



# TOWN OF NORFOLK PLANNING BOARD

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TOWN CLERK  
NORFOLK

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## SITE PLAN & SPECIAL PERMIT APPLICATION DECISION NO. 2019-14

Date: July 14, 2020

Name/Address of Owner/Applicant: AA & JB Realty, LLC  
20 Kenneth Miner Drive  
Wrentham, MA 02093

Designer: United Consultants  
850 Franklin Street, Suite 11D  
Wrentham, MA 02093

Site Plan Dated: January 14, 2020, and revised on June 1, 2020

Drainage Report: United Consultants

Location of Property: 19 Shire Drive

Assessors' Reference: Assessors Map 18, Block 69, Lots 41-12 and Map 19, Lot 69-47

Zoning District: C-1, Off Highway

Purpose: To construct a 7,200 square foot commercial building with associated parking, utilities and grading, landscaping and utility infrastructure.

### PROCEDURAL BACKGROUND

In accordance with Massachusetts General Laws, Chapter 40A and the Town of Norfolk Zoning Bylaws, Section F.11 (Site Plan Approval) and the Norfolk Planning Board Rules and Regulations, Section 7 (Site Plan Approval Administrative Requirements), application was made for site plan approval by AA & JB Realty, LLC, by application undated and filed November 19, 2019, Special Permit for Outside Storage, Earth Removal permit and Stormwater Management Permit.

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, Police Chief, Fire Chief and DPW Director. The memo requested comments and noted that a public hearing was scheduled January 14, 2020. Notices of the public hearing were published in the Attleboro Sun Chronicle on December 31, 2019 and January 7, 2020. The Planning Board convened the hearing on January 14, 2020, continued to February 11, 2020, March 10, 2020, March 14, 2020, April 14, 2020, May 12, 2020, and closed on July 14, 2020.

### FACTUAL BACKGROUND

The site is in the C-1 Off Highway zoning district. The proposed development is to construct a new 7,200 square foot commercial building with associated parking, utilities and grading, landscaping and utility infrastructure. The proposal also includes a special permit request for an outdoor storage area approximately 0000 square feet.

**SITE PLAN FINDINGS:**

Specifically, it is the finding of the Planning Board that in granting said approval for the site plan, the conditions of F.11.c (General Conditions of Approval) of the Zoning Bylaws can be assured to a degree consistent with the proposed use of the site, which include:

1. Protection of adjoining premises against seriously detrimental or offensive uses on the site.

The proposed use is expressly allowed use within the C-1 district. The proposed facility is similar to other uses permitted and planned in the C-1 district. The applicant has incorporated landscaping, site design and architectural elements that are in keeping with its surroundings.

2. Convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent streets, property, or improvements.

The layout of the site has been designed to ensure safe and efficient vehicular access and circulation. The access driveways, sidewalks, pedestrian entrances and loading have been designed to ensure safe access and use of the site.

3. Adequacy of the methods of disposal of sewage, refuse, and other wastes resulting from the uses of the site, and the methods of drainage for surface water and its parking spaces and driveways.

The site will be connected to a common park-wide septic system approved by the Board of Health. A comprehensive park-wide storm water management system has been designed to convey runoff from the proposed development.

4. Adequacy and safety of storage facilities/methods for fuel, refuse, vehicles and other material and equipment incidental to use of the site.

No storage of fuel is planned.

5. Provisions for emergency access and operations within the site.

The layout of the site has been designed to allow for the safe and efficient access and circulation of emergency vehicles.

6. Provision for off-street loading, unloading and parking of vehicles incidental to the normal operation of the establishment.

Provisions for parking and loading are adequate for the proposed uses.

**SPECIAL PERMIT FINDINGS:**

1. A proper application was filed with the Planning Board and the Town Clerk on November 19, 2019.
2. The applicant has also submitted an application for a Site Plan review for the subject property. The Site Plan was approved by the Planning Board concurrently with this special permit on July 14, 2020.
3. The special permit criteria of Section G.6.c of the Zoning Bylaws have been met as follows:

*G.6.c.1. That the use is in harmony with the general purpose and intent of the bylaw:*

The proposal is to create an outdoor storage area of approximately 88,700 square feet. This use is allowed in the C-1 district by special permit. The proposed outdoor storage areas will be to the side of the building and will be screened by a 6' high chain link fence 6 inches off the property lines with privacy slats.

*G.6.c.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 site is located within the C-1 zone, a commercial district that is characterized by a wide range of commercial types, including primarily small businesses. The proposed outdoor storage does not alter the character of the zoning district. Neither flammables/combustibles nor vehicles are to be stored there. The outside storage area is appropriate for the location and serves to enhance the company's business operations on the site. Accordingly, the proposed site will not significantly alter the character of the zoning district.

*G.6.c.3. Adequate and appropriate facilities will be provided for the operation of the proposed use.*

The site will be adequately fenced and screened from view of the adjacent ways. A grass swale has been included in the design to capture and treat storm water runoff from the outdoor storage area. The storm water will then be captured in a deep sump hooded catch basin for further treatment. The storm water will then travel through the site drainage piping and will be treated in a HS-48 prior to discharge to the Shire Industrial Park drainage system. Appropriate landscaping will be provided and the four pole lights for the area are adequate without causing unacceptable glare.

*G.6.c.4. That the proposed use will not be detrimental or otherwise offensive to the adjoining zoning districts and neighboring properties due to the effects of lighting, odors, smoke, noise, sewage, refuse materials, visual or other nuisances.*

The proposed lighting will not cause excessive off-site glare. No excessive smoke or odors will be produced, and refuse will be handled using a dumpster within the screened outdoor storage area. A common septic system for the entire subdivision is provided to serve the building on the site.

*G.6.c.5. That the proposed use will not cause undue traffic congestion in the immediate area.*

The outdoor storage areas will not cause undue congestion. It is accessory to the contractor's headquarters.

*G.6.c.6. That a proper site plan has been filed for approval with the Planning Board and the proper number of copies have been submitted with the application for a special permit to the appropriate PERMIT GRANTING AUTHORITY.*

An application for a Site Plan approval was filed and approved concurrently with this special permit.

*G.6.c.7. The proposed use is consistent with the 1992 Master Plan, as most recently updated.*

The proposed outdoor storage areas are a reasonable and customary use for this type of business. The use of the site is consistent with the Master Plan, as most recently amended in 2007, for the C-1 District.

## VOTE OF THE BOARD

After carefully reviewing the Site Plan and Special Permit application and testimony presented at the public hearing, the Board voted to conditionally grant, as noted herein, Site Plan and Special Permit Approval **DECISION NO. 2019-14** at a duly posted meeting of the Board held on **July 14, 2020**.

### Voting Planning Board Member

### Approved/Not Approve

Walter Byron	Approve
John Weddleton	Approve
Chad Peck	Approve
Gary Searle	Approve
Erin Hunt	Approve

## WAIVER REQUESTS

The specific sections of the Rules and Regulations from which waivers are requested and the Planning Board action and reasons for *denial/approval* are listed below. All waivers are subject to the Conditions of Approval, which follow this section.

**1. Section 3.3.2.21 Impact Studies and Assessments - The Applicant seeks a waiver from requiring the submission of an impact study and assessment.**

*The waiver is **granted** because the site is within a previously developed area including commercial and business developments.*

**2. Section 3.3.2.23 Traffic Impact – The Applicant seeks a waiver from requiring the submission of a traffic impact assessment.**

*The waiver is **granted** because the site is within a previously developed area including commercial and business developments that accounted for traffic counts for the buildout of the park.*

**3. Section 4.14.9 Cul-de-Sac- The Applicant seeks a waiver from installing at cul-de-sac at the end of the street.**

*The waiver is **granted** because the road will not continue through because the end of Shire Drive goes directly into the applicant's site.*

**4. Section 4.19.7.2 Installation of separator structures- The Applicant seeks a waiver separator structure as part of the stormwater system.**

*The waiver is **granted** because the stormwater system is private and the use of a vacuum truck to maintain a*

*private system is standard practice.*

**5. Section 7.4.3.4 Tie to nearest town, county or state bound.**

*The waiver is **granted** because the project is within a previously approved industrial park.*

**6. Section 7.4.2 Plan scale- The Applicant seeks a waiver of the plan scale from 1"=20' to 1"=40'**

*The waiver is granted because changing the plan scale allows for more information to be provided on one plan sheet while providing sufficient detail.*

**7. Section 7.4.3.10. Traffic Congestion and Control Analysis- The Applicant seeks a waiver from providing traffic congestion and control analysis study.**

*The waiver is **granted** because property is located within a business park where other similar uses with similar trip generations that haven't overburdened any traffic controls and create any traffic congestion.*

**8. Section 7.4.3.13.1. Site Lighting - The Applicant seeks a waiver from installing lighting at the perimeter of the parking lot.**

*The waiver is **granted** because the hours of operations are from 7 AM to 5 PM. It is noted that lighting is proposed to be installed on the building and a lighting plan was submitted that has minimal spillover.*

**9. Section 7.5.2: The Applicant seeks a waiver from requirement to provide a traffic study.**

*The waiver is **granted** because traffic impacts are in line with what is expected for the business park.*

