

Zoning Board of Appeals  
 One Liberty Lane  
 Norfolk, MA 02056  
 July 29, 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	Richar 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 July 29 , 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:**

144 Seekonk Street – Lakeland Hills, Comprehensive Permit (cont’d from 7/20/20)

Present were Sean Reardon, Tetra Tech; Ted O’Harte, applicant; Christopher Agostino, attorney for applicant.

Atty. Agostino gave an overview of the project status, stating he believed all open issues have been addressed, and a final review of the draft decision and waivers will allow for the closing of the hearing

Atty. Hill began a run-through of the waivers, stopping where language has been changed. Street lights were discussed; they will be maintained, and electricity paid for by the homeowners’ association (HOA); solar lights may be approved if requested and shown to be workable. Maximum building height will be 38’. Local sight distance requirements waived with regard to the intersection of the project driveway and Seekonk Street, but shall apply to the rest of the roadways within the sight. 24’ paved surface and 40’ right of way road standards are approved. New waiver requests were added: design operations and maintenance requirements for individual septic systems, deemed reasonable since they will be governed by Title 5; time of year for groundwater testing local requirements in excess of Title 5 can be waived, similar to previous 40B decisions; showing some elevations and design engineer certifications on the plans have been waived; garbage grinder waiver has been approved. Waiver for rounding up percolation rates will be withdrawn. Waiver for setbacks to private wells within 150’ local setback will be withdrawn. Waiver for interceptor drains withdrawn. Authority for Board of Health to establish “Special Conditions” will be waived. Well testing waiver will be withdrawn for the potential irrigation well. Waivers for reductions of fees will be withdrawn.

Monica Cullen, 150 Seekonk St, expressed concern that the ROW of the subdivision roadway may extend onto her property, but was told by Mr. O’Harte that it will not.

Larry Clark, 130 Seekonk Street, asked for and received clarification that the roads will be built, without provisions to allow for future extension.

Discussion of conditions in the decision ensued, again only stopping where changes had been made. Condition B8 made reference to the “shared system” for the condominiums; Atty. Agostino wants to add “(or systems).” HOA will be responsible for stormwater management systems not included in the condominium area; section C3

calls for an easement for the town to go in to rectify any issues not attended to properly, with the ability to charge the HOA. No waivers for affordable units will be made. Condition C14 governs acceptance of the town's right of way, written to mirror the process the Planning Board would make. Well protection for those neighboring wells within 800' of blasting was reviewed, including drinking water standards to be used.

Mr. Wider asked if there were any final questions from the board. Mr. Howe asked about the gas line currently being installed in Seekonk Street; the intent is for the development to hook up.

Mr. Clark asked for two weeks' notice to abutters outside of 800' before any blasting that might occur, to allow them time to have testing done on their well, should they choose to do so. Mr. Wider suggested adding a minimum of 14 days' notice to the Construction Management Plan.

Tristram Carpenter, 120 Seekonk Street, said he was still awaiting information from the applicant's wildlife manager and details on the exact location of the fence. Mr. O'Harte agreed that a 5' galvanized fence would be installed on the property line instead of a 3' fence, and the rest of the details in Mr. O'Harte's email to Dr. Carpenter, dated 5/8/20 would be adhered to as stated. Atty. Hill said that this request is between the applicant and abutter, and is more of a personal nature, and not something that should be conditioned in the decision.

***Mr. Hanssen made a motion to close the hearing for 144 Lakeland Street; Mr. Sebastiano seconded the motion; the vote on the motion was unanimous.***

A preliminary vote was taken to see if the board would conditionally accept the conditions and waivers as amended this date.

***Mr. Sebastiano made a motion to conditionally approve the Comprehensive Permit conditions and waivers as amended this date, subject to review of a final set of conditions and waivers, at which point a formal vote to grant the comprehensive permit will be taken; Mr. Kulesza seconded the motion; the vote on the motion was as follows:***

*Christopher Wider – aye  
Michael Kulesza – aye  
Joseph Sebastiano – aye  
Donald Hanssen – aye  
Devin Howe – aye*

***Mr. Kulesza made a motion to continue discussion of the 144 Seekonk Street, Lakeland Hills, Comprehensive Permit to August 19, 2020; Mr. Sebastiano seconded the motion; the vote on the motion was unanimous.***

Mr. Wider relayed information that Mr. Howe will not be able to continue as the ZBA's liaison to the B-1 District Zoning Committee. Ms. Cordahi agreed to fill the slot.

***Mr. Wider made a motion to elect Ms. Cordahi to be liaison to the B-1 Zoning District Committee; Mr. Hanssen seconded the motion; the vote on the motion was unanimous.***

***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 8:30 P.M.***

  
Joseph Sebastiano, Clerk