelines, and he does not see the value of having Davis Square review the project. Atty. Hill said the applicant's letter as to how the project complies with the guidelines is very helpful, but now needs to be verified by a professional on the town's behalf.

Mr. Quaglieri voiced his disapproval of how the hearing has been conducted by the board, believing that the professionals hired by him have been unduly questioned, and too much data/review is being required. He also believes that BETA can provide architectural review services, and there is no need to go to Davis Square.

Mr. Kulesza said that nine 40B projects before the board have been peer reviewed for architecture, and this one is different due to its town center location. Mr. Quaglieri said this is farther away from the center than another 40B project in town; Atty. Hill countered that the buildings in the other project cannot be readily seen from Main Street. The original proposal for this project was to be a large and imposing building, which is why the more specialized architectural review firm was brought in. Mr. Howe said he agrees with Mr. Quaglieri that the professionals need to be heard, and therefore an architectural firm should review this project. He also said the hearing process has worked well in the case of traffic, in that the applicant's traffic engineer has agreed that he can provide the backup documentation requested by the board using data already in his files, further study is not required. Mr. Howe, Ms. Cordahi, and Mr. Martin all agreed that they see much improvement in the project, and would like to see the architectural review progress. Mr. Quaglieri said he is not opposed to architectural review, but he feels that BETA's firm should do the review.

Atty. O'Shaughnessy asked if Mr. McGrath had any comments on the engineering of the new plan. Mr. McGrath said they reviewed drainage of the previous plan and the infiltration basin is in the same location; need to confirm if the capacity and layout of the drainage system will still work for the revised building configuration and impervious area coverage; infiltration calculations don't need to be recalculated. Mr. Bissonnette said he can provide his hydrocad analysis to Mr. McGrath.

Atty. O'Shaughnessy asked if a decision could start being drawn up. Atty. Hill said this new project design was just received; it seems to be getting good feedback from the board, but the process needs to run its course. There has been no resistance from the board, they are just looking for solid backup documentation. A new extension will be required due to the redesign of the project. Mr. Quaglieri countered that the redesign was a result of the board's architectural reviewer comments. He said it would now be reasonable for BETA to complete the architectural review.

Atty. Hill said the action items are for the current plan to be professionally reviewed, the board to decide on who is to do the architectural review, and an extension to be granted for the 180-day deadline. Mr. Quaglieri said he would like the plan to be specifically engineered after approval of the Comprehensive Permit, and for BETA to do the architectural review. Mr. Howe said that, after the sight triangles are received from the traffic engineer, the civil engineering issues have been addressed to a point where he is comfortable having a condition that the applicant's engineer and the board's peer reviewer work together after the issuance of a permit. Mr. Howe also said he is not opposed to having BETA doing the architectural review. Mr. Kulesza polled the board on their opinion as to architectural peer review. Mr. Sebastiano, Mr. Hanssen, Mr. Martin, and Ms. Cordahi agreed on engaging BETA for that purpose. Atty. Hill said that under 40B, the board does not have the authority to grant another party (i.e. BETA) to make changes after the fact; BETA could simply

review subsequent plans to ensure they agree with conditions in the permit; he sees no reason not to have BETA do an engineering review of this project. Atty. O'Shaughnessy said that BETA would only have to affirm that the final drainage plan works as designed. Discussion continued with regard to whether to have a peer review done on these preliminary plans before or after the issuance of a permit. Mr. Kulesza said at least one peer review letter on the current plan should be in the file.

Atty. Hill added that we typically get the reviewing engineer's input of waivers. He believes that a full preliminary review should be done. Mr. Kulesza agreed. Mr. McGrath said a high level review could be done with regard to drainage, the ability of emergency vehicles to circulate. It is up to the board if they want the drainage review to include its adherence to state stormwater standards. This high level review could be done in a couple of weeks. The board members are all comfortable with the approach.

It was agreed that Mr. Bissonnette will provide Mr. McGrath with the turning analysis for emergency vehicles, and the hydrocad data for drainage to ensure the system is sized appropriately. After a decision is issued, mircorwatersheds, pipeflows, and things of that technical nature can be discussed between the engineers. The traffic sight triangle and additional backup data will be provided; BETA will conduct the architectural review, and will review and advise on waiver requests.