**10. Section 8.4.7 Sidewalk. The Applicant seeks a waiver from installing a sidewalk.**

*The waiver is **granted** because the applicant has agreed to pay \$9690 to the Town's sidewalk fund to provide sidewalks in other parts of Town in accordance with Complete Streets Plan, Open Space and Recreation Plan and the most recently updated Master Plan 2007. Payment shall be made to the sidewalk fund prior to endorsement of the plans.*

**11. Section 8.4.8.7 Roadway Width. The Applicant seeks a waiver from a narrower road.**

*The waiver is granted to allow a road width of 26 feet instead of 28 to match the rest of the business park.*

**CONDITIONS OF APPROVAL**

The foregoing conditions shall assure that the Planning Board's decision to approve this site plan is consistent with its current Rules and Regulations, that the comments of various Town boards and public officials have been adequately addressed, and that concerns of abutters and other town residents which were aired during the public hearing process have been carefully considered.

1. All plan changes required by the following conditions shall be shown on a plan and submitted to the Planning Board for review and approval prior to endorsement of the site plans.

2. The recommendations of the Design Review Board accepted by the Planning Board relative to the Architectural plans, building specifications and landscape plan are hereby incorporated into this approval.
3. All elements of access onto and within the site (including any features added in the future) shall conform to the requirements of both the federal Americans with Disabilities Act and the state Architectural Access Board.
4. This Site Plan approval is subject to all subsequent permits, approvals and conditions imposed by the various Town boards, agencies or commissions. Any changes to the plans required by other Boards of Commissions shall be resubmitted to the Planning Board. Unless such changes are determined to be minor by the Planning Board, a formal modification of the site plan approval shall be required.
5. Prior to any construction, including moving of earth, the applicant shall install all erosion and siltation control measures and these shall be observed by the Planning Board's consulting engineer prior to the start of construction work. These measures shall be maintained in good repair throughout the construction period. Furthermore, the applicant shall take all measures necessary to ensure that no excessive dust leaves the premises during construction.
6. Construction work at the site shall commence no earlier than 7:00 a.m. and is to end no later than 7:00 p.m. Monday through Saturday, including truck and machine start-up and movement. There shall be no work on Sundays or the following legal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas.
7. The applicant shall ensure that utility installation will not interfere with the installation of sidewalks, trees, retaining walls, guardrails or other improvements shown on the plans.
8. Any earth removal shall comply with Town of Norfolk Earth Removal Bylaw. Any earth removal shall comply with the Earth Relocation/Removal requirements of the Planning Board's Rules and Regulations for the Subdivision of Land and Site Plan Approval. Trucks used in earth removal operations shall not operate off-site prior to 9:00 AM and after 3:00 PM, Monday through Friday. On-site truck movements may operate between 7:00 AM and 5:00 PM Monday through Friday.
9. The applicant shall also submit truck routes and employee/contractor access and excavations within public ways and accepted streets to the DPW Director for review and approval, after obtaining all necessary permits and shall provide police details as deemed necessary by the Police Department.
10. The site and its use must comply with all Zoning Bylaws or the applicant must obtain the necessary variances or Special Permits from the Zoning Board of Appeals or Planning Board, as deemed necessary, prior to endorsement of the plan. Any changes to the site plans referenced in this decision must be presented for further approval of the Planning Board and/or modification by way of public hearing.
11. The applicant is required to comply with all applicable portions of Section 7 and 8 of the Rules and Regulations. The applicant may cite individual portions of this section for a waiver request through a modification procedure.

12. The Board reserves the right to place further conditions on this approval upon receipt of requested details, specifications, and revised plans.
13. All waivers that have been granted shall be noted on the face of the site plans presented for endorsement, and the plans changed accordingly.
14. All site plan lettering shall comply with the requirements of the Norfolk County Registry of Deeds.
15. All conditions indicated in this document are to be shown as revisions to the site plan and are to be submitted to the Planning Board and its consultant for review and approval prior to endorsement.
16. A final site plan shall be submitted for endorsement by the Planning Board, with all Conditions for Approval listed in this Decision No.2019-04, duplicated on a plan sheet, within 90 days of the date this decision is filed with the Town Clerk. If not submitted within 90 days, this approval shall expire, unless the deadline for submittal is extended by the Planning Board. Additional sheets may be added; however, all sheets must include a signature block and number.
17. The terms and condition of this Site Plan and Special Permit Approval shall remain in force throughout the duration of this use.
18. The applicant shall furnish two (2) copies of the as-built plans prepared by a registered surveyor to the Building Commissioner and two (2) copies of the as-built plans to the Planning Board. These as-built plans shall indicate that the structure and the site work were completed in strict compliance with the approved and endorsed Site Plan as conditioned. An electronic copy in a format acceptable to the Planning Board shall also be submitted to the Planning Board prior to the issuance of an occupancy permit.
19. No building permit for site construction work shall be issued until proof is supplied to the Planning Board that this decision, together with a copy of the endorsed (Site Layout Plan), has been recorded by the applicant at the Registry of Deeds. No occupancy permit shall be issued and no use of the site shall commence until this site work is completed in accordance with this Site Plan Approval, as determined by the Planning Board following review of the as-built plans and an inspection of the site by the Board or its agent.
20. If any one portion of this Decision is found to be invalid, the remainder shall remain in force.
21. The Planning Board, or its designated agent(s), reserves the right to inspect the site for compliance with the approved site plan, at any time, with the cost borne by the applicant.
22. The applicant shall pay any additional review fees and a site observation fee of \$2000 prior to endorsement of the plan by the Planning Board. All additional fees shall be paid prior to the issuance of a Building Permit.
23. A pre-construction meeting shall be held with the Town Planner, owner, site contractor, Planning Board's consulting engineer prior the start of site construction. It is the responsibility of the applicant to request observations of the work as called for on Form K-2, which is available in the Planning Board office.

24. If there is a conflict between the site plan and these Conditions of Approval, the Conditions of Approval shall rule. If there is a conflict between this Approval and/or site plan and the Zoning Bylaws of the Town of Norfolk, the Zoning Bylaws shall apply.
25. Hay bales, silt fences, burlap filter mitts and all other erosion and sedimentation control measures shall be installed to prevent silt and gravel from entering the roadway and into newly installed drainage system components maintained throughout the construction period. The erosion control measures shall be inspected periodically to ensure they are maintained in good working order. At a minimum they shall be inspected monthly and within 24 hours of a heavy rain event by the Design Engineer and inspection reported to the Planning Board.
26. Hay bales or other approved erosion control measure shall be placed across the construction entrance during times when construction is not active (overnight and on weekends and holidays).
27. If temporary drainage is used to collect storm water until the permanent system is put in place it shall function to sufficiently collect storm water during construction while causing no damage to the permanent storm water management facilities. Unless waived by the Planning Board, the temporary drainage system shall remain in place until all construction, including construction on lots, and landscaping tributary to the permanent drainage system is completed and/or stabilized.
28. The applicant shall notify the Planning Board Consultant during the excavation of the infiltration basins to verify soil conditions.
29. Update the Operation and Maintenance Plan for 19 Shire Drive that includes: inspection and maintenance of grass surface, vegetated buffer strip, rain garden and outlet
30. The applicant shall also submit truck routes and employee/contractor access and excavations within public ways and accepted streets to the DPW Director for review and approval, after obtaining all necessary permits and shall provide police details as deemed necessary by the Police Department.
31. This Special Permit must be exercised within twelve months of issue or it will become null and void.
32. The Planning Board or its agent(s) shall use all legal options available to it, including referring any violation to the Building Commissioner/Zoning Enforcement Officer for appropriate enforcement action, to ensure compliance with the foregoing Conditions of Approval.
33. The Conditions of Approval and General Conditions of Approval are enforceable under Section G.1.b of the Norfolk Zoning Bylaws, Non-Criminal Disposition and violations or non-compliance are subject to the appropriate fine which is currently three hundred and No/100 (\$300.00) dollars per day per violation.

## **APPEALS**

Appeals, if any, from this Decision shall be made pursuant to G.L. Chapter 40A, Section 17 and shall be filed within twenty (20) days after the date of filing in the Office of the Town Clerk. A copy of this Decision has been filed with the Town Clerk.

After the appeal 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.

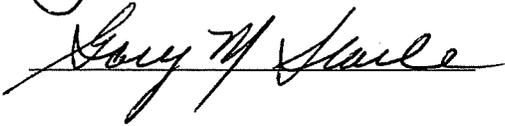
Said site plan approval is granted pursuant to Section F.11 of the Norfolk Zoning Bylaws and if the rights authorized by site plan approval are not exercised within one (1) year after the expiration of the appeal period for the decision, it shall lapse, and may be reestablished only after a notice and a new hearing has been held pursuant to Section 17 of Chapter 40A, Massachusetts General Laws, unless the Planning Board finds that the construction or use permitted by the site plan approval was not commenced for good cause.

Said special permit is granted pursuant to Section G4 of Norfolk Zoning Bylaws if the special permit has not commenced by one year from the effective date of the Special Permit, effective date being defined as the date the appeal period is ended if no appeals have been taken, or from that date that any and all appeals taken have been set aside. Any use permitted by Special Permit that is discontinued for a period of one year or more shall cause the Special Permit to lapse. The PERMIT GRANTING AUTHORITY may extend the period if it finds that the construction or use permitted by the Special Permit was not commenced for a good cause.

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  
Department of Public Works  
Design Review Board  
Board of Assessors  
Fire Chief, Police Chief  
Board of Selectmen