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NORTON PLANNING BOARD MEETING MINUTES OF DECEMBER 14, 2021

The Planning Board Meeting of December 14, 2021 was called to order at the Norton Media Center via Hybrid Participation on ZOOM and in person at 7:15 p.m. by Mr. Timothy Griffin, Chairman. Members present were Mr. Allen Bouley, Mr. Wayne Graf, and Mrs. Julie Oakley. Mr. Kevin O'Neil and Mr. Steven Hornsby participated remotely via ZOOM. Also, in attendance was Planning Director Paul DiGiuseppe and Administrative Assistant Bryan Carmichael.

Mr. Griffin explained what a Hybrid meeting was and how it was going to be used in this meeting.

General Business

Bills & Warrants – A WB Mason and a Horsley Witten bill and handed in and that are reviewed and signed by the board.

Minutes – Minutes were presented from the November Planning board Meetings. Mr. Graf asks to have a correction amended for the November 9, 2021 meeting. Mr. Carmichael makes a note to correct the minutes.

Motion to approve the November 9, 2021 minutes with corrections is made by Mr. Bouley and seconded by Mr. Graf. Roll Call; Mrs. Oakley Yes, Mr. Bouley Yes, Mr. Graf Yes, Mr. O'Neil Yes, Mr. Hornsby Yes, and Mr. Griffin Yes.

Motion to approve the November 30, 2021 minutes is made by Mrs. Oakley and seconded by Mr. Graf. Roll Call; Mrs. Oakley Yes, Mr. Bouley Yes, Mr. Graf Yes, Mr. O'Neil Yes, Mr. Hornsby Yes, and Mr. Griffin Yes.

SP-11450 and SP-11451: 0 Leonard St (Blue Star Business Park, Phase II). Application for Special Permits and Site Plan for an approximately 200,000 sf warehouse and a 60,000 sf warehouse within Industrial zoning, Owner/Applicant: Condyne Capital Partners. Special Permits needed for a building over 10,000sf, Water Resource Protection District and Floodplain District.

Mr. Brandon Carr and Mr. Jeff O'Neil are present to speak on Blue Star. Mr. Carr of DiPrete Engineering gives an update from the previous hearing. Which includes a virtual meeting with

Horsley Witten, Town Planner Mr. DiGiuseppe, the Water Department, Building Department, and the Fire Department and discussed any lingering items on their Peer Review on December 6, 2021 and had addressed each of the items the following day. Horsley Witten sent two letters which addressed all the comments made by Horsley Witten and the only lingering items were the four waivers requested or potential conditions of approval related to some of the construction hours and planting notes. The Conservation Commission approved the notice of intent for Phase 2 in the Stormwater permit. The issues Horsley Witten had lingering were the outlet protection on the flared ends as there were a few missing on the charts which were added back in. The second was to add a lighting schedule to the lighting plan which is labeled as 5:30 am to 7:00 pm will have the lights on full during days of operation and will be reduced in the off-hours and when there are non-working days.

Mr. Jeff O'Neil states Condyne has done the Shadow Study, the Sound Study, modified the hours of construction, the compactors have been moved to the front of the building, additional landscaping on the sides have been added, additional sound walls have been added, and has all been within article 4.6 and with third-party support. The Curtains of 7 Janet Street are going to have an eight-foot-tall fence on their property. Condyne has worked with the Department of Public Works on the issue of snow plowing. They have worked with the Water Department on the water system and looping the system connection with Janet all the way down to Leonard Street. Worked with the Fire Department on fire hydrant locations and a second means of access. The building as it is, is within the bylaws for Industrial zoning. Yale Appliance is going to be the occupant of Building 9. Mr. Griffin asks about surety for the roadway and what he, Mr. DiGiuseppe, and Town Counsel, Miss Kwesell had decided on. Mr. Jeff O'Neil proposed a two-million-dollar surety bond that would be in place and then fifty percent through construction will be reduced to a million and then on completion 100% of the surety would be released. They are going to have a bank inspector on site, their equity partner inspector, all the requisitions get approved, and are held five percent retained into a subcontractor which would have the various inspectors look at the project before completion. Mr. DiGiuseppe states that this is coming out of the Subdivision Control Act from the state of Massachusetts that says a definitive plan triggers a form of guarantee where there are four options and Mr. DiGiuseppe wanted to make sure the board was following state statute and is consistent with the town's subdivision regulations. Mr. Griffin points out that regardless of the fact that Condyne already has four people to look over the project and Mr. Jeff O'Neil adds that is on top of the recourse revisions that are in place. Mr. DiGiuseppe states that this is needed even after the history of the delivered projects Mr. Jeff O'Neil has put in place for Phase 1 of Blue Star Business Park and also Commerce Way.

