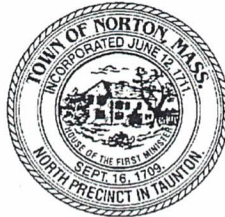


RECEIVED  
NORTON TOWN CLERK  
2017 MAY -3 P 1:11



## **Planning Board Meeting Minutes March 21, 2017**

### **7:15 P.M. Call to Order**

The March 21, 2017, meeting of the Norton Planning Board was held in the Community Room of the Norton Public Library and was called to order at 7:15 P.M., by Joanne Haracz, Chairman. Member(s) Present: Mrs. Joanne Haracz, Chairman; Mr. Edward Beatty; Mr. Frank Durant; Mr. Joseph Fernandes; and Mr. Stephen Jurczyk. Absent: Mr. Patrick Daly. Also present was Ms. Tabitha Harkin, Planning and Economic Development Director.

### **General Business**

#### **Proposed Rezoning Articles:**

Mrs. Haracz stated they will have a short update from their Director of Planning and Economic Development, and then the first public hearing would be heard and they will entertain questions and comments on each of the zoning articles, and then they will move to the next proposed zoning article sequentially. Also, there will be a short Powerpoint presentation on each of the proposals.

#### **Report of the Director of Planning and Economic Development**

Ms. Harkin indicated there were a few current applications in process: Special Permit #469 for East Hodges Street regarding a shared driveway continued to April 4 from last meeting (currently being revised and waiting on some materials). Norton Self Storage, 316 East Main Street, Special Permit #468, peer review has begun on this. Also, she is drafting the Decision on Special Permit #466, which is 46 Commerce Way, the 20 day appeal period is until March 27. Some previously permitted projects: New England Ice Cream - she had a meeting with Campanelli today regarding final site inspections. In other news, the walkway construction

began for 285 East Main Street; and waiting on spring planting season for Wheaton Solar. Additionally, The Direct Local Technical Assistance Award from SRPEDD has given the Town \$6,000 in technical assistance to create a complete streets policy for the Town of Norton so that the Town will be eligible for implementation funding from Mass DOT. An open space plan survey has been posted on Planning Board's Town's Twitter and Facebook page to support open space planning in town and she attended a Citizen Planning training conference on zoning acts and zoning info, which is posted in "dropbox" for the board. Also, she sent out a survey on logistics to increase efficiencies for the Planning Department. Ms. Harkin noted they are also discussing a possible orientation with new Planning Board members. Ms. Harkin noted the upcoming workshops include a "Local Update Census" workshop which she will be attending on Thursday of this week and also an upcoming workshop on the keeping of chickens for development of that bylaw.

**7:18 P.M.      Public Hearing: Zoning Article - Taunton Avenue and Eddy Street Zoning**

Mrs. Haracz opened the Public Hearing.

Mrs. Haracz described this as four parcels on 3 ½ acres and proposed change from industrial to R-60 zoning along portion of Taunton Avenue, New Taunton Avenue, and Eddy Street. Ms. Harkin will provide a short presentation regarding this.

Ms. Harkin provided a Powerpoint presentation on the overall process and how it works with presenting these proposed zoning amendments: "Proposed Amendment of Town Meeting - Spring 2017". She noted they are at Step 4 where Planning Board holds the public hearings, then issuance of a report on their decision and forwarding that to Town Meeting for final votes.

Proposed article language is to see if the Town will approve the change to the zoning map from industrial to residential. Map showing purple area is industrial area and darker brown is commercial, and lighter beige is residential and wetlands.

Audience member stated that map is not correct; everything to the left of those three lots except for one small parcel should be R-60. He also noted the property next to his property was rezoned to R-60.

Mrs. Haracz indicated Winslow Farm had been rezoned and she believed problem is that data had not been updated.

Ms. Harkin apologized for this and said in the beginning she should have stated that the SRPEDD created map is based on draft zoning and there may be some inaccuracies, but she hoped they can capture the essence of it.

Mrs. Haracz noted the four lots being proposed to change from industrial to R-60.



Ms. Harkin explained the background. Properties are on Taunton Avenue, and she noted the four parcels outlined in detail, which are occupied by residential homes and are in the Canoe River ACEC (Area of Critical Environmental Concern). She added that the Board of Selectmen fully supports this proposal according to an attached letter she referenced. There were comments from Conservation Agent included on record and there is a wetland permit on file; not completed. DPED would recommend the Planning Board vote to support the proposed language, based on the evidence thus far.

Mark Hoesley, noted he was the owner of 312 Taunton Avenue and referenced property is on left side if heading south. He provided a brief history; this property was built as a house, a model home, for a modular home builder. They used it as a model home and as a sales office for years and then the builder went bankrupt and property was foreclosed. He and his wife bought this property and before doing so checked on town assessor's website on four different occasions and property field card stated it was zoned as and used as residential. Then they started exploring things with Jennifer Carlino, Conservation Agent, regarding water management issues for Conservation Commission and were told it is actually zoned industrial and could not be used as a residential property. No one has ever lived at this house; it has 4 bedrooms and 2 ½ baths. They were told their choices were to either sell it as industrial property for commercial purposes or to see if they can get the zoning changed and that is the reason they are here this evening. They have owned this property for almost a year. He has lived in Norton for ten years and his wife has lived in this Town for 25 years. They believed they were buying a house in which people could live and discovered that is not the case. Some other points in favor of changing the zoning would be that the character of the neighborhood has changed dramatically since 1973 since this area was zoned industrial. On left side is all residential and all the way up and down Route 140/Taunton Avenue has also become residential, as well as Old Taunton Avenue, where that whole area is much more residential. Their property has been the only property built since zoning went into effect in 1973. The other three houses that are residential were allowed to continue to be residential because they were grandfathered in before zoning went into effect. This has created a real personal hardship for him and his wife to pay two mortgages; in retrospect, they would have done things differently. They will be looking to sell one of their two properties. They have been unsuccessful to sell as a commercial property, and has had no interest at all in it because it is a house.

Audience member asked what the lot size was/what size is the area being rezoned?

Mr. Hoesley replied it straddles the Norton/Taunton line and is .93 acres in the Town of Norton and 1.99 acres in the city of Taunton where it is almost entirely wetlands. The map is a bit incorrect as the house does not cross over the property line, but where the house is currently located, is the only buildable spot on the property because of wetlands.

An audience member noted the three proposed zoning changes on the left side of map, and referenced the larger lot behind those, the strip of land between Custom Mold and those three lots, when he changed his zoning on his lot he was asked to keep it industrial as it would create

a spot zoning if he did not. If zoning change goes through, it leaves him in a difficult spot and would want that little piece/strip of land changed to residential.

Mrs. Haracz stated she understood comments and to answer the question, the total area is 3.58 acres. Therefore, it is relatively a small area and puts zoning at the use that is already there. They cannot add any changes to zoning at this stage, but if they need to revisit the zoning, he could come back to discuss this.

This resident referenced the strip that was 50 x 200+ as basically a useless strip.

Mrs. Haracz responded she thought it could be cured though. By law, they can take away but cannot expand area of proposed zoning and that is how Zoning Act is written.

