



RECEIVED
NORTON TOWN CLERK
2022 FEB 16 AM 11:13

NORTON PLANNING BOARD MEETING
MINUTES OF FEBRUARY 1, 2022

The Planning Board Meeting of February 1, 2022 was called to order on ZOOM at 7:15 p.m. by Mr. Timothy Griffin, Chairman. Members present were Mrs. Allen Bouley, Mr. Wayne Graf, Mr. Steve Hornsby, Mr. Kevin O'Neil and Mrs. Julie Oakley participated remotely via ZOOM. Also, in attendance was Planning Director Paul DiGiuseppe and Administrative Assistant Bryan Carmichael.

Mr. Griffin explained that the meeting was going to be fully remote based on an increase of Covid cases and explained the etiquette that should be displayed during these meetings.

General Business

Minutes – The minutes presented were from July 27 and August 10 2021.

Motion to approve the minutes from July 27 was motioned by Mr. Graf and seconded by Mr. Bouley. Roll Call; Mr. Graf Yes, Mrs. Oakley Yes, Mr. Bouley Yes, Mr. O'Neil Yes, Mr. Hornsby Yes, and Mr. Griffin Yes. The Minutes are approved.

Motion to approve the minutes from August 10 was motioned by Mr. Bouley and seconded by Mr. Hornsby. Roll Call; Mr. Graf Abstain, Mrs. Oakley Abstain, Mr. Bouley Yes, Mr. O'Neil Yes, Mr. Hornsby Yes, and Mr. Griffin Yes. (4-2-0) The Minutes are approved.

ANR ENDORSEMENT-(13116)-172 West Main Street- Owner: Donald and Gail Dumont Trust / Applicant: Michael Trowbridge

The engineer for the endorsement was not present and had sent Mr. DiGiuseppe an email explaining he could not make it and that they could go on ahead with the ANR. Mr. DiGiuseppe shows the plan to the board. Mr. Griffin states the plan looks it is to split the home and the autobody from each other into two separate lots. Mr. DiGiuseppe states that the lot difference is easier to see on the mylar indicating one of the dotted lines are solid on the mylar. Mr. Griffin asks what zone the property is on. Mr. DiGiuseppe states it is in Village Center Core.

Motion to endorse is made by Mrs. Oakley and seconded by Mr. Hornsby. Roll Call; Mr. Graf Yes, Mrs. Oakley Yes, Mr. Bouley Yes, Mr. O'Neil Yes, Mr. Hornsby Yes, and Mr. Griffin Yes.

REVIEW OF FINDINGS AND CONDITIONS AND EXECUTION OF DECISION

SP-12587: 0 South Washington Street. Application for the construction of a billboard that is 90 feet tall and 48 feet wide. Owner: Luigi Musto. Applicant: American Outdoor Advertising Company. Continued from 1/4/22 and 1/18/22. Public hearing closed January 18, 2022

The Board had received the draft prior to the Planning Board meeting. There were no further comments on the decision of 0 South Washington Street. The decision will be signed by Mr. Bouley at a later date.

SURETY AND PEER REVIEW RELEASE

Fuller Drive/Burt Farm Subdivision

Mr. DiGiuseppe starts off by giving the Planning Board background. Originally this had come to the Planning Board in the Fall of 2019 where the developer had asked for the return of the surety money from the finished Subdivision plan that was started in the 1990s which extended to the 2000s. Originally the surety was 98000 dollars to construct Fuller Drive and they had to install water lines along with a sprinkler system which was never connected 5000 dollars were put aside in 2007 in the event that the last two properties that were being built on Fuller Drive would damage the curve side by the properties and to finish the work if the developer couldn't. Once completed the contractor had asked the town for his money back. At the meeting in 2019 residents had come forward to bring to the Board's attention that the Fuller Drive waterlines to the fire hydrant that was never connected. Two years ago, when asked about potential hook-up to the lines to the fire hydrant the Water Department had concerns about how the pipes would handle the pressure being applied as it has been dormant for twenty year and the potential bacteria buildup that could get into the water which was a public health concern. The Fire Department had stated that they have a plan of action in the event of a fire on Fuller Drive which was posted online prior to the meeting. The Fire Department states they are capable of dealing with a small fire where they could have multiple trucks down there to suppress the fire and for a larger event there is a hydrant about 1000 feet away and they would connect fire trucks by hoses. Which they feel is adequate if there was a fire on Fuller Drive. The Residents still have concerns about the hydrant.

