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NORTON PLANNING BOARD MEETING  
MINUTES OF April 5, 2022

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The Planning Board Meeting of April 5, 2022 was called to order at the Norton Public Library Community Room via Hybrid Participation on ZOOM at 7:15 p.m. by Mr. Timothy Griffin, Chairman. Members present were Mr. Allen Bouley, Mr. Steve Hornsby, Mr. Wayne Graf, and Mrs. Julie Oakley. Mr. Kevin O'Neil participated remotely via ZOOM. Also, in attendance was Planning Director Paul DiGiuseppe and Administrative Assistant Bryan Carmichael.

Mr. Griffin explained that the meeting is hybrid and how they work.

**General Business**

A second meeting was discussed in the event that the meeting needs to be carried over. Mr. Hornsby states that the 19<sup>th</sup> is unavailable for him. Mr. Griffin states that the meeting will most likely be April 12.

**Bills** – Three bills are presented to the Planning Board and all three are approved. One bill was a reimbursement.

**Minutes** – The minutes presented were from March 8.

**Mrs. Oakley motions to approve the minutes from March 8, 2022 and is seconded by Mr. Bouley. Roll Call; Mr. Graf Yes, Mr. Hornsby Yes, Mr. Bouley Yes, Mrs. Oakley Yes, Mr. O'Neil, and Mr. Griffin Yes.**

**Review of Findings and Conditions**

**SP-13540 and SPR-13479: 196 Mansfield Avenue. Application for the construction of a 100,000 square foot flex warehouse. Owner: John Cuming/ John Cuming Trustee. Applicant: Elias Patoucheas/ Norton Land Ventures LLC. Continued from March 8, 2022. Closed March 22, 2022.**

There are no comments from the Planning Board on the Findings and Decisions of 196 Mansfield Avenue.

**Motion to approve the Finding and Conditions of 196 Mansfield Avenue is made by Mrs. Oakley and seconded by Mr. Bouley. Roll Call; Mr. Graf Yes, Mr. Hornsby Yes, Mr. Bouley Yes, Mrs. Oakley Yes, Mr. O'Neil, and Mr. Griffin Yes.**

## **Public Hearing**

### **Proposed rezoning of 47 Elm Street (Map 17, Parcel 36) from Industrial to Village Commercial Zoning District**

Ms. Anne Brensley of DevCo North America, is present to speak on the rezoning. Ms. Brensley states that DevCo North America is in the process of taking control and ownership of 47 Elm Street. The project is referred to as The River Works as the Rumford River is a part of the property. There has been work conducted at the site over 50 to 60 years' worth of manufacturing companies with four different owners. The site has built parts of the community within Norton and throughout Massachusetts. The envisioned project would require an increased rezoning because it requires more work, diligence, environmental oversight, and oversight by the Department of Environmental Protection of Massachusetts as the project is going from Industrial to Village Commercial.

Mr. Griffin asks to confirm that the property is the more commonly known Reed and Barton property. Ms. Brensley states it is the same property and that Reed and Barton had stopped operating at the site over 15 years prior. Not much has been done with the site and Ms. Brensley states she is looking forward to changing that.

Ms. Brensley introduces DevCo North America's philosophy as a company. The philosophy is to see opportunity where others don't and to swiftly and methodically capitalize on an opportunity for both the firm and the owner. However, with this project there is no owner which makes Ms. Brensley think this project would be good for the firm and the town of Norton. There is a large parameter of where they can operate but 60% of what is being done now is in real estate development specifically land development and focus on projects that are stalled or projects that have difficulties. Then DevCo would take control of the situation and remedy what is wrong with the site, utilize their legal and environmental resources, get some background on the site, and take on projects that might need someone to come in, clean it up, and do something positive with it. A current project that is being worked on is a 130,000 square foot mill building in Cumberland, Rhode Island. This is the result of the death of the owner who wasn't able to develop it the way they wanted. DevCo is renovating the mill building into a 110-unit building. The relationship between DevCo and Cumberland is positive because they are putting something up that the community wants in the space. Another example is the Saab building in Lowell, Massachusetts on Central Street in downtown Lowell. The building is two-stories and was vacant and currently has tenants and is now being stabilized. Ms. Brensley states that they really like getting to know the community. The site had three decades of manufacturing prior to Reed and Barton with some of the older buildings still being there. Reed and Barton were at the site from 1974 to 2005. In 2005 Reed and Barton had started to downsize as a company and in 2015 they considered it abandoned where they had gone through a liquidation in a bankruptcy which created a limbo period where they are bankrupt but they still own the asset. Due to the concerns involving the environment it is sitting in limbo. Ms. Brensley states she is 85% of the way through the legal process to gain ownership of the property to do something good with it that will focus on the remediation and the work that needs to be done. Both the engineer and the demolition team don't believe the buildings can be saved with the large amount of asbestos they contain which is also getting into the ground. DevCo is looking into how to ensure that the building's foundation is preserved to take the remedial actions necessary. There are DEP

concerns that Ms. Brensley states she isn't intimidated by those concerns. There is environmental testing that is being done which includes water sampling so it can become a river area that doesn't become a dead space. The site is legally abandoned at the moment and there is a legal tender offer and it has been accepted which will allow DevCo to take control of Reed and Barton LLC then take over the deed. The confines of vision of the future for the project haven't been made yet to speak to the community to make sure the interests of DevCo and the Community are aligned in order to make the rezoning work. The River Works Project will have the workshops which is a concept of community shops that aren't going to be large banks but will have a significant amount of commercial space and retail space. Then have them be necessities for the Town that they are not receiving already as to not have competitors with other areas of Norton. There will be a walkway opened up to connect Elm Street and Palm Street. Then there will be River apartments with housing that becomes manageable price-wise that will be open to all different types of income levels and it has beautiful scenery and a riverbank to look over. Ms. Brensley states they are committed to the project as long as the meeting goes well. What will be done if it goes successfully will be testing and remediation work and have been engaged with Green Seal Group to utilize for the testing. Ms. Brensley states she is waiting for a legal conclusion to allow DevCo to work with the funding sources that have been waiting to be utilized so the best job can be done for the remediation. The Village Commercial zoning is needed so that from a project standpoint it can work. Engineering and Architectural work need to be started, there is already engagement in the design of the local group. They will look at the footprint and see if there is a way that the foundation can be saved that makes the remediation process as efficient as possible. This will be a project that DevCo will work with the Town to complete if this is a mission that the Town wants. The timeline for the project would be 12 -15 months for the mediation.

