Zoning Board of Appeals
One Liberty Lane
Norfolk, MA 02056
May 6, 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 7:10 P.M. Mr. Wider announce that in accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, M.G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency, the April 22, 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:

112 Myrtle Street - Variance

Mr. Sebastiano read the Public Notice into the record. Present were Dennis Schworer, Theresa McNeely, applicants. Plans presented were entitled "Building Permit Plan in Norfolk, Massachusetts," prepared for Theresa McNeely by Dunn-McKenzie, dated May 7, 2018.

Mr. Schworer began by giving an overview of the proposed project. The would like to "square" the rear of the dwelling with a 13.5' x 7.8' addition, which will bring that corner of the building to only 23.3' from the property line, in violation of the bylaw regulation for a 25' setback. They have talked it over with the neighbors, who are on board with the project. Ms. McNeely said the property line comes in at an odd angle. Mr. Kulesza asked if the project meets one of the three criteria of topography, shape, or soil conditions. Mr. McCarthy said it is an odd-shaped lot; Mr. Sebastiano said they wouldn't be able to square off the building without encroaching on the property line. Mr. Wider suggested approaching the neighboring property owner to see if they can purchase that 1.5' of property. Mr. Sebastiano asked if there was another way to design it without encroaching; Mr. Schworer said it would require a "bump-in," which would not be aesthetically pleasing. After establishing that the house was built in 1802 and added on to sometime in the 1980's or 90's, Mr. Hanssen noted it was interesting that the original addition meets the 25' criteria exactly. Mr. McCarthy displayed a map from the town website showing an aerial view of the properties. Ms. McNeely said the addition would not only be far from the neighbor's house, but it would be on the garage side of the neighbor's property, so they would not see it at all. Mr. Wider said the Board must show that the shape, topography or soil conditions would necessitate a variance, and said that approaching the neighbor to purchase the property should at least be investigated. Mr. Schworer expressed doubt about getting that approval from his neighbor. Mr. Wider suggesting trying to meet with them one more time, and offered to attend with them. Mr. Martin reviewed a couple of the points that the applicants should look into if a sale of some property is agreed to.

Donna Jones, North Street, asked if there are wetlands on the property. Mr. Schworer said yes, and they have filed with the Conservation Commission. The hearing is scheduled for May 13, 2020.

Mr. Hanssen made a motion *to continue the hearing to June 3, 2020, at 7:00 P.M.;* ***Mr. Sebastiano seconded*** *the motion;* ***the vote*** *on the motion was unanimous.*

19 Shire Drive (formerly 7 Philips Way), Special Permits (cont'd from 4/1/20)

Present was Jim Susi, United Consultants, Inc. (UCI). Plans presented and referred to were entitled "Layout Plan, 19 Shire Drive," prepared by UCI, dated September 5, 2019, rev'd through May 5, 2020; letter from BETA to the Planning Board, regarding 7 Philips Way Site Plan Peer Review, dated 12/1919.

Mr. Susi said they are still in the process of making revisions based on BETA's letter to the Planning Board, and they are a day or two away from having that ready to submit to the Planning Board. Referring to the plan, he said parking was previously shown in the front of the building, with vehicle storage on the side; it is now all in the rear. The building has changed form 90' x 80' to 70' by 100' and has been moved closer to the roadway, and the parking between the building and the road has been removed. Stockpile areas remain where they were; crushed stone access has been added to get to the stockpiles. Mr. Wider asked for clarification asked of what they are now looking for from the board. Mr. McCarthy reviewed the previous hearing, which had been closed when the issue was raised of what actually constituted the "front yard" versus the "rear yard" of the building. The discrepancy was resolved to the Planning Board's satisfaction, and the ZBA hearing was re-advertised and a letter of time extension was obtained from the applicant's representative. A Special Permit for parking in the front yard is no longer required, nor is a Special Permit for a contractor's headquarters in an off-highway area. Currently the only Special Permit required is for outdoor storage of more than 3 commercial vehicles in the rear yard. Mr. Wider said he feels the application as it stands now is incomplete, and needs to be more defined, and other board members did not dissent.