Mrs. Ellen Anderson of 9 Fuller Drive had purchased her property on January 7, 2021 and is one of the furthest homes on the Drive and is concerned about the potential plan the Fire Department has in mind has her yard is about 675 feet. Mr. Griffin states that as long as they can reach 1600 to 2000 feet, they should be able to reach the house. Mrs. Anderson states that there used to be a firebox out by her house that wasn't operational and has since been removed and is uncertain the location of the fire hydrant that has will be used. Mr. Griffin states that the Fire Department is comfortable with the distance. Mrs. Anderson asks when the Fire department made these comments. Mr. Griffin states that this was done by the Fire Department the prior week. Mrs. Anderson states her driveway has curves. Mr. Griffin assures Mrs. Anderson the Fire Department would go onto the grass to help put out the fire if needed.

Mr. Dan Polillio the contractor for Fuller Drive states that the 5000-dollar surety was for the curves in case they were damaged when the new construction of the last two properties of Fuller

Drive was being built. The public works department certified there was no damage to the curbing. The revolving fund from McGuire to pay for the inspections should also be released.

Mr. James McCusker of 2 Fuller Drive states that the hydrant isn't operational and the hydrant itself was colored black which is nonoperational and red operational. Mr. McCusker states that currently the law has it so fire hydrants have to be connected. Mr. Griffin states the law that applies to this construction is the law from when it was built in the 1990s. Mr. McCusker states a member of the Highway department had almost painted the hydrant red which would mean it was active but then asked and painted it black to show it is a dead hydrant. The Burt Street hydrant is about 90 feet from the first house on Fuller Drive. Mr. Griffin states that the 5000 dollars wouldn't cover the hydrant being installed and from his understanding that the law at the time required the hydrants be put in but didn't have to be installed. Mr. McCusker states that the Town should do something to make the hydrant work. Mr. Griffin suggests going to Town Meeting for the hydrant.

Mr. Ken Knopf of 5 Fuller Drive is also not comfortable with having a dry hydrant. That the woods beyond Fuller Drive would be harder to put out, and fires would be dangerous around the area as to not knowing how quickly the Fire Department could hook up to the Burt Street hydrant. The pipes should be tested to see if they can still be used and that the bacteria shouldn't be an issue.

Mr. Bouley states domestic hot water and hydrant water share the same water, sprinklers, and fire suppression lines. Mr. Griffin adds that adding something new to the system would be bad for a town like Norton that is a closed-loop system. Mrs. Anderson states the houses on Fuller Drive all have well water. Mr. Polillio explains that bacteria could get into the rest of the Town Water supply. Mr. Griffin asks Mr. Polillio if he remembers the events that lead up to the empty hydrant. Mr. Polillio states the water department was not allowing anymore connections and met with the Planning Board to allow Fuller Drive to be built without water in the pipes but installed. Mr. O'Neil states the residents have a reasonable concern however this is not what the surety is about. Mr. O'Neil then suggests the residents of Fuller Drive get the case resolved at a Water and Sewer Commission meeting. Mrs. Oakley agrees with Mr. O'Neil that this is outside of the purview of the Planning Board and asks Mr. DiGiuseppe if there was a way to get in contact with the Water and Sewer Commission to have the Fuller Drive residents talk about the hydrants. Mrs. Oakley adds that the surety is too small to do anything with the hydrants. Mr. DiGiuseppe suggests that the residents of Fuller Drive call and ask the Water and Sewer Commission to be put on as an agenda item.