Mr. Griffin asks to confirm that the vision of the site is a combination of retail space and housing but no configuration or amount of either have been finalized based on where the project is now. Ms. Brensley confirms that is correct.

Mr. O'Neil states that he was on the Town Building Committee when the property was being considered for the Community Center in the Town Hall and was opposed to it because of all the work involved in the site to get it clean and ready for development. Mr. O'Neil continues that Ms. Brensley and her team is what is needed to develop the site despite never hearing of them before and are fortunate to have the opportunity.

Mr. Rob Welsh from 341 South Worcester Street asks if Ms. Brensley will take ownership of the property and the clean-up that goes along with it. Mr. Griffin states that he believes that is an accurate statement and asks Ms. Brensley if it is accurate. Ms. Brensley confirms that it is and wants to make sure everything lines up so the triggering moment will be understanding the remediation to the full extent and also understanding the town's perspective on things and if Ms. Brensley feels positive on both they'll be able to close on the property and take ownership of it within a 48-hour period of making that decision. With the remediation tests there is a budget and it isn't the first time DevCo has had to do those for projects and now know what they are looking at budget wise. Mr. Welsh asks if there is a good understanding of what the scope of the project is like and if Ms. Brensley is happy with the projected scope. Ms. Brensley states yes to both an understanding of the scope and is happy with what the projected scope is.

Mr. Hornsby asks to confirm that the estimated clean-up time would be 12 – 18 months. Ms. Brensley states that normally it would take six months but this is a more complicated project which requires a longer period of time which is projected to be 12 -18 months before they can clean it enough to start development.

Mr. Greg Vincent, 23 Reservoir Street asks if the properties adjacent to the site are all Residential-60 and if this property would be considered spot zoning. Mr. DiGiuseppe states that the buildings around the site are R-60 but the building itself is Industrial and to rezone it from Industrial to Village Commercial. Mr. Vincent asks if this matches the description of spot zoning. Mr. DiGiuseppe states he doesn't think so as it is already zoned. Mr. Vincent reads the definition of spot zoning and states that it is illegal in the state of Massachusetts. Mr. Griffin states that is correct. Mr. DiGiuseppe states that whatever zoning changes get approved at Town Meeting have to be submitted to the Attorney General to review and ensure things like spot zoning aren't being voted into effect. Which are done for zoning by-law changes and rezonings within 90 days if approved at Town Meeting. Mr. Vincent states that the state filings are on record because of the census, which shows how the parcels are divided based on its zone and have to show a benefit to the community.

Mr. Bouley asks to confirm that the Town of Norton is not the owner of the property. Mr. Griffin answers that the Town does not own the property. Mr. Bouley states that he could make an argument that resorting to Village Commercial brings the zoning more in line with the surrounding community that is not industrial. Mr. Vincent states the properties around it are Residential-60. Mr. Bouley restates that it brings it closer to the R-60 zoning than what it currently is. Mr. Vincent asks why can't it be R-60. Mr. Bouley states that the warrant is for Village Commercial.

Ms. Becky Harrington, Ms. Rachel Harrington, and Mr. Mike Harrington on 45 Cobb over Zoom asks did the plans get shown to the community so they could have their opinion prior to this meeting, how would the plans shown affect the neighborhood, how many units are they planning to add, and what are the plans for cleaning up the river. Mr. Griffin states that the amount of units have not been finalized as they are still taking in account how much the river will cost them. Ms. Brensley states that it was about feedback received and states she doesn't recall anyone wanting the site to remain as it is and instead received feedback for a development of sorts some suggesting small shops. Ms. Brensley states that from the research from past developments and an understanding that there is a pretty strong aging community throughout Massachusetts and see a lot of support when there is a focus on retirees as part of future tenant communities. In the case of River Works little shops make it more village like, a larger center has a better response, especially when the housing will be focused on retired people who want to stay within a community but want to downsize from their larger homes which has met positive feedback through some of the signature process through some of the town discussions. Ms. Brensley states unless there are pushbacks on basic concepts of housing, cleaning up the woodwork, and the apartment work. Ms. Brensley explains that the number of units is determined by the amount of money cleaning up the river and her company does not have a setup for every situation and builds new structures to fit the community and the specific need. In this situation it is multiple units that will be affected by the cost of remediation, as far as the actual

remediation work the river still needs to be assessed as to how far they have to go. Ideally there will be work done with the Conservation Commission and would love to keep the landscape as much as possible to make it look picturesque and won't be taking on more issues that aren't the specific issues that have to do with this particular property.

Mr. Griffin asks to confirm with the cleanup of this kind of kind with a lot of DEP oversight about that whatever is in the ground doesn't go further. Ms. Brensley states that it is a paramount issue.

Mr. Mark Sullivan of 129 Reservoir Street asks if the applicant would consider having the retail portion of the site be optional. Ms. Brensley states that she appreciates the feedback and states the opinion is different from what she was hearing and want to hear more opinions so she can get a feel of what the residents of the area want and is not opposed to just having residential areas.

Mr. Daniel Oregon of 81 Elm Street asks based on the background of DevCo North America in 2020 the purchase of a similar property in Lorraine, Ohio was demolished and sat idle for six months because the company collaborated with failed to pull the proper permits for construction. Mr. Oregon continues that the property was not following maintenance code and was seen as a health hazard and asks how will Ms. Brensley ensure that won't happen here and if DevCo is trying to hide their projects and the bios of former CEO Eric Fedua and Salvatore Techie the President of A-7 Development LLC who was responsible for the project in Ohio and is dealing with financial issues. Ms. Brensley explains that DevCo has never owned the Lorraine, Ohio project only stabilized the project and then gave the project back to the owner and the owner demolished the site and DevCo wasn't involved with the demolition hardship portion of the project and was asked to be brought back in by the EPA to facilitate the project after the demolition. DevCo is currently working with the city and the county of Lorraine and the Environmental Protection Agency directly. Ms. Brensley continues to explain that the website overhaul was made because she thought the website wasn't attractive and is unaware of any troubles Mr. Techie is in and won't judge him being in the situation especially during the Covid time period. Mr. Techie was the company that had opened Lorraine and was helping DevCo with development advising on the construction so there were no strong ties to someone who advised a project and missed a major construction issue. Ms. Brensley states she had started out doing traditional investments and started looking at alternative investments about 12 years ago and has worked on projects all over the country, currently there is a site in Naples, Florida that is under construction which is going well and it took two years to get everyone for the project. Ms. Brensley states she is happy with her track record and is excited to work on the River Works Project.