Mr. Steve Stanish is present to speak on the Horsley Witten review. Mr. Stanish states that Condyne has addressed all of their comments on the Stormwater. There are some outstanding issues which were mentioned in the most recent letter as potential conditions of approval. Some of the conditions talked about during the virtual meeting which took place and the biggest components were in the most recent letter which only had the Shadow Study as a discussion item.

Mr. John Curtin of 7 Janet Street states that on the Shadow Study the shadow of the building would fall on his property during some parts of the year and that legally through a state law they cannot have that done. Mr. Curtin reads from Article 4.4.6 of the Norton bylaw which lists any

use that could be hazardous, detrimental, harmful, offensive, or would potentially reduce property values through the use of excessive dust, dirt, glare, odor, fumes, smoke, refuse, noise, vibration, electrical interference, air or water pollution, danger of explosion, radiation, fire, or any other reason is prohibited whether or not enumerated around the use is otherwise prohibited in any district. Mr. Curtin states the value of his property would go down because of the noise, dust, dirt, fumes, and vibrations. Mr. Curtin goes on to show that the spaces in his trees are big enough for things to go through. Mr. Curtin asks if the road connected to the Fire Exit will have the same road type as the rest of the project. Mr. Griffin asks the representatives of Condyne to confirm that the fire exit will be crushed gravel. Mr. Carr confirms the fire exit will have an 18-foot gravel blind. Mr. Jeff O'Neil responds to Mr. Curtin that the Shadow Study given depicts no trees and the present trees will make it so the shadow doesn't hit the property. The Sound Study shows the sound being generated from Route 495 shows the sound wall will decrease the current amount of noise coming from there. The building is within the guidelines for Zoned Industrial buildings. Mr. Carr clarifies from a previous statement addressed from Mr. Curtin that there is no state law that states that Shadows cannot be cast onto another property with the exception of parks and other historic sites as many city projects would be prevented if that were the case. All the material presented so far has been peer reviewed and reviewed by members of the town so if something wasn't legal the Town or Peer Reviewer would have caught it. Article 4.6 had everything addressed in the letter dated November 23, 2021 which had been previously been presented to the Board.

Mr. Bouley asks Mr. Stanish for their opinion on the Shadow Study. Mr. Stanish states based on the Shadow Study that was given the Winter Season the shadow covers the house for about 10 percent of the day, in the winter it would last about an hour. Horsley Witten cannot make a conclusion on the extent of the trees existing as they are not included on the Shadow Study. Mr. Griffin asks Mr. Stanish about the letter Horsley Witten had submitted on the 17th of November, 2021 which said the Planning Board would get a separate letter for the wetlands impact. Mr. Stanish states it doesn't look like it was submitted yet. Mr. DiGiuseppe reminds the Board that Condyne has gone to the Conservation Commission and had met the Wetlands Protection Act standards. Mr. Carr states that there were about six or seven comments on Stormwater in one of the review letters given that were direct comments to wetlands which were addressed and the Conservation Commission and on the last letter from Condyne. Mr. DiGiuseppe recalls that there were no further wetlands issues when the Town Officials met with Condyne during the Zoom meeting.

