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Planning Board Meeting Minutes February 7, 2017

7:15 P.M. Call to Order

The February 7, 2017, meeting of the Norton Planning Board was held in the first floor Selectmen's Conference Room, of the Norton Town Hall and was called to order at 7:15 P.M., by Joanne Haracz, Chairman. Member(s) Present: Joanne Haracz, Chairman; Mr. Edward Beatty; Mr. Frank Durant; Mr. Joseph Fernandes; and Mr. Stephen Jurczyk. Absent: Mr. Patrick Daly. Also present was Tabitha Harkin, Planning and Economic Development Director.

General Business

A. Discussion on Proposed Zoning Amendments

Documents Provided to Planning Board

1. *"Proposed Zoning Amendments - Spring 2017" (dated February 7, 2017, Norton Department of Planning & Economic Development)*
2. *Letter dated February 1, 2017 addressed to Town of Norton Planning Board, from Mark J. Hoesley and Cathleen Wilkerson Hoesley Re: 312 Taunton Avenue Proposed Rezoning accompanied by maps (received February 2, 2017)*
3. *"Houghtons Land Development" (no date, Condyne) Presentation of proposed re-zoning, with descriptive text and maps associated with Houghton Farm ("Aerial photography, rendering of potential buildings, alternative site layouts, locus map for 8-parcels 190 acres + -")*

- **Taunton Ave**

Ms. Harkin explained the proposed zoning amendment which would be changing four parcels from Industrial to R-60. It is in an ACEC (Area of Critical Environmental Concern). This will be a placeholder for proponent.

Proponent is Mark Hoesley, who owns property at 312 Taunton Avenue. He communicated last spring, he and his wife purchased 312 Taunton Avenue which was a model home. At that time they looked this up on tax assessor's property card and saw it was zoned R-60 and they purchased the property. However, after they purchased it, they went to the Town Inspection Office and they indicated it was in an industrial zone. After several visits to the Town Manager, etc., it was determined that zoning takes precedence over Tax Assessor's Office. There was no possibility of obtaining a variance to use this property as a home. They tried to sell as a commercial property, and had no interest, because it is not an office space nor an industrial space, and no one was interested in purchasing it. Even if they could sell it, the value would be about \$200,000 less. It was zoned in 1974 and was a remnant of that original zoning ordinance put into effect and neighborhood has changed; there were also other homes included in this change. All the way up and down Eddy Street, many homes were built and it is a residential area; a large portion was zoned to residential for Winslow Farm. He said the neighbors are supportive of this. One neighbor, Mrs. Pickett, was unable to attend this evening's meeting, but wanted to support this and, at least, two other neighbors were also very supportive of it. Lastly, there was a personal plea, the personal financial hardship this has caused; they bought this from someone who bought it from an auction and thought price was good, but they are currently carrying two mortgages on this house and their current home. This house cannot be used for residential purposes.

Mrs. Haracz referenced a sketch and area proposed for R-60 in the Board's packets.

Mrs. Haracz noted none of it is very large lots. For many years the Planning Board looked at zoning; the three homes pre-date zoning, are existing non-conforming use, would need to go before ZBA for Section 6 finding, if they want to make any changes.

Mr. Beatty believed the changes were conducive with the neighborhood.

Mrs. Haracz said from her perspective, this has certain merits.

MOTION was made by Mr. Jurczyk to recommend this to Spring Town Meeting.

Discussion: Mr. Fernandes stated the vote should only be to move this Article forward.

MOTION was made by Mr. Fernandes to pursue the zoning amendment process for Taunton Avenue, as discussed above. Second by Mr. Jurczyk. Vote: Unanimous. MOTION CARRIES.

- **Houghton Farm**

Mr. Jeff O'Neil of Condyne was present. Mr. Yunits, Town Manager, was also present.

Residential-80 for industrial uses was referenced.

Ms. Harkin referenced a map showing all the parcels and natural resources present, followed by the zoning map area, the draft article, as well as material provided by applicant (a PowerPoint presentation titled "*Houghton's Land Development*") which is attached.

Mr. O'Neill said it had been a busy late December and November regarding the zoning, design and layout. This site has about 190 plus or minus acres.

Mr. O'Neill indicated they met with Mass Highway as well as quite a bit of the residents in the surrounding area. The master plan, as originally laid out, shows the potential for roughly eight buildings (an aerial rendering and blocking diagram was shown).

Mr. O'Neill said they are including all the lots in the Article, except for the residential house (8 parcels).