Lisa Carrozza of 34 Cross Street, Vice chair of the Conservation Commission asks if the feedback was from the neighborhood or the town. Ms. Brensley states they talked to the town and the community converts that DevCo could interact with which is part of DevCo's overall process and are open to talking to the neighborhood. Ms. Carrozza asks if traffic is being considered as Cross Street is a cut through road, if there is going to be a noise study for any potential industrial equipment, what is preventing a large retail store from coming in assuming Ms. Brensley is in charge of the lease of the property, will there be contribution to the open space behind the property that has a conservation restriction on it such as passive recreation, and asks if

Ms. Brensley and DevCo know they are also buying a dam as it may need to be repaired. Ms. Brensley states she is aware of the dam and there currently is a project with a dam that they are working on.

Mr. Stephen Banks of 29 Elm Street asks what will happen if the plan changes and if there is any type of subsequent approval process. Mr. Griffin states the order of operations for this project is what is being shown to the Planning Board, the proposed rezoning and what they are proposing for their vision of the site from Ms. Brensley and DevCo. Anything that falls under Village Commercial would be permitted on the property and the Planning Board and Town Meeting would have to make a decision on whether or not to endorse based on the information provided. If there are multiple projects that require different approvals from the Planning Board which will be reviewed by the Planning Board. Mrs. Oakley clarifies that the final decision is at Town Meeting. Ms. Brensley states that she and DevCo are looking at Village Commercial and feels that this is more of a Town related set of questions. Mr. Banks states that he would like to know if Ms. Brensley is certain. Ms. Brensley states that she only sees the site as Village Commercial and doesn't see it any other way as Industrial would be a disservice to the Town and would be difficult when looking at ongoing preservation of the area and any type of conservation work. For Industrial use by the DEP standpoint there is less amount of remediation and Ms. Brensley feels that isn't a service to Norton. Ms. Brensley states that she doesn't have an interest in putting an industrial building at the River Works Project site and is set for Village Commercial. If unable to get Village Commercial it would be a significant issue to DevCo and is only doing the project that is being shown. Mr. Banks asks if the Planning Board would review any special permits. Mr. Griffin states that the Planning Board would receive the special permits.

Cheryl Senior of 169 Reservoir Street, former member of both the Planning Board and the Accessors states that she had visited the DevCo website and saw it was Ms. Brensley and someone else who were the employees for DevCo and the only other project being Cumberland, Rhode Island. Ms. Senior asks for more information on DevCo and the status on the Cumberland project and states that the site would be good for senior living. Ms. Senior states she has concerns about the traffic, noise pollution, and village commercial as there is a warrant for changes in Village Commercial. Mr. Griffin states that the zoning change and the bylaw changes came in parallel to one another. Ms. Brensley states that the Cumberland, Rhode Island project is just one of the projects underway so on the website the projects that are currently being worked on so the very active projects are the ones that are posted. Online now are Cumberland, Rhode Island, Lowell, Massachusetts, an emerging technology application that has to do with a Fintech Solutions, a 54-unit residential project in Somerville, and a similar project in Cranston, Rhode Island which got finished and handed over to a bigger developer that will make a 300 residential unit building with a shopping center. Ms. Brensley states that each project has its own LLC and has its own various partners and the only partner on this project is DevCo and will likely have another partner to come in especially for construction. This practice is standard so Ms. Brensley states that they are under 20 employees.

Ms. Rachel Harrington of 45 Cobb Street asks who was talked to for the what should be there at the site. Ms. Brensley states she is open to discussing the topic at this point as they haven't formulated much more beyond housing which felt like something people wanted and would be required under Village Commercial which would have some sort of commercial space. Ms.

Harrington asks if a survey could be given to the residents so they can state what they want done with the project. Mr. Griffin asks Ms. Brensley if she would be alright with Mr. DiGiuseppe giving out her email. Ms. Brensley states that it is fine to do so.

John Foley of 166 Reservoir Street states that he is concerned that there is no density cap for the number of potential units that Ms. Brensley is willing to do and doesn't know the limits to buildings such as density and height. Mr. Griffin states that the number of units in terms of both density and height would be limited to the zoning bylaws in place for each zone. Mr. Griffin continues that the reason for not having a set amount of density is being affected by how the river remediation goes. Mrs. Oakley states the current bylaw for height is three stories which is the limit. Mr. Hornsby adds that is 45 feet. Mr. Foley asks if the Planning Board is looking to limit the number of units. Mr. Griffin states that the Planning Board looks at the site plans given and evaluates them to see if they are too dense, feasible for the site, or if the third-party engineers doing a peer review raise concerns which is what the special permit process is.

Richard Dorney of 24 Talbot Drive asks what is going to be done with the parking lots as they do not appear to be a part of the zoning change. Mr. DiGiuseppe states there were three properties owned by Reed and Barton and only the big parcel is subject to rezoning from the petition so the parking lots are not going to be rezoned. Mr. Vincent asks what the current zoning is for the parking lots. Mr. DiGiuseppe states they are R-60. Mr. Dorney asks who would take ownership of the parking lots. Ms. Brensley states she would own it but hasn't made a final decision on using it and there are no plans to rezone the parking lots. Mr. Vincent asks if anything can be built on the parking lot. Mr. Griffin states it would only be residential.

Ms. Senior states Ms. Brensley could come back and try and rezone the parking lots. Mr. Griffin states that it is Ms. Brensley's right as the property owner to do so if she wanted.

Richard Walter of 22 Pine Street states that there is a large amount of traffic from Elm Street going onto Pine Street which would require a traffic light and asks for the retail to match the surrounding area.