Mr. Curtin states that Horsley Witten had brought up Article 4.6 as a potential concern in one of their previous letters which covered the site plan and reviewed it with all the other Norton bylaws. Mr. Curtin goes over the previous points made about 4.6 such as dirt, dust, smoke, and odor. Mr. Curtin speaks further on the Shadow Study and how there will be gaps and shows the board pictures of the trees on his property. Mr. Bouley asks if the pictures are depicting the portion of the yard that will have the 8-foot fence Condyne will set up on the Curtin's property. Mr. Curtin confirms it is and says that the fence and the trees currently there still will not prevent a shadow from being cast over the house.

Mr. Carr informs the board that Condyne showed in their plans that they would have 10-to-12-foot berm on top of the 8-foot fence with 20-to-25-foot evergreen plantings on the next layer.

Horsley Witten and the Conservation Commission saw and reviewed the current landscaping plan and it was approved. It will have times when the building will be seen and other attempts to hide it through the sound walls and the fence were made to do this. Mr. Carr notes that there is no requirement that Building Nine has to be completely invisible from all sides but they have provided mitigation for each of the points of Article 4.6 which was listed in the November 23, 2021 letter from Condyne. There is erosion control plan that will be implemented which had been reviewed by the sub-consultant, the Building Department, and the Conservation Commission. There is a state law template that handles dust to mitigate during and post construction, the paved surface of the landscape is stabilized through the grass that is planted and the tractor trailers aren't typically going to be collecting dust as most of the places they go are going to be paved parking lots with a stormwater System that is swept and maintained. The Compactors were moved and sound walls were provided to reduce noise and feels like Condyne has addressed all the items of the bylaw either verbally or in the letters.

Mrs. Oakley asks Mr. DiGiuseppe if the other departments had the chance to look at the sound wall and if they had any different opinions on it. Mr. DiGiuseppe had the chance to ask the building and health department's opinions and they don't believe that any conditions are needed to address noise issues. Mrs. Oakley asks if Condyne had reviewed the conditions and would need any changes. Mr. Carr states that Condyne doesn't need to have any of the conditions changed. Mr. DiGiuseppe asks if the waivers that were added were also good to have on the decision. Mr. Carr states the additional waivers are acceptable.

Mr. Griffin asks the board if they are comfortable with closing the hearing and voting on the Site Plan, Subdivision, and Special Permit. Mrs. Oakley responds that she is ready to go forward with both. Mr. Graf and Mr. Bouley agree with Mrs. Oakley that they are ready to close the hearing and vote. Mr. DiGiuseppe asks to confirm with Condyne that the Construction hours were changed to 7am to 5pm Monday through Saturday and the hours for Daylight Savings are Monday through Friday 6:30am to 5pm and 7am to 5pm on Saturday. Mr. Carr confirms that these are the hours of operation. When Mr. Kevin O'Neil and Mr. Hornsby are asked if they are ready to vote they agree with the other board members.

Mrs. Oakley motions to close the public hearings of SP-11450 and SP-11451 and seconded by Mr. Bouley. Roll Call; Mrs. Oakley Yes, Mr. Bouley Yes, Mr. Graf Yes, Mr. O'Neil Yes, Mr. Hornsby Yes, and Mr. Griffin Yes.

Mrs. Oakley motions to approve the Subdivision Plan contingent on conditions and would finalize the conditions at a subsequent meeting which was seconded by Mr. Bouley. Roll Call; Mrs. Oakley Yes, Mr. Bouley Yes, Mr. Graf Yes, Mr. O'Neil Yes, Mr. Hornsby Yes, and Mr. Griffin Yes.

Mrs. Oakley motions to approve the Special Permit for a building over 10,000 sf or 25 or more parking spaces with conditions and is seconded by Mr. Graf. Roll Call; Mrs. Oakley Yes, Mr. Bouley Yes, Mr. Graf Yes, Mr. O'Neil Yes, Mr. Hornsby Yes, and Mr. Griffin Yes.

Mrs. Oakley motions to approve the Special Permit for the Water Resource Protection District with conditions and is seconded by Mr. Bouley. Roll Call; Mrs. Oakley Yes, Mr. Bouley Yes, Mr. Graf Yes, Mr. O'Neil Yes, Mr. Hornsby Yes, and Mr. Griffin Yes.