Mrs. Haracz noted the proposal is for industrial re-zoning for all existing structures on Route 123.

Mr. O'Neill said most of development would be ancillary retail; and warehousing in buildings 3, 4, 6, 7 and 8. Therefore, there is an extensive amount of permitting needed and need to do after proposed zoning.

Mr. O'Neill noted there was an immense amount of natural buffer protection throughout (wetlands, flood zone and forested area). About 80% of this is wet and unbuildable, so the site layout would need to be designed around this protected open space. All of the golf range is in the flood zone, for example.

Regarding the proposed development backing up to Janet Street, Mr. O'Neill said there would be a sizeable berm and only access on current dirt road/cart path, with a breakaway gate for fire apparatus or emergency vehicles on Janet Circle. About 70% is all natural farm land. They looked at various markets and many offices are going to Boston; retail is e-commerce, and residential, they are trying to avoid at all costs. During the months of December and late November, they met with residents in the area and had a meeting at the TPC country club to discuss what they are planning to develop. There was some concerns related to building height. They are proposing an industrial flex development comprised of office and some manufacturing. The access of vehicles and truck traffic was discussed. It will have minimal affect to Town services, including, but not limited to, public safety, schools, etc. The potential increase in taxes to the town could be around \$200,000, increasing from from \$650,000 to \$850,000 annually. Additional tax benefits would be additional excise tax and creation of 200-400 jobs. Also, Mr. O'Neill discussed the potential for allocating land for recreation area, creating additional recreational fields for the community. He said this was basically an overview and wanted to describe the type of buildings.

Mrs. Haracz directed the board to review the proposal on the type of potential development, not the layouts shown. She stated that Condyne would need to come back to the Planning Board

for site plan review, special permits, etc. Currently, the proposal before the board is to change the zoning. The proposal should be reviewed for its potential for creating a long term industrial zone in this area. Other concerns would be a number of environmental concerns, wetlands, and aquifer.

Mr. O'Neill noted the wetlands were flagged.

Ms. Harkin said this is in an ACEC also.

Mrs. Haracz stated a full environmental impact study would be needed.

Mr. O'Neill said MEPA would be needed also.

Mrs. Haracz noted where this is in aquifer, how do they plan to handle recharge?

Mr. O'Neill responded their engineer will speak to that and everything will be done on site and not to drain off site (roof water can be collected and used as irrigation as well). Also, control of drainage on site would be more beneficial to land area as far as pesticides, etc.

Mrs. Haracz said this is also in the WRDP (Water Resource Protection District) as well. Thus the reason they have R-80 zoning.

Ms. Harkin asked about wastewater handling?

Mr. O'Neill replied sewer is on other side of Route 495, therefore, they would need to connect and ultimately connect to the wastewater treatment facility. They are trying to match it up with the timing for the Rt. 123 reconstruction and believed it was a 2018 project.

It was noted they would be putting in a set of traffic lights as well as Mass Highway, who would be installing two sets of traffic lights. Discussion ensued.

Discussion ensued on this land and it was noted land won't sit idle for the next 50 years. Chapter 40B was also discussed as a potential use of the land if a rezoning does not occur.

Mr. O'Neill said a concern by the neighbors was possible access of Janet Street. The only thing they are proposing is fire apparatus/fire department to only use this road if needed. They would propose some type of gate on Janet Street.

Mrs. Haracz asked if anyone in audience had any questions or comments?

Mr. Silver of 120 Plain Street referenced the reconstruction of Leonard Street. He indicated that MassDOT roadway design standards would need to be followed, including two sidewalks and it would be beneficial to see what they want for a road.

Mr. O'Neill noted there was no drainage plan, yet.

Mr. Yunits referenced some updates on Route 123 project; it is at 75% now, therefore, in springtime, there will be another public meeting on Route 123 improvements and is on TIP (MassDOT Transportation Improvement Plan) for 2018 and they have extended the project boundary up to Leonard Street. It is important that they coordinate as Mr. O'Neill with that timeline in mind.

There is interest in this location/piece of property as there will be traffic signalization; it is right off highway which will be the majority of traffic; and an increase in the Town's tax base with little impact to Town. Mr. Yunits indicated when he reviews budget every year, and sees Mansfield is doing so well, the main thing is the new growth to Mansfield and to help that in Norton is through commercial development. Residential growth/development brings children that need to be educated in the school system with less tax money also from it. If this was residential, they would have septic systems which would not help aquifer. This developer has been working very well with the neighbors and hope all agree this will be a benefit to the Town. There will be a traffic light at Leonard Street, the Town owns property across from Leonard Street; if traffic light at that location, possibly they could work with Dunkin Donuts plaza and work it out so a lot safer for coming out of that plaza.

