



**TOWN OF NORTON
ZONING BOARD OF APPEALS**

70 East Main Street
Norton, Massachusetts 02766-2320
Office: 508-285-0278
Fax: 508-285-0277

RECEIVED
NORTON TOWN CLERK
2014 SEP 23 A 10:15

MINUTES

Meeting of January 14, 2013

I. Call to Order

The January 14, 2013 scheduled meeting of the Zoning Board of Appeals was called to order at 7:30 pm at the Norton Public Library, with the following members present: Nitin Choksi, Frank Reynolds, and Jason Brotsma, Alternate Member. Also present was Ilana Quirk, Town Counsel.

Tom Noel noted the only item for discussion would be;

**013-005 – Campanelli Thorndike Norton, LLC, Parcels 61 & 76, Assessor's Map 11,
274 East Main Street**

Comprehensive Permit 40B application – 230 apartments.

Document List:

1. Application for a Comprehensive Permit
2. Plans entitled Norton Apartments, 274 East Main Street, Norton, MA, Campanelli Thorndike Norton LLC October 24, 2012, Preliminary Architectural Drawings, CLUB HOUSE, 274 East Main Street, Norton, Massachusetts for Thorndike Construction Corp., signed and stamped by Candice L. Reynolds. (Sheets T1.0, A1.0, A1.1, A3.1, A3.2 & A4.1)
3. Plans entitled Norton Apartments, 274 East Main Street, Norton, MA, Campanelli Thorndike Norton LLC October 24, 2012, Preliminary Architectural Drawings, Typical 30 Unit Apartment Bldg., 274 East Main Street, Norton, Massachusetts for Thorndike Construction Corp., signed and stamped by Candice L. Reynolds. (Sheets T1.0, A1.0, A1.1, A3.0 & A3.1)
4. Plans to Accompany Comprehensive Permit Application for Norton Apartments, 274 East Main Street, Norton, MA October 24, 2012 for Thorndike Development Corp. by Kelly Engineering Group, Inc., signed and stamped by David Noel Kelly. (Sheets 1-4)
5. Project comment letter from Brian M. Clark, Chief of Police dated January 3, 2013.
6. Project comment letter from Brian M. Clark, Chief of Police dated January 8, 2013.

7. Project comment letter from Jennifer Carlino, Conservation Agent dated January 11, 2013.
8. Project comment letter from Timothy R. Giblin, Chairman, Board of Selectmen, dated January 11, 2013.
9. Project comment email received from Leon Dumont, Health Agent, dated January 11, 2013.
10. Draft revised contract from Graves Engineering, Inc.

(continued from the December 17, 2012 meeting.)

Present for the public hearing were Lloyd Geisinger of Thorndike Development, David Eastridge of Thorndike Development and Peter Freeman, Attorney for the applicant.

Frank Reynolds made a motion, seconded by Nitin Choksi, to remove from the table for discussion, the application by Campanelli/Thorndike Norton LLC. All in favor. Approved.

Tom Noel asked Ilana Quirk for an update regarding the Peer Review consultant for the project. She said that she received a draft contract from Graves Engineering, Inc. last Friday. She pointed out the "Scope of Services" section and stated this would be a good time for the applicant to make any suggestions or changes. Tom Noel noted that Graves Engineering, Inc. had requested to have the ability to subcontract the Traffic Study if one was requested to be done.

Tom Noel asked Peter Freeman if he had a chance to review the proposed contract and if so, did he have any questions or concerns. Mr. Freeman replied that the only comment he has is that if a traffic study is required, he suggests that it be started as soon as possible to move the project along more quickly.

Tom Noel noted that the Peer Review for the project will be Graves Engineering, Inc to be paid for by the applicant, which is \$9,800 at this time. Ilana Quirk noted that if there are any major changes to the project, addendums will be submitted with the amendments.

Frank Reynolds noted that revised plans are scheduled to be submitted before January 21st and the Peer Review will have 4 weeks to do the review. Tom Noel asked Mr. Freeman if this was still the plan. Lloyd Geisinger replied that after receiving copies of all the comment letters today, an extra week would be needed to submit the revised plans, which would be January 28th.

