



TOWN OF NORTON
BOARD OF SELECTMEN
MUNICIPAL CENTER,
70 EAST MAIN STREET, NORTON, MA 02766

Telephone: (508) 285-0210 Fax: (508) 285-0297

Board of Selectmen
Meeting Minutes
February 13, 2020

I. Call to Order by Chairman

The February 13, 2020 meeting of the Norton Board of Selectmen was held in the Board of Selectmen's Meeting Room and was called to order at 6:30 P.M., by Mr. Bradford K. Bramwell, Chairman. Member(s) present: Ms. Mary Steele and Ms. Renee Deley. Also in attendance: Michael D. Yunits, Town Manager.

II. Appointments/Resignations/Retirements

There were no appointments, resignations, or retirements to discuss.

III. Licenses and Permits

1. Application by Colleen Robichaud for a One Day Liquor License for a Private Event at the Everett Leonard Park on June 20, 2020 from 12:00 P.M. to 4:00 P.M.

MOTION was made by Ms. Steele to approve the all alcohol liquor license for Colleen Robichaud to be used at the Everett Leonard Park on June 20, 2020. Seconded by Ms. Deley. Vote: Ms. Deley – Yes; Ms. Steele – Yes; and Mr. Bramwell - Yes. MOTION CARRIES.

IV. Announcements

There were no announcements to discuss.

V. Business

A. New Business

1. Discussion on Local Initiative Program Application of A.R. Building Co., Inc., for a Proposed Chapter 40B Rental Apartment Project at 195 Mansfield Avenue.

*****Please note that it was discovered at a later meeting that the correct property address for the project is 195 Mansfield Avenue rather than 95 Mansfield Avenue. Any reference made to "95 Mansfield Avenue" is intended to be "195 Mansfield Avenue."***

Attorney Freeman came before the Board to give a brief summary of the proposed project. He explained that the applicant is looking for support from the Selectmen and the Town before they submit their application to the State to get to the ZBA process.

Mr. Yunits reminded the Board that the department heads met with the developers on what they wanted to see when they received the final plans. He emphasized that at this stage, there are no final plans yet. He added that last year, the applicant came before the Board and the Board gave their endorsement of the friendly 40B project, so the applicant could move forward. The Town Manager explained several pros to this project, such as the location not being disruptive and that the 100 units would meet the minimum requirement

of 82 units in order for the town to be at 10% for its 40B housing. Mr. Yunits stated that the developer hasn't moved forward yet because they want the Board of Selectmen's support. Then, they will go through the Zoning Board of Appeals process and also go before the Conservation Commission. Mr. Yunits informed the Board that after this, the applicant will prepare the final construction plans, which all of the department heads will review prior to approval.

Ms. Deley asked to speak with Mr. Paul DiGiuseppe, Director of Planning and Economic Development. She said she thought there was a bylaw that limited the amount of three-story buildings. Mr. DiGiuseppe stated that the bylaw numbered six referred to height dimensions and that right now the applicant could only go three stories high; if the applicant wished to go higher, they would need to get a variance from the ZBA.

Attorney Freeman interjected that this is why the applicant is going through the Chapter 40B process. He stated that most communities don't allow for multi-family housing and the proposed dimensions. However, through the 40B process, they could do so by seeking relief through a waiver rather than variance. Attorney Freeman further explained that because the proposed plans wouldn't meet zoning requirements this is the sole reason for going the Chapter 40B route.

Ms. Deley expressed concerns about the building(s) being five stories tall because it would not fit the character of the town. She asked if the East Main Street apartments are zoned commercial. Mr. DiGiuseppe replied that the East Main Street Apartments also went through the Chapter 40B process. He explained that 40B's give the ZBA a lot of say in the project. Mr. DiGiuseppe stated that the ZBA can grant variances, but for 40B's they can grant waivers and the ZBA is given a lot of authority. Lastly, he stated that there would be a public process once this application is submitted to the ZBA.

Ms. Deley asked Mr. DiGiuseppe what he thought of the height. Mr. DiGiuseppe replied Ms. Deley that he hasn't really reviewed much at this point because they haven't received an application. Mr. Bramwell said that if he recalled correctly, the height of the buildings for the East Main Street project was lowered by the ZBA due to character of the town. Mr. Bramwell explained that part of the concern of the height for that project was due to the location being right along East Main Street.

Ms. Deley referred to part of the application regarding the addition of sidewalks. Mr. Yunits said that this was something discussed last year when the project was first presented to the Board. Mr. DiGiuseppe added that the ZBA could add this as a condition of the comprehensive permit because it is within their purview. Ms. Steele asked how it goes from communicating that a sidewalk is a good idea to getting the ZBA to implement putting in sidewalks. Mr. DiGiuseppe answered that it is part of the approval process and that part of the peer review process is looking at traffic.

Ms. Deley referred to previous concerns regarding the height of the buildings and access for the Fire Department's ladder trucks. Deputy Chief Benton Keene explained that when building heights are 80-100 feet that is when building heights becoming an issue, but that

isn't the case here. Mr. Carmichael said the applicant is proposing a building height of 62 feet, so this would not apply. Deputy Chief Keene stated that the main concern was the second entrance for emergency vehicles, which has been addressed. Ms. Deley asked if this would require purchasing new equipment for the Fire Department, which Deputy Chief Keene answered it would not. He explained to Ms. Deley that the Fire Department provides specific dimensions for their ladder trucks because they need a proper radius to have access in the case of an emergency.

Next, Ms. Deley asked for Chief Brian Clark of the Police Department to come before the Board. She brought up her concerns with regards to traffic and asked if the Chief had any concerns. Chief Clark replied that when the application goes to the ZBA, that is where he is more involved and that the applicant is in the very early stages of the process. Chief Clark added that there are a lot of cars coming in and out of Roche Bros. already. He stated that he was more concerned when the East Main Street Apartments were coming in because of that location. Ms. Deley asked in regard to service calls if the existing staffing is enough. Chief Clark said that the calls for service at 274 East Main Street has decreased and that as far as a staffing plan, that is a bigger discussion than this. Mr. Yunits explained that the owner sold the apartments at 274 East Main Street, so for a while it was hard to have a point of contact to report concerns to; however, this applicant will be holding onto the property, so the Town will have someone to hold accountable.

Ms. Deley referred to waivers that were attached as part of the application. Attorney Freeman explained again that this is regarding the zoning waivers for the height of the buildings. Mr. Jason Kambitsis of A.R. Building Co., Inc. mentioned that they are increasing the height of the building to avoid touching any of the wetlands. Mr. Kambitsis pointed out that this project would also get the Town over the 40B threshold and that the Town previously felt comfortable with this company coming in. He lastly stated in regard to the traffic concern that they have always been able to prove that the allowed use versus the trips from the project would have less of an impact than what could be allowed.

Ms. Deley referred to the FEMA flood zone and asked if there would be any issues if the flood zones changed. Mr. Kambitsis informed Ms. Deley that these plans are based off of the newer maps. Mr. Brandon Carr of DiPrete Engineering said that this flood plain is with the Reservoir and is 102 feet, the building is at 125 feet, so the building itself is about 10 feet above the flood plain. Mr. Kambitsis said that they would put in a sidewalk if the Board wishes because they would like people to have access. Mr. Kambitsis referred back to the concerns of emergency access and informed the Board that as part of the design, they used the size of the ladder truck to come up with the plans.

Attorney Freeman said that there is a dimensional table included in the application, which is the waiver the applicant is seeking. He further explained that the only waivers needed are for the heights and stories of the buildings. He added that the proposed plans comply with the parking as well because they are only required to have 160 parking spaces and they are providing 179 as part of their plan. Attorney Freeman emphasized again that the waivers being sought are solely for the use and the height.

Ms. Deley then asked for Building Commissioner, Mr. Christopher Carmichael, to come before the Board to give his opinion of the project. Mr. Carmichael said that these are just preliminary drawings and that they get much more detailed after the ZBA process where the plans are likely to change. Mr. Carmichael stated that he thinks that this would be a good addition to the Town and give a boost to the area too.

Mr. Yunits stated that the current value of the property is \$301,400 and the current taxes are \$4,460.72 per year. With the proposed project, the permit fee is estimated to be \$30,000, the estimated value post construction would be \$15,000,000 and the estimated taxes would be \$222,000 per year.