Mrs. Anderson asks who would be responsible for the paying for the curves if they are damaged during installation of the pipes and hydrant. Mr. Griffin believes since it would be a new project it would be paid for by the Town to shoulder the burden. Mr. McCusker asks if the Planning Board can still approve the hydrant work like they approved the road in the 1990s.

Mr. Griffin explains that it is the Planning Board's job to approve or recommend roads to be accepted as public ways which are then accepted at Town Meeting. Mr. Griffin continues that the Water and Sewer Commission not necessarily the Water Department would be the elected body overseeing this and to go to try and get on their agenda to talk about the matter. Mr. McCusker

asks if the Board can look into whether or not the approval of the subdivision was legal. Mr. Griffin states that they could look into it to decide the surety or at a future meeting as its own item to review. Mr. O'Neil states the Planning Board approve plans and plan developments of structures and if they follow the zoning by-laws. Mr. O'Neil continues that the Planning Board doesn't review the completed plans after they are approved and the other departments that are involved would look into the project afterwards and the purpose of this hearing is for the surety for the curve side in case it was damaged. Mr. Griffin reiterates that the fire hydrant and the surety for construction are two different matters and that the Planning Board should focus on the surety and for the residents of Fuller Drive go to the Water and Sewer Commission to go on their agenda. Mr. O'Neil agrees with Mr. Griffin's statement and then also suggests the residents make a residence article for the Town Meeting in June and ask that funding be allocated through the Town Budget to make the connection into the fire hydrant. From there it would be voted on by the Town and Mr. O'Neil believes the Town would side with the residents of Fuller Drive. Mr. Bouley suggests that when the agenda item does go to the Water and Sewer Commission to also let the Select Board and Town Manager know and have it for an agenda item for the Select Board as well. Mr. Hornsby agrees with Mr. O'Neil on how the residents should go forward with getting the hydrant.

Mr. Bouley motions to release the surety for Fuller Drive and seconded by Mr. Hornsby. Roll Call; Mr. Graf Yes, Mr. Bouley Yes, Mr. O'Neil Yes, Mr. Hornsby Yes, Mrs. Oakley Yes, and Mr. Griffin Yes.

Mr. Bouley motions to release the per review funds and is seconded by Mr. Hornsby. Roll Call; Mr. Graf Yes, Mr. Bouley Yes, Mr. O'Neil Yes, Mr. Hornsby Yes, Mrs. Oakley Yes, and Mr. Griffin Yes.

Discussion: Proposed bylaw changes for Spring Town Meeting

Mrs. Oakley starts off the discussion by stating the Subcommittee had met to discuss the changes. The committee was made of Mrs. Oakley, Mr. Bouley, and Mr. David Wrenn of the Zoning Board. The changes were a clean-up of the current bylaw. The first was to add some definitions and principal uses to the zoning use matrix that relate to the changes on the table. Mr. DiGiuseppe adds that they're trying to implement a recommendation in the Master Plan and Local Rapid Recovery Plan for West Main Street to update the use table to identify missing uses. The uses will also be clearly identified as to what is allowed and where they are allowed. Mr. DiGiuseppe shows the missing uses and that there are a few categories tied to Life Sciences. The proposed uses mirrored, where, and how they're allowed in the use table. For example, medical offices follow the use table of administrative offices. Mrs. Oakley adds that there are also uses that are related to the Village Center Core, Commercial, and Industrial.

Mr. Griffin asks what is Artisan Manufacturing. Mr. DiGiuseppe that it is so Norton can have a non-residential artist working out of a studio. Mr. Griffin asks if there is both an administrative and manufacturing Life Science use. Mr. DiGiuseppe states that there is. Mr. Griffin states that both are there if a life science business wants a satellite office only doesn't also have to manufacture it. Mr. Griffin asks if it only in Industrial. Mr. DiGiuseppe states manufacturing would be good in Industrial and a special permit would be needed in Commercial.

Mr. O'Neil asks if a vote is needed to approve the bylaw changes and take them to Town Meeting. Mr. DiGiuseppe confirms that it will need their vote.