Jim Pappas of 3 Danforth Road had questions regarding the Peer Review process. Tom Noel explained the process to him and gave him the draft contract for his review.

Jim Conway of 283 East Main Street, #14, had concerns with the issue of the Traffic Study. Tom Noel stated that if the Traffic Study submitted by the applicant is not sufficient, the Peer Review will suggest a new one be done at the expense of the

applicant. Lloyd Geisinger stated that Traffic Study submitted is very accurate and thorough.

Ilana Quirk noted that the peer review consultant will only be reviewing information submitted by the applicant and will not be doing further or separate studies unless hired to do so by the Town.

Dr. Maureen Sroczynski, 283 East Main Street, #15, asked if the contract between the Town and the Peer Review will be public knowledge and available and Mr. Noel replied that it would be. She asked if the Peer Review is aware of, or will be made aware of any problems that have occurred on or near Route 495. Tom Noel stated that anyone has the right to discuss this issue at any upcoming meetings.

Jason Broolsma asked if the applicant has had any association with Conley Associates who will be contracted by Graves Engineering, Inc. to do the peer review of the Traffic Impact and Access Study (TIAS) as outlined in the contract. Peter Freeman replied that his client has never had any business with Conley Associates but has had with Graves Engineering, Inc.

Leland Goldberg of 9 Danforth Lane asked if the Board had any idea how long the Peer Review process will take and Tom Noel stated that the applicant expects to get the revised plans to the Peer Review within two weeks and the Peer Review will need approximately four weeks to review the plans, after which he will attend a ZBA meeting with his report. Mr. Leland stated that Mr. Geisinger has requested a meeting between the neighbors and abutters and himself to discuss the scope of the project.

Nitin Choksi made a motion, seconded by Frank Reynolds, to hire Graves Engineering, Inc. as the Peer Review for this project. All in favor. Approved.

Ilana Quirk stated she will contact Graves Engineering to finalize the "Not to Exceed" contract. Tom Noel stated that the applicant will have to send the funds for the review to the ZBA office.

Tom Noel noted that the plans that were sent by email to the members were not satisfactory. Frank Reynolds stated that when the plans were reduced, the scale was thrown off. Mr. Geisinger agreed to send full-sized PDF plans.

Tom Noel requested that the plan titles and page numbers be corrected and put into the correct sequence.

Tom Noel noted that several letters have been received from the different departments and he noted that the Building Inspector, Scott Barbato was in attendance this evening. He asked Mr. Barbato if he wanted to make any comments at this time and Mr. Barbato stated that he thought any comments at this time would be a little pre-mature.

Selectman, Tim Giblin noted that the Board of Selectmen met last Thursday and as a result of that meeting has submitted a letter dated January 11, 2013 to the ZBA with their comments and concerns as follows:

1. The White family home must be relocated and saved. All efforts must be made to secure the property from vandalism or damage.
2. The new water and sewer lines must be run to the Rte 495 exchange and back to Red Mill. Installation of these new lines should include laterals to all existing properties along East Main Street.
3. A financial impact study regarding the future expenses to the abutters regarding the new sewer line that will be mandated to connect to municipal sewer system must be taken into consideration as part of the financial process.
4. A new traffic study must be completed now that the traffic has been restored without detours because of the recent sewer project on East Main Street. A new traffic study should be completed to reflect the build out of Red Mill Village and the approved 40B at Turtle Crossing.
5. There should be signalization installed at the Route 495 interchange. This must be a priority.
6. All improvements on the road way along East Main Street including sidewalk improvements from the locus to the Route 495 interchange and road realignment including the flattening of the curve fronting on the locus and utility pole relocations will be the responsibility of the developer.
7. A complete history of accidents reported from Route 495 to the Easton line in the last 5 years should be provided by the developer.
8. All issues of water runoff must be addressed on both sides of East Main Street and all properties on both sides of the street must be considered abutters.
9. A natural buffer must be created along the boundary line with Red Mill Village.
10. The total height of any building cannot exceed 35 feet.
11. Turning radius inside the project must allow enough space for a ladder truck.
12. An impact study must be performed to guide the town on future enrollment levels in our schools due to the new construction.
13. All units will be rented for at least 12 months to reduce the units being used by college students.
14. All units will be limited to one or two bedrooms.
15. Parking spaces must coincide with the number of units built in order to reduce congestion.
16. A buffer must be established between the development and the historic White Cemetery.
17. All conditions established in the approval of this project should be held in perpetuity.