MOTION was made by Ms. Steele that the Board of Selectmen vote to endorse the rental housing project proposed by A.R. Builders, which is known as “Norton Crossing” and is proposed to be located at 95 Mansfield Avenue, Norton, MA, with 100 rental units (75 market rate and 25 affordable) (“Project”), under the Department of Housing and Community Development (“DHCD”)’s Local Initiative Program (“LIP”); and with the Town Manager hereby tasked to prepare a letter of community support that contains the information required by DHCD for a LIP endorsement and with the Chairman of the Board hereby duly authorized to execute the LIP letter of support for the Project and to forward it forthwith to DHCD. Seconded by Ms. Deley. Vote: Unanimous. MOTION CARRIES.

2. Vote to Approve Ballot Questions.

Ms. Lucia Longhurst, Town Clerk, came before the Board to go over the ballot questions and what will be happening on election day at the school. She explained that they are going to rearrange for one-way traffic entering and exiting at the Middle School. Mr. Ray Cord is going to have Emergency Management there to organize the traffic as well. Ms. Longhurst added that if it snows, the Highway Superintendent, Mr. Keith Silver, will plow it out of the way for parking. She mentioned that there will also be special parking at the Campbell House for the poll workers and the school is providing a shuttle for voters who need it. Ms. Longhurst added that there will be two police officers inside the building; one of which will go outside when the school closes to help students cross the road and manage traffic for parents picking up their kids.

Mr. Yunits asked if they should have a Norton Alert reminding people of the election a week before and a second alert a day before. Mr. Christian Zahner, Board of Health Agent, said they should. Ms. Deley asked where the teachers and staff will be parking, and Ms. Longhurst answered that they will be parking where they usually do. Ms. Longhurst informed the Board that the schools will be closed for the Presidential Election. Mr. Bramwell clarified that they are voting in the gymnasium, which Ms. Longhurst confirmed. The Town Clerk stated that early voting begins on February 24th and is during normal business hours at the Town Hall.

Ms. Longhurst presented the ballot questions provided by town counsel to the Selectmen. She advised that notices need to be mailed to every household that has a registered voter

to inform them of the name changes of “Board of Selectmen” to “Select Board” and the “Industrial Development Commission” to the “Economic Development Commission” because these are Charter changes. Ms. Deley asked that Ms. Longhurst keep them updated as far as cost is concerned with this, which she agreed to.

MOTION was made by Ms. Steele to approve the ballot questions as printed. Seconded by Ms. Deley. Vote: Unanimous. MOTION CARRIES.

3. Review Written Warning and Order to Correct from Executive Office of Labor and Workforce Development.

Mr. Yunits stated that he is working with the Building Commissioner, Mr. Christopher Carmichael and the Board of Health Agent, Mr. Christian Zahner, on cost estimates for resolving the issues in the report. Mr. Carmichael mentioned that he worked with the Fire Chief on mediating the fourteen issues reported by the State. Mr. Carmichael said that they have not received cost estimates at this time, but they have met with contractors, electricians, and a floor company.

Ms. Deley asked for a summary of issues. Mr. Yunits asked for them to start with ramps and signage. Mr. Carmichael reported that there are no illuminated exit signs or emergency backup lights. He mentioned that some of the bigger ticket items is in regard to the Board of Selectmen’s meeting room, which has a single-exit undersized egress. For example, a stairway for an assembly room should be forty-four inches wide, but it is only twenty-eight inches wide. Also, the hallway should be at least 36 inches wide and it is only twenty-eight inches wide and there are no hand rails. In addition, Mr. Carmichael explained that there is only one exit out of this room due to the stairway at the back of the stage is four sets of stairs that leads to a winding hallway with no illuminated exits; so the travel distance, corridor ratings, fire ratings, ceiling heights, and lack of sprinklers makes it so this really cannot be considered an exit. Mr. Carmichael and Mr. Zahner also pointed out that the ramps at the front and back of the building are too steep, are a tripping hazard, and do not meet ADA standards thus making them noncompliant.