***Mr. Hanssen made a motion to continue the public hearing for 194 Main Street to April 22, 2020, at 7:00 P.M.; Mr. Sebastiano seconded the motion; the vote on the motion was unanimous.***

144 Seekonk Street, CP, "Lakeland Hills," Comprehensive Permit (cont'd from 3/18/20)

Mr. Wider resumed as Chair of the meeting.

Present were Sean Reardon, Tetra Tech; Bill McGrath, BETA; Ted O'Harte, applicant; Christopher Agostino, attorney. Plans presented and referred to were entitled "44 Unit Preliminary Comprehensive Permit Plan," prepared by Andrews Survey & Engineering, dated 3/31/20; WSP Traffic Memo, dated 2/11/20.

Atty. Agostino said that it became apparent at the last meetings that the Board had strong concerns about the entrance configuration (sight distances), protection of wetland resources, and stormwater disposal and management. He said that although the applicant's team feels like they demonstrated the 84-unit proposal did address those issues adequately, it seemed that an "impasse" had been reached. The applicant felt that a substantial reduction in density would alieve the board's concerns, and has prepared and submitted a 44-unit development plan.

Atty. Agostino said the new plan consists of 16 single-family homes; 28 duplex units in 14 buildings. The entire interior of the development is now preserved as undeveloped; the amount of open space is doubled, and impervious area is reduced by a third. The entrance is now moved further to the north, increasing sight distances looking to the south, which he said, coupled with the reduction in units, mitigates the sight distance concerns. The revised layout eliminates the need for a wastewater treatment plant and groundwater discharge permit; single-family homes will have individual septic systems, and 28 townhhomes will have common Title 5 septic systems. Applicant has control over 136 Seekonk Street, and a small easement on that property will channel runoff to help preserve the wetland habitat. Less impervious area allows for reduction in size of stormwater management facilities on the site.

Mr. Reardon completed a preliminary review, and said that because it followed the development pattern of the larger plan, it was possible to extrapolate the conditions of the first plan; and he does not require more demonstration that they can meet the standards for wastewater and for stormwater at this time.

Atty. Hill said had discussed with the applicant placement of the road, which was subsequently shifted further west, farther away from the stream identified by BETA, and the wetland that was delineated. With

respect to sight distances, Atty. Hill said the distances are still deficient, but the threat to public safety is substantially diminished with the reduction in density. Atty. Hill recommends again reviewing the sight distances; he cited one particular 24" pine tree to the north of the site, which straddles an abutter's property and town right of way (ROW) that should be removed. He said this is a radical improvement to a site that had presented serious concerns.

Mr. Kulesza expressed his approval of the project. Mr. Howe said he likes the new layout that seems to preserve natural resources quite a bit more; would like to talk more about sight distances; Mr. Sebastiano echoed those comments; Mr. Hanssen also echoed foregoing comments; Ms. Cordahi said she is pleased with the new design. Mr. Martin asked for clarification on the movement of the entranceway and sight distances; Mr. O'Harte said the entryway has been moved about 35' to the west. Mr. Wider said he has been in touch with the abutter across from the proposed driveway, and they are looking for what mitigation can be provided for glare from traffic going in and out; the applicant and his team will work with them.

Sylvana Della Camera asked about protection of the wetlands. Mr. O'Harte pointed out where the road was moved about 30' out of the wetland area on the northside, and on the southside, they are crossing the narrowest part of the wetlands; a culvert is proposed on each side. Ms. DellaCamera posed the possibility of using bridges instead of culverts; the applicant will look into that; they do still need to go in front of the Conservation Commission. All septic systems will need to meet state regulations. Ms. Della Camera expressed concern about her artesian wells in the case of potential ledge removal; Mr. O'Harte said no impacts were found with the 84-unit plan, and no impacts are expected now. All 44 units will be on town water. Mr. Reardon said the change from a wastewater treatment plant to individual septic systems means that water is more evenly and gradually discharged throughout the site.

