

Zoning Board of Appeals
 One Liberty Lane
 Norfolk, MA 02056
 June 3, 2020
 7:00 P.M.

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| Christopher Wider – Chair ----- Present | Josephine Cordahi – Associate Member---- Present |
| Michael Kulesza –Vice Chair –Present at 7:15 P.M. | 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 7:07 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 June 3 , 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 (cont’d from 5/6/20)

Mr. Wider announced that the applicant had asked for a continuance. Mr. Kulesza was not yet present at the meeting; Mr. Wider appointed Mr. Martin to vote on this hearing.

Mr. Hanssen made a motion to continue the hearing to June 24, 2020, at 5:05 P.M.; Mr. Howe seconded the motion; the vote on the motion was unanimous.

19 Shire Drive (formerly 7 Philips Way), Special Permits (cont’d from 5/6/20)

Mr. Kulesza arrived for this hearing, and Mr. Martin was no longer a voting member for tonight’s purposes. 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.

Mr. Susi said he had submitted a new Page 1 of the Application and a new Appendix B, to clarify the specific Special Permit request: to store more than 3 commercial vehicles in the rear of the lot in the C-1, off highway zone. There is a list of the various vehicles printed on the plan. Discussion ensued with regard to commercial services vs. contractor headquarters. The board decided to wait for the Planning Board to approve the use, before approving the Special Permit for parking.

Mr. Sebastiano made a motion to continue the hearing to July 1, 2020, at 7:05 P.M.; Mr. Howe seconded the motion; the vote on the motion was unanimous.

81 Pond Street, Special Permit

Mr. Sebastiano read the public notice into the record. Mr. Martin (Associate Member) recused himself from the hearing.

Present was Timaree McKenzie Fowler, representing Joint Excursions, LLC, and Al Quaglieri. Plans presented were entitled "Site Plan of Land in Norfolk, MA, property address: 81 Pond Street," prepared by Landmark Engineering of New England, dated August 15, 1993.

Ms. Fowler stated that they are applying for a Special Permit to park more than one commercial vehicle in the rear yard in the C-1 on-highway zone, and gave the floor to Mr. Quaglieri. Mr. Quaglieri indicated the parking spaces on the plan approved in 1993 that noted the size of vehicles not to exceed 30' long x 8.5' wide x 13' high, inside the building. The applicant is asking that some vehicles (including a bucket truck and . street sweeper, and pickup trucks) be allowed to park outside, in the rear of the lot. Mr. McCarthy said the vehicles do fall within the Commercial Services category, which this site does qualify as. The parking met the requirements of the F11 as previously approved, and the parking conditions are grandfathered under that document.

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

17 Lawrence Street – Abbyville, Comprehensive Permit (cont'd from 5/6/20)

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

Plans and documents presented and referred to: "Abutters' Response Plan," dated 6/3/20, prepared by UCI; "Landscape Plans," (11 pp.) prepared by Bohler Engineering, dated 9/26/16, rev. through 5/21/20; Construction Management Plan (CMP) prepared by Abbyville Development, LLC, dated 5/15/20; BETA review of CMP letter dated 6/2/20; Fire Department 527 CMR, Access & Water Supply regulation & checklist; draft Decision, dated 6/2/20; draft waiver list, dated 5/29/20.

Mr. Goodreau stated that a meeting had been held with the review engineer to go over revisions to the retaining wall and site grading; grading has been revised to eliminate stepped retaining walls behind units 8, 9, 10 and 11. Riprap is proposed in a 1:1 slope area at the north end of site, easterly of the proposed roadway. The Holmes bus company has been contacted, and they prefer the bus stop at the intersection of Roadway A and Lawrence Street. Sight triangles prepared by Green International have been added to the site plans, as well as additional labeling that was requested.

Mr. Mrva discussed the 8'x 10' bus stop structure; a structure that would fit a bench, with a roof on piers, and base made of stone wall material. Where there were stepped retaining walls, there is now one retaining wall proposed in the 2:1 slop area, 8' high, gradually tapering at each end, and an area with riprap in a 1:1 slope area; slope to be seeded with wildflower mix used elsewhere within the project. Four foot fencing will be provided on top of the 8' high retaining wall. Landscape screening is proposed at the toe of the riprap slope; white pines to hide view of riprap.

The slope area above the retaining wall will be maintained by the homeowners' association (HOA); slope area below the wall to be maintained by homeowners; the actual retaining wall and fence will be maintained by the HOA. There will need to be a maintenance easement. Retaining wall face will be made of Redi-rock (same as that at 18 Union Street.) Backyards in this area (units #8-11) are approximately 15'-30' before the 2:1 slope begins. There is an existing streetlight on the corner where the bus stop is, but no additional lighting is proposed. Mr. Howe asked about constructability in one area that seems to encroach on a property; it will be a gravity wall, and does not require a grid going into the hill; it will not extend over a property line.

Mr. McGrath said the Construction Management Plan (CMP) was well-constructed and thorough. He noted a slight difference in Saturday work hours between a draft decision submitted by Dan Hill and the CMP; Mr. McGrath suggested that prior to any house construction, both proposed roadways should be brought up to binder; he suggested adding language in the construction schedule section prohibiting "stump dumps" on site. Total construction time is estimated at 2.5 – 3.5 years start to finish. Developer has committed to a construction pad at the beginning of the site to minimize tracking dirt on the roadways. Language should be added that workers cannot park on public roadways, on any adjacent roads or private property. A 24-hour complaint phone

line will be established for neighbors' concerns; a call log should be maintained and made available to the town upon request. It is almost a balanced site, which includes credit for excavation of foundations to be used on the site and for the roadway, so it will require careful scheduling between obtaining permits and construction activities; may end up 2,800- 3,000 cubic yards of materials to be brought in.

