



**TOWN OF NORFOLK  
PLANNING BOARD**  
ONE LIBERTY LANE  
NORFOLK, MASSACHUSETTS 02056

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**NOTICE OF DECISION, NO. 2020-04  
MODIFICATION SPECIAL PERMIT – GRANTED**

2020 AUG 20 PM 3:15  
TOWN CLERK  
NORFOLK

Date: **June 16, 2020**

Name/Address of Owner/Applicant: Norway Farms Drive LLC  
33 Medway Street  
Norfolk, MA 02056

Designer: United Consultants, Inc.  
850 Franklin Street, Suite 110  
Wrentham, MA 02093

Plan Dated: May 28, 2020

Location: Medway Street at Tucker Road

Assessors' Reference: Assessor's Map 16, Block 34, Parcels 162

Zoning District: R-1

Purpose: To allow each open space lot to have a maximum of 7,500 square feet of impervious surface except Lot 1A, 8 and 9 may have greater than 7,500 square feet of impervious surface and modify the off-site and within the subdivision sidewalk construction.

**PROCEDURAL BACKGROUND**

An application dated May 27, 2020 for an Open Space Preservation special permit modification, in accordance with the provisions of Section H.2 of the Norfolk Zoning Bylaws and Section 9 of Chapter 40A of the Massachusetts General Laws, was filed by Norway Realty Trust II with the Planning Board and Town Clerk on May 27, 2020.

The application consisted of a "Special Permit Application for Hearing" form, and a plan entitled "Open Space Preservation Development, Norway Farms" dated May 27, 2020, prepared by attorney Elizabeth Maitland. All matters of record were available for public review in the office of the Planning Board and the Town Clerk for all times relevant thereto. A public hearing was scheduled for June 16, 2020, at which time comments were received from the general public, municipal board and/or departments and the Board's consultants.

A transmittal memo from the Planning Board soliciting comments on the application was sent with the application to the Building Commissioner, Board of Health, Conservation Commission, Department of Public Works, Police Chief, and Fire Chief. The memo noted that a public hearing was scheduled on June 16, 2020.

Notices of the public hearing were published in the Attleboro Sun Chronicle on June 2 and 9, 2020. Notices were also sent to abutters and the Planning Boards of all adjacent towns. In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency, the June 16, 2020, 7:00 P.M., public meeting of the Norfolk Planning Board shall be physically closed to the public to avoid group congregation. Alternative public access to this meeting was provided via Zoom online video conferencing. The public hearing was closed on June 16, 2020. All members voting on this Special Permit were present. All those in attendance were provided the opportunity to comment and present evidence.

The modification is to allow each open space lot to have a maximum of 7,500 square feet of impervious surface except Lot 1A, 8 and 9 may have greater than 7,500 square feet of impervious surface.

The Board carefully reviewed the plan, and all the materials, studies and documentation presented by the applicant, the Board's consultants, letters from Town Officials and Boards, together with the comments and correspondence of abutters and members of the public, and carefully analyzed the general purpose of the Open Space Preservation provision of the Zoning Bylaw and its specific requirements, as well as the specific criteria set forth in Section G.6.c of the Town of Norfolk Zoning Bylaw and Section 9 of Chapter 40A of the Massachusetts General Laws specifically relating to Special Permits in making its findings, conditions of approval and decision.

As indicated above, based on the evidence and testimony presented at the public hearing session as documented in the Detailed Record of this Case, the Board makes the following findings regarding this application.

## FINDINGS

The Norfolk Planning Board hereby makes the following findings regarding this application in accordance with Section H.2.i.4.b:

1. The Board finds that this Open Space Preservation development will be in harmony with the general purpose and intent of the Bylaw since it meets the specific requirements of the Bylaw as noted in more detail below.
2. Subject to the conditions below, the plan complies with the requirements of Section H.2. These requirements include, but are not limited to, the following:
  - a. *H.2.d.1 – Buffer areas from the wetlands of at least 100 feet of natural vegetation and at least 200 feet free of new residential structures from surface waters are provided.*
  - b. *H.2.d.2 – Buildings are sited to reduce impact on natural, scenic and cultural resources and to minimize interruption of scenic vistas from public roadways.*
  - c. *H.2.d.3 – The open space provided helps preserve existing wildlife corridors and ecosystems.*
  - d. *H.2.d.4 – As conditioned, the landscape will be preserved insofar as practicable, tree and soil removal will be minimized, topography, tree cover and drainage will be determined in the final design, and building orientation will be such as to maintain maximum natural topography and tree cover. The open space plan substantially reduces such impacts compared with a conventional subdivision on the same site.*
  - e. *H.2.d.5 – The street design will preserve natural topography and trees, minimize cut and fill and preserve and enhance views and vistas to the extent practicable. Again, the open space plan substantially reduces such impacts compared with a conventional subdivision on the same site.*
  - f. *H.2.d.6 The open space is designed to add to the visual amenities of the area since all of the proposed lots (and several existing lots outside the subdivision) directly abut the open space and have clear views of it. There is also direct access to the open space from Medway Street and the new proposed road.*
  - g. *H.2.d.7 – No historic, traditional or significant uses, structures or architectural elements are proposed to be removed.*
  - h. *H.2.d.8 –The site is not adjacent to an existing farm nor is the open space to be used for agricultural purposes so no protection for a farm is necessary.*

- i. *H.2.d.9 – Septic systems will be located on the most suitable soils.*
- j. *H.2.e – The required four-step design process was used.*
- k. *H.2.f.2 – The minimum average frontage of 100 feet and setback of 30 feet have been met.*
- l. *H.2.f.3 – The minimum lot area of 20,000 square feet, minimum frontage of 50 feet, and minimum setback requirements are met, as demonstrated on the concept plans.*
- m. *H.2.f.4 – The houses will not be closer than 50 feet from each other.*
- n. *H.2.f.5 – The Planning Board reserves the right to require larger setbacks from lot lines for house locations at the Definitive Plan stage.*
- o. *H.2.f.6 No lot with reduced frontage or area is located on a street other than one created by the Open Space Preservation development*
- p. *H.2.f.7 The only residential structure on the tract will be located on a lot that meets conventional minimum area and frontage requirements.*
- q. *H.2.h.2 – The Open Space Preservation development provides 309,307 square feet of upland of open space, which exceeds the required minimum area of open space of 196,317 square feet.*
- r. *H.2.h.2.b – The minimum required area of open space does not have a greater percentage of wetlands or flood plains than the tract as a whole.*
- s. *H.2.h.3.a – The open space consists of two contiguous parcels. The parcel is publicly accessible from Medway Street and the new proposed road.*
- t. *H.2.h.3.c – There is no adjacent existing Permanent Open Space.*
- u. *H.2.h.3.d – The open space includes adequate upland access from a way or street.*
- v. *H.2.h.4 – The uses proposed for the open space comply with the requirements of the bylaw.*
- w. *H.2.h.5.c – The applicant proposes that the open space parcel is to be conveyed to a homeowners association. This is acceptable to the Board subject to the conditions below.*

3. Since the Open Space Preservation development consists of a single family residential subdivision in an existing residential neighborhood, it is in harmony with the existing and probable future uses of the area and with the character of the surrounding area and neighborhood.

4. The Open Space Preservation development is superior to a conventional plan because it results in less disruption to the existing natural land, protects open space in an environmentally sensitive area, and allows for more efficient provision of services by requiring less roadway.

5. The Open Space Preservation development will not exceed by more than 10% the number of house lots that could be developed under standard lot and frontage requirements.

### **SPECIAL PERMIT CRITERIA**

The Planning Board reviewed the special permit criteria of Section G.6.c and found the following:

1. That the use of the site is in harmony with the general purpose and intent of the bylaw.

The proposed use of the site complies with the H.2 requirements, especially with regard to preserving a sizable portion of the land and minimizing disruption to the existing topography (as compared with a conventional subdivision plan). It also is a single-family residential development as allowed by right in this zoning district. Therefore, the Planning Board finds that the use of the site is in harmony with the general purpose and intent of the bylaw.

2. That the use is in an appropriate location and is not detrimental to the neighborhood and does not significantly alter the character of the Zoning District.