Karen Clark, Seekonk Street, asked about distribution of affordable units and was assured that the affordable units will be equally distributed between the single-family homes and the duplexes; this is controlled by the subsidizing agency. Atty. Agostino added that the duplexes were placed in the rear of the site because that is where the best soil is for the combined septic system. In response to another question, Ms. Clark was assured that, as shown on the plan, the center of the property will be kept in its natural state. Ms. Clark asked if the Board felt it would be advisable to Certify the potential vernal pool indicated in BETA's report. Atty. Agostino said that the area is not deep enough to qualify as a state Certified vernal pool, and there is an outlet; regardless of that, if it were a Certified vernal pool, the state would protect it only up to its border, so the plan wouldn't change per the state standards; he said the redesign has, however, allowed the applicant to protect the area as if it were a vernal pool. Ms. Clark said would like to see bridges, and that bridges are DEP's preferred method for protecting wetlands. Mr. Wider reiterated that the applicant will be going through the Conservation Commission where a lot of this will be decided.

Deb Gursha, Seekonk Street, asked what traffic controls will be used; Mr. Wider said the board will be working with the traffic engineer. Mr. Wider said that Ms. Brady will re-circulate the new plan to other departments, and Mr. McCarthy will review the traffic and traffic mitigation plans with the DPW to get their input.

Mr. Howe asked if it would be possible to set up a meeting with the applicant and traffic engineers to see the sight lines in the field. Atty. Hill concurred that this would be a good idea, and asked the applicant to stake the centerline of the site roadway, as well as the ROW boundary for the first 100'-200' in both directions. Mr. O'Harte said he would be able to meet Mr. Howe at the site, but his engineering firm has closed down due to the current health crisis. They had last staked out the property in February, and Dunn-McKenzie had staked out that portion of Seekonk Street on behalf of the town in January, so with their traffic engineer's latest report, Mr. Howe would be able to get an understanding of the sight lines. This was acceptable to Mr. Howe. Mr. Howe does have some questions for Philip Cherry, the applicant's traffic engineer. A site meeting will be set up between Mr. Howe and Mr. O'Harte, and then a "Zoom" meeting will be set up including Philip Cherry, the applicant's traffic engineer to address some questions Mr. Howe has.

Ms. Della Camera asked if any effort is being made to validate the potential vernal pool. Mr. Wider said no, not at this time. Atty. Agostino reiterated that the applicant does not believe it will qualify as a vernal pool under state guidelines, but have taken steps to treat it as though it were. Atty. Hill said the Norfolk bylaw regulates vernal pools a little more strictly, and this new, revised plan would be circulated to all of the boards in Norfolk to get their feedback before the next meeting.

Regarding architecture, Mr. McGrath said that Glen Fontecchio has done one review, but the duplex units will need to be reviewed. Atty. Hill asked that he and the board be copied on all plans. Mr. Reardon will put his final comments in writing. Atty. Hill will begin preparing waivers and a draft decision. The applicant will submit an extension for the 180-day requirement. Dates for the next meeting were considered.

***Mr. Hanssen made a motion to continue the public hearing for 144 Seekonk Street to April 22, 2020, at 7:15 P.M.; Mr. Sebastiano seconded the motion; the vote on the motion was unanimous.***

**NEW BUSINESS:**

84 Cleveland Street – potential lot releases – Mr. McGrath said BETA had visited the site and provided an estimate of work to be completed, and Mr. Hashem had provided some suggested adjustments. Mr. Wider said he had spoken to Mr. Hashem, and his main concerns are the driveway pavement, the cobblestone pavement, and site planting inventory. After some negotiating, Mr. Hashem agreed to increase the amount of his bond by \$136,000.00 to \$336,00.00, rather than the full \$496,000.00 calculated by BETA. The 20 remaining units will also be released, so that work can begin on them.

***Mr. Kulesza made a motion that the bond for 84 Cleveland Street be increased by \$136,000.00, and that the Board release the final 20 units for construction; Mr. Sebastiano seconded the motion; the vote on the motion was as follows:***

Christopher M. Wider ----- yes  
Michael J. Kulesza ----- yes  
Joseph Sebastiano ----- yes  
Donald Hanssen ----- yes  
Devin P. Howe ----- yes

***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 10:46 P.M.***

  
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Joseph Sebastiano, Clerk