Paul Crogan of 27 Reservoir Street, states there is material on the parking lot across the street that would need cleanup and if Ms. Brensley would be responsible for any contamination if there is any in the parking lot. Mr. DiGiuseppe states if Ms. Brensley takes ownership would assume all liability. Mr. Crogan asks if this includes the parking lot. Mr. DiGiuseppe states that Ms. Brensley has stated that she is looking to take over those properties as well. Mr. Crogan asks who would be responsible to make sure they do clean up the site. Mr. DiGiuseppe states it would be complicated as Reed and Barton the property owners are dissolved and the Town has done the limited amount it can. Mr. Crogan asks about the current items on the Parking lot. Mr. Griffin states the owners are only in name only and nobody can take responsibility for any of the contamination. Mr. DiGiuseppe adds that the Town would not be held responsible and they are not the owners but the Town will be concerned about liability. Mr. Crogan asks who owns it currently. Mr. DiGiuseppe states that Reed and Barton own the property. Mr. Crogan asks why Reed and Barton is no longer responsible for the cleanup. Mr. DiGiuseppe states that Reed and Barton had gone through bankruptcy court and were able to liquidate and had a settlement on it.

Mr. Vincent states that he has traffic concerns on Reservoir Street as Reservoir Street is a heavily populated area of Norton. Mr. Vincent continues that the waste has been there and his property is in wetlands.

Tim Senior of 169 Reservoir Street asks who will be responsible for cleaning the river and where will the water come from for the newly constructed building. Mr. Griffin states that DevCo is that they're looking to take over the Reed and Barton LLC with all the property they own and problems that come with it. Mr. Griffin continues that the cleanup would be according to Department of Environmental Protection standards. Ms. Brensley adds comments from the Conservation Commission as well. Mr. DiGiuseppe states that Water and Sewer would also be reviewing the project and look at any water or sewer issue to make sure there is an adequate amount of water.

Susan Rich of 15 Reservoir Street asks there have been reviews done for waste water and sewage as to whether there is sewage hook-up on the site or if Ms. Brensley is not at that point. Ms. Brensley states that is normally further down the line but will have to encounter that soon as it is one of the bigger problems. Mr. Brensley explains that it would normally be after the phase 2 report and some other part of the remediation but it will be one of the first things. Mr. Griffin explains that any type of special permit would come before the Planning Board that will have public hearings and notices for abutters.

Mr. Vincent asks if there is sewer on Elm Street. Mr. DiGiuseppe states that there isn't any sewer on Elm Street. Mr. Griffin states that the Planning Board's purview for where sewer lines go and in which parts of Town but whatever does go in needs to have an appropriate plan for septic or sewer.

**Motion to close the public hearing is made by Mr. Hornsby and seconded by Mr. Graf. Roll Call; Mr. Graf Yes, Mr. Hornsby Yes, Mr. Bouley Yes, Mrs. Oakley Yes, Mr. O'Neil Yes, and Mr. Griffin Yes.**

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

**Proposed rezoning of 0 Reservoir Street (Map 9, Parcel 223) from Residential 60 to Village Commercial Zoning District**

Mr. John Walker the attorney representing the applicant along with the engineer, Jim Burke of Desal, Burke, and Sala and architects Jim Chen and Bonnie Tan on the project are representing the property owners Daniel Diana and Jack Dinovis. The property is about 28 acres of land is currently zoned R-60, previously owned by Wheaton College, and is looking to change the parcel from R-60 to Village Commercial. There is no intent from the clients to build anything that is commercial on the property focusing on residential. Mr. Walker states that the public has reiterated some of the concerns that the site has and read the Master Plan relative to the parcel. The client also owns two adjacent properties as well that are already zoned Village Commercial.



Mr. Burke, registered professional civil engineer states he has been involved with this site for about a year. Mr. Burke shows the three properties that are under the same ownership on a PowerPoint presentation. The two other properties include 93 Mansfield Avenue where they will tear down the pre-existing house and behind that is 0 Mansfield Avenue, a vacant lot. Mr. Burke states they have already delineated the wetlands and are going for the ANRAD process to find out how much developable upland there is. The ANRAD will be appearing in front of the Conservation Commission their first meeting in May to get the wetlands line finalized. An existing conditions detailed map showing topography has the upland in varying degrees and rolls pretty good at a water elevation of 122 and the ponds at a water elevation of 102. There is an open space and the hatched areas is being proposed as residential and extends into the existing Village Commercial and the only part that will be commercial will be on Mansfield Avenue possibly a restaurant. Mr. Burke states the only way it would work would be if sewer went down there which would cost money and would need the residential density that R-60 zoning doesn't allow so they're going to try and go for Village Commercial. The open space being proposed has a walking path that loops around the entire site along the waterfront with boat ramps on both the commercial and residential sites which would be public access. There is a sewer which exists about 1500 feet from the site which could be reached with about a four-to-five-foot invert at the connecting the existing sewer manhole which is just down Elm Street. The site would need a gravity and pump station for sewer which would probably go down near the commercial building which will allow the property to remain viable as a commercial property. Test holes have been made out there and soils will not support a title five system. The soils for the R-60 are also mapped for the soil conservation services wood bridge and ridge berry which is for CMD soils and not really conducive for title five systems. The water supply that is on Mansfield Avenue 12 inch main, there is a new 8 inch main on Reservoir Street, and believes there is a loop main between the two which could connect the lines.

Mr. Chen, the architect representing the project. The project is still in early stages of the design process and the team has envisioned the project as a development that contains the community with multiple homes and styles such as ranch, colonial, two family duplex homes, townhouse side homes, and possibly doing a commercial building on Mansfield Avenue. The ranch style could be from 1500 square feet with two bedrooms, one bathroom, a one or two car garage, and a single story. The colonial style could be from 2500 to 3500 square feet, three bedrooms, two or three bathrooms, and the possibility of a two-car garage at the side of the building. The two-family duplex could be from 2500 square feet to 3000, three bedroom, and two to three bathrooms, and possibly having a garage on the side or back of the house. With the first floor being an entry way, second floor as living space, and three floor bedrooms. The Townhouse styled houses could be a row of four or six which will be similar to the two-family duplex. Around the property there is green space and there will be public access to the waterfront of the Norton Reservoir with two or three boat ramps. Fishing and other activities on the Reservoir would be an activity open to the public. The walking path around the perimeter of the site could be a trail that the public could walk.