Mrs. Oakley motions to approve the Special Permit for Construction in the Flood Plain District with conditions and is seconded by Mr. Graf. Roll Call; Mrs. Oakley Yes, Mr. Bouley Yes, Mr. Graf Yes, Mr. O'Neil Yes, Mr. Hornsby Yes, and Mr. Griffin Yes.

Mrs. Oakley motions to approve for Construction within the Wetland Protection District with conditions and is seconded by Mr. Bouley. Roll Call; Mrs. Oakley Yes, Mr. Bouley Yes, Mr. Graf Yes, Mr. O'Neil Yes, Mr. Hornsby Yes, and Mr. Griffin Yes.

Mrs. Oakley motions to approve the Site Plan of both buildings over 2,500 sq feet or 10 parking spaces per article 15 section 3b and is seconded by Mr. Bouley. Roll Call; Mrs. Oakley Yes, Mr. Bouley Yes, Mr. Graf Yes, Mr. O'Neil Yes, Mr. Hornsby Yes, and Mr. Griffin Yes.

Mr. Griffin moves to have the waivers and conditions looked at for the January 4, 2022 meeting. Mr. Griffin advises the board to look over those waivers and conditions prior to the January 4th meeting so can change can be put in place when the draft decision is presented.

Discussion - Route 123 and Norton and South Worcester Street, Norton Intersection and Signal Improvements at MassDOT Project Number 609193

Mr. Justin Curewitz of Beta Engineering is leading the discussion. Mr. Curewitz had recently submitted the 25% design submission to MassDOT for review and are hoping to be ready to put up an application for a Public Hearing in the Spring of 2022. The project is looking at the two closely spaced intersections of North and South Worcester Street with West Main Street Route 123. The project goal is to signalize the intersections under one traffic signal controller which would have the signals from the two intersections operate in unison so they will not be independent of each other and will operate separately with the Route 123 traffic. North and South Worcester Street will both have their own phases along with pedestrian accommodations with push buttons and pedestrian signal heads.

Mr. Griffin recalls the previous version of the intersection plan was like a rotary. Mr. Curewitz had discussions with MassDOT about the rotary but due to impacts that would affect Chartley Pond and the surrounding local businesses in Chartley Plaza and the newly acquired building on the Northwest corner of the intersection. The right-of-way impacts would have been too great for the roundabout to work which had MassDOT choose the signal design. Mr. Griffin asks if the intersection will be a straight through traffic light area. Mrs. Oakley asks if the intersection will have a safety island and try to pull the edges in to create a safer roadway for both drivers and pedestrians. Mr. Curewitz takes out the plan and walks the board through the plan. Eastbound on 123 drivers would come to an intersection. Edger Road will have its radius tightened along with North Worcester to bring it in as more of a straight on T-intersection as opposed to an intersection that is skewed. Once you go by Edger Road the intersection will be controlled by the signal there'll be a stop bar that you'll stop at, there'll be a set of signals for both intersections on

West Main Street. The lights at the intersection both will have green signals to go through both of them and the same will be for the westbound vehicles where they'll have a set of signals to the east of South Worcester Street. The signals will go green for 123 in the eastbound and westbound direction they will then stop and turn red and you will get a green indication for North Worcester Street and you'll be able to continue through the intersection and conversely, you'll be able to do the same thing from South Worcester Street. They will be operating through what is known as split phasing which means they will not go together so North and South Worcester Street will both have their own green time. Currently the roadway is under stock control and accidents are common there by vehicles taking a left from North Worcester Street and South Worcester Street. Having the lights put in would eliminate the problem and will be going by themselves. There is also a small inset, a painted median that will be pavement markings and won't be a raised median and will channelize the traffic at the intersection.