Mr. Sebastiano made a motion *to continue the hearing to June 3, 2020, at 7:05 P.M.;* ***Mr. Howe seconded*** *the motion;* ***the vote*** *on the motion was unanimous.*

45 Meetinghouse Road, Special Permit (cont'd from 4/15/20)

Present were Nathan Collins, BSC Engineering; Daniel Serber, NextGrid.

Mr. Wider mentioned that members of the board had a site walk last week with Mr. Serber. There were no questions from board members.

Mr. Sebastiano made a motion *to close the hearing;* ***Mr. Hanssen seconded*** *the motion;* ***the vote*** *on the motion was unanimous.*

17 Lawrence Street – Abbyville, Comprehensive Permit (cont'd from 3/12/20)

Present were Bill McGrath, BETA Engineering; Thomas DiPlacido, developer for applicant; John Smolak, Smolak & Vaughn, attorney for applicant; Bill Scully, Green International Affiliates, Inc. (GIAI); Rick Goodreau, United Consultants Engineering, Inc. (UCI); Matt Mrva, Bohler Engineering.

Plans presented and referred to were entitled "Preserve at Abbyville," prepared by UCI, dated March 15, 2017, rev. through 4/14/20; "Preserve at Abbyville, Preliminary Grading and Retaining Wall Plan" prepared by UCI, dated May 6, 2020; Letter to ZBA from "Friends of Lawrence Street," dated 1/6/20; Letter to ZBA from Abbyville Residential, LLC & Abbyville Development, LLC, "Abbyville Written Response to Neighbor Comments," dated 5/6/20; ASTM Phase 1 Environmental Site Assessment Report, dated 5/4/20 prepared by Mabbett & Associates, Inc.; traffic review letters to the ZBA, prepared by BETA, dated 3/27/20, 4/16/20, and 4/23/20; GIAI traffic response letters, dated 4/15/20 and 4/21/20; plans entitled "Preserve at Abbyville, Landscape Plans," prepared by Bohler Engineering, dated 9/26/16, rev. through 4/8/20; landscape review letters to the ZBA, prepared by BETA, dated 4/2/20 and 5/4/20; landscape response letter prepared by Bohler Engineering, dated 4/24/20; architectural review letter from Glen S. Fontecchio to the ZBA, dated 4/15/20

Atty. Smolak gave an overview of the current standing of the project. They are working on review comments with regard to traffic, landscaping, architecture and civil engineering; they have responded in writing to the letter dated January 6, 2020, submitted by abutters, and a Phase 1 Environmental Site Assessment Report, has

been prepared by Mabbett & Associates, Inc. They are working with the Norfolk DPW regarding installation of a water main on Lawrence Street.

Mr. McGrath referred to BETA's 4/23/20 traffic comment letter sent to the board, and said that concerns regarding levels of service and sight distances have been addressed, and BETA is satisfied that all of the data has been correctly presented. The sight triangle plan that was submitted will be discussed more in the civil review portion of this hearing. Mitigation measures such as stop signs and advisory signs have been incorporated.

Regarding architecture, Mr. McGrath said Glen Fontecchio had reviewed the plans, which are the same or similar to the ones submitted and reviewed in the earlier stages of this project, and he was satisfied with them. He did suggest that some on-street parking be added in the condominium area; that has been added to the plans being presented tonight by the applicant.

Regarding landscape architecture, Mr. McGrath referred to BETA's letter of 4/2/20. Revised information was received by BETA last week, and they have since met with the applicant's engineer, Mr. Goodreau, and a new review letter dated 5/4/20 has been submitted. Mr. McGrath did mention that areas of this letter which were cut and pasted from the Norfolk Subdivision/Site Plan Regulations refer to the Planning Board; all references to the Planning Board should be presumed to refer to the ZBA. A trail has been added to the rear of the property, as had been suggested in review comments; an island has been added in the cul-de-sac with appropriate landscaping. Maintenance of that landscaping will be through the Homeowners' Association (HOA) or the Condominium Association. Sidewalk has been extended; continuous grass strip has been added; species of trees are acceptable. A section of ledge in the area of the condominium section is to be loamed and seeded over to the extent possible; if that changes during construction, some ledge may have to be removed. Additional screening has been provided in areas indicated. Street lighting has been provided at intersections and on the houses. Grading behind lots 10 & 11 will be discussed more in the civil review portion of this hearing.