Mr. Bouley asks what is the upland for the property. Mr. Burke states one Village Commercial lot is two acres, the other Village Commercial lot is 18 acres, and the R-60 lot is 28 acres. Mr. Bouley asks how much upland is on the property that they are looking to rezone. Mr. Burke states that there is 24 acres of upland on the property.

Mr. Griffin asks since the R-60 zoned property is already residential and the plan is to have the property remain residential is this change driven by density. Mr. Burke confirms it is. Mr. Griffin asks if they evaluated the property as a cluster or a similar project. Mr. Burke states the only way to make this viable is to bring sewer down and once sewer is down density is needed. Mr. Burke continues would've been happier with an R-20 zone but Norton's zoning by-laws pushes them toward Village Commercial to support the infrastructure needed to bring the sewer down to Mansfield Avenue. If there was an alternative beyond the Village Commercial density that would be used instead. Mr. Burke states that any commercial property has to go to the Planning Board for a special permit or site plan review. A special permit will be needed to do the proposed plan for the project which may have some conditions that would allow the Planning Board to make sure the residential area stays residential. Mr. Griffin asks how many houses are projected to be put on the lot. Mr. Burke states without the wetlands defined he estimates 50 to 70 residential lots. Mr. Burke explains that the houses in the area are 30,000 square foot blocks and are looking at 20,000 square foot lots that would support single family while a 30,000 square foot lot would support a duplex. Mr. Burke states that 70 would be if garden style apartments were brought in and aren't that far along with the plan to know for sure what type of residential would be on the property.

Mr. O'Neil asks if the owners know that cluster development is not allowed in the Village Commercial zone in the event Mr. Diana and Mr. Dinovis needs approval for a cluster development. Mr. Burke states they do know would look to develop a definitive subdivision within the Village Commercial constraints and regulations with open space that was shown. There were communications with the Planning Director prior and had a community event that showed off the project and is aware of the abutters concerns for a sewer connection, a commercial property in a residential area, and are prepared to address the concerns. Mr. O'Neil states that there doesn't seem to be an advantage for residential use in Village Commercial over R-60 which would require a special permit for substandard lot sizes and that a cluster development would be something that may interest them and it is not allowed in the Village Commercial zone. Mr. O'Neil continues that there are neighborhoods on a 20,000 square foot lots but Norton doesn't have that as an option in the zoning by-laws but just wanted to mention that Village Commercial may make the land more restrictive versus what is being presented.

Mr. Griffin states that there was a slide that showed the difference between the two zones for Village Commercial the lot size is 18,000 as opposed to R-60's 60,000.

Mr. Vincent restates that this would also be spot zoning as the property is surrounded by R-60 zoning and that this is a heavily populated area in Norton. Mr. Vincent then states that what is being proposed contains a walkway when there is no sidewalk on Reservoir Street and doesn't like the idea of walkways going around homes. Mr. Vincent states sewer is not within his price range if it were to go in and imagines it is the same for the rest of Reservoir Street. Mr. Vincent states that the property they are proposing is mostly wetlands. Mr. Vincent talks about Contract Zoning and how that is illegal. Mr. Vincent also states that there is wildlife in the area that needs to be protected. Mr. Burke explains that the spot zoning isn't a problem due to common ownership of an adjacent property and is surrounded by Village Commercial and R-60 properties. Mr. Burke states that the Master Plan had this parcel as potentially becoming Village

Commercial. Mr. Burke states he spoke with Mr. Frank Fournier, Water Superintendent about sewer and states it is expensive. Mr. Burke continues that there are avenues if there is a private store with private money that the fees can be waived. Mr. Burke states he doesn't have the authority or can say if it is definite but there are avenues to have connection fees and those types of monetary issues addressed by the Norton Water/Sewer Board. Mr. Burke states that a permit will be needed for the wetlands, which will need a local permit, special permit, site plan review, order of conditions, state permit, Mass DOT, and Chapter 91 and Army Corp for Boat ramps. Mr. Burke explains that the number of permits will have the project be reviewed by several agencies and the public to voice their concerns on whatever will go onto the property. Mr. Burke states that the property is a benefit to the town of Norton.

Mr. Welsh asks if there is no intention to put any commercial property on the property, they are going to rezone Village Commercial. Mr. Welsh asks if the protection of the property not having commercial on it will be the Planning Board having control over what has been put forth. Mr. Griffin states that the applicant stated that they might put on a commercial property on 140 and residential further on the interior of the lot. Mr. Welsh asked if the rezoned lot is the same property. Mr. Griffin states that properties that have the same ownership are treated as the same property. Mr. Welsh asks if the property could have business at any time if it were rezoned. Mr. Griffin states that yes it could as Village Commercial would allow for it some with special permits and some without. Mr. Welsh asks if the purpose of Village Commercial is to allow for small lot Main Street centers to form. Mr. Griffin adds mixed-development areas as well stating several areas on Route 123 is Village Commercial which is a mix of house and stores. Mr. Burke asks if the project could be done with the existing residential zoning. Mr. Griffin states that the applicant addressed the question stating that given the infrastructure that is needed that the money wouldn't work. Mr. Burke states that if the Zoning Board granted a variance to R-60 and allowed 20,000 square foot lots. Mr. Welsh asks if the change is to create more density. Mr. Burke states they need housing density. Mr. Welsh asks who would have access to the boat ramp. Mr. Burke states it is access to the reservoir and is open for everyone to use. Mr. Welsh states he sees no benefit to the boat ramp. Mr. Burke states that it could be a benefit if it is something if the Planning Board and residents want otherwise it will be readdressed.

Joel Relihan of 54 Reservoir Street asks if the power point presentation will be available to the public to view. Mr. DiGiuseppe states that it is on the Town website. Mr. Relihan asks about roads entering the property for access points and the justification for a sewer line coming down to Route 140 just to go to the single proposed commercial property. Mr. Griffin states roads and access would be subdivisions or a site plan which would be a later part of the process and looking at the map can see where the wetlands are and imagine where the road could be but that is all that is shown for the present stage.