This resident stated he was only notified one week ago; there was not much notification.

Audience discussed there were still many notices at post office.

One audience member stated he put up signs five weeks ago regarding this zoning change.

Walter Premandowski, of 305 Taunton Avenue, said he was not opposed to people living across the street from his, but did not want their land changed from industrial to residential. He noted he is the parcel that goes down to the pond. He has been living here as industrial for 40 years and sees no reason to change it now. He noted his parcel was Parcel 33-10 and did not want his parcel changed if possible. Someday his children may do something with it as a industrial piece of land and believes it has more value as a commercial piece of land.

Mr. Hosley stated he tried to communicate with the Premandowski's but did not hear from them. Their son in law and daughter live next door and stated they do not want any more knocking on door and no more contact except for letters.

David Dacosta noted he was a neighbor of the Premandowski family and has been here for 70+ years, and would like to leave everything the way it is; he likes it being industrial.

Matt Pickett indicated his mother lives on 1 Eddy Street and is the owner of that house, and said he had to agree with the sentiment and he, for one, does not like the house he lives in being torn down and a Dunkin Donuts being built. However, keep it industrial keeps the best value of property and is in the best interest of his family. The industrial zoning leaves more options open and adds more value than changing that small section. In his opinion, the way it is broken up does not make sense to accommodate one individual.

Mr. Hosley stated he spoke to Mr. Pickett's mother and she was in favor of this zoning change.



Mrs. Pickett stated she was open to everything and is listening to all the conversations. She noted her three children will be inheriting this property and is looking at their best interest, so looking into the future.

Mrs. Haracz noted the totality of all parcels equals four acres and most industrial uses would need larger lots.

Mrs. Pickett stated she and many of her neighbors were approached years ago by a developer who was proposing to build a mini-mall, however, the price was not right.

A resident of Town stated the Town appears to be pro-residential and anti-business, so turning this into residential would be beneficial for all. It is for all intents and purposes a residential property and realtors feel properties are more valuable as residences vs. commercial/industrial. She believed this parcel should be zoned residential so people can move into it as a home. Discussion on industrial use, etc.

Dennis Lavigne of 307 Taunton Avenue (Parcel 33-9); said initially when he was approached by Mr. Hosley he was in favor of changing the entire area into residential considering they probably have no intention of selling home other than purpose of a residential home. His in-laws do not like to be bothered by people, so he was the "go-between" and then Mr. Hosley filed his application for zoning before a response was received from in-laws who did not want to change from industrial to residential. With Mr. Dacosta not being part of 306 Taunton Avenue, it leaves them in a position if Mr. Dacosta decided to put some type of industrial business across the street, it will lower the value of their properties. He would love to see Mr. Hoesley turn his parcel into a residential spot, however, the problem he has is that they are all trying to keep property values up and changing it to residential they would lose value. When Mr. Hoesley purchased property and was told by town hall it was residential, does he have any remediation against Town or whoever told him this inaccurate information as now he is stuck with this property and appears cannot even sell it as a commercial piece of property.

Mr. Yunits responded the Assessors do not make this determination and it was possibly assessed as a residential building because it was residential, but they do not determine zoning. Mr. Yunits stated he should have gone to the Building Department to research this.

Mr. Lavigne replied, however, it was never zoned as residential, it was always zoned industrial and there was a commercial piece of property on it.

Mr. Yunits stated he should have gone to the Building Department, not the Assessor's Department.

Mr. Yunits said the Assessor's card probably said the property was assessed as a residential value because it was used as a residential home.

Mr. Greg Vincent of 23 Reservoir Street said this was not used as a residential home; the Assessor's card stated it was non-commercial.

Mr. Vincent stated hundreds of people go and utilize the Assessor's Office. If someone sees it is residential and then signs a purchase and sales agreement, only later to find out that land is commercial, that is an issue. What happens to the property values; this has happened over and over again. He said this whole nonsense about the Assessor's data sheets not being correct is not right at all.

An audience member asked for clarification that this lot cannot be rezoned unless the other three rezoned?

Mrs. Haracz responded, yes, it was the zoning law; they cannot change zoning for one parcel.

A resident of 305 Taunton Avenue said when she arrives at her home from the center of Norton, she needs to stop at the bridge to check traffic behind her as it is very unsafe, even when she has her turning signal on, other drivers still think she is going up Route 140, therefore, she does not want any zoning to be changed.

Discussion ensued on lot sizes and it was noted a 45,000 square foot lot is necessary for an industrial use.

Mrs. Haracz explained spot zoning is not allowed in the Commonwealth of Massachusetts and not allowed by case law throughout the country.

Mrs. Haracz said the Planning Board will need to make a recommendation to support or not support this rezoning Article to Town Meeting.

Mr. Fernandes said he was speaking for himself, it appears three of the four property owners do not want their respective properties rezoned.

Mr. Jurczyk agreed with Mr. Fernandes and noted there was no opposition before this evening and it makes sense and seems logical that those properties should be residential, but they need to consider the folks that own those other parcels.

Mrs. Haracz explained the process where the hearing would need to be closed and the Planning Board would then take a vote on it.

Mr. Fernandes clarified that this will still be on warrant for Town Meeting and could be acted on, so it does not end here, but it would have Planning Board's recommendation or not their recommendation on this warrant article.

**MOTION was made by Mr. Fernandes to close this Public Hearing. Second by Mr. Beatty. Vote: Unanimous. MOTION CARRIES.**



**MOTION was made by Mr. Fernandes that Planning Board recommends the full text of this proposed zoning amendment article to Town Meeting. Second by Mr. Jurczyk. Vote: All members voted not in Favor of Motion. MOTION DOES NOT CARRY.**

**Public Hearing: Zoning Article - Leonard Street and Houghton Property:**

Powerpoint Presentation presented: "Leonard Street/Houghton Land Proposal: Rezone 9 parcels, from R-80 Zoning district to Industrial".

Ms. Harkin noted this rezoning consists of nine parcels, about 188 acres total, proposing R-80 zoning be changed to industrial along Leonard Street, Route 495, and Route 123. She explained areas to be rezoned. Map was shown denoting 9 parcels. Regulated FEMA floodways were shown on site. In blue was the zone II aquifer which has more protection and regulation for drinking water protection. She referenced her DPED report to the board and indicated the area is occupied by residential homes, commercial businesses, and recreational uses. Proponent was basing proposed zoning on a flex development of commercial retail/warehouse and office spaces, and associated landscaping and infrastructure spaces. This is very conceptual; and she noted an attachment from Conservation Agent regarding the significant natural resources present.

Ms. Harkin noted the Town staff had a March 9 meeting with Condyne and they asked them to include certain items in presentation. The Board of Selectmen is in full support of this proposal and there were some comments on open space and recreation plan land being included in the nine parcels. She also noted an abutter's letter was attached also. She was recommending Planning Board conduct a review of benefits and detriments of this proposal and recommend an approach to zoning to support village scale commercial development along Route 123, implementation of complete street upgrades. Also to consider the protection of natural resources along with the potential tax revenue increases that could be accomplished through responsible development.

Mrs. Haracz clarified the vote is not on this development; it is to change residential zone to an industrial zone. This is type of development contemplated, but vote is not on this specific development.

