Town of Norfolk
Zoning Board of Appeals
One Liberty Lane
Norfolk, MA 02056
July 20, 2016

Zoning Board Members	Others
Michael Kulesza –Chairman ----- absent	Betsy Fijol--Administrative Assistant --Present
Robert Luciano –Vice Chairman---present	Ray Goff – Town Planner – Present
Mr. Wider – Clerk ----------present	Judi Barrett, 40B Consultant - Present
Joseph Sebastiano –Full Member - present	
– Associate Member-	
Donald Hanssen – Full Member – present	

The duly posted meeting of the Zoning Board of Appeals convened at 7:05 p.m. in room 124 at the Norfolk Town Hall. Mr. Wider announced that this meeting was being audio and video recorded.

MINUTES:

Mr. Sebastiano made a motion *to accept the minute, as amended by Mr. Wider, for the Town of Norfolk Zoning Board of Appeals meeting on June 22, 2016;* ***Mr. Hanssen seconded*** *the motion;* ***the vote on the motion was unanimous.***

PUBLIC HEARINGS:

14 Cottage Avenue-Variance: The Board began deliberations at 7:15 P.M.

Mr. Wider signed the Variance Plot Plan for 14 Cottage Avenue prepared by Guerriere & Halnon, Inc., dated March 11, 2016, revised on 5/16/15 and received on June 1, 2016.

Findings of Fact:

Existing 1 ½ story single family home, cottage and garage on property to be razed
New home to be 25' off front lot line
29,000 sf non-conforming lot in R-2 zoning district
Side & rear setbacks will conform to current zoning laws (63' from the side, 33' from the rear)
New septic system to be installed
It is proposed to construct an 1,800 sf home including an attached garage
Rear retaining wall to be rebuilt approximately 80' in length
Riprap swale installed at rear approximately 95' in length
Cape Cod berm & 2 catch basins to be installed to mitigate any erosion caused by water
Front to back drops 198' to 173', then another drop of 40' to the far rear of the property
Jute matting and other erosion controls will be used
Neighbors' concerns raised and addressed
Received report from endangered species stating there was none

Criteria:

1. The Variance must be with respect to particular land or structures

   Parcel of Land: 14 Cottage Avenue
   Structure: Single Family Dwelling

2. There must be circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures, but not affecting generally the zoning district in which it is located

   The sloping topography of the land does not allow for sensible placement of the house anywhere else on the lot.

3. Literal enforcement of the provisions of the bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant.

   Not moving the house forward would result in the need for building retaining walls, and substantial tree removal. In addition to creating a financial hardship, both of these items would quite likely result in drainage and erosion issues for surrounding properties.

4. Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such bylaw.

   The general consensus among abutters is that building the dwelling closer to the street, away from the rear property line, will result in better aesthetics for the entire neighborhood.

Conditions:

- When tearing down the 1 ½ story structure, applicant must provide a double barrier of plywood to ensure debris doesn't fall down to Old Populatic
- Proper plants indigenous to area to prevent erosion
- Review in 1 year to ensure there are no issues

Mr. Sebastiano made a motion *to grant a Variance for 14 Cottage Avenue, pursuant to M.G.L. Ch. 40A, s.10, as amended, and Section H.2.f.4. of the Norfolk Zoning Bylaws to allow the construction of a dwelling. The property is located at 14 Cottage Avenue, Assessors Map 4, Block 15, Lot 15, in the R-2 zoning district;* ***Mr. Hanssen seconded the motion; the vote passed by roll call vote as follows:***

Mr. Sebastiano – yes to grant
Mr. Wider – yes to grant
Mr. Kulesza – absent
Mr. Luciano – yes to grant
Mr. Hanssen – yes to grant

<u>84 Cleveland Street, Lakeland Farms, Comprehensive Permit</u> – Mr. Wider announced the continuation of the public hearing at 7:38 P.M. Present were Judi Barrett, RKG Associates; Andrew Ogilvie & Ken Ho, BETA Group, Inc.; Attorney Rob Knapik & Frank Niro, Knapik Law Office; Edward O'Harte, Applicant; Stephen O'Connell & Travis Brown, Andrews Survey & Engineering; Jennifer Connolly, WSP

<u>Traffic</u>:
Jennifer Connolly provided an overview of the traffic study that was prepared for Lakeland Farms by WSP/Parsons Brinckerhoff (PB), dated June 2, 2016, and also outlined WSP/PB's responses to the peer review, dated July 12, 2016, performed by BETA Group, Inc.

Ken Ho, BETA traffic engineer, provided an overview of the BETA Group, Inc. peer review, cited above, done on the WSP/PB traffic study, also cited above.

Mr. Luciano asked if a traffic study should include pedestrian and bicycle traffic, and Mr. Hanssen asked if the reason that the BETA peer review suggested that the intersection of Cleveland Street and Route 115 also be considered, is the possibility of a great percentage of Lakeland Farms residents may take the train, skewing the directional assumptions. Mr. Wider asked if the impact of additional traffic on individual areas of Cleveland Street are considered. Mr. Ho responded that the additional traffic at the intersection of Cleveland Street & Rte. 115 should be considered due to additional traffic in an intersection already described as having poor sight distance, but it would be very challenging to look at impact on individual driveways; bad turns, etc., should be addressed, for instance, by additional signage. Ms. Connolly added that typical ways to mitigate non-intersection sight line issues also include speed enforcement and tree removal. School bus stops were also discussed.

Mr. Goff said that he received an email from the Police Chief with concerns about the volume of traffic this project will create. Mr. Goff also asked if the topic of walkability to public transportation had been addressed, particularly in the dark in the wintertime. Mr. O'Connell stated that he did not believe the property had been portrayed as within walking distance to the train or library or town hall.