Mr. Zahner explained that once they get estimates, realistically the next step is going to be a discussion of where they will be moving their meetings to rather than making the necessary repairs to continue using the room. The Board of Health Agent also pointed out that the wheelchair lift has been on hold for repairs and out of order. He stated the reason he has not gotten it fixed is because it will cost \$6,000 to repair, but he did not want to have the repairs done if the room wasn’t going to be usable anymore. Mr. Zahner mentioned that this was the first meeting in the the past three Selectmen meetings that he has not had to turn off the heat due to the smell of gas from the heating system. He stated that the only solution to resolving this issue is to replace the system on the roof, which would cost between \$15,000 to \$20,000. Mr. Zahner expressed his opinion that they should really get a new meeting room for the Selectmen because the current meeting room would cost too much to bring up to code. Ms. Steele agreed with Mr. Carmichael and Mr. Zahner. Ms. Steele said they need to do a lot for the employees and public safety. Ms. Deley asked if it could be used as something else, which Mr. Carmichael advised that it

could be used as a department head meeting room. Ms. Deley asked if the meeting room could be used as an office, which Carmichael said it could. Ms. Deley asked if anything can be done now. Mr. Carmichael said that Mr. Yunits directed that the basement be cleaned out to resolve the fire hazard issue on the report from the State. Mr. Yunits said the OSHA report should be put online.

Ms. Deley stated that the best option for an alternative meeting space is the Norton Media Center. Ms. Steele stated that the Norton Public Library would be ideal, but the only problem is it doesn't have live feed capability. Mr. Carmichael suggested using the Library and getting the equipment to have live feed put in.

Ms. Steele requested having Mr. Jason Benjamin, the Director of Cable Access, attend the next non-joint meeting to discuss the costs of getting the Library capable of having live feed. Mr. Carmichael stated that if this is going on the Special Town Meeting warrant, they have until March to submit the article(s). Ms. Deley said to check for availability at the Norton Media Center for dates after February 27th. Ms. Steele suggested March 5th as their next meeting date following the February 27th joint meeting. Ms. Steele and Ms. Deley asked if the funds to do this need to be voted upon at Town Meeting. Mr. Yunits answered that he would need to check with Cable to see how much funds they have left in their budget. Ms. Steele asked that if any major updates came in within the week to please forward them to the Board, which Mr. Yunits, Mr. Carmichael, and Mr. Zahner agreed to.

B. Old Business

There was no old business to discuss.

C. Town Manager's Report

There was no report to discuss.

V. Selectmen's Report and Mail

There was no report or mail to discuss.

VI. Meeting Minutes

Ms. Deley stated that she was fine with waiting for a larger number of members being present. The Board agreed to approve the Minutes presented at a later date with more members present.

VIII. Warrants

There were no warrants to discuss.

IX. Other Business

There was no other business to discuss.

X. Next Meeting's Agenda – February 27, 2020:

1. Public hearing at 6:30 P.M. on the application for a Transfer of License from A&R Enterprise Inc., d/b/a Cozy Beer and Wine, to Speedway of Massachusetts, LLC, d/b/a Speedway 2411, for the Retail Package Goods Store License to Expose, Keep for Sale, and to Sell Wines and Malt Beverages Not to be Drunk on the Premises. The proposed licensee will also be requesting a Change of Location from 411 Old Colony Road, Norton, MA 02766 to 125 West Main Street, Norton, MA 02766.

2. Joint Meeting with the School Committee and Finance Committee at 7:00 PM.

XI. **Executive Session**

There was no need for an executive session.

XII. **Adjournment**

MOTION was made by Ms. Steele to adjourn the Board of Selectmen meeting at 7:43 P.M. Seconded by Ms. Deley. Vote: Unanimous. MOTION CARRIES.

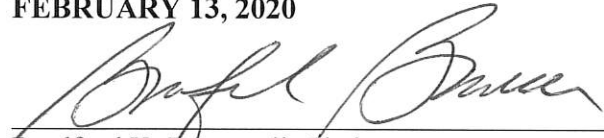
URL Link: <https://www.youtube.com/watch?v=5nmh-sjJsGo>

Respectfully Submitted by:



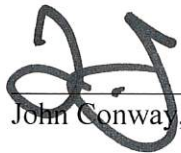
Jennifer Reid, Office Administrator

**BOARD OF SELECTMEN
MINUTES OF MEETING
FEBRUARY 13, 2020**



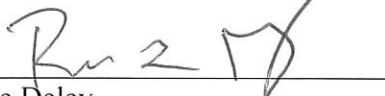
Bradford K. Bramwell, Chairman

Michael Flaherty, Vice-Chairman



John Conway, Clerk

Mary T. Steele



Renee Deley

Minutes Approved by Board on: June 11, 2020