Mr. Jeff O'Neill of Condyne was present along with Mr. Don O'Neill, and Mr. Mark Dibb of Condyne Engineering. He appreciated the opportunity to present and try to develop and rezone Houghton Farm land off of Route 123. He stated Condyne has been around since the early 1990's and hold developments throughout New England - they are also the owners of Norton Commerce Center. What they are facing in the industrial area in the arena is they are running out of land and Norton Commerce Center has only two small lots left; therefore, they are running out of opportunities. They bring various companies to the Town and have brought in excess of 1,000 jobs to the location. There are two hot market segments; industrial and downtown Boston district. There is not a lot of Route 495 office space being built; retail is overdeveloped and most going to the e-commerce market. Mr. O'Neill stated they also want to

build architecturally-pleasing buildings. The zoning is about 190 acres and right off of Routes 123/495 and encompassing all the way back to Janet Street and Downing Drive to rear of site. Looking at a master plan, it would be a total of approximately 12 buildings, first 1, 2, and 3 closest to highway, small accessory use retail buildings, and these buildings designed would be 11-15,000 square feet. Buildings 4, 5, 6 and 7 are more high bay distribution located closer to the highway and convenience on/off access to highway. He referenced the back site and noted they had a lot of informal meetings in November and December with the most impacted residents on Downing Drive, Janet Street, Burt Street, and Leonard Street, and came up with redesign of flex product, lower ceiling/industrial that is less impactful to residents. In summary, he described commercial/retail about 41,000 square feet, office/medical about 67,000 square feet, and warehouse/manufacturing about 565,000 square feet, and flex industrial about 195,000 square feet totaling about 868,000 total square feet. Traditionally, they are aware they have a lot of wetland issues, flood zones, etc. He referenced the 190 acres of land with a lot of natural resources present that are protected and are restricted to the amount of development on site. They need to go through a certain amount of permitting (approximately 9-12 months of permitting involved). They need to go through Planning Board for site plan review, Conservation Commission, Mass DOT, Mass Highway, and MEPA Office, and Water & Sewer Department. MEPA looks at everything they will be doing at this project, including greenhouse gas emission studies, stormwater management standards, traffic permitting- which is under Mass DOT- and traffic mitigation improvements, etc. They also need to be careful on the time period as they coordinate with Mass Highway for improvements on Route 123 with sets of traffic lights, sidewalks, etc., as timing is important to have when roadway is opened and planned for 2018 and they are already through about 75% designs on that infrastructure. The good thing about the development is they will need to come back on every single site. Tonight they are here to introduce the zoning and a potential layout, but need to come back for each individual site for Special Permits.

Mr. O'Neill also referenced the environmentally sensitive area which they will be addressing and will need to design to flood standards. They are bordering vegetated wetlands, the flood zone, etc. In addition, they need to deal with ACEC (Area of Critical Environmental Concern) and zone 2 WRPD (Water Resource Protection District). With the development and sensitive areas on 190 acres, they cannot develop on all acreage due to natural impediments with strong restrictions and will need to design around such areas.

Mr. O'Neill stated for design consideration, they would like to connect to Town of Norton water and sewer system. All sites will connect to the Tri-town sewer system and natural gas and telephone will also be made available once reviewed.

The description of the buildings were 24' in height flex industrial. There would be no access proposed off Janet Street at the dead end and the only thing they would plan at that location will be for life safety and a breakaway gate for fire department as required by law. A sample of what a flex industrial building looked like was shown in presentation.



Mr. O'Neill stated the advantages to the Town with the overall master plan was this type of industrial park had a very minimal impact to Town services; increase in excises taxes; they pay taxes up to \$1,000,000, as well as new facilities adding 200-500 jobs with this proposed park. Additionally, it would add construction jobs in the greater Route 495 area and the types of tenants generally help out the Town businesses (restaurants, catering, banks, etc). Their existing tenants they have also do a lot for the Town such as Horizon Beverage and Alnylam. Town.

Referenced by Mr. O'Neill was also the recreation opportunity for community use with 20 acres of pure upland which they cannot build on, so there is opportunity and access to Canoe River.

Mr. O'Neill referenced the open space/recreational use, and they are aware they need to do a lot with the environmental areas. Also, the access onto Route 495 is close and the impact on Town services as he mentioned previously is minimal. This is one of the strongest segments in the current market for real estate; and they plan on improving the infrastructure, and lastly, an opportunity to mitigate any potential tax increase so they can bring taxes to the Town of Norton.

An audience member referenced building #8 on map on corner of Leonard Street; he asked when that came into play?

Mr. O'Neill reminded them that as a master plan it is conceptual. He noted the 7 or 8 acres of upland and access driveway and this gentleman's house is located right below, so contemplating a potential flex building.

An audience member asked if there would be no exit for all those buildings except onto Leonard Street?

Mr. O'Neill responded that was correct, the exit would be onto Leonard Street.

Mrs. Haracz stated the process would need to go through an environmental impact study with State and come before Planning Board for specifics of where building would be located, etc. Specifics of what this looks like would need to go through additional studies, review, and approvals. The vote is to change this to allow the use.

The audience member noted this is still a scenario of what may be built.

Mrs. Haracz responded, yes, this is still a scenario, a concept, of what could happen. The vote is to change from a residential zone to an industrial zone.

The audience member said he heard from listening to one of the Board of Selectmen meetings, Condyne has done many open meetings with the residents from Rosewood Estates (Downing Drive), where developer will make a lot of changes (lowering of the roofs, adding berms, etc.).

It was noted there was only one meeting at the TPC with Rosewood Estates residents.

The audience member said barns will be built and from his house, he will see every car/tractor trailer and now there is another building there. He was concerned there will be more and more additions. Also, the new maps that went out seem different from old maps that went out that were posted on the trees. The little house on the corner is on the new map. He was wondering if it has gotten larger now, as was said previously by Planning Board they cannot add, but can take away.

Mrs. Haracz stated that was what they were reviewing is the Article that was listed in the newspaper and what they are presenting this evening and what is being heard this evening.

The audience member said he thought they were revisiting from the continuance of the last meeting.

Mrs. Haracz said it got put away from the last meeting and this is what they are discussing this evening.

The audience member clarified then there were parcels added.

Mrs. Haracz responded, yes, what they are hearing is what is being proposed this evening. They are starting fresh.

Parcels were discussed.

A member of audience referenced Route 495, it is four lanes and drops down to two lanes to entrance of farm; what are those specific intentions?

Mr. O'Neill replied he believed Mass Highway (DOT) design includes a third lane and goes further up past Leonard Street location and a traffic light at exit of Leonard Street on Route 123.

A resident of 237 East Main Street asked how many feet it would be widened by?

Mr. Dibb responded they won't know exactly how wide until traffic study is completed and it is coordinated with Mass DOT.

This resident of 237 East Main Street referenced her parking lot and now her day care playground (which cost \$25,000) is six feet off Leonard Street and that would be destroyed with widening of road.

Mr. Dibb stated they won't expect to destroy the right of way.



Mrs. Haracz stated they would need to figure that out when a site plan review comes in as part of the Special Permit for a specific development, at which time it would be open for public comment.