The proposed use is residential in a residential district. As noted above, the Open Space Preservation subdivision, subject to the conditions below, will have less impact on the neighborhood than a conventional subdivision, and it provides an open space parcel that reduces disruption to the site. The Planning Board finds that this criterion is met.

3. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

The Planning Board finds that, subject to the conditions below, adequate and appropriate facilities are provided since the subdivision will be served by Town water and on-site sewage disposal systems. Also, adequate roadway, and drainage facilities will be provided. Electrical, telephone and cable services will be provided underground.

4. That the proposed use would not be detrimental or offensive to the adjoining zoning districts and neighboring properties due to the affects of lighting, odors, smoke, noise, sewage, refuse materials, visual or other nuisances.

As a residential development, the proposed uses will not cause any long-term odors, smoke or noise. There will be minimal impact of lighting and visual or other nuisances. Sewage and refuse materials will be no different than a conventional subdivision. Therefore, the Planning Board finds that this criterion has been met.

5. That the proposed use would not cause undue traffic congestion in the immediate area.

The thirteen additional houses proposed are not expected to overburden area streets with undue traffic congestion.

6. That a proper site plan has been filed for approval with the Planning Board and the proper number of copies has been submitted with the application for a special permit to the appropriate permit granting authority.

The applicant has submitted plans for development of the fourteen lots that demonstrate compliance with the requirements of Section H.2 of the Zoning Bylaw. Therefore, the Board finds that this criterion has been met.

7. That the use and/or purpose is consistent with the 1992 Master Plan, as most recently updated.

The Planning Board finds that this development is consistent with the 1992 Master Plan as most recently updated in 2007, as that plan encourages the preservation of open space and natural resources in general and the use of open space subdivisions in particular. In addition, the project results in a net reduction of impervious surfaces. Therefore, this criterion has therefore been met.

## DECISION

It is the decision of this Board, as evidenced by its vote herein, to **grant** the Special Permit Modification request of Norway Farms Drive LLC to allow each open space lot to have a maximum of 7,500 square foot of impervious surface except Lot 1A, 8 and 9 may have greater than 7,500 square feet of impervious surface and modify the off-site and within the subdivision sidewalk construction, with the following conditions:

1. All of the conditions of Special Permit Decision No. 2017-02 remain and force and effect.
2. The sidewalk within the subdivision shall be constructed as shown on exhibit prepared by United Consultants dated May 28, 2020.
3. A contribution of \$ 11,100 will be contributed to the sidewalk fund in lieu of constructing a sidewalk from Norway Farm Drive to 37 Medway Street.

**VOTE OF THE BOARD**

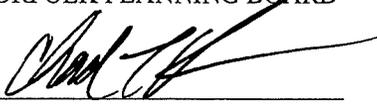
After reviewing the application and information gathered during the public hearing process, the Board voted to conditionally grant, as noted herein, this Special Permit at a duly posted meeting of the Board held on June 16, 2020.

Voting Planning Board Member	Grant/Not Grant
Walter Byron	Grant
John Weddleton	Grant
Gary Searle	Grant
Chad Peck	Grant

Appeals, if any, shall be pursuant to Section 17 of Chapter 40A of the Massachusetts General Laws, as amended, and shall be filed within twenty (20) days after the date of filing of this notice in the Office of the Town Clerk. A copy of this decision has been filed with the Town Clerk.

After the appeals period has expired, the applicant must obtain certified notice from the Town Clerk that no appeals have been made. Said notice must be filed with the Registry of Deeds with the accompanying approved site plan. A copy of said recording must be returned to the Town Clerk to complete the file.

NORFOLK PLANNING BOARD

  
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I hereby certify that 20 days have elapsed from the date of this decision and that no appeal has been filed in this office.

A True Copy Attest: \_\_\_\_\_  
Town Clerk

Date

- cc: Town Clerk, Applicant
- Certified abutters within 300'
- Planning Boards of Franklin, Millis, Medway, Wrentham, Medfield, Walpole, Foxboro
- Building Commissioner/Zoning Officer
- Zoning Board of Appeals
- Board of Health
- Public Works Director
- Design Review Board
- Board of Assessors
- Fire Chief, Police Chief
- Board of Selectmen