Mrs. Haracz clarified this is turning R-80 into industrial.

Mr. Fernandes said Route 495 off ramp being near this location just lends itself to commercial development.

Mrs. Haracz stated this would be a major change to this area though.

Mr. Jurczyk said the tax revenue and potential benefits are certainly positive aspects of this proposal.

MOTION was made by Mr. Beatty to pursue zoning amendment process for Houghton Farm, from R-80 to industrial. Second by Mr. Jurczyk. Vote: Unanimous. MOTION CARRIES.

- **Mansfield Ave**

It was noted this was 37 parcels; about 120 acres with a mix of commercial, R-40, and R-60 and proposal was to change to village commercial. Map was referenced showing those 37 parcels and a draft Article. There were a number of parcels from commercial to village commercial and some would be residential.

Mrs. Haracz said to extent this is changing; it is not really a major change in use. Village commercial is smaller scale commercial development. It creates a bit more opportunity for

types of uses in area and to put more smaller scale commercial development (mixed use/more walkable).

Mr. Jurczyk noted the majority of the parcels in the proposal are commercially zoned and one is R-40.

Mrs. Haracz said she thought the controversy over this last time it was proposed was changing the residentially zoned parcels to village commercial.

Mrs. Haracz stated they had previously discussed the corner of Freeman Street and Mansfield Avenue.

Mr. Yunits said the parcel on Freeman Street is not included, which is on the south side. These two parcels were parcels a developer was interested in, but he heard this developer has now backed out, but someone else may be interested in that property and that started this whole discussion (housing along Reservoir and commercial in front). He thought there was a lot of misinformation on the Reservoir Street area. The whole intent was so there would not be development on Reservoir; there were many residents who were not even close to this area who had concerns. All would be accessed from Route 140 and anything done here would need to come back for site plan review. Also, the proponent added on the property on corner of Smith Street to the re-zoning proposal; this is the vacant piece of property. They also looked at what is here and is technically operating as village commercial (gas station, package store, hardware store, restaurants, etc.).

Mrs. Haracz stated it makes sense to do this. Her question was, if it was going too far? Changing what is commercial to village commercial is an easier leap. They could possibly start larger and pare it down at the Hearing.

Ms. Harkin said all drafts are indicative of what kind of use and they could use public hearing process for questions, etc.

Mr. Fernandes said if zoned village commercial it would be a mixed use. With village commercial, it is a huge density bonus people gain. Under this proposal, by right it must be a 18,000 square foot lot; he would be much more comfortable with village commercial if it was some type of overlay that accomplished the purpose for which this is designed to exchange the density bonus. In many cases, conversions of single family homes into a commercial use is ok; however no improvement to property. If there is a zoning tool that is intended to enhance a mixed use, what about a quid quo pro for density bonus, etc. He has this issue with village commercial unless it is made to go through the special permit process.

Mrs. Haracz said this is the only zone that allows a mixed use and there is no demand for a lot of retail. If Mr. Fernandes or the Board is not comfortable with village commercial, they could leave it as is for now and work on it and come back to it again. Discussion ensued.

Mr. Fernandes said there was just no "horse-trading" if you will. He expressed that with the way the VC zoning is currently written has no incentive for best practices.

Mrs. Haracz said they would need to rewrite the whole village zone then; if they leave commercial as is, there is no loss. If they leave residential lots off of this, then lot size stays the same under village commercial.

Mrs. Haracz said they need to look at combo of use table and dimensional requirements.

It was noted that in the current zoning, Village Commercial allows for six units for every 60,000 square feet or a single family 18,000 square feet. R-40 allows for more square footage for both. Mr. Fernandes said for the taxes it would generate for condos/apartments, it is a losing proposition.

Mr. Fernandes said he was not suggesting they further investigate this; he appreciated what village commercial is attempting to do.

Mrs. Haracz said from her perspective, it is less of an issue from commercial to village commercial.

Mr. Fernandes said it would be ideal if it was a special permit; a site plan review does not do much.

Ms. Cheryl Ann Senior of 169 Reservoir Street, said she cannot speak for all of her neighbors, however, she has spoken to neighbors about changes and she can say nobody that she has spoken to wants to see the residential zone changed and they also do not want additional development along the Reservoir. This area is lovely, they fish, skate, etc., and want to help preserve it and not further develop it. Also, there are concerns with traffic and a lot of people use it to avoid Route 140. Also, there are issues with no sidewalks, and it is a hilly and windy road. There are also a lot of children in this area and people that walk this road. She was happy to hear there would be no additional access onto Reservoir.