Tom Noel replied that some of these issues have been addressed already.

Tim Giblin noted that one concern not listed on the letter is the fact that Norton is losing a lot of commercial space with the development of projects as this.

Tom Noel asked Mr. Geisinger what his stance is regarding the historic White house and he replied he had done some investigating into this and he said that it was his intention to re-locate the house to be located next to the White cemetery. He said he cannot leave the house in its present location because this is the area for the entry way into the development.

Tom Noel asked if anyone had any comments or concerns with the Selectmen's letter and Frank Reynolds asked Ilana Quirk for her advice. She stated that if the applicant does not want to address all the comments, that would be the time for the board to take action. Tom Noel noted that the board cannot demand anything of the applicant that would cause an unreasonable financial hardship. Lloyd Geisinger replied that he had just received this letter and would address all the issues in the near future.

Dr. Maureen Sroczynski, 283 East Main Street, #15 asked Mr. Noel if the board was aware of the possible financial cost to the residents in the Kingsbury Hill community across from this project if they had to hook up to the sewer system. She noted it could possibly cost each homeowner from \$10,000 to \$15,000.

Duane Knapp stated that as soon as sewer flow is available to the homeowners, they would have two years to hook up to the sewer line. He said this could cost approximately \$11,000 for the permit with added construction costs.

Steve Wiseman, Sewer/Water Commissioner stated that eventually everyone will be hooking up to sewer. He stated that as developments are constructed, more people will be hooking up and that this particular project is not any different than any other development that is constructed. He noted that at the present time the sewer flow capacity is very limited. He said that the Water Department at this time is in negotiations with a large user and if they hook into the sewer system, there will be no available hookups for five years, other than emergency hookups.

Tom Noel asked if the rule for hooking up to sewerage is two years and is it the same for a single family house as it is for a development. Mr. Knapp replied it is the same rule for everyone and said that when sewer is available, you must hook into it within two years. He noted it is a Town Bylaw.

Dr. Maureen Sroczynski, 283 East Main Street, #15 stated that this project is not a betterment to the town and the developer is causing financial hardship to the homeowners who might have to hook up to sewerage. Duane Knapp noted that hooking up to sewerage is always a benefit to the Town. Tom Noel replied that the developer has no choice in this matter and is requested to extend sewer and water lines from the project. He stated that any water sewer improvements will benefit the town and most of the time it is paid for by the developer. Mr. Wiseman noted that there are future plans that will impact large areas of the town.

Tom Noel asked Mr. Knapp if there is sufficient sewer capacity available for this project at this time and he replied that once Red Mill Village is completed, the developer will have extra capacity available from that project. He stated he has not had a chance yet to review this project and cannot provide an answer to if there is enough capacity available for this project.

Leland Goldberg of 9 Danforth Lane asked Mr. Knapp if the negotiations with that larger company will be completed in this fiscal year and Mr. Knapp replied he did not know. Mr. Knapp noted that Campanelli already has enough capacity for the project, but does owe money to the Water Department and will have to pay this in order to obtain sewer or water permits. Steve Wiseman noted that Campanelli can transfer the water flow capacity from the Red Mill Village site to this site and would have to do this legally and would have to pay the money owed to the Water Department first. Bob Kimball, Selectman, stated that the selectmen had a meeting with Campanelli and it is a fact that Campanelli owns excess sewer flow on Mansfield Avenue and would like to transfer this to this project. Steve Wiseman noted that at this time, sewer and water flow is available to anyone needing it.