David Dimond, 3 Brett's Farm Road, expressed concern about dust, and asked for and received confirmation that trucks will come in full down Mill Street, and exit empty down Lawrence Street, with no looping through Brett's Farm Road or elsewhere; Mr. Dimond said a timeline view would be helpful; Mr. DiPlacido said he would like to do that, but it is difficult to do until all permits are received, including from the State, but the 120 day estimate for construction should not vary too much (30 days or so) based on when those permits are received; intent is to get it all done as quickly as possible. An overview of the construction staging areas was discussed.

Mr. Wider noted that the board is waiting for more information from the DPW and their consultants regarding the size of the water main on Lawrence Street, and the specifications for tying into it. Atty. Hill's 6/2/20 draft was reviewed. Atty. Smolak noted that they have not had time to review and comment, but it was agreed to run through the document. Atty. Hill does not believe any private wells are in an area of impact, and suggests that section is not necessary.

With regard to traffic, Atty. Hill asked for sight triangles to back up the Intersection Sight Distance (ISD) calculations. Mr. DiPlacido they were put on the plans and approved by Mr. McGrath, but Atty. Hill asked that they be sent separately to the board.

Regarding open space, (land beyond the cul-de-sac,) it has been offered to the town, but Mr. DiPlacido does not believe there is interest in that, so it will be held by the condominium association (COA), with restrictions on disturbance or development in that area. The land is used in the nitrogen loading calculations for the septic system for the COA.

Applicant is not proposing to connect homes on Lawrence Street to the proposed newly extended water main, but will provide the stubs. This will be tabled until the DPW can attend.

Conditions were reviewed. Discussed including a condition for including a pre-blasting survey for wells within a radius to be determined (wells are not included in the 250' rule for structures.) Development must remain homeownership in perpetuity, cannot be converted to rentals. Sidewalk mitigation will be held off until the water main situation is understood; same with repair of Lawrence Street. A "swept path" analysis should be provided by Green International through UCI. Fire Department has checklist that applicant should request and utilize. A Conservation Restriction will be required. Street lamps are provided for the main road to be accepted, maintained by the HOA via an easement, and street lamps for the condo road will be maintained by the COA. Photometrics and cross sections were provided to BETA. If irrigation is provided (likely in the condo area) it would be via a private well; house lots would be up to the individual homeowners. There will be town access to drainage basins; a detail sheet was requested. The proximity of one of the basins to two of the lots appears close; it is 36' and 41' to each of those lots.

Atty. Smolak said that the applicant's team needs more time to review the conditions, which seem to add unanticipated costs to the applicant. Mr. DiPlacido said they had provided written responses to abutters' emails, which have been forwarded.

Mr. Dimond expressed concerns with regard to blasting; one concern is related to wells, another concern is inground pools. Mr. Dimond also asked about a site walk; Mr. Wider suggested seeing progress with conditions first.

Sandra Myatt, Eric Road, asked if topsoil in the Zone II area would be 12" deep; Mr. DiPlacido said it would be 4"-6" deep; if that is not already on the plans or in the CMP, it will be added. Ms. Myatt asked about the busstop; Mr. DiPlacido said Holmes Bus Company was consulted; they do not want to enter the development; it is setback from the road so as not to interfere with sight distance, and there will be an easement. Ms. Myatt said it will be very close to one of the residents, and perhaps it could be screened from them somehow.

Mr. suggested adding verbiage regarding the appeal period during the state of emergence to the decision.

Mr. Sebastiano made a motion to continue the hearing to July 22, 2020, at 7:15 P.M.; Mr. Howe seconded the motion; the vote on the motion was unanimous.

DELIBERATIONS:

81 Pond Street, Special Permit

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

Findings of Facts

Property is located at 81 Pond Street, 19-72-29

Plan has been filed: "Site Plan of Land in Norfolk, Massachusetts, Property address 81 Pond Street," dated 15 August 1993, prepared by Landmark Engineering, Norfolk, MA

Special Permit requested in accordance with Bylaw J.7.1a.1.B. for parking 6 commercial vehicles in the rear of lot in the C-1 on-highway zoning district (street sweeper, bucket truck, various pickup trucks)

Lot is part asphalt/part gravel; part of previous site plan approval

Lot exceed minimum square footage of 30,000 s.f.

Office & manufacturing commercial services; allowed use.

Mr. Sebastiano made a motion to grant the Special Permit as discussed; Mr. Howe 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

NEW/OLD BUSINESS:

Elect Board Officers for FY'21, and B-1 Committee Liaison

Mr. Wider made a motion to re-appoint Devin Howe as liaison to B-1 Committee; Mr. Sebastiano seconded the motion; the vote on the motion was unanimous.

Mr. Kulesza made a motion to re-appoint Chris Wider as Chair; Mr. Hanssen seconded the motion; the vote on the motion was unanimous.

Mr. Wider made a motion to re-appoint Joe Sebastiano as Clerk; Mr. Hanssen seconded the motion; the vote on the motion was unanimous.

Mr. Wider made a motion to re-appoint Mike Kulesza as Vice Chair; Mr. Howe seconded the motion; the vote on the motion was unanimous.

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 9:49 P.M.


Joseph Sebastiano, Clerk