Mr. DiGiuseppe shows the second table, the dimension table. Mrs. Oakley continues from where Mr. DiGiuseppe stopped by showing that on the table is a chart for units per building and was decided at the subcommittee meeting that it should be simplified. It was decided that above three units is too complicated, getting into the differential and how will the dimensions be laid out. The table was looked at and improvements were based on aspects of the table the committee thought need fixed such as the amount of land needed for each unit. Mr. O'Neil asks if this is in the Village Center Core. Mr. DiGiuseppe states it is Village Commercial. There is also frontage reduction for Village Commercial from 120 to 75 feet. Also recommended adding a footnote from Village Center Core that would ask the applicant to apply for a special permit if they went beyond 50% lot coverage. Mrs. Oakley adds that they are smaller parcels that could benefit from more than 50% and may have needed to combine parcels just to reach the minimum frontage on the bylaw. Mr. Bouley states that the subcommittee had to look to see if it was economically feasible with the number of units and their land requirements. Mr. Bouley adds that the threshold was at three as it now becomes a commercial building. Mr. O'Neil asks why Village Center Core wasn't changed to have the footnote as well. Mrs. Oakley states it was already on there and the language for Village Commercial was taken from Village Center Core. Mr. DiGiuseppe states it was added when the Planning Board first created Village Center Core. Mr. Bouley states it was added to promote density. The Village Commercial isn't a large zone that is limited to the corridor leading to 123 and a small part of South Worcester Street.

Mr. O'Neil trusts the subcommittee's judgement and as long as they can explain why the changes were made for Town Meeting he'll agree with the subcommittee. Mrs. Oakley states that they are more prepared than they have been going to past Town Meetings. Mr. DiGiuseppe states that this will be the first part of the first action of implementing the Master Plan, a first small step to promote economic development and then promoting different types of housing that the plan calls for. Mr. Bouley states that something should be brought to every Town Meeting for some time to slowly implement the by-law changes.

Mr. O'Neil motions to approve the bylaw changes as presented to the Planning Board and seconded by Mr. Hornsby. Roll Call; Mr. Graff Yes, Mr. Bouley Yes, Mrs. Oakley Yes, Mr. O'Neil Yes, Mr. Hornsby Yes, and Mr. Griffin Yes.

Discussion: MBTA Multi-Family Zoning District

Mr. DiGiuseppe starts the conversation by stating that the MBTA multi-family zoning regulations are required by the state. They are requiring all town that have or are next to MBTA communities to have this. The regulations would all multi-family as a right with no special permit for an area to encompass at least 50 acres. This is being required to address the housing crisis in the state and gives the example of houses in Norton being sold above the asking price and the average single-family home in town goes for 350,000 dollars. The state is trying to accomplish two things with this legislation which is promote more family-friendly housing and promote ridership on the T. Norton is a MBTA adjacent community because of our proximity to the Commuter Rail Stations. The minimum number of units is 15 per acre gross on the at least

50-acre area. It cannot have any age restrictions or limit to the number of bedrooms, sizes, number of occupants. 750 units is the minimum number of units over 50 acres with 15 units which means Norton would have to accommodate not necessarily build 750 units over some period of time. The location based on not having a T-Stop the district has to be in a location within reasonable distance to a transit station but the state also wants to see it in an area that already has concentrated development with the appropriate infrastructure in place to help accommodate the growth. Mr. DiGiuseppe states the district should be somewhere where there is or will be a sewer line for a large development like this would be a challenge with septic. The district could be a new base zoning district or an overlay district, which Mr. DiGiuseppe suggests the Planning Board goes with the overlay district. The language for this district has to be completed by the end of 2024. The Community Information form needs to be completed by May 2, 2022, the Select Board has already seen what the district needs, and once the minutes are approved then the form will be completed for 2022. Through March the Housing Community Development is accepting questions and comments on the guidelines. Mr. DiGiuseppe go over some of their concerns including too much development that it drops below the 10% threshold, submitting the district to the Commonwealth and the Attorney General, why are the requirements the same for MBTA communities and MBTA adjacent communities, and parking for the commuter rail.