Mr. McCarthy said that the lighting fixtures being proposed are not in line with town regulations; the designers feel this is a better design for a residential area, and Mr. McCarthy said maybe the regulations are not up to date with trends relative to street lighting; this topic has been put on the Planning Board's agenda for next week to see if perhaps they might want to change it. He also acknowledged that the ZBA is assuming the role of the Planning Board in this case, and could approve them as presented for this project. Mr. McGrath noted that it is important to assure that they are full cut-off fixtures; Mr. Mrva assured that they are, and said they are the same ones being used in The Enclave.

Moving on to civil, Mr. McGrath said they had received updated comments and plans and met with the applicant's engineers. The main road, which is intended to be eventually be accepted by the town, has a 50' right of way (ROW) and will need a waiver; length of cul-de-sac is 1,900', in excess of town regulations, and will also need a waiver. New turning template for emergence vehicles has been reviewed and is satisfactory; site distance at development entrance intersection exceeds that which is required at 36 m.p.h., the 85th percentile. Some clearing will be required to make the sight triangle work; the triangle is entirely within the ROW and/or the applicant's property; Mr. McGrath suggests the sight triangle plan becomes part of the plan set, so that there is a record of the area that has to be cleared and maintained.

Earthwork material onto and off of the site, truck trips were discussed between the parties; a Construction Management Plan (CMP) will be prepared and submitted for review. Other comments regard the stormwater management system. An infiltration system is proposed to mitigate impacts from additional impervious areas; BETA is satisfied that neither the rate nor the volume of runoff from the site will be increased. Some questions regarding calculations were satisfactorily answered.

Regarding grading between lots 10 & 11, a new plan was received late this afternoon, which has not been reviewed yet. There is a very steep slope behind those houses, about 40'-50' high at a proposed 2:1 slope. A series of retaining walls had been proposed, but inconsistencies were found, and new ideas have been proposed on the new plan.

Referring to the new grading plan, the slope from the easterly property line is currently about 2.2:1, up to 1.5:1. Four or 5 retaining walls in various areas had been proposed; to be 4' in height, with a 5' planting strip between walls. Concerns were raised regarding grading, accessibility, and ability to maintain the stepped walls, and an 8' tall retaining wall is now being proposed with top of wall elevation at 230, and bottom of wall at 222. An additional wall has been added at Lot 11 to ensure adequate flat space for a backyard, and the house has been moved closer to the street, and garage orientation was changed. Where the steeper grades are, it was suggested that the 1.5:1 slope be stabilized with riprap softened with vegetation.

Mr. Mrva said the slopes above and below the 8' wall would be seeded with wildflower mix and left unmaintained to grow as a wildflower meadow, and the forest at the stop would creep down toward it. Slopes close to the houses are 3:1. No maintenance would be required for the slope. There would be a fence on top of the wall to prevent anybody from coming over the wall, and for fall protection. Landscape plans will be updated in consideration of the new grading plans.

Mr. Goodreau said the cul-de-sac is proposed to traverse the right-hand side of the road, around the cul-de-sac, and terminate at Lot 15. An island with vertical granite curbing has been added to the cul-de-sac. There are currently 20 visitor parking spaces within the condominium area. Each unit has 1- or 2-car garage with additional parking spaces in the driveway. Based on input from the Holmes Bus Company, the bus stop has been moved to the top of the roadway, where it intersects with Lawrence Street. Fire hydrants were moved, and water gate valves are proposed on Lawrence Street for potential connection at Cranberry Meadow, Brett's Farm Road and Eagle Drive. Mr. Howe about a particular gate valve placement at the top of the site drive, and Mr. Goodreau said it was the preferred location of the Water Division.

Mr. Mrva said the bus stop will look contextual with Lawrence Street, perhaps with the base as Pennsylvania fieldstone with a roof structure and granite benches inside. The material for the retaining wall will be Redi-rock, similar to that used at 18 Union Street.

Atty. Smolak said outstanding items include the CMP, an updated waivers list (after final plan set is complete,) school bus shelter plans, treatment of retaining walls and grading; they will plan to get updated information to the board and to BETA by May 15, in time to review for June 3 meeting. Requests for continuance and extension of 180-day period have been submitted.

Mr. DiPlacido asked if the board might be willing to grant a waiver from the Planning Board Regulations requiring a 3:1 slope, to allow a 2:1 slope in order to facilitate design. This would not increase the existing slope, would decrease amount of fill required (less trucking,) backyards could be larger with a 2:1 slope. Mr. McGrath said other projects in town have used 2:1 slope, the key is in maintaining it. This proposal would vegetate the slope with wildflower, which would not require maintenance in the long term; short term stabilization during construction and until vegetation establishes itself will need to be addressed; Mr. Mrva said it would be staked with jute mat prior to seeding. Mr. Wider said he would is in favor of this as long as the stabilization is properly addressed. Mr. Howe discussed having the slope designed by a structural engineer; Mr. DiPlacido said the walls would be designed by a structural engineer, but the slope itself would be designed by the civil engineer. Mr. Mrva said he generally sees 2:1, and 1:1 with riprap, designed by civil engineers; more vertical than 1:1 is when he has seen structural get involved. Mr. McGrath said he has generally gotten structural input on slopes where there is a geotechnical issue, and said he'd like time to review the new plan. He said the wall and the footing system will be very important to the stability of the slope. Board members were generally in favor of allowing this waiver.

Mr. Wider opened the meeting to the public. Karen McCabe, 26 Lawrence Street, commented on the hours used as "peak" hours for the traffic study. Mr. Scully said when traffic data is collected, the manual counts are done between 7 A.M. and 9 A.M. (and later in the afternoon,) and the peak 60 minutes within that time is used in their analysis.

Mr. Sebastiano made a motion *to continue the hearing to June 3, 2020, at 7:15 P.M.;* ***Mr. Howe seconded*** *the motion;* ***the vote*** *on the motion was unanimous.*

APPROVE MINUTES:

April 15, 2020 – References to "Condominium Association" and "COA" will be replaced with Norfolk Town Center Condominium Association" and "NTCCA." "Non-take" will be replaced with "no-take." ***Mr. Sebastiano made a motion*** *to approve the minutes as amended;* ***Mr. Hanssen seconded*** *the motion;* ***the vote*** *on the motion was unanimous.*

April 22, 2020 – Two typographical errors were noted, and the plan information will be filled in by the Administrative Assistant. ***Mr. Hanssen made a motion*** *to approve the minutes as amended;* ***Mr. Sebastiano seconded*** *the motion;* ***the vote*** *on the motion was unanimous.*

DELIBERATIONS:

45 Meetinghouse Road, Special Permit

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

Findings of Facts

Property is located at 45 Meetinghouse Road, 14-41-9
Plan has been filed: "Ground Mounted Solar Array, 41[sic] Meetinghouse Road, Norfolk, MA," dated 1/3/20, rev. through 2/4/20.
Proposed array is .34 kW under the 250 kW Large Scale Array definition
Will allow access to Norfolk water tank via gravel road access; town no longer will have to pay for access
Screening and fencing has been discussed and agreed upon
Planning Board included a condition to review screening and make changes as necessary
Array is 684 units
Panels will sit on natural grade
Project covers about 1 acre of the 15.84 acre parcel
Members of ZBA attended a site walk
Per plan, solar panels will be non-reflective
There is no lighting proposed

The Zoning Board of Appeals supports the Planning Board's conditions imposed on this project; there are no special conditions to be imposed by the ZBA.

Mr. Sebastiano made a motion *to grant the Special Permit as discussed;* ***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 ---------- yes to grant

Mr. Hanssen made a motion *to adjourn the meeting;* ***Mr. Sebastiano seconded*** *the motion;* ***the vote*** *on the motion was unanimous. The meeting adjourned at 9:37 P.M.*

Joseph Sebastiano, Clerk