Mr. Griffin asks where Chartley Pond is on the map. Mr. Curewitz states it is in the bottom left side of the map. Mr. Griffin asks if there is enough space in the intersections to have two lanes of traffic. Mr. Curewitz states there is going to be one lane in each direction on South Worcester Street and the northbound approach will be widened to accommodate a dedicated right turn lane going onto Route 123 eastbound and there will still be a travel lane in each direction. The road will be formalized under these pavement markings and this project. Mr. Griffin asks when this could be put in place if it goes through the process on time. Mr. Curewitz states that it is in the Universe of Projects on Massachusetts Department of Transportation's Transportation Improvement Program that it isn't funded yet so it is not scheduled. Once the 25% is reviewed there will be a scoring for the project and that will determine when they can get the program put in, but as of the moment it is not scheduled. Mr. Graf asks if there is a timetable on the project. Mr. Curewitz states the timeline for now is the 25% has been submitted and generally it takes 90 days for MassDOT to review the project. They will give their comments during a comments resolution meeting that has MassDOT, the Town officials, and Beta Engineering before it goes to public hearing. Taking it to a public hearing is planned for early spring 2022. Mrs. Oakley asks to confirm if the median is striped or if it is raised. Mr. Curewitz says it is just striped to help truck turns and to formalize traffic and shift drivers over to the left lane to shift them into the through lanes. Mrs. Oakley notes that the bike lane doesn't currently lead anywhere. Mr. Curewitz states it was put on as it is a part of MassDOT's Healthy Transportation Program where they look to accommodate all users. As more work is done down Route 123 the bike lane accommodation and pedestrian accommodations will be added and continued on. Mrs. Oakley asks about the bike with an arrow that is shown past South Worcester Street and if it is to denote the bike lane or a barrier. Mr. Curewitz states it is like the median island where it is just paint for a buffered bike lane. Mr. O'Neil voices his concern about the entrance and exit into the Solomonese School going west before going into the intersection the number of cars at the first light and queuing and blocking people trying to get in and out of the school. Mr. Curewitz states that there have been conversations on how to deal with that issue with MassDOT, the School Superintendent, and the Town officials. The discussions have included potentially redeveloping the Solomonese School, a Do Not Block Traffic sign, and altering the circulation pattern within the school with buses, drop-offs, and employees to help mitigate the queuing at the intersection. It is still an ongoing issue that has not been fully resolved yet. Mrs. Oakley suggests looking into a traffic generation count is of the area. Mr. Curewitz states it will be a part of the analysis and coordination with MassDOT and the Town on what to do. Mrs. Oakley asks if the parking lot

where the Michelle's Corner store is going to gain more property when the T-intersection is put in. Mr. Curewitz states the project is going to widen the intersection and will move three parking spaces so they do not lose those spots and will have a better opening and channelization to their parking lot. Mrs. Oakley asks if there is one in and one out of the two openings. Mr. Curewitz states the opening will accommodate its right turn in and right turn out of the parking lot. Mrs. Oakley asks if there is an opening to North Worcester Street and the Board confirms it. Mr. DiGiuseppe asks if there isn't a left turn from the parking lot to Route 123. Mr. Curewitz states that the left turn will not be allowed to save conflict with other vehicles but will be able to take a left onto North Worcester Street and take the left through the signal. Mr. Curewitz reminds the board that this is an informational discussion and no action will be needed at this time. The Board agrees that it would be a safety improvement for the area.

Discussion – Potential Spring Town Meeting Articles

Mr. Griffin reads the notification of the date of the Spring Town Meeting which is on Tuesday June 7, 2022 at the Norton High School. Language for Warrant Articles being sent to the Select Board are due March 7, 2022. Mr. DiGiuseppe starts the conversation saying that the Master Plan and the Local Rapid Recovery Plan both have been passed and now is the time to start promoting the implementation of the plans. Mr. DiGiuseppe notes that normally the Planning Board would put bylaw changes in the fall Town Meeting but he has spoken with Mr. Mike Yunits, the Town Manager and was informed that it was okay to have some bylaw changes in Spring. Mr. DiGiuseppe suggests updating the use table with a focus on economic development and add categories. The Local Rapid Recovery Plan had suggested uses to be added such as partisan uses and art galleries. Currently by law if a use is not on the table it has to be rejected. The Master Plan also recommends other types of economic development focusing on life sciences and tech industries. The table would have additions that would determine if they're allowable as of right or by special permit. Future updates could have an overlay district that could be applied specific standards. Then for the Fall Town Meeting there is the possibility of extending the Village Center Core to possibly include the entire sewer line on West Main Street which reaches the Housing Authority. Mrs. Oakley asks if the Village Center Core has gotten a positive reaction. Mr. DiGiuseppe states that there had some projects in discussion that had the properties sell because they were rezoned and had sewer.