Julian Kadish of 72 Reservoir Street a member of the Conservation Commission states he has seen many projects like this one with regards to sewerage. Mr. Kadish explains that sewer was brought to Norton to address critical need areas and that the cesspools and septic systems increased became an environmental issue for Newland Street prior to the Wetlands Protection Act which had builders make buildings on wetlands. The sewers systems that were installed couldn't function because of the water table. The installation of sewers enhanced the value of the homes because it solved a very critical problem for the homeowners so the cost of hooking up to

the sewer was returned in increasing the resale value. The residents of Reservoir Street have a working septic system and the cost of hooking up is something that would be too expensive for the residents of Reservoir Street. Mr. Kadish states that the applicant has stated that in order to make this work financially is to increase the density of development and to do that they would have to have access to a sewer line because the land can't support the necessary sewer accommodations for that level of density of development. Mr. Kadish states that the area is already residential and it can support low density residential and sees the rezoning as more of a benefit for the developer than the residents.

Mr. O'Neil reiterates Mr. Welsh's comments on Village Commercial as the intent of the zoning is different from what the applicant is proposing for the residential development. It is designed for more density and a high traffic area that would allow for higher buildings with more units per building. Mr. O'Neil states that it seems like the only reason the applicant is requesting Village Commercial as stated earlier it was in order to get approval for the smaller lot sizes down to 18000 square feet. Mr. O'Neil states that his vote will be to keep it R-60 and have the applicant research the cluster development option as an alternative.

Mr. Griffin reads from the Zoom chat from Ms. Carrozza that asks if the Planning Board can consider cumulative traffic for both projects. Mr. Griffin states the Planning Board will consider it.

The Harringtons on Zoom chat ask if the site could be studied for endangered species in the area. Mr. Griffin states that the applicant has stated the regulations that would be needed to go through and that would fall under that. Mr. Burke states it would be something that would be looked into. Mr. Burke continues stating that the Cluster Development is something that can be looked into, the two Village Commercial lots have no sewer either and as far as making them viable and make it a part of the Route 140 corridor and won't be unless sewer is put in for the two Village Commercial properties. Mr. Burke is looking to get the third property rezoned to make the project mixed-use as shown with commercial facing Route 140 and residential properties facing Reservoir Street. Mr. Burke states it is something for the Planning Board to consider and that the property could remain for a while if the sewer is not addressed and bring infrastructure down that will support the Village Commercial use.

Mr. Welch asks if the project if they could pay for the sewer line for residents. Mr. Burke states it is something that he would have to talk to the Sewer Department about and something they can look into.

Ms. Senior states that the property that the applicant is trying to rezone is not stated in the Master Plan to be a part of Village Commercial but the two other properties that are already Village Commercial are in the Economic Development portion of it. Ms. Senior continues that Reservoir Street has historic landmarks, is densely populated, and the property is in the Wetlands Protection District which the Master Plan has stated a continuation with Water Conservation efforts. Ms. Senior states that the project doesn't have a proposed street that would access the proposed housing or any sort of proposed site plan. Ms. Senior states that the property could bring in more traffic, cause air pollution, cause noise pollution, cause light pollution, and potentially trash. Ms. Senior asks the Planning Board to not endorse the rezoning.

Joanne Crogan of 27 Reservoir Street asks what Mr. Burke means when he explains that there will be a residential walking path if that is for residents of Norton or for the residents of the lot, if there were any school plans or if the schools could handle the potential number of children, and the impacts the project could impact the water supply, the schools, and the roads. Ms. Crogan continues stating that converting Village Commercial doesn't do much besides let them add more housing and that there are already accidents around the area making the neighborhood unsafe.

Mr. Harrington states that Mr. Burke mentioned in providing access to the Reservoir and asks how much of a benefit will it be to residents. Mr. Harrington states that he cannot get access to the Reservoir for his boat as many people are using the Reservoir and they're going over the speed limit and it isn't safe for pedestrians.

Mr. Vincent states Reservoir Street is narrow with no sidewalks. Mr. Vincent states that Mr. Burke hasn't provided any plans for how to deal with the potential development in regards to entryways. Mr. Griffin explains that the entryways would be seen on a site plan which would also be reviewed by the Fire Department.

Mr. Bouley states that when looking at a rezoning you can't get hamstrung on what any project being presented as it can change. It could be what they are suggesting or it could be something different the concept being presented is only something they can do. For a rezoning what is looked at is if it fits the neighborhood not what is being presented what they're going to put there. Mr. Bouley states he is unsure if the rezoning would fit the neighborhood.

Mr. Burke states that there is an engineering solution to everything and there is a permit for it. Mr. Burke states this particular zoning change in his opinion a benefit as it has been there for years and there is a reason for that, the soil is wet and there won't be a development on it because of it unless there is infrastructure to support it and the same problem is on the Village Commercial lots on Route 140. Mr. Burke states this isn't contract zoning, it is zoning to allow economic viability, the housing diversification, and the open space that listed in the Master Plan. Mr. Burke apologizes if he read the Master Plan incorrectly and states he feels the tension from the abutters. Mr. Burke asks if the Planning Board is going to continue the hearing or close it and asks what the procedure is for the meeting. Mr. Griffin states that the procedure for petitioned articles the Board's charge to either endorse or not endorse. If the Board feels that there are more questions to be asked there will be a continuance and the Planning Board will make a decision once everything is answered.

Ms. Senior restates that the Mansfield Avenue and Reservoir Street properties are not on the Master Plan.

