

August 11, 2016

Present was James Lehan, Scott Bugbee, Jack Hathaway, Town Administrator and Marian Harrington, Executive Assistant. Jeffrey Palumbo was not in attendance.

The meeting was held in Room 124, Town Hall. Scott Bugbee opened the meeting at 12:06 p.m.

Also present was Peter Chipman and John Weddleton.

Jack said we are here because the Board needs to consider approving a Confirmatory Deed regarding the Preserve at Keeney Pond and Lot #41 of same.

This is between the Town of Norfolk and all lots in the subdivision that are within Zone 2 related to the well on Gold Street. When an area falls within Zone 2 protection, it is limited to 4 bedrooms per acre.

Relief comes through 310 CMR 15.216.

This is something that should have been seen through the Planning Board or Board of Health process 15 years ago, but it wasn't. If that had happened, either these lots would have been created with more land in back so they would've had the acreage they need, or this relief would have been included in the original deed.

It has nothing to do with local zoning. These houses are allowed by size by local zoning.

Jack said he has the Confirmatory Deed drafted by Dave DeLuca, Town Counsel. There are two versions; one including the Conservation Commission, and one with just the Board of Selectmen. Jack suggested they sign both because he couldn't reach Dave to see which one he recommends we use.

Jim asked if we've talked to Board of Health? Jack said yes, he talked with Chairman Tom Gilbert, and he is okay with the process.

Jack said the DEP recommends that the Board of Health should have reviewed this during the design phase prior to Planning Board subdivision approval. This was not done. It was not identified that this was within Zone 2. It was an oversight. It still remains open space. Jim said if the Board of Health had been involved in the design phase, we would not be here today. Jack agreed. We

would've had 1¼ acre for each lot or the deed would have reflected the need to have nitrogen relief on the open space.

Jack had a list of all parcels in The Preserve subdivision that touch the Zone 2. Some have houses built. We listed all of them that are affected by the Zone 2. Jack is not sure all the one acre lots need the credit. He rounded down.

At this point Dave DeLuca returned Jack's call, so Jack left the room to speak with him.

Peter asked if this is a modification to the current site plan. Jim said he did not know. Peter said we have had this issue before with the Pondville medical building. It is not our first encounter with this.

Jack returned to the room and said that after speaking to Town Counsel, they should sign the one that includes the Conservation Commission.

Jim moved to approve the Confirmatory Deed. Scott Bugbee seconded, and it was **so voted**.

At 12:24 p.m., Jim Lehan moved to adjourn the meeting. Scott Bugbee seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of August 11, 2016.

James Lehan, Clerk