Tom Noel announced that Ralph Stefanelli has been appointed to The Southeastern Regional Planning and Economic Development District (SRPEDD). Ralph Stefanelli explained that 96 Massachusetts Towns have adopted a "Demolition" Bylaw which is helpful in protecting historical buildings from being demolished. He stated that he could be an asset to the town in protecting the White house on this property.

Tom Noel stated that there were two letters received by the Norton Police Department, one dated January 3, 2013 and one dated January 8, 2013. He asked the applicant if he had any comments on these two letters and Mr. Geisinger stated he just recently received these letters and has not had a chance to respond at this time.

Frank Reynolds stated that one important issue on the January 3, 2013 letter is the crash data and should be reviewed very carefully.

Tom Noel asked if the Zoning Board of Appeals had a web page on the Town's website and if any of the received correspondence could be put on this website. The secretary stated she could put this information onto the ZBA's web page. Tom Noel stated that a letter received from Jennifer Carlino, Conservation Agent, will be posted on the ZBA web page as well.

Lloyd Geisinger noted that he would be glad to address any comments the residents and abutters have. He stated that he would prefer to have his engineers and team members respond to the Peer Review's report which would be approximately the beginning of March after which revised plans will have been submitted.

Tom Noel stated that a meeting has already been scheduled for Monday, February 4, 2013 for another project but doubts that they will be ready to attend at that time. Ilana

Quirk stated she has received word from the Island Brook LLC representative stating that they will be continuing the public hearing on that date. Tom Noel asked Mr. Geisinger if he would like to be on the agenda for that night and he replied he would and would be submitting revised plans at that time.

Frank Reynolds requested a few changes to the plans such as full grading elevations and contours instead of spot grading elevations and contours as well as curb type, paving, cross walk striping, etc. He said he would like to see a construction sequence at the next public meeting if possible.

Jason Brolsma stated it would be helpful to get a few issues cleared up and meet with the applicant before having the report submitted by the Peer Review. It was agreed to have the applicant come to the meeting on Monday, February 4, 2013 at 7:35 pm.

Jason Brolsma asked Mr. Geisinger when their website was going to be up and he replied within days.

Ann Coulter, 283 East Main Street, Unit 17, asked if the neighbors and abutters would know when revised plans were submitted? Tom Noel replied that it would be their responsibility to check with the secretary at the Town Hall periodically to find out if anything new is submitted by the applicant. Lloyd Geisinger told Ms. Coulter if she left her name and address with him, he would see that she gets a copy of the revised plans at the same time they are submitted to the ZBA office.

Dr. Maureen Sroczynski, 283 East Main Street, #15 asked Mr. Geisinger if he planned to remove the entrance that is directly across from the entrance to the Kingsbury Hill community. He replied that it would be removed. She asked Mr. Geisinger if he would be addressing health issues pertaining to retention and detention basins and he replied his consultants would be answering those questions at future meetings. Ms. Sroczynski asked what the plans were for the sewer lines and Mr. Geisinger stated meetings would be held with the Water/Sewer Department on these issues. She asked if the sewer line would extend to Leonard Street as the current plans show the sewer line ending at the White Cemetery. He replied it is premature to answer this question at this time.

Leland Goldberg of 9 Danforth Lane asked Mr. Noel if the ZBA had heard from any other departments other than the Police Dept., Fire Dept. and Selectmen. Tom Noel read an email sent by Leon Dumont, Heath Agent, stating that since the project was hooking up to the town sewer system, he did not expect any adverse issues with the project.

Duane Knapp said it is difficult for him and some of the other departments to comment on this project at this time because they need more detailed revised plans.

Tom Noel asked if anyone else had any comments on the project this evening. No one replied.

Nitin Choksi made a motion, seconded by Frank Reynolds, to continue the public hearing until Monday, February 4, 2013 at 7:35 pm at the Norton Public Library. All in favor. Approved.

Nitin Choksi made a motion, seconded by Frank Reynolds, to adjourn the public hearing at 8:40 pm. All in favor. Approved.

Minutes Approved by Committee on: September 8, 2014

Respectfully submitted,



Thomas R. Noel, Chairman
Norton Zoning Board of Appeals