Mr. Foley asks what the Planning Board's opinion is for the rezoning. Mr. Graf states he agrees with Mr. Bouley's statements. Mrs. Oakley states that it is hard to commit to endorsing petitioned articles in her opinion as some residents of Norton petitioned the article which makes her want to endorse to take it to Town Meeting and let Norton have their say on the matter at the Town Meeting. This endorsement is a little more difficult in Mrs. Oakley's opinion as it is a

unique situation agreeing with the Master Plan and went through the Plan page by page reviewing it before it went to the Town Meeting. Mrs. Oakley states that endorsed or not an article on the warrant will still go to Town Meeting and can be moved there. Mr. Graf states that having been on the Finance Committee for six years who would represent articles at Town Meeting and the Town would listen to the Finance Committee's decision on the endorsement and they would go along with it and believes the same would be said about the Planning Board endorsement. Mr. Graf explains that if it is endorsed by Planning Board then the people voting will vote yes as well. Mrs. Oakley agrees with Mr. Graf's statement that it holds some weight and states that it is not always the case and some articles that are not endorsed get approved at Town Meeting. Mr. Graf states that while true most of the time they follow the endorsement. Mrs. Oakley agrees with that statement. Mr. Hornsby states he agrees with the rest of the Board, the property owners have the right to petition to the Town to vote but feels it doesn't necessarily need the Planning Board's endorsement. Mr. O'Neil states that he doesn't feel that the Village Commercial zoning is appropriate given what Village Commercial is intended for but it doesn't mean that cannot ask for it. Mr. O'Neil also believes that there are opportunities that could be had in the R-60 zone such as a cluster development that he recommends the applicant researches for the property with on-site septic and could make the project financially feasible and states he will not endorse the project.

**Mr. Hornsby closes the Public Hearing and is seconded by Mr. Graf. Roll Call; Mr. Graf Yes, Mr. Hornsby Yes, Mr. Bouley Yes, Mrs. Oakley Yes, Mr. O'Neil Yes, and Mr. Griffin Yes. The Hearing is closed.**

**Mrs. Oakley motion to endorse the warrant article and is seconded by Mr. Hornsby. Roll Call; Mr. Graf No, Mr. Hornsby No, Mr. Bouley No, Mrs. Oakley No, Mr. O'Neil No, and Mr. Griffin No. The Planning Board does not endorse the warrant article.**

**Proposed amendments to Zoning Bylaw Articles 175-2.2 (Definitions); 175-4.4 (Commercial Uses); 175-6.2 Table of Dimensional Requirements; and 175-19.3 (Affordable Housing Applicability)**

Mr. DiGiuseppe starts the discussion by going through the changes that were made to the by-law. Mr. DiGiuseppe states that the changes being made are in support of the Master Plan but specifically focused on economic development. These changes to the by-law are to help promote economic development in a few areas primarily trying to look at the key economic development locations that were called in the Master Plan. There are changes to sections of the by-law primarily adding uses to the use tables. The process to date was January 20, 2022 there was a subcommittee meeting which had two members of the Planning Board meet with a member of the Zoning Board to discuss the by-law changes. At the following Planning Board meeting the articles were presented and recommended by the Planning Board on February 1, 2022 and then on February 15 there was a meeting for the Affordable Housing portion, Article 19.3 which was not discussed at the subcommittee meeting or the prior Planning Board meeting. The articles were recommended to Spring Town the night they were both presented. The Master Plan recommended adding certain uses to the by-law in addition there is a Local Rapid Recovery Plan that was done for West Main Street that also made recommendations to add certain uses. The uses are Artisan Food and Beverage, Artisan Manufacturing, Small Scale Indoor Recreation, Life

Sciences, and Manufacturing. There are also recommendations for additions to the Commercial use table to primarily identify things that were existing but never spelled out in the by-law like medical and dental offices. Then identify uses that Norton would like to attract such as the artisanal food and beverage in the appropriate parts of Norton.

Mr. Griffin adds that if the use is not in the by-law, then you can't do the use. Mr. DiGiuseppe states that there are times when the when determinations are made on uses that it was not in there and Town Counsel has advised that if it is not in the bylaw, they are not allowed to do so. Then when other uses were identified in other studies that would be good uses for the right areas in Norton, which is shown on the table. Mr. DiGiuseppe states that none of the commercial uses being added are going to be allowed in residential districts. Industrial changes are focusing on recommendations largely up off of Leonard Street, Route 123 and Route 495, and South Washington Area to try and promote different types of manufacturing or assembly research associated with Life Sciences. Also, wanted to make sure that the distribution of food and beverage were identified to clarify that it is an allowed use in the industrial and possibly commercial zoning districts. The Dimensional Regulations table which is 6.2 and then under the guise of how it would be promoting economic development in different areas and the staff of Norton felt it was the right time to start bringing potential changes to it. One is the dimensional table has a cap on how many units you could put in a multi-family development and capped it at seven. So, with the subcommittee it was felt that the cap was restrictive and so a proposed change to allow the cap to how much a development could do based on site conditions. Then looking at Village Commercial zoning in the context of the conversation the current regulations make a lot of the parcels non-conforming and in some cases difficult to develop so the thought was to reduce the minimum lot size and the frontage that could allow for those parcels to develop or in some cases could split into two lots and develop in those areas along the main corridors. Additionally, this gives an opportunity to increase building lot coverage but only where the special permit would be granted by the Planning Board. The Affordable Housing bylaw which is triggered when certain thresholds are met which would require affordable housing being built. The provision has resulted in six units with only two being built over the course since it was implemented back in 2003 when Norton was only at 3% of the state's ten percent threshold for affordable housing and currently at 11%. The bylaw proposal will have it so the bylaw will not be effect when Norton is at or above 10 percent of the subsidized housing inventory.

Ms. Senior states that she has concerns about the Village Commercial rezonings and the decrease in dimensional requirements. Ms. Senior states that she had contacted the Planning Board and was given the minutes of the February 1<sup>st</sup> meeting to see the meeting where the bylaws were discussed. Ms. Senior points out an error in the Planning Board minutes of February 1, 2022 which has South Worcester Street in the place of South Washington Street which Mr. DiGiuseppe confirms is the place meant where infrastructure is to be along with Route 123. This is on page five the last sentence of the last full paragraph on the page. Ms. Senior states based on reading the notes that there was no discussion on lots further up Route 140 and not talking about lots that were not on the main corridor. Ms. Senior asks if there was any discussion on the impact of bigger Village Commercial lots that are outside the area of focus. Ms. Senior asks the Planning Board to hold off on the zoning reduction on Village Commercial.