Mr. Wider opened up for public comment:

Gene Bailey, 87 Cleveland St, said getting to the train is not walkable and increased traffic would be a burden.

Kathy Kubit, 88 Cleveland Street, who is vision impaired, stated that she has walked back and forth to the train station, and it was very difficult. Ms. Kubit asked if a traffic study had been done on Ferne Ridge Subdivision, and Mr. Goff said he would look into it. Ms. Kubit also expressed her opinion that considerable traffic delay would result from more than 10 children loading and unloading from a school bus.

Debbie Boris, 10 Cleveland Street, stated her belief that it is unrealistic to base the study on 40 cars.

Gene Bailey asked how many feet are considered for sight line. Ms. Connelly said that from the east, it is 480' and from the west it is just under 400'. In response to Mr. Goff's question, Ms. Connelly said that due to the driveway width of the proposed development, the sight lines will be better than smaller driveways.

Ms. Boris asked if truck traffic impact during construction was taken into consideration, citing the truck traffic during four years of construction of Ferne Ridge.

Mr. Wider said the Board would like to see the expanded traffic analysis to address some safety concerns, and asked Ms. Barrett how that is usually done. Ms. Barrett responded that many of the issues being discussed may be exacerbated by the proposed construction, not caused by it, and that the Permit Granting Authority should rely on their experts. If peer reviews determine that the new proposal would add, for example, 10% to an existing condition, then the applicant might be asked to contribute that amount to the mitigation of the condition, but the town would be obliged to complete it. Mr. Wider stated that he would like to see further discussion occur between the two traffic study engineers, based on concerns raised this night.

Mr. Knapik asked the Board to review specifically what the applicant should do as it relates specifically to 40B. Mr. Knapik summarized the following areas: 1) Should the study area be expanded, 2) is mitigation necessary, and if so, how much is attributable to the new project, and 3) safety concerns. Mr. Knapik stated his understanding with regard to expanding the study area, that impact will not be greater at intersections farther from the site. With regard to mitigation, Mr. Knapik stated his understanding that the areas of concern are pre-existing areas of concern, and the 40B language states that a safety concern must be serious and legitimate, and must outweigh the need for local affordable housing. With regard to safety and speed, Mr. Knapik stated that although sidewalks, lighting and road widening would be nice, the cost

shouldn't be borne by the applicant, and that speed was primarily an enforcement issue. Mr. Knapik requested that all of this be considered before requesting additional studies and research.

Tim, Fruit Street, asked if there is the possibility of consideration on a reduction in the number of units in order to deal with the safety concerns. Mr. Wider stated that that was part of the peer review. Medora Champagne, Seneca Street, said that most people take the 7:20 am train and think they are missing some data for those times. Jen said they did capture that using 24 hour data. Kathy Kubit asked about the turning radius for large vehicles. Steve O'Connell responded that a fire truck program was run. It was noted that the client has asked the Fire Department for specs on their most restrictive truck, and is awaiting that information.

Mr. Wider stated that it was his opinion that, based on the Police Chief's concerns with safety, requesting a broadened study area was reasonable, as well as further conversation between the traffic engineers with regard to safety concerns. In response to Ms. Connelly's question regarding scope of additional traffic study, Mr. Wider said that he would leave that up to the experts (traffic study engineers). It was stated that Mr. Goff will be copied on any decisions made between them.

Engineering:
Mr. Wider asked for an update on the engineering. Mr. O'Connell said that he is working with the Con Com and was reluctant to provide data that may not be relevant. At this time it appears there will be no drastic revisions required and they will be able to move forward. He also stated that the water pressure issue has been addressed in the July 7, 2016 letter from Environmental Partners stating that based on flow testing, the existing water system will adequately provide domestic and fire flow capacity for the project.

Mr. O'Connell stated that the revised plans will be presented at the next meeting, and Mr. Ogilvie stated that he will prepare a water review for that meeting.

Mr. Wider said the Board will also review the Historical Commission memo at the next meeting, and architectural and landscaping plans will also be reviewed at the 8/18/16 meeting, with BETA, providing a review memo prior to the meeting.

A site walk will be scheduled for July 30th @ 9 am or August 18th @ 9 am

Mr. Sebastiano made a motion** to continue the meeting to August 18, 2016, at 7:30 P.M.; **Mr. Hanssen seconded the motion; the vote on the motion was unanimous.

NEW BUSINESS:
Mr. Sebastiano *Mr. Hanssen*
~~Mr. Hanssen~~ made a motion** to adjourn; **~~Mr. Wider~~ seconded** the motion; **the vote on the motion was unanimous.

The meeting adjourned at 9:15 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.

TOWN OF NORFOLK
ZONING BOARD OF APPEALS

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CERTIFICATION PURSUANT TO G.L., Ch.39, §.23D
(ACCEPTED UNDER ARTICLE 12
OF THE SPECIAL TOWN MEETING
OF OCTOBER 24, 2006)

DATE: 11-2-16

APPLICANT'S NAME: Lakeland Farms, LLC

PROJECT NAME/LOCATION OF PROPERTY: 84 Cleveland St.

CASE NO: 2016-04

ASSESSORS' REFERENCE: Map 15 Block 54 Lot 43

I, Michael Kulesza hereby certify that I have examined all evidence received at the one (1) session of the public hearing in the above matter held July 20, 2016 including (check all that apply):

- ✓ An audio/video recording
- ✓ Minutes
- ✓ Other supporting plans & documents

Signature Board Member