



**TOWN OF NORTON
ZONING BOARD OF APPEALS**

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

MINUTES

Meeting of February 4, 2013

I. Call to Order

The February 4, 2013 scheduled meeting of the Zoning Board of Appeals was called to order at 7:30 pm at the Norton Public Library by Tom Noel, Chairman with the following members present: Tom Rota, Nitin Choksi, Frank Reynolds, and Jason Brolsma, Alternate Member. Also present was Ilana Quirk, Town Counsel.

Tom Noel noted that the first item on the agenda was:

013-003 - Island Brook, LLC - East Main Street, Parcels 57, 238, 239 240, 241, 242, 243, 244 & 245 (Assessor's Map 17)

Application for a Comprehensive Permit and MGL Chapter 40B for construction of 100 single-family houses, including 25 affordable houses on 43.35 acres in R60 & VC Zoning Districts. (cont. from the November 26, 2012 mtg.)

Document List

1. Letter dated January 29, 2013 received from Bob Engler of SEB, LLC requesting a 60-day extension of the 180-day public hearing date.

Present at the public hearing was Frank Westgate, engineer for the applicant who stated he submitted revised plans.

Tom Rota made a motion, seconded by Nitin Choksi, to remove the Island Brook, LLC 40B project from the table for discