

Zoning Board of Appeals
 One Liberty Lane
 Norfolk, MA 02056
 May 20, 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:

194 Main Street – Comprehensive Permit (cont’d from 4/22/20)

Mr. Wider recused himself, and Mr. Kulesza assumed Chair. Present were Bill McGrath, BETA Engineering; Glen Fontecchio, peer review architect; Al Quaglieri, applicant; Michael O’Shaughnessy, attorney for applicant; Jamie Bissonnette, Zenith Consulting Engineers ; Greg Siroonian, Rescom Architectural. Plans presented and referred to were entitled “Residences at Norfolk Station,” prepared by Rescom Architectural, Inc., dated 4/22/20, rev. through 5/19/20; memo from Glen S. Fontecchio, Architect, to the Zoning Board of Appeals, dated 5/11/20.

Mr. Kulesza resumed the continued public hearing, and asking first for comments Glen Fontecchio, who referred to his May 11, 2020, memo; the memo directly addresses the town’s Design Guidelines. Memo was shared and discussed with applicant’s architect; revised plans are expected tonight; Mr. Fontecchio believes all items in his memo have been addressed. Mr. Siroonian said regarding items 6 through 9 of Glen’s comments, staircases with retaining walls and railings were included outside to address a “vibrant, visible and accessible walkway;” proposed materials were shown’ air conditioning locations and screening were included on the plan, as were lighting that was added at Main Street, sidewalk and stairs; bench locations were added, and space allocated for signage. Mr. Fontecchio noted the where white pines are shown, noting that near the front stairs, that might be too dense; Mr. Siroonian said that will be addressed in the final planting plan; Atty. Hill asked that be written down as a condition. Mr. Fontecchio will send a final memo. In response to Atty. Hill, Mr. Fontecchio said one reason he asked that the stairway be added was so that residents in the rear of the property have better access to the front; Mr. Bissonnette provide additional detail. They will consider installing a sidewalk near the dumpster if grading will allow; a slightly different area for extension of a sidewalk and addition of a crosswalk to achieve the same goal.

Attorney Hill presented a draft list of conditions, modeled on the Rockwood Road Project (Village at Norfolk) which he said is the most comparable to this project, but there is some language from more recent projects (i.e. The Enclave,) and suggested going through the conditions, only stopping where there were questions. A2 & A3 are different because the board has chosen to defer more thorough review after issuance of the permit; Atty. Hill recommends that a full set of plans be submitted; plan reviewer will have 30 days to review those plans.

Mr. Siroonian will work with a registered landscape architect who will stamp the plans. The Board is not generally in favor of waiving any building fees, if it has not been done before. Discussion ensued regarding the potential cost of peer review. Mr. McGrath estimated at least \$7,500 – \$8,000. It was agreed to start at \$10,000.00 for the review account, and then lower the minimum in the account as review progresses.

Discussion ensued regarding inspections; Mr. Bissonnette and Mr. McGrath will go through the K form together with Mr. Quaglieri and Mr. McCarthy, and come to agreement on what inspections will be required. Mr. Howe noted that sidewalks must be installed in compliance with ADA regulations, even if that differs from the Norfolk Subdivision Rules & Regulations. Retaining walls will have a fieldstone veneer, not necessarily be constructed of fieldstone.

Discussion ensued with regard to curbs and catch basin inlets. Mr. Bissonnette said he agrees with granite at the entrance, but would like to transition to Cape Cod berm within the site, due to weeds that grow up within the granite. Mr. McGrath suggested concrete; Mr. Bissonnette and Mr. Quaglieri concurred. It will be specified as monolithic concrete vertical curbing; Cape Cod berm will still be used in areas not directly adjacent to a sidewalk.

It was clarified that homeowners would be allowed to rent out their unit, but the whole development would never be converted to rental units.

Sidewalk mitigation was discussed. Atty. Hill noted other 40B projects where sidewalk mitigation was required. Mike Kulesza and Don Hanssen said they didn't think it should be required for this project because of its location and adjacency to existing sidewalks; Mr. Howe thought perhaps sidewalk mitigation is not warranted due more to the size, not the location, of the project; Mr. Martin and Ms. Cordahi concurred.

Placing grills on 2nd floor decks of the duplexes was discussed; wording such as “unless otherwise approved by the Fire Chief” will be added to the condition. The decks are not covered decks.

Tree caliper was addressed; the landscape plan has not been submitted to BETA for review yet; their engineers don't typically require 3” caliper, only when it's required by town regulation. Due in part to the slopes on the property, the Board was in agreement that a smaller caliper tree would be acceptable.

Regarding designing catch basins in accordance with town standards, Mr. Bissonnette would like for himself and Mr. McGrath to discuss the town standards, but he expects it will be no problem. He will check in with the DPW.

Mr. Quaglieri requested that “Veterans” be moved to (a) under Section I.3.

Regarding Section J, the timing of issuing occupancy permits, Mr. McCarthy referred to issues that had occurred at other 40B projects in town. Mr. Quaglieri expressed concern about the septic system perhaps being damaged if installed too early; Atty. Hill will work on the language for this section.

J.3. will remain, with a bond in the amount of \$10,000. Atty. O'Shaughnessy's change in section K.2. is accepted.

Christopher Henry, 30 Boardman Street, asked about connecting to the Main Street sidewalk; Mr. Bissonnette said the connections to the road will be designed to meet ADA requirements with detection strips; this does make connection difficult. Mr. Henry also asked about shielding the dumpster area with the chain link fence; Mr. Bissonnette said the dumpster will be in an enclosed area; no fence is proposed in the rear of the property; Mr. Quaglieri said he is in favor of a fence in the rear. Units in the rear will have bulkheads; units to the side are on slabs, no basements. Heat pumps will be used instead of gas; Mr. Henry said if propane were used, he would like to see the tank locations called out on the plan. Plantings within the sight triangles will be adjusted, if necessary, as to not block sight lines. Areas for plowing and snow storage were discussed; snow storage areas will be designated. Mr. Henry expressed his opinion that sidewalk mitigation is necessary. He also expressed his opinion on other subjects that were discussed such as grills on decks (check with Fire Chief,) tree caliper

(smaller ok on slopes, but maybe 3" on flat areas,) would like to see stamped landscaping plans, permit fees are the cost of doing business, bonding amounts should not be reduced. Mr. Kulesza said all of these questions/comments can be reviewed at the next meeting.

Tolling of hearing deadlines due to Coronavirus were discussed; clocks are currently not running, since the state of emergency was declared (March 16?). The Waivers requests were discussed at a high level; the Board's feeling is that the requests were not specific enough; the applicant and his attorney will add more specificity and the attorneys will discuss off line.

Donna Jones, North Street, asked if people could access the wooded path that runs toward Hillcrest and Boardman Street. Mr. Bissonnette said the goal was to not have access out the back, due to the railroad tracks. In addition, without a fence there, people from the train could use it as a cut-through. Mr. McCarthy said that the pathway is a liability; something may be designed in the future with the MBTA, after completion of the doubletrack project.

Matthew Bravo and Kristen Springham, 55 Hillcrest Village, asked about the height of the fence in the back of the property. It will be 6' with slats, and it will be added to the plan.

Mr. Sebastiano made a motion to continue the hearing to June 17, 2020, at 7:00 P.M.; Mr. Hanssen seconded the motion; the vote on the motion was unanimous.

144 Seekonk Street – Lakeland Hills, Comprehensive Permit (cont'd from 4/22/20)

Present were Sean Reardon, Tetra Tech; Ted O'Harte, applicant; Christopher Agostino, attorney for applicant; Phillip Cherry, WSP Traffic Engineers.

Plans presented and referred to were a letter from Phillip Cherry, WSP, to Town of Norfolk ZBA and Kim Hazavatian, TEPP, dated 5/6/2020; several abutter letters including those at #120, 130, 141, 143, 150, 152 Seekonk Street; draft conditions and waivers.

Atty. Agostino said that traffic continued to be addressed since the last meeting. Mr. O'Harte approached the neighbor at 141 Seekonk Street, who did agree to some brush cutting on their property. Mr. Cherry reviewed the two memoranda that had been submitted. He noted that the driveway had been relocated 32.5' to the north; that, in addition to the proposed brush clearing, results in meeting the 305' stopping sight distance (SSD) in both directions. He said the intersections sight distance (ISD) is met with a 10' setback from edge of pavement, corresponding to approximately 11' from the white line. The Case F issue (southbound lefthand turn into the site, and distance at which northbound traffic could see the turning car) is also eliminated with the driveway change and proposed brush clearing; 40mph AASHTO criteria of 323' is met. There will be an easement agreement for the brush clearing. Mr. Cherry said that there will be new signs notifying drivers of the entrance, and a speed feedback sign. Atty. Agostino said the highest design speeds (40 mph) were used.

Atty. Hill said this draft of conditions is based on previous 40B projects. In addition to draft conditions, a Memorandum of Understanding (MOU) memorializing specific conditions is being drafted.

Condition A.5. cites a proposed change to the plan in the corner of the site that butts up to Stop River Road; applicant will provide a larger buffer to the neighbor at 14 Stop River Road. Condition A.6. incorporates agreement with property owner at 150 Seekonk Street to install a fence and shrubs and vegetation to prevent headlight glare. B.1. refers to the review account amount to be held in ESCROW and can be discussed by the Board. Atty. Agostino will review the document for any details discussed in the previous hearing tonight (194 Main Street) such as using fieldstone veneer instead of total fieldstone construction. Sean Reardon is specifically designated as the Consulting Engineer. Stormwater system and other utility systems, including septic will be reviewed first. Project must comply with State Stormwater Standards; if there is an Order of Conditions covering certain areas, the OOC will take precedence. Constructability of roadways and structures

will be reviewed, and the review engineer (Sean Reardon) will make a judgement if there is or is not a substantially better site development plan for purposes of providing safer vehicular and pedestrian access, and to provide greater public health and safety and to preserve open spaces. The burden to prove compliance with applicable laws and standards lies with the applicant, who must submit proper documentation in this regard to the Board. Atty. Agostino said this language was acceptable, as long as there is continuity in the peer review engineer, which is why the engineer is designated as a specific person. A complete plan set must be received, such as the set received in July. Mr. Reardon emphasized that there may be additional testing required if basin locations change, etc. Mr. Howe asked about a condition referring to the Office of Dam Safety; Mr. Reardon said he would be sure those standards are met. The applicant requested that the Construction Management Plan (CMP) include the town's bylaw allowing work until 7:00 at night, although they only want to take advantage of that in the summer. No building permit will be issued until receipt of a full architectural plan set, and all septic systems are permitted. Language in C.1. will be edited so as not to prevent individual rental of units. The townhouses will have a condominium trust; they will be responsible for snow storage, no parking on the street, etc. within the condominium area. Project must comply with town bylaws in effect when the application was submitted, unless waived. If additional waivers are required after submittal of the final plans, they will be governed under the change provisions of Chapter 40B. Applicant has asked for waivers from permit fees for the affordable units. Mr. Howe asked that language be clarified regarding snow storage on the private ways vs. public ways. Applicant is responsible for testing of road construction materials, and for maintaining the roads until they have been accepted as public ways. Vertical curb is required where curb meets roadway; Atty. Agostino noted that at the entryway there is a grass strip, and Cape Cod berm might be more suitable. He suggested Cape Cod berm in the condo area as well. More discussion is needed on this subject. Mr. Wider suggested getting the DPW Director's advice as well. Monolithic is preferred.

Atty. Hill said the open space within the loop road will remain natural, and will not be built upon; it will be a condition in the permit, and a Conservation Restriction will be given to the Conservation Commission for signature; a plan delineating this parcel will be required; everything within the area that does not have a structure (drainage, driveway, etc.) will be considered the open space.

Public safety conditions were reviewed. Staked boundary lines will be created in advance, any trees to be removed will be tagged in advance. Language will be added by Atty. Hill regarding the easement in perpetuity for sight line improvements. Atty. Hill proposed that a fund be established to be spent as needed for intersection additional safety improvements as necessary, with the balance transferred into the town's sidewalk mitigation fund upon completion of the project. Atty. Agostino took issue with the amount of the fund being allocated toward "safety" rather than to "sidewalk mitigation." Mr. Wider said two funds could be established if that were preferable. Mr. O'Harte was in favor of the condition as written, with the fund to be established when the first occupancy permit is pulled. All clearing will be done in the early stages of construction.

Conditions regarding timing of occupancy permits were reviewed, particularly with regard to base and binder coats, landscaping, etc. Bonding conditions were reviewed.

Jim Gursha, 143 Seekonk Street, expressed safety concerns, particularly with regard to school busses. Debra Gursha expressed concern with a light being installed, with the possibility of glare on their property; the Gursha's are also seeking a privacy fence to shield headlight glare from this property.

Karen Clark, 130 Seekonk Street, expressed concern about a reference to rear access, which was determined to have been struck. Ms. Clark asked for clarification on visitor parking spaces; there will be no full-time on-street parking. It was clarified to Ms. Clark that the blasting notification area is measured to property lines, not to structures on the properties. The type and location of the speed feedback sign was also clarified. Wall heights were discussed; any wall over 4' requires a railing. Ms. Clark requested that wall heights be specified.

Silvana Della Camera asked about snow plowing procedures.

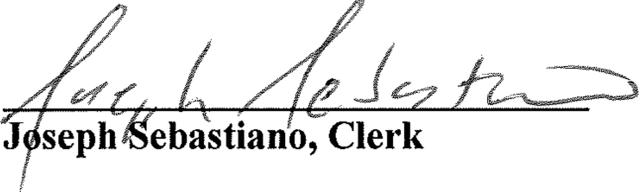
Tristram Carpenter, 120 Seekonk Street, expressed concern about the woods behind the property; he has submitted a request for fencing in the rear of the property. It was clarified that fencing on abutters' properties will be addressed by the developer, but will not be conditions of the decision.

The potential for damage to drinking water wells of abutters due to blasting on the site was discussed. Mr. O'Harte is agreeable to collecting pre-blasting data from abutters willing to provide it; Atty. Hill will draft language regarding this concern.

Mr. Wider noted that Town Meeting is tentatively scheduled for June 24, 2020, but may not take place that night. It was decided to continue this hearing to that night at 5:00, in case Town Meeting does go forward.

Mr. Sebastiano made a motion to continue the hearing to June 24, 2020, at 5:00 P.M. subject to Town Meeting occurring at 7:00 P.M. on that day; if Town Meeting does not occur on June 24, 2020, the Zoning Board of Appeals meeting will convene at 7:00 P.M. on June 24, 2020; Mr. Hanssen seconded the motion; the vote on the motion was unanimous.

Mr. Hanssen made a motion to adjourn the meeting; Mr. Howe seconded the motion; the vote on the motion was unanimous. The meeting adjourned at 12:22 AM on May 21, 2020.


Joseph Sebastiano, Clerk