Mr. DiGiuseppe has been working with Chris Keyes to help implement the rail trail and he had brought up the opportunities for commercial development that would support the rail trail. There was a discussion about rezoning where the Village Commercial Line ends on East Main Street and potentially rezoning it all the way down 495 or potentially extend it to the area immediately around where the rail trail is. Village Commercial goes up to but not over the rail trail. If this were to go through it could open the possibility to open smoothie bars and ice cream along the rail trail. This would be the only area where there could be businesses on the rail trail as majority of the trail goes through residentially zoned spaces.

Mr. DiGiuseppe lets the Board know that the state is handing the Board a new article as a part of the State's housing choice initiative which is required for towns within the MBTA service area. The State is requiring the Town to adopt zoning that would allow a minimum of 15 units an acre for residential. There are severe penalties if the rezoning is not implemented such as not being

eligible for housing works grant, the housing choice funding which is available to help communities purchase or promote affordable housing. Mr. DiGiuseppe is waiting for final guidance as the rezoning only has the 15 units an acre for the time being. The zone will be in an area where there is a sewer line and is hoping it will be an overlay district on Mansfield Ave. Mrs. Oakley asks if there is a timeframe the Board will have to get this passed. Mr. DiGiuseppe states that it comes out with the final rule so there is no date yet for when this is required. Mr. Bouley asks if there is a percentage of land that is required for this. Mr. DiGiuseppe answers the State only gave the guideline that the area had to be sizeable enough.

Mr. DiGiuseppe suggests building a subcommittee to work on the use table for Spring Town Meeting. Mrs. Oakley and Mr. Bouley who were on the previous subcommittee agree that this would be a good way to get the table set up. Mrs. Oakley suggests getting a member of the ZBA on the committee to look over the use table as well. Mr. DiGiuseppe will contact the ZBA and ask if a member would join. Mrs. Oakley asks if doing the extension of the Village Center core could also be done for Spring Town Meeting. Mr. DiGiuseppe suggests not rushing it if it isn't ready. Mrs. Oakley and Mr. Bouley nominate themselves to be a part of the subcommittee and it will be set up sometime in January 2022.

Business and Policies

Mr. Carmichael asks the Board now that there is more information for 2022 is there a definite meeting date for the second April meeting either being April 12 or April 26. The Board decided to meet on April 26, 2022 and will most likely meet on the 10th of May to give any new member of the board time to adjust to the role following elections.

Mr. DiGiuseppe confirmed with the Town Clerk that the vacancy for Mr. Scott Bichan's seat on the board was sent out making it a public announcement. The Select Board acknowledged the vacancy on the board in a meeting. Mr. DiGiuseppe will ask if they can also post the vacancy on the main website. Mr. Griffin is informed by Mrs. Oakley that there are three seats up for election in April which are Mrs. Oakley, Mr. O'Neil, and the Vacant seat.

Adjournment

The motion to adjourn the December 14, 2021 meeting was done by Mrs. Oakley and seconded by Mr. Graf. Roll Call; Mrs. Oakley Yes, Mr. Bouley Yes, Mr. Graf Yes, Mr. O'Neil Yes, Mr. Hornsby Yes, and Mr. Griffin Yes. Motion passes. The Planning Board Meeting from December 14, 2021 was adjourned at 9:18pm.

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

Minutes Approved on: 11/1/22

Signature Paul DiGiuseppe