A resident of Susan Circle stated he takes this road every day. They said the Houghton family is going to sell this land to someone. One thing this Town does not have is a foreseeable increase in tax base and has multi-residential apartments which puts pressure on Town's resources and does not help tax revenue. He would be afraid to see what could happen at this location, especially if it stays zoned residential. Apartments or homes are usually at least two floors with balconies and noise. He believed it was important to think about tax revenues. The Town needs this money for the school system and Condyne has a proven track record in the Norton Commerce Park. He would not want to see the other alternatives; this is the best use of the property, and has a lot of benefits as well as the State putting money into Route 123.

Mr. Seagull, a resident of Red Mill Village, stated that he sent his comments via email to the Planning Board but they indicated they had not received them, so he distributed them at the meeting. He was active in opposing the Chapter 40b project across from Red Mill Village. And it took a year to get done despite having the support of the Planning Board. He felt the Planning Board opposed it more than the Board of Selectmen did but the Board of Selectmen did help them as well. There are 478 apartments currently under construction in area, therefore, it is a total of 650 affordable (40B) apartment units in vicinity. If people believe a developer would come in to put in a major project, they are mistaken. He said it took a year without appeals for Red Mill Village to get permitting, so there would be no foreseeable 40B at this location. Red Mill had traffic studies conducted and they proposed what it would be like in 2018; the traffic study they presented related to Hastings Way, the entrance to Red Mill Village. It was noted the traffic in the A.M. hours would increase by 6% in front of their street; and see an increase of 8% in PM, and this is considered a level of service "F" for failing. So now they have a situation where it is projected to be failing. They are asking for industrial and according to zoning bylaws for industrial use they need 1,000 parking spaces and for commercial space they need 4,000 parking spaces. People working there would be a.m. and p.m. employees, and traffic on Route 123 would be ludicrous. For an aging community, the specifics are, as people age their eyesight, reaction time, dexterity, etc., makes driving more difficult and left hand turns more problematic. A study found after 65 years of age, there are great odds of getting into a vehicle crash in a left-hand turn scenario. Another question he had for Condyne, after speaking of all the revenue into the Town, have they or do they need to ask for any tax incentives to the Town?

Mr. O'Neill responded no.

Mr. Seagull questioned why they should make this residential zone into an industrial zone when there are other industrial locations available in Town? Also, he referenced the sewer line and asked if they would tie into the same sewer line as the 40B project?

Mr. O'Neill responded they'd tie in across highway; the 40B sewer system goes north and does not go to the wastewater system in Norton.

For clarification, Mrs. Haracz asked Mr. O'Neill what was the minimum size lot needed for industrial development?

Mr. O'Neill responded it would need to be 30,000 square feet or greater.

A resident from audience asked if it would be a 24 hour operation.

Mr. O'Neill responded at this point in time, they do not know, but most of the sound in the business operation is within the four walls. There is extra insulation of everything that is inside.

An audience member stated that is the Town's water supply/the aquifer is right there under Leonard Street and street corner.

Mr. Dibb replied it is all within zone 2 aquifer district and there are greater requirements for stormwater management and a whole other set of regulations they will need to meet, including, but not limited to, permitting through Conservation.

Mrs. Haracz noted zoning is residential.

An audience member said zoning is was formerly RA (residential/agricultural).

Mrs. Haracz replied the zoning was changed years ago to strictly residential.

A member of audience referenced original proposal when he went to Planning Board and spoke to the former Director of Planning & Economic Development, Beth Wierling, she assured him there was a big difference between industrial and commercial and they are changing from residential to industrial. He said he was told by Ms. Wierling was that they were changing this to industrial not industrial/commercial.

Mrs. Haracz replied that within an industrial zone certain allowed uses and certain commercial uses are allowed in an industrial zone.

Audience member said if it is commercial it opens up a lot more.

Mrs. Haracz noted the proposal is not to change to commercial.

Ms. Harkin clarified they have an industrial zone in Town and commercial zoning in Town and in each of those zoning districts they allow industrial and commercial uses.

The audience members asked if it was turned industrial, could there be a Lowes?

Mrs. Haracz read what was allowed in industrial zones including, but not limited to, research and technical, warehouse, storage, storage and distribution facilities, wholesale or showrooms



with storage on premises, sales of new or used construction materials, factories, manufacturing firms, machine/ auto body repair, paint, soldering or welding shops, earth removal by special permit. She stated that the allowed by right uses, if more than 10,000 square feet or greater than 25 parking spaces, require a special permit.

Mr. Seagull referenced Section 4.4, all permitted uses, financial institutions, banks, hotels, motels, trailer/boat sales, administrative offices, etc.

Mrs. Haracz said additional uses in industrial zones could be restaurants.

A member of audience asked about the development for industrial vs. commercial. It appears in an industrial zone anything goes. He said there was no guarantee once it is beyond conceptual plan and they could end up with something different than what was proposed to them.

Mrs. Haracz said they would need to come back for a special permit. The Planning Board would listen to abutters' comments. They could still require a berm, etc.

Resident of 5 Janet Street said this is basically a conceptual plan and as soon as he gets permits, anything could happen at this site. The Town is behind the eight-ball with industrial. They were told lots near TPC would be a hotel, restaurant, etc., and nothing was ever built in that area. As soon as a permit is granted, the developer can do what they want. The residents/abutters can say they need berms, fences, etc., but that is after the fact.

Mrs. Haracz stated with a special permit, the developer would need to build to conditions of special permit.

The resident of 5 Janet Street said if they change it to industrial, they would be killing the aquifers as they are putting this project over the main aquifer for the Town's supply of water.

Mr. O'Neill responded that Massachusetts has the strictest regulations regarding water protection and would be controlling drainage, where any water hitting rooftops is clean water and practically drinkable water. They cannot even go near certain sensitive areas and it is under the strictest of regulations.

Mrs. Senior asked, for clarification, Condyne was asked if they were interested in pursuing a TIF, however, it was her understanding that any operation that wanted to operate out of any one of those buildings could come forth and request a TIF?

Mr. Yunits responded with Condyne building two buildings recently, and those two buildings were recently permitted through Planning Board, and they had not TIFs associated with these buildings. The Town does not give TIFs out to every development. At Norton Commerce Center there were only four building built with TIFs out of all the buildings in that park. Each time they grant a TIF it is very specific. A newer company that came to Norton, Alnylam, and their building permit fee was \$1.4M just for that fee. Waste Management received a TIF, but is

also paying all the excise taxes on their vehicles to the Town. The Town is now more selective and originally used TIFs to try to bring businesses into Norton. He encouraged residents to look at Norton Commerce Center; this will be the same quality of buildings.

Mr. Yunits said a warehouse can go in an industrial zone with a special permit. By rezoning, the Town is not granting the developer anything as he still needs to come back to the various Town boards. As mentioned earlier, the Houghton family is going to sell this property. It is \$3M, which the Town does not have at this time to purchase the property. Through this development, the driving range area cannot be developed and open space will stay with access to the Canoe River. Nothing can be done within 200 feet of that river. Regarding water and sewer, there is a new water main and sewer installed, and if this project did go residential, the developer probably would not pay to put sewer in, therefore, there would be septic in aquifer. He hoped everyone will support the project.