Mr. Bouley states that the meeting can be watched on the Norton Media Center YouTube page. Ms. Senior states she'll watch the video version of the meeting. Mr. Bouley and Mrs. Oakley recall going through each parcel on the map including a group of parcels on Dean and South Worcester Street. Mr. Griffin states that the parcels were looked at with the current Village Commercial dimensions in mind. Ms. Senior states that she understands that small lots are understandable with the dimension change but if something like 0 Reservoir Street was looked at. Mrs. Oakley states that 0 Reservoir Street was not looked at as it was not zoned Village Commercial. Ms. Senior states that the Planning Board should wait on the warrant and wait for the rezonings before that.

Mr. Griffin asks if it would be feasible, simple, and something the Planning Board would want to do and take the Village Commercial section out of the warrant as there are two rezonings looking to become Village Commercial. Mr. Hornsby suggests moving the discussion to the next meeting to discuss how to remove the dimensional requirements. Mr. DiGiuseppe suggests going to Mr. Yunits about amending the warrant and see if the Planning Board could change it without having to fully withdraw the warrant as the other aspects of the warrant are still important to have on the warrant. Mrs. Oakley states that Affordable Housing is listed separately. Mr. Hornsby states he doesn't wish to vote based on a project. Mrs. Oakley states that they are all different articles and will have to take them one by one.

Mrs. Oakley asks what the edit process is and how long do the votes in February last. Mr. Hornsby states that the parts that don't go to Spring Town Meeting could go to the Fall Town Meeting. Mr. DiGiuseppe states that he will look into how difficult to amend the warrant is and bring those changes back later. Mr. O'Neil states that in the event that the change can't happen the chair of FIMCOM can communicate to not move the article as well.

**Mr. Hornsby motions to continue the hearing to the next meeting May 12,2022 and is seconded by Mr. Bouley. Roll Call; Mr. Graf Yes, Mr. Hornsby Yes, Mr. Bouley Yes, Mrs. Oakley Yes, Mr. O'Neil Yes, and Mr. Griffin Yes.**

**SP-12737: 280 South Washington Street. Application for the construction of a 75' foot tall by 48' feet wide digital billboard. Owner: ESA P Properties, LLC. Applicant: Carroll Advertising LLC**

Applicant is seeking a continuance to May 24, 2022.

**Mr. Hornsby motions to continue the application to May 24, 2022 and is seconded by Mrs. Oakley. Roll Call; Mr. Graf Yes, Mr. Hornsby Yes, Mr. Bouley Yes, Mrs. Oakley Yes, Mr. O'Neil Yes, and Mr. Griffin Yes.**

**SP-13681 and DEF 13680: 0 Dean Street. Application for a subdivision of five lots and two roads and a duplex unit on four lots. Owner: Katherine MacEachern. Applicant: Sawk, LLC**

Applicant has asked to withdraw their application, as it was not opened it was not voted upon.



**SP-13548:184 South Washington Street. Application for Site Plan Approval for the construction of a 5,600-sf building with office and warehouse use. Owner: Chico, LLC. Applicant: Dave Pateuk.**

Mr. Bob Crowell from Crowell Engineering is present along with Mr. Dave Pateuk to speak on the application. Mr. Crowell shows the map and states that there is an existing dwelling at the front of the property and in the back is a business propane tank in the back, and everything in-between is part of a shoring business. The shoring business brings back equipment from the job sites they fix-it and weld it and is difficult to do it in the winter. What is being proposed is the construction of a 40 by 100-foot building. 40 feet would be office space and they're having a mezzanine to make the space two levels. The 60 by 40-foot area will be used for welding up the equipment when it comes back from the sites. The storage will remain out in the back. A handicapped space was provided following a comment from the Town Planner as well as seven non-handicapped parking spaces. The wetlands being disturbed are 34,775 square feet which is under an acre. Drainage counts were done. Speaking with the Conservation Department they will meet with the director and talk about where the insulation devices are going.

Mrs. Oakley asks if it is going to connect to the existing building. Mr. Crowell states no the house will be taken down. It will be a new septic system and will be adding a catch basin and will not add anymore water to go out to the street. There is an existing stone trench and the slope of it just goes slightly across. Mrs. Oakley asks if the building is being raised in the front, then it will be pushed further back off of South Washington Street. Mr. Crowell states it will meet the zoning requirements. Mr. Crowell state that signage of the building will have a sign right on the front of the building. There will be three overhead doors, one to the main office and two side doors on two different sides of the building. The usage will remain the same and the building is just to facilitate the existing shoring business.

Mr. Griffin asks if the building will have trucks coming in. Mr. Crowell states that it will be mostly forklifts bringing in the equipment.

Mrs. Oakley asks what the lighting will be on the building. Mr. DiGiuseppe states it is a standard condition to have it. Mr. Crowell states that there will be a light over the main office door and a light between the three sets of doors that will all be facing down. Mr. Griffin asks if this is going to need a condition about storing on the site.

Mr. Steve Pesek of 180 South Washington Street asks how long construction will take on the project. Mr. Crowell states that it is a metal building that will need a slab and then once the building is in place it should take 4-6 weeks. Mr. Pateuk states that it is all pre-fabricated desired variability that can be built on-site and the foundation is already designed.

**Mr. Bouley motions to close the public hearing and is seconded by Mr. Hornsby. Roll Call; Mr. Graf Yes, Mr. Hornsby Yes, Mr. Bouley Yes, Mrs. Oakley Yes, Mr. O'Neil Yes, and Mr. Griffin Yes.**

**Motion to approve the special permit is made by Mr. Bouley and seconded by Mr. Hornsby. Roll Call; Mr. Graf Yes, Mr. Hornsby Yes, Mr. Bouley Yes, Mrs. Oakley Yes, Mr. O'Neil Yes, and Mr. Griffin Yes.**

**Adjournment**

**The motion to adjourn the April 5, 2022 meeting was done by Mr. Hornsby and seconded by Mrs. Oakley. Roll Call; Mr. Graf Yes, Mr. Hornsby Yes, Mr. Bouley Yes, Mrs. Oakley Yes, Mr. O'Neil Yes, and Mr. Griffin Yes. The Planning Board Meeting from April 5, 2022 was adjourned at 10:50 pm.**

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

Minutes Approved on: MAY 24, 2022

Signature Paul DiFurco