Mr. Bouley states that during the SERPEDD meeting they talked about the district. Most towns around Norton that are also adjacent isn't sitting well with some of the other towns. SERPEDD is gathering questions to ask as a group so they can tell the other Towns the answers when the answers come back to them. Several towns in SERPEDD have opted to not adopt the district, all of them are small towns that are adjacent. The district was also unexpected legislation that came before the Planning Directors of the state.

Mr. DiGiuseppe shows the Planning Board that the penalties for not going through with this district include becoming ineligible for MassWorks, Local Capital Project Funds, and Housing Choice Initiative funds. They will work with a consultant to put together an action plan to figure out the best approach. The approved timeline and action plan must be approved by July 1, 2023 and between now and then they will work with the consultant. SERPEDD was one of the consulting choices who could put together the action plan which could be paid with District Technical Assistance funding. Mr. DiGiuseppe suggests avoiding Community one-stop funding as there are other priorities that could be used with that funding.

Mr. Griffin asks to confirm that the language needs to be approved by the end of 2024. Mr. DiGiuseppe confirms it is. Mr. Griffin asks to make sure the that an article of this length would end up in the Fall Town Meeting. Mr. DiGiuseppe confirms it would have to go to the Fall 2024 Town Meeting at the latest. Mr. Bouley states that this will most likely need a subcommittee meeting. Mrs. Oakley asks if there is anything Norton gets out of it besides not having the three funds restricted. Mr. DiGiuseppe states that Norton is eligible for everything already so it doesn't make Norton eligible for anything more which means it is only for the funding sources. Mrs. Oakley asks if this will affect the affordable housing market in town with the amount of density. Mr. DiGiuseppe states that an infrastructure analysis is required and is hoping that they will give a measure of calculation for to determine how good the infrastructure is. If Norton is unable to get proper infrastructure, the Planning Board will have to deny projects. So, the 50 acres have to

be somewhere sustainable to avoid getting into residential areas. Mrs. Oakley is in support of it being a district overlay as she doesn't want Norton to lose any more commercial zoning. Mr. DiGiuseppe feels that the district is a one size fits all but he'll try and move forward with the district the most positive way forward. Mr. DiGiuseppe thinks that district is much bigger than anything in Norton currently and will want to have good design standards implemented. Mr. O'Neil suggests to Mr. DiGiuseppe that he should go to the Mass Association Planning Directors and use them as an advisory group as well and get everyone discussing the district as a group. Mr. DiGiuseppe states that the Economic Development Committee and the Mass Municipal Association were not worked with to know about the district. Mr. Bouley and SERPEDD also didn't know about until it was given to the Towns to implement.

Mr. Peter Wiggins of 157 Mansfield Avenue comments that he travels to the train station by bus. Mrs. Oakley asks if transit access will be increased for the increase of people. Mr. DiGiuseppe states the Gatra bus doesn't go to Route 140 and the service there is now Gatra Go. Mrs. Oakley states that the regional providers are going to have to do something to handle the increase. Mr. DiGiuseppe isn't sure if the district has anything set-up to help support it.

Business and Policies

Mr. Bouley adds that there is going to be a state solar by-law that will supersede all local solar by-laws. Mr. DiGiuseppe states they are going to be renewing the Smart Stock Credits. Mr. Griffin asks if that will be the same thing as before. Mr. DiGiuseppe isn't sure but will send more information to the Planning board. Mrs. Oakley comments it will be difficult to inform residents that the state wants this.

Adjournment

The motion to adjourn the February 1, 2022 meeting was done by Mr. O'Neil and seconded by Mr. Bouley. Roll Call; Mr. Graf Yes, Mr. Bouley Yes, Mrs. Oakley Yes, Mr. O'Neil Yes, Mr. Hornsby Yes and Mr. Griffin Yes. Motion passes. The Planning Board Meeting from February 1, 2022 was adjourned at 9:15 pm.

Minutes prepared and submitted by Bryan Carmichael, Department of Planning and Economic Development Administrative Assistant.

Minutes Approved on: 2/15/22

Signature Paul DiGiuseppe