Resident of Kingberry Hill Condominiums and president of the condo association noted on map they owned a certain piece of land across from Dunkin Donuts. They wanted to sell it a few years ago, however, Conservation Commission, would not allow them to do so as there was a conservation restriction on this land that needed to be renewed. If the zoning is changed, what does the Conservation Commission have to say regarding this? Should they not have been the only vote to change zoning?

Mrs. Haracz responded the only vote this evening is to recommend or not recommend a change of zoning to town meeting.

Mrs. Haracz stated they also have comments from Conservation Commission.

Resident of Kingsberry Hill Condos said Town appears willing to change zoning for a group but homeowners and taxpayers of the Town do not receive cooperation of the Town.

Mrs. Haracz said when development was built, a conservation restriction was put on land and to release it a person would need to go through a process which includes a vote of Conservation Commission, Board of Selectmen, and State legislature.

Resident of Kingsberry Hill said that this was not necessarily true as their attorney has checked into it. If the Conservation Commission and Board of Selectmen vote, then you do not need to go through legislature. However, if Conservation Commission and Board of Selectmen do not vote, they could go through legislature independently as the city of Taunton has in a number of cases. It does not relate to that open space, they have plenty of open space around it. The deal was cut with the developer at that time; the developer cuts a deal and the taxpayers are affected. Should there not be input by Conservation Commission before this land is potentially rezoned?

Mrs. Haracz responded they do have input from Conservation Commission and she read the letter aloud from Conservation Commission (letter on file in Planning Office). Letter included,



but was not limited to, environmental issues and resources under the Wetland Protection Act, as what Condylne had previously referenced.

A member of audience said the town manager had referred to a possible residential development having a septic system, but considering the wetlands and aquifer, there would not be many homes allowed to be built.

Resident of 101 Burt Street indicated he has lived in town for 43 years and has seen lots of changes in town. He heard discussion earlier on how this will increase the tax base close to \$1M. He asked if anyone has ever seen their taxes decrease? He stated he has not. Every time something gets built taxes never go down, so he did not buy that argument. What they need to do is turn this thing down. He referenced issues such as quality of life, think of the environment, families, etc. He asked others why did they buy in Norton? He said many people like the area, the open spaces, etc. All this talk about changing to industrial, etc., is concerning. The traffic on Route 123 is already terrible; he cannot even get out of Burt Street in the morning currently and this will be a nightmare if this is put in and residents will regret it. He, for one, is voting it down. He asked for a show of hands of who will vote "no" on this. Many audience hands were raised and he asked Planning Board to take the show of raised hands under consideration.

Resident of 5 Janet Street was concerned as to how this will this affect their property values; they feared they will go down.

A member of audience asked Mr. O'Neill if he has ever considered taking a look at making this a solar farm or would they consider selling it to someone that may be interested in building a solar farm?

Mr. O'Neill responded that is not their type of business and to the economics do not support it.

Mr. Vincent stated he was very concerned about the water issue and referenced the watersheds within town. He said bulldozers could be working in this area and make a mistake by tearing up some wetlands, and then the town instructs them to replace it and a "mosquito pond" built to replicate wetlands. The water in Norton is horrendous already and these water protection zones/aquifer need protection. He has brown water constantly. This would be playing with the Town's water and residents' lives. They have no other water resources than what they have now and to take a chance of being compromised with a possible chemical spill, etc., is very concerning.

Mr. Yunits said that scenario may happen in other communities, but if he thinks that could happen in Norton, he has not met the Conservation Agent who is very strict.

A member of audience asked if the Water Department submitted a statement? It appears there may be an industrial park on top of the main aquifer where other neighboring towns are buying land for sole source of drinking water. He also had concerns of a gas station being built.

Mrs. Haracz said gas stations are not allowed in this type of area.

The audience member responded that gas stations are permitted with a special permit. There is the possibility there will also be diesel trucks on top of this aquifer, etc., and no one will even know when the water is contaminated.

A resident of Reservoir Street said he was aware of another town that just went to a housing court and lost by 1/10 of 1% for 184 affordable (40B) apartments. He was not saying this to frighten residents, he was just being factual. Originally this other town had eight houses proposed in one area and now all these apartments are planning to be built and town keeps losing in court. Under Chapter 40b, does the Town have any control of what they can do?

Mrs. Haracz said 40b is exempt from zoning.

Discussion on 40b projects and what the Town's percentage is currently at.

Mr. Yunits said the Town is not currently at the 10% amount. They just received their report including 274 East Main Street and they are now at 8%.

Mrs. Haracz noted 40b's can happen today, however, a change in zoning does not affect 40b's.

A member of audience stated they were aware there were many other 40b's in the works in this town.

Mr. Yunits responded unfortunately there are 40b projects approved but not built and after two years they don't get included in the town's count, even though the State gives them extensions, but not included in the count until they get permit.

A resident, Kevin O'Neil, said Planning Board is voting tonight to move article as written; all of this discussion will hopefully be spoken at Town Meeting. He asked developer if back lots/parcels were zoned commercial, would that restrict Condryne from doing any development in their proposed plans?

Mr. Jeff O'Neill replied zoning them commercial would allow for retail in back. So their proposal is to zone it industrial. He stated that this is where the market is, e-commerce is taking over and many retail-type stores are going out of business such as Macy's, J.C. Penney, etc.

Mr. Kevin O'Neil noted the difference between industrial and commercial zones, where industrial included, but was not limited to, factories, manufacturing firms, auto body repair, soldering, etc., and referenced those back lots, and asked if it was in the plans to build any of these type of buildings?



Mr. Jeff O'Neill responded they have no tenants currently. Intent of industrial zoning would be if a business like Analog Devices, Inc., wanted to move to this location, etc., they would not want to restrict those parcels.

Mr. Kevin O'Neil asked if there would be any other lots they could attract those type of companies to? Could they possibly alter the draft Article to approve those back parcels to commercial instead of industrial to have less impact on Janet Street, Burt Street, Downing Drive, etc?

Mrs. Haracz stated under zoning act, they cannot, at this point, do that. They need to go under proposal based on public hearing from residential to industrial zoning. To do something like this, it would need to be withdrawn, etc. They can modify and delete, but cannot change the overall intent of what was proposed.

Mr. Durant recommended a possible vote to make motion supporting industrial but excluding those three back lots.

Mrs. Haracz stated this was only to recommend to Town Meeting a certain language to the article.

Mr. Kevin O'Neil said to exclude those three parcels, per what Mr. Durant said, and was a good suggestion.

Mrs. Haracz stated that can also be done through an amendment at Town Meeting. A written amendment would need to be provided at Town Meeting.

Mr. Seagull recalled the last time this came up, the Planning Board recommended to Board of Selectmen only half of this project to go forward; he asked if Planning Board could explain why they made this recommendation at that time and if they still feel this way?

Mrs. Haracz responded the Planning Board's concern, at that point, was the abutting residential uses on Janet Street, Downing Drive, and the other affected streets and that was last year. They are starting fresh again.