Mrs. Haracz replied they cannot guarantee there will be no additional access onto Reservoir.

Ms. Senior said that would be something they would prefer not to have.

Mr. Silver of 120 Plain Street stated he owned the 20 acres on Route 140 on the Reservoir. It is village commercial already as it has businesses all the way down that road. The land was formerly residential and needed to make it commercial for soccer fields, however, that proposal fell through. A developer was interested in this, but they backed out, but there might be someone else interested in it. It would be commercial out front and townhomes in the rear, and has been in his family for 100 years.

Mr. Kimball of 51 Pine Street stated the Town rezoned East and West Main Street which is kind of a similar scenario with residential and businesses. There was some pushback at that time, but not something they are reinventing. East and West Main Street is still basically the same concept as it was before. He referenced restriction to property to build next to wetlands. Parking needs to address issue of building so does not make sense to do a three story building. Rezoning to him does make sense because the Town would have better control of what could happen there. On Reservoir Street, it would be egress from Mansfield Avenue. Also, he wanted to clarify Wheaton College is not involved in this rezoning as he had heard some people thought Wheaton was involved.

Mr. Kimball noted the previous proposed plan would be to have some housing overlooking Reservoir. He personally liked the idea of village commercial.

Mr. Jurczyk said it makes logical sense to change from commercial to village commercial and they could scale it back if necessary. It makes sense to him personally to move this forward.

Mrs. Haracz clarified this is not the final decision and ultimately needs to go to Town for a vote.

MOTION was made by Mr. Jurczyk to pursue zoning amendment process for Mansfield Avenue. Second by Mr. Durant. Vote: Not in Favor: Mr. Fernandes. In Favor of Motion: All other members. MOTION CARRIES.

Mr. Fernandes explained he voted not in favor of this because he could not find a way to satisfy his issues with this. He did not think village commercial zoning regs provides the Town the leverage to make happen what they want to happen.

Mr. Jurczyk referenced public notification of residents and asked if all steps were being followed accordingly?

Ms. Harkin responded, yes. It would be the usual abutters' mailing and signage to be posted.

B. Report of the Planning Board

Mr. Beatty stated Norton Self Storage self-installed a sign which he thought was electronic messaging. He was not certain what square footage was regarding that.

Mrs. Haracz said this applicant still needs to come before the Planning Board for a Special Permit modification.

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Ms. Harkin referenced the following items:

- East Hodges Street property (shared driveway) and this public hearing will be held on March 7, 2017.

- Ms. Harkin said she was still waiting on some materials from Norton Self Storage applicant.
- Condyne/NOAA, 46 Commerce Way, is continued until the next meeting.
- She will be following up with Oak Street condo development as needed.
- It was noted Mrs. Haracz just signed the Decision regarding chickens and it will be stamped by the Clerk.

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Mrs. Haracz indicated she was not running for re-election on the Planning Board. She has been on the Board for 18 years. There are three openings on Planning Board; which is a seven member board and five members are needed as a quorum for Special Permits.

Mr. Jurczyk said he was sorry to hear Mrs. Haracz was not running for Planning Board again.

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It was noted a Planning Board member need to be appointed to the Capital Planning Committee.

Mr. Beatty stated he would be interested in becoming a member of this Committee.

MOTION was made by Mr. Fernandes to appoint Mr. Betty to the Capital Planning Committee. Second by Mr. Jurczyk. Vote: Unanimous. MOTION CARRIES.

_____ C. Approval of Minutes

MOTION was made by Mr. Jurczyk to approve the Planning Board Minutes, dated January 24, 2017, as amended. Second by Mr. Durant. Vote: Unanimous. MOTION CARRIES.

_____ D. Bills and Warrants

MOTION was made by Mr. Fernandes to approve Bills and Warrants in the amount of \$3,347.76. Second by Mr. Beatty. Vote: Unanimous. MOTION CARRIES.

Adjournment

MOTION was made by Mr. Beatty to Adjourn at 8:50 P.M. Second by Mr. Fernandes. Vote: Unanimous. MOTION CARRIES.

Respectfully Submitted by:

Janet Sweeney
Planning Board - Recording Secretary

Janet Sweeney
Planning Board - Recording Secretary

Minutes Approved by Committee

on: 2/21/17
(Date)

Signature: Joanne Hara Chairman: JOANNE HARA CZ