



TOWN OF NORTON
ZONING BOARD OF APPEALS
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MINUTES

Meeting of February 7, 2011

I. Call to Order

The February 7, 2011 scheduled meeting of the Zoning Board of Appeals was called to order at 6:30 p.m. in the Second Floor Conference Room in the Norton Municipal Center by Chairman Thomas Noel, with the following members present: Thomas Rota, Nitin Choksi and Frank Reynolds.

Tom Noel stated there is only one item on the agenda this evening and made a motion to remove it from the table, seconded by Tom Rota. All in favor.

II. Bay Road Heights, LLC, Bay Road - Modification (cont. from the August 2, 2010, September 13, 2010, October 18, 2010, November 15, 2010. November 29, 2010 & January 24, 2011 mtgs.)

Application is for a modification to a 40B Comprehensive Permit.

Document List:

1. Letter dated November 17, 2010 from Paul E. Cusson, Managing Member, Delphic Associates, LLC to Tom Noel, Chairman, Zoning Board of Appeals, requesting the project be constructed in Phases.
2. Letter dated December 1, 2010 from Tom R. Noel, Chairman, Zoning Board of Appeals to Paul E. Cusson, Managing Member, Delphic Associates, LLC stating that the request to construct the project in Phases is a substantial modification and will require a public hearing and notification to abutters.

Tom Noel gave an update on the modification and stated that the applicant had spoken with Town Counsel last week and informed her that the newly revised plans were not ready for review at this time. He said the applicant had met with Duane Knapp, Water Superintendent, but had not had time to put all the changes on paper. Tom Noel said that Nick Adams had asked why the revisions had to be reviewed and advertised and he replied that the Zoning Board had decided that the changes were substantial. He stated the plans had not yet been submitted to the Peer Review, Michael Trowbridge, but would

be ready soon. Mr. Noel stated the reason for tonight's hearing was for review and comments from the Peer Review on the revised plans, which are not ready, and therefore, the public hearing will have to be continued.

Tom Rota stated that the Water Superintendent, Duane Knapp, will also be present for commenting. The ZBA clerk stated that the Conservation Agent, Jennifer Carlino, had mentioned that she has not heard anything from the applicant.

Richard Gomes, Norton Fire Chief, addressed the board and stated he has not heard anything from the applicant. He noted that he had attended the previous ZBA meeting, which was continued to tonight and he said he was in receipt of the latest Phasing proposal documents. He stated that he is at tonight's meeting to state one important issue and would like it to be part of the minutes for tonight's meeting.

Richard Gomes asked if the water loop going to be extended under the new Phasing Proposal I or Phase II. Tom Noel stated it is not clear at this time. Tom Noel noted that, from the many emails going back and forth by Paul Cusson and the Water Department, it appears that Duane Knapp would like it done all at once. Richard Gomes noted that having the water looping done all at once does not inform him of what Phase this will be done. Mr. Gomes stated he wants to go on record stating that he would like the water system be completed in Phase I and before any work, development or construction has begun on the project. He said that he is against any more building or developments before the water lines are completed and working for safety reasons. He stated that, because of the economy the way it is at this time, if Phase I is allowed to be started without the water system being completed, that Phase II may not be started and will result in the construction of houses without any water supply for fire fighting. He again stated is he against any construction or development before the water lines are completed for the project.

Tom Rota stated, that it was, in his opinion, the applicant's proposal to have the water looping in place for Phase I in the event that Phase II was delayed.

Richard Gomes explained that if construction begins before there is a water supply available, construction materials could be vandalized or set on fire, and if the location is remote and not near any existing homes, there would be no way for the Fire Department to be aware of the fire.

An abutter, Brian Cody of 138 Bay Road, wanted to inform the board that the property for this project is still for sale for \$1.5 million dollars.

Tom Rota made a motion, seconded by Nitin Choksi, to continue the public hearing until Monday, February 28, 2011 at 7:40 pm. All in favor.

It was decided to add the Discussion for Red Mill Village to the agenda for February 28, 2011 at 7:45 pm. The members expressed their desire to have the Building Inspector,

Scott Barbatos at the meeting for his comments and asked that a letter be sent to him requesting his presence at the meeting.

Tom Rota made a motion, seconded by Nitin Choksi, to adjourn the meeting at 6:50 pm. All in favor.

Tom Noel made a motion, seconded by Tom Rota, to adjourn the public meeting at 6:50 pm. Approved.

Minutes Approved by Committee on: _____
(Date)

Respectfully submitted,

Tom Noel

Chairman, Norton Zoning Board of Appeals