Mr. Yunits came to the podium and said he would just hope the Planning Board would not take 50% of the project away. The infrastructure that has to be put in and the tax benefits the Town would decrease by removing 50% of the zone. If property is going to be developed on that side of road, there are concerns and extra caution should be taken.

Mrs. Haracz stated the Planning Board needs to decide how they will proceed with this and then a vote will take place at Town Meeting. This is a significant piece of property for the Town and a vote at Town Meeting will change zoning or not change zoning. Planning Board would make recommendation to place on warrant or not to place on warrant.

An audience member asked if they withdraw this now, will it not go onto Town Meeting?

Mrs. Haracz responded, no, as it is already in motion.

Audience member asked how was it in motion now?

Mr. Fernandes clarified that the Board of Selectmen can put this article on and have put it on. But, the Planning Board's role is to make recommendation to support or not support this article; it does not stop the process. The Planning Board is obligated to render a report to Town Meeting on whether the Planning Board as a board should or should not recommend. It is on the warrant and will stay on the warrant.

An audience member stated they would like it recommended as not supported by Planning Board. Planning Board should listen to residents speak on this and then can make their decision.

Mrs. Haracz replied the Planning Board has heard a number of people speak this evening.

Audience member asked if the Board of Selectmen approved it to move forward, have the Board of Selectmen collectively agreed to do this? He asked if the newest draft included the signature of the former Chairman of the Board of Selectmen, Mr. Giblin, who recently resigned?

Mr. Kimball, Chairman of the Board of Selectmen, stated the Board of Selectmen are pushing forward the process and have been asking for this rezoning. They are not discussing site plans or anything similar to that this evening. They are bringing it to the townspeople in Norton to see receive their input. If Planning Board decided to not support it, the article will still be on the warrant, however, he was not indicating the Board of Selectmen would still support it if the Planning Board did not recommend it. The Finance Committee is also involved in this process. As of right now, this meeting is only for potentially rezoning a parcel of land.

The audience member stated it appeared the Board of Selectmen have voted collectively.

Mr. Kimball responded, yes.

Audience member asked if that was also with Mr. Giblin dealings with Condyne and there has not been a new draft since Mr. Giblin's resignation?

Mr. Kimball responded, no, there has not been a new draft since Mr. Giblin's resignation.

A member of audience asked what the Planning Board's opinion was regarding this?

Mr. Jurczyk stated in his perspective he has heard many comments regarding this more one way than the other. There are also pros to this and things that will help the Town. From his



end, he would recommend to still move forward with it and go to Town Meeting and let Town Meeting attendees have their say to approve it or not.

Mrs. Haracz stated personally she agreed with Mr. Jurczyk. Emotionally, she would like to see the Houghton land stay there, but she also sees the benefit. At this point, the Planning Board needs to make a motion in favor or not in favor of recommending it and then everyone is welcome to attend Town Meeting, and if they decide to, they are able to amend it.

**MOTION was made by Mr. Durant to close the Public Hearing. Second by Mr. Jurczyk. Vote: Unanimous. MOTION CARRIES.**

**MOTION was made by Mr. Fernandes to recommend forwarding to Spring Annual Town Meeting the full text of the Proposed Zoning Amendment –Residential 80 to Industrial along Leonard Street, I-495 and Route 123  
Second by Mr. Beatty.**

**Discussion:** Mr. Fernandes noted the Planning Board is an elected board and not elected by districts and they try to make recommendations in the best interest of the entire Town. He appreciated the residents' and abutters' sentiments, but are also looking at the potential override request of approximately \$2M. Mr. Fernandes stated he has lived in Town for many years also and referenced Route 140 where they have had many of the same conversations over the years where no one wanted to touch Great Woods, etc., and what the Town ended up with is what they have now. He indicated he had lived in Norton before Route 495 was built and now, 40 years later the Town is located off of a major state highway and things will happen here and everything must be analyzed including the tax base for the entire Town while also taking into account the comments by residents.

**Vote: All In Favor of MOTION. MOTION CARRIES (5:0).**

**Public Hearing: Zoning Article - Mansfield Avenue**

Mrs. Haracz opened this Public Hearing and explained this rezoning was proposing to change R-40 to village commercial with 127 acres involved.

Ms. Harkin stated this Mansfield Avenue proposal consists of 33 parcels and provided a Powerpoint presentation: "Proposed Amendment for Town Meeting - Spring 2017". It is a primarily zoned commercial, approximately 128 acres with one parcel being R-40 owned by the Town. Map was referenced of area showing current zoning. Ms. Harkin explained this proposal was to change commercial to village commercial, and some are split parcels, with the residential component at back of property that would not be changed. Map presented the flood zones and this showed wetlands and an Area of Critical Environmental Concern (ACEC) - Canoe River. From her report, publicly available and provided to the Board, she outlined properties occupied by residential homes, commercial, and retail uses and referenced an attached letter from Conservation Agent regarding significant natural resources, noting Parcel 225 has been identified as open space and rec plan as a priority parcel. The Board of

Selectmen fully supports this proposal and she noted a public record was requested regarding zoning of area and this was confirmed. She asked the Planning Board to review this for benefits and detriments. Ms. Harkin noted this will increase the tax revenue, provide infrastructure upgrades, etc. It will also improve community access and provide protection of natural resources.

Mrs. Haracz explained they would be taking what is now commercial to potentially change to village commercial and the lot sizes stay the same. Village commercial does allow residential uses. She gave the example of west Main Street, in center of Town, as an example of village commercial where there were mixed uses and some additional design requirements associated with it.

Mr. Greg Vincent, a resident, stated they were an abutter to the last lot and referenced the Assessor's data card as not being accurate; 90 percent of lots south of Reservoir crossover appear to be R-60. Why is it being stated they are now commercial and changing them to village commercial?

Mr. Vincent indicated he put in an official request to find out what was going on. He stated back in 1978, none of those houses existed on Reservoir. He was aware of a gentleman who went to town hall to do research on zoning before he signed a purchase and sale and he went to assessor's office for data sheet card and it stated it was R-60 and R-40, and Wheaton College property was R-40. It was changed in 1978 as far as a town-wide rezoning map. It has been 39 years; why hasn't assessor's office been updated? Back then, it was zoned as R-I and R-II and this was the residential zoning criteria. In 1999, it was changed to what the Town has now (R-40, -60, -80) and during this time in 1999 someone had to go into data base of assessors to update it. It says R-40, so that must have been entered after 1990, but it has been commercial since 1978; why wasn't it corrected then? These properties are attached to the Assessors map which is attached to the assessor's data where square footage is listed and other data. It is not just these properties that have an issue, but this issue is consistent throughout Norton where assessor's card/data does not appear to mean anything, not even for tax purposes. In the past, there were separate taxes/rates for commercial and residential in 1978.

Mrs. Haracz clarified the point of this hearing is proposing to change commercial zone to village commercial; not changing any residential.

Mr. Vincent referenced the map and discussed properties that were R-60 and R-40. He stated he wanted to contest these maps as well as the Town's zoning maps. How can the Town have a map approved and signed in 1979 but also a 1983 map; he asked who signed the 1983 map? Stamped maps appear to be from 1979. How are the residents supposed to believe these maps as they are all different?

Mrs. Haracz responded as zoning changes, maps get updated and changes are posted on maps.



Mr. Vincent stated there were too many ambiguities and indicated they need to receive the proper and official information.

An audience member asked to whose benefit does this serve? Who proposed it?

Mr. Yunits responded this proposal came forward; they had a developer who was interested in these two parcels and had interest in developing those parcels with commercial businesses out front and residential out back. When they looked at it, and in planning for the future, they noted this area has homes and businesses and thought it made sense to rezone that whole area to village commercial.

A resident, Wendy Roberts, noted it appeared their lot was not included in change, and asked if she could do whatever she is allowed to do on a commercial lot? She bought R-60 and she said it appeared she was being told she is in the group below (at bottom in pink) where it is being changed from commercial to village commercial. However, her property, and the next one, and driveway to third one, are still commercial. So if she wanted to put something commercial in like Lowe's she could if she had enough space?

Mrs. Haracz replied she would need to come before the Planning Board and obtain a special permit. Mrs. Haracz noted she could that currently with her property if she so desired.

An audience member stated when they bought land and built house they thought it was R-60, so now they are being told that anybody could come in and, if permitted, could do what they wanted on those lots. If it changes to village commercial, what happens; is it commercial or village commercial? Could a marijuana dispensary be built there?

Mrs. Haracz responded there is other zoning for medical marijuana dispensaries and it is not allowed in commercial nor village commercial zones.

Mrs. Haracz stated village commercial allows by right, houses and it is less intensive than commercial. What is before them this evening is whether to keep it commercial or village commercial. They cannot change the proposal, the hearing is on.

An audience member asked if they can have some lots exempted?

Mrs. Haracz responded, then those lots would remain as commercial.

Jane Rotondi of 17 Reservoir Street suggested the Planning Board table this entire thing as they bought their property based on false information that was procured and thought they were buying residential and residential also surrounded them. Village commercial appears to be the lesser of the two evils, however, she still felt with all the false information they received, they table this and to go even further, to bring it back to residential. She noted they did a lot of

research and it was not the first house they owned in Norton. Bring it back at another time and table it now.

Mr. Shade noted three historic zoning maps were provided by Ms. Harkin as a result of Mr. Vincents public records request. Mr. Vincent referenced the map with 1988 on it and was attested in 1979 by town clerk; they were told nothing has been changed. This map has been changed three times.

Ms. Harkin replied on map it should say "May 2, 1988 Revised".

Mr. Shade asked what was revision if no one attested to it?

Mr. Fernandes explained zoning bylaws can change map, so each time there is a zoning change, the town clerk attests to, by virtue of town meeting minutes, but may not change map but may change allow to use. It gets stamped if map changes.

Mr. Shade responded if they go back to 1978, he would say this map is inaccurate right now. He asked if anyone on Planning Board recalls when town meeting amended 500+ feet and this buffer says 550' and 425'. There is confusion and assessor's map is an issue. Not one of them thought to go to the building inspector's office.

Mrs. Haracz stated zoning has changed within 14 years. Changes were made to districts and the use-table.

Audience member asked if it changed within last 14 years, shouldn't they have been notified and/or received a certified letter regarding this change from residential to commercial?

Mrs. Haracz responded they would have been notified the same way as they were notified for this evening's meeting.

Mrs. Haracz explained there was a master plan in late 1990s and a zoning change occurred after that master plan, and that is where the change went from R-I to R-60. Things got changed in 1989. She went on to explain that zoning changed with the master plan, which had been cumulative up to that point (an industrial zone also allowed multiple uses including residential...etc). So, they could have been in a cumulative zone that allowed that use, and the use-table changed, not necessarily the line on the map.

An audience member stated in 2003, they obtained a permit from building department. Was a residential building allowed to be built on what was commercial?

Mrs. Haracz replied, yes, it was Town zoning, cumulative zoning.

Mr. Shade asked Ms. Harkin when was this land changed all the way to the water to commercial?



Ms. Harkin responded she could not tell him exactly when, but from what she reviewed on the plans from 1978, the maps show that the commercial district extended all the way to the water.

Mr. Shade noted the 1000' feet per the plans of 1978 and 1988. Discussion ensued.

Mr. Shade noted the map was colored/painted all the way down; when was the last time that plan was updated?

Ms. Harkin replied it was last updated in 2014.

Mr. Vincent stated they went from R-I, RII to R-40, -60, -80, etc. Then in 1999 the entire Town was rezoned? Some residents are stating they had R-60 land.

Mrs. Haracz stated all they can do at this stage is deal with the commercial zone as of today.

Mr. Shade responded they Board is dealing with something that most of the residents feel is inaccurate.

Mr. Fernandes stated he was having a hard time understanding the confusion; as he looks at this, it is clearly zoned commercial. The 1972 zoning map was the very first zoning map that had it listed as "residential".

Mr. Fernandes said they can all agree the assessor's field cards, in terms of zoning, and assessor's maps will not help them, except for first zoning map of 1972. He asked how are they adversely impacted in terms of what is now commercial to a potential change to village commercial?

Mr. Shade stated if it is all commercial, how was a house or houses built in a commercial zone? How did Planning Board let it go by?

Mr. Fernandes responded it is zoned commercial, but is residential in terms of use.

Mrs. Haracz stated it is commercial now, and what is in front of them is a possible change to village commercial. Discussion ensued.

Mrs. Senior had one question, it was noted by Mrs. Haracz that village commercial is less intensive than commercial; however, it seems to her that village commercial will allow for more intensive use of these properties (the front of property having a potential business and the back of property having residences/townhomes).

Mrs. Haracz responded village commercial allows residential use and commercial does not.

Mrs. Senior stated the other thing was, she did not think the question was answered as to what prompted the change in the zoning?

Mrs. Haracz replied it was the request to develop the property on the water.

Mrs. Senior asked why the area was so much larger?

Mrs. Haracz responded it makes sense to do village commercial representative of what is there currently.

Mrs. Senior stated at the previous/first hearing, the residents of those four lots did not want to see that move forward. If majority of these owners did not want to move forward with this, would that be enough for the Board to not move forward?

A member of audience referenced his property per the map; parcel 9-240, at the corner of Smith Street in corner by karate studio, and they bought about six years ago and were aware it was commercially zoned and checked this with the building department. It is zoned commercial with commercial options, however, they cannot do anything with it because it is too small and checked with zoning board because they were thinking of possibly building a dental office. To get this approved through ZBA and looking at financing, it did not work. He also thought village commercial makes more sense and was in support of this change because there would be more options. He said there is a property near this where he believes there is a first floor business and second floor rental living space. He believed there would be more flexibility for village commercial vs. commercial.

Mr. Keith Silver who resides at 120 Plain Street and also owns the 20 acres of land in this area which his family has owned for over 100 years. There was an interest by a developer to have a quality restaurant in front and townhomes in back overlooking the water.

An audience member said for some reason the line was drawn, per the map, just above where her lot is (a heavy border around it) and asked if this could be explained as it appears excluded? Why wasn't proposal for whole section designated?

Mr. Pickett, a resident, stated from what he could understand it sounds like the main issue at hand is what was thought to be a residential lot is a commercial lot. He said it appeared the change from commercial to village commercial works to alleviate those concerns and asked Planning Board to confirm this.

Audience member noted the highlighted pink area on the map.

Ms. Harkin responded that was an inaccuracy.



Audience members said they owned 16-83, and had a concern if they switch from commercial to village commercial, they are commercial and special permitted industrial, will that affect them as a business?

Mrs. Haracz responded they would be grandfathered in; any existing use is grandfathered in.

The audience member stated her previous question was not answered, why was the entire orange section not included?

Ms. Harkin replied the language was drafted from parcels from last year's language.

Mr. Jurczyk asked if possibly the Board of Selectmen could speak to that question?

Mr. Kimball responded he did not know the answer and Mr. Yunits did not either.

The audience member asked if they will be included?

Mrs. Haracz said the intent was to include those lots. This is a case where it cannot be corrected at this Town Meeting. Again, changes in zoning is prescribed by law and they can only deal with what they have authority to do.

This audience member stated someone made a mistake and it cannot be corrected?

Mrs. Haracz said it will be corrected at the next Town Meeting (after Spring 2017 Town Meeting).

This audience member clarified at the next town meeting it will be corrected to expand/include that area. She also wanted to confirm it would not be a separate thing which does not meet the four lot requirements?

Mr. Vincent stated it appeared that inclusion would be done at Fall 2017 Town Meeting. He noted they are considering getting a petition going and they need at least four parcels.

Mrs. Haracz indicated they can add one parcel to an abutting lot to make one district. If it is all zoned village commercial, but there were one or two parcels they wished to add on to it, they could add one or two parcels to the existing district. If they have two parcels left that are commercial and the abutting district below is residential, they could change that to residential without it being spot zoning, but one residential lot surrounded by commercial is spot zoning. Discussion ensued.

Mr. Vincent understood that if he obtained four parcels, 100 signatures, and petitioned the Board to change it to residential and owners agreed to this, that could be done.

Mrs. Haracz replied they would be allowed to do that.

Mr. Peter Wiggins of 157 Mansfield Avenue asked if he would be affected?

Mrs. Haracz responded, no, he would not be affected.

Jim Riley of 149 West Main Street stated he has listened to these discussions and he is a realtor by profession. He said he may be able to possibly shed some light on this because some of Planning Board's decisions are being made on zoning maps and not information from assessor's office. The way that realtors generally obtain information from Town is they take info on assessor's field cards and pull it into MLS, and as realtors they cannot pull info from zoning maps so people are relying on the information from the field cards of assessor's office, so that is where some of the mistakes are made. When they do this, they check both and try to reconcile if there are any inconsistencies. The recommendation he would have is for Planning Board is prior to voting on it, they should restudy these lines and it is not uncommon to be back 400' or 500' and not the whole lot. If there are inconsistencies, he would hope they would correct map before the vote on this at Town Meeting and do their due diligence so voting on this at Town Meeting is correct. He said village commercial does offer a lot more options than commercial does (an example of this is a person can be closer to their property line when they build something; 10' vs. 20' and can have other additional uses in village commercial vs. commercial).

Mr. Yunits thanked the Planning Board for their time and effort on this and noted this is a scaled back version of what was proposed last year and Board of Selectmen agreed with the scaled back version and had a lot of discussions about this. Changing it to village commercial would lessen the impact by keeping it on Route 140 and less impact on Reservoir Street.

Mr. Vincent said he realized they Town took off the rest of Reservoir Street, but why not finish and take off all of Reservoir Street?

Member of audience asked Mr. Yunits after hearing all this information regarding the building department and assessor's office, does he think he has a job to get that reconciled?

Mr. Yunis responded, yes, they will be looking at that. Now there is a full-time Town Planner in Norton and it was something they had not had in Town for years and this is what happens when things are scaled back like this. They also hope to have the money/funding in the future to look at all zoning and maps and get things professionally done.

This audience member asked then is it Mr. Yunits' job then to go into assessor's database and fix it?

Ms. Harkin responded she and the Town Assessor have been in discussions with SRPEDD, the regional planning agency and AppGeo, which is a Geographic Information Systems (GIS) consultant group, and they will be working to digitize their zoning and clear up inaccuracies very soon and zoning maps supersede assessor's data base, however, all information is planned to



be corrected so it is parcel-based zoning. They plan to have the zoning layer on there and hopeful this will happen within the next year.

Mr. Vincent asked how can they ensure the dimensions are accurate? Many things were hand-drawn.

Mrs. Haracz noted zoning changes frequently.

Mr. Vincent stated many towns will have descriptions that describe lots as "so many feet from granite/markers"; Norton does not have that.

Mrs. Haracz replied the Town never had the staff and funding to do so.

Mrs. Senior stated she would like Planning Board to remove the parcel abutting Reservoir Street.

Mrs. Haracz noted it would then stay commercial; amendment would be needed at Town Meeting.

Nancy Federici of 42 Mansfield Avenue stated she lived in a residential zone, but she abuts where these and the rest of the residents' block of land is located. It was 30 acres that came with the parcel they bought in 1997. For years she thought a new CVS would move to this location and knew it was commercial when they bought in 1997. If it is zoned village commercial and there is abutting residential property, is that more friendly zoning so there would not be large industrial built there?

Mrs. Haracz replied it has provisions for design requirements.

Ms. Federici said if houses were demolished and that five acres was sold and a business such as a Wendy's restaurant was put in there, is that feasible?

Mrs. Haracz responded, yes. She noted village commercial drive-thrus need a special permit to be granted. She provided the example of the drive-thru at Dunkin Donuts which was not allowed on Freeman Street, so there are some additional controls in village commercial.

Mr. Yunits referenced the property on the corner of Reservoir and indicated he spoke to that owner and they are interested in seeing that property zoned to village commercial.

Mr. Vincent asked if this was the property owned by Wheaton College?

Mr. Yunits replied, yes, it was.

Mrs. Haracz stated she believed this has come before them because there is no interest in putting commercial use in this area but there is probably a lot of interest in village commercial use.

**MOTION was made by Mr. Beatty to close this Public Hearing. Second by Mr. Jurczyk. Vote: Unanimous. MOTION CARRIES.**

**MOTION was made by Mr. Fernandes to recommend the full text of Zoning Map Aendment – Commercial and Residential 40 to Village Commerce along a Portion of Mnsfield Avenue, Freeman Street, Robinson Lane and Reservoir Street be forwarded to Town Meeting. Second by Mr. Beatty. Vote: Unanimous (5:0). MOTION CARRIES.**

**Adjournment**

**MOTION was made by Mr. Beatty to Adjourn at 10:30 P.M. Second by Mr. Durant. Vote: Unanimous. MOTION CARRIES.**

Respectfully Submitted by:

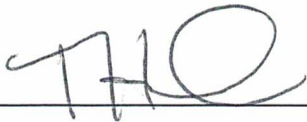
Janet Sweeney  
Planning Board - Recording Secretary

**Minutes Approved by Committee on :**

5/2/17

(Date)

Signature:



Chairman:

