

Zoning Board of Appeals
 One Liberty Lane
 Norfolk, MA 02056
 July 22, 2020
 6:00 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 6:00 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 July 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.

At 6:15 P.M., Mr. Wider said that the board would vote to enter Executive Session under MGL c.30A, §21(a)(3) to discuss strategy with respect to litigation regarding 77 Boardman Street, and that the following persons were also invited into Executive Session with the Board members: Rich McCarthy, Town Planner; Rachel Mills and Peter Mello, of Murphy-Hesse; and Amy Brady, Administrative Assistant. Mr. Wider further stated that at the conclusion of Executive Session the Board would reconvene into Open Meeting for the purpose of continuing the business of the meeting.

Mr. Sebastiano made a motion to enter into Executive Session under MGL c.30A, §21(a)(3) to discuss strategy with respect to litigation regarding 77 Boardman Street; Mr. Kulesza seconded the motion; Mr. Wider declared that an Open Meeting would have a detrimental effect on the bargaining position of the public body, and requested a roll call vote; the results of the vote were as follows:

- Christopher Wider – aye*
- Michael Kulesza – aye*
- Joseph Sebastiano – aye*
- Donald Hanssen – aye*
- Devin Howe – aye*
- Timothy Martin – aye*
- Josephine Cordahi – aye*

At 7:08 P.M., the Board reconvened into Open Session to continue the business of the meeting.

PUBLIC HEARINGS:

17 Lawrence Street – Abbyville, Comprehensive Permit (cont’d from 6/3/20)

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)

Plans and documents presented and referred to were entitled "The Preserve at Abbyville," 26 pp., prepared by United Consultants, Inc., dated March 15, 2017, rev. through 6/25/20; Draft Decision, including waivers and conditions.

Atty. Hill said that he and Mr. Wider had met with the applicant, and discussed a sidewalk from the entrance of the development, to where the new sidewalk on Lawrence Street will end; an estimated cost was presented to the developer, who agreed to help to finance the additional sidewalk; actual construction of the sidewalk will be completed by the DPW. In return, the applicant is now presenting a revised plan, with 32 four-bedroom single family homes (vs. 20 SF units,) and 32 condominium units (vs. 44 condo units). Instead of extending the water main with an 8" pipe as previously agreed, the applicant will pay for a 12" pipe to be installed. Applicant will also contribute to the cost of repaving of roadway affected by this work; water connection fees to be paid by the developer will go toward this offsite mitigation.

If the Board is agreeable, then the applicant will generate a new concept plan showing the new configuration. The Board agreed that the offsite mitigation will be beneficial to the town, and the requests are reasonable. Mr. DiPlacido clarified single family lot sizes; they are currently 30,000 s.f., but would be reduced down to an average of 20-21,000 s.f. in order to accommodate the 32 s.f. houses, with some at 15,000 s.f. per lot.

Chris Henry, 30 Boardman Street, inquired as to the dollar amount of water connection fees, and the total number of bedrooms in the condo units. There will be 8 two-bedroom and 24 three-bedroom condos (total 88 bedrooms.) The cost for water connection fees are \$2,850.00 per unit (@ 64 units = \$182,400.) Mr. Wider said this money will go into the fund for repaving Lawrence Street; any amount not used will be returned to the Water Division. In response to Mr. Henry, Mr. Wider said the sidewalk will be approximately 2,200 l.f. and is estimated at \$175,000.00; the materials cost for increasing the water main from 8" to 12" is approximately \$208-209,000.

In response to questions from David Dimond, 3 Brett's Farm Road, Mr. Wider said there are more single family homes and fewer condominiums, but the total unit count has not changed; Mr. Wider explained the offsite mitigation in more detail. Mr. Dimond asked that specific changes be written up.

Sandra Myatt, 8 Eric Road, asked if the bedroom count has changed, and was informed of the current bedroom count; the basic road layout will be similar to the most recent plans, with a reconfiguration of how houses and condos will be placed; it will need to be re-engineered. Single family homes will have individual septic systems, one common system for condominiums. Reduced number of condos will likely result in reduced potential for ledge removal; single family house lots will be similar to open space subdivision house lots.

Mike Guidice, 6 Eagle Drive, asked if it will be a balanced site; Mr. DiPlacido said they are trying, but there will most likely need to be some material brought in.

Discussion turned to Waivers. A distinction was made between onsite and offsite (quasi-municipal) work with regard to wetland buffer zones. Street lighting was discussed; roadway will be turned over to town, but street light maintenance and electricity costs will remain with HOA. Atty. Hill introduced a new condition with regard to street acceptance. Stormwater and stabilization waiver requests were reviewed. Zoning use waivers were reviewed. Watersheds were discussed. Dimensional and parking requests were discussed; requests will change based on new design. Signage discussed; a granite sign will be requested. Subdivision waiver requests were reviewed. Roadway waiver requests are limited to use of Cape Cod berm (except at intersections) and roadway width requirements. Walkway widths need to be added. Waiver for the height of the retaining wall behind houses was discussed. Trees will be planted outside of the right of way. Board of Health regulations were reviewed; Mr. McCarthy will send the most current regulations to both attorneys; no fee waivers are requested from the BOH Title 5 review.

Mr. Sebastiano made a motion to continue the hearing to August 19, 2020, at 7:10 P.M.; Mr. Hanssen seconded the motion; the vote on the motion was unanimous.

DELIBERATIONS:

194 Main Street – Residences at Norfolk Station (hearing closed 6/25/20.) Mr. Wider recused himself, and Mr. Kulesza resumed as Chair.

Atty. Hill displayed the final draft of the decision. Atty. O’Shaughnessy said he has reviewed it, and feels that everything has been captured. The filing fee was reduced from \$16,920 to \$14,280 based on the reduction in the number of units.

Mr. Sebastiano made a motion to grant a Comprehensive Permit to Norfolk Station, LLC, subject to the written conditions as drafted by the Zoning Board of Appeals, and agreed to this evening; Mr. Howe seconded the motion; the vote on the motion was as follows:

*Michael J. Kulesza – yes to grant
Donald M. Hanssen – yes to grant
Joseph Sebastiano – yes to grant
Devin P. Howe – yes to grant
Christopher M. Wider - recused*

19 Shire Drive (formerly 7 Philips Way), Special Permits (closed 7/1/20)

Findings of facts were reviewed.

- Original application was for 3 Special Permits, was reduced to one: parking of more than 3 commercial vehicles, limited to the rear yard (J.7.a.2.B)
- Applicant asked for 9 parking spots
- C-1, off highway, contractor’s headquarters by right
- Vegetated screening on south and east, screening rear parking area
- No opposition from any abutters
- Planning Board approved site plan, outdoor storage, stormwater management, earth removal
- Address has officially changed from 7 Philips Drive to 19 Shire Drive (same map/block/lot)
- Shire Drive will be used for access, not Sharon Ave.

Special Permit criteria were read into record and agreed upon. Will condition on 10 or fewer spots; general lighting, etc. conditions; Shire Drive will be used for access, not Sharon Ave.

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
Donald M. Hanssen – yes to grant
Joseph Sebastiano – yes to grant
Devin P. Howe – yes to grant*

NEW/OLD BUSINESS:

Appeal of 4/6 Hill Street F.11.a.

Mr. McCarthy referred to a letter he had sent to the Zoning Chair, identifying applicable bylaws. Appeals must be filed within 30 days; the appeal of the Building Commissioner’s decision on this

application was not filed within 30 days of the decision. Mr. Quaglieri stated that he felt the Building Commissioner was not within his authority to issue the F.11.a. in the first place. Mr. Wider said that tonight's discussion was with regard to the timeliness of the appeal as filed. Differences between sections 7 & 8 of MGL 40A were discussed. Mr. Quaglieri asked what his recourse would be at this point; Mr. McCarthy said Section 7 would be the vehicle. Section 7 is a request for action by the Zoning Enforcement Officer first, and it could then be appealed through the ZBA.

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 10:00 P.M.


Joseph Sebastiano, Clerk