Town of Norfolk
Zoning Board of Appeals
One Liberty Lane
Norfolk, MA 02056

January 28, 2016

Zoning Board Members	**Others**
Michael Kulesza –Chairman ----- present	Amy Brady ---------- Administrative Assistant
Robert Luciano –Vice Chairman---present	Ray Goff----------Town Planner
Mr. Wider – Clerk ----------present	Larry Keegan----------Weston & Sampson
Joseph Sebastiano –Full Member - present	Judy Barrett----------Comm of Mass
Jeffrey Chalmers – Associate Member- present	
Donald Hanssen – Full Member – present	

The duly posted meeting of the Zoning Board of Appeals convened at 7:08 p.m. in room 124 at the Norfolk Town Hall.

Mr. Kulesza announced that this meeting was being audio and videotaped.

APPLICATIONS:

NEW BUSINESS:

PUBLIC HEARING:

7:10 P.M. 117 Seekonk Street, Special Permit & Variance –continued from January 20, 2016
Mr. Kulesza distributed a letter had been received from the applicant's attorney, granting permission to extend the hearing until next month; he wants to take a different approach, and asked the Board to rescind their vote on the Special Permit. ***Mr. Wider made a motion to ~~open~~ re-open the Public Hearing*** *at 7:10 PM, for a SP in accordance with MGL Chapter 40A, Section 9 and the Norfolk Zoning Bylaws, Section D.2.d.5.b. for a commercial kennel, and Variance relief from the dimensional requirements, for the property located at 117 Seekonk Street, in the R-3 District, reference Assessor's Map 23, Block 54, Lot 56.* ***Mr. Sebastiano seconded; the vote on the motion was unanimous.***

Mr. Wider made a motion to reconsider the Special Permit vote*, in accordance with MGL Chapter 40A, Section 9, and the Norfolk Zoning Bylaws, Section D.2.d.5.b. for a commercial kennel located at 117 Seekonk Street in the R-3 District Assessor's Map 23, Block 54, Lot 56.* ***Mr. Sebastiano seconded; the vote on the motion was unanimous.***

Mr. Wider made a motion to continue *until February 24, 2016, the public hearing for a Special Permit in accordance with MGL Chapter 40A, Section 9 and the Norfolk Zoning Bylaws, Section D.2.d.5.b. for a commercial kennel. The applicant has requested that the Board continue this, and has been granted a continuance until that time.* ***Mr. Sebastiano seconded; the vote on the motion was unanimous.***

7:15 P.M. Boyde's Crossing/106 & 108 Main Street Comprehensive Permit
Present were: Larry Keegan, Weston & Sampson, peer review consultant; James Pavlik, Outback Engineering; Christopher Agostino, Attorney for Powerhead; Paul Cusson, Delphic Associates; 40 B consultant, Judi Barrett; Eoghan Kelley, Powerhead, LLC; Ray Goff, Town Planner; Paul Comendul & Robert Nicodemus, Design Review Board; Ronald Ober, Main Street; Peter C. Diamond, Seekonk Street.

Mr. Kulesza opened the Public Hearing at 7:15 P.M. Mr. Keegan began, stating that he looked at Boyde's Crossing, in the B-1 District, in terms of design, general layout, aesthetics, lighting, type of lighting, privacy, and impact to neighbors. All but the rear lot setbacks are satisfied; requirement is 10', they have 5'. All dwellings open into common area, done tastefully. Gazebo, patio, fenced in areas, space between units is fenced in, landscaping around buildings, evergreen, deciduous, and flowering shrubs and groundcover. Large areas with no trees, other big ones remain, others being added. Rear of the units is lanscaped for privacy and screening. Garages under are buffered with sidescaping and slanted slopes. Rear of the building shows windows, dormers, porches, in earthtone colors, all very tasteful. Lighting: 16' street lighting on access road. Near houses #112 & 114 Main St., cutoff fixtures keep light from shining in units and houses. Mr. Keegan suggests using cutoff fixtures around all the units. In the common areas, there is 8'pedestrian scale lighting.

Questions with regard to stone vs. Redi-Rock, building colors, fencing height and materials, and conifer trees were addressed, as well as lighting mitigation for houses across from the entrance on Main Street to address cars going in and out at night. Mr. Kelley stated that Powerhead, LLC, is not averse to a fieldstone wall, and the developer (Mr. Bisham) is in contact with the neighbors regarding lighting.

Mr. Kulesza read the Fire Chief's letter into record. The Board addressed questions with regard to units with fire sprinklers, fire lanes, and sequential numbering. Mr. Diamond, abutter, addressed questions with regard to fence maintenance for the life of the property. Mr. Agostino stated that maintenance of the fence is in the Comprehensive Permit, so that if it were not maintained by the condominium community, the town could always send a letter to the developer. Mr. Diamond reiterated his father's concern with flooding, and confirmed that it will be addressed with Conservation. Mr. Diamond asked whether the town could see the numbers to confirm that the developer makes no more than the 20% profit allowed under 40B; Ms. Barrett responded that the subsidizing agency, not the town, determines if excess profit has occurred; the town can review and comment, but can't agree or disagree.

The next topic was waivers of local regulations: Mr. Goff stated that he had reviewed, and all seem reasonable and necessary. Ms. Barrett questioned the comment regarding garbage disposals; Mr. Goff replied that because they are going with no garbage disposals, the town will want a deed restriction on the development, so that disposals cannot be added later. Mr. Agostino stated that there will be a compost pile in the common area garden. Mr. Wider pointed out where Redi-Rock is called out in the agreement. Mr. Kelley passed around pictures of various types, and stated that one of the reasons for going with Redi-Rock for the entrance wall is that it's a retaining wall, and interior walls will be actual stone; stone wall would not be crash ready, you would need a guard rail in front of it. Mr. Goff stated that aesthetics are important, and the Conservation Commission will need to weigh in as well. Mr. Kulesza summarized that a condition will be built into the Decision to for later review of the material.

Ms. Barrett stated that a complete list of all documents of record that have been submitted to the Board.

Mr. Keegan asked if there is any proposed lighting on the roadway from the T, and was informed that there is not. Mr. Kelley will look into solar lamps, and other options.

In response to Mr. Nicodemus's concerns about colors, Mr. Agostino suggested a condition in the Decision regarding alternating colors, making them reasonably dispersed, and limiting "wedgewood."

It was agreed that language concerning all of the foregoing conditions will be added to the Conditions by the next meeting. Mr. Goff stated that Town Counsel has reviewed what's been done to date, and is very comfortable with it; Mr. Agostino stated that Mass Housing does not need to review it.

Mr. Wider made a motion to continue the Public Hearing *until February 4, 2016, at 7:15, for the Comprehensive Permit under General laws 40B, Sections 20-23 for Powerhead, LLC, for 106/108 Main Street.* ***Mr. Sebastiano seconded; the vote on the motion was unanimous.***

Mr. Sebastiano moved to adjourn. Mr. Hanssen seconded; the vote on the motion was unanimous.

Meeting adjourned at 8:15 P.M.

Mr. Christopher Wider, Clerk

In accordance with the requirements of G.L. 30 § 22, approval of these minutes by the Board constitutes its certification of the date, time and place of the meeting, the members present and absent, the matters discussed, and the action taken by the Board with regard to those matters (if any). Any other information contained in these minutes is included for context only. Notes memorializing deliberation or discussion of any matter are in the summary form and may include inaccuracies or omissions. Where proof of the content of a statement is required, a tape recording or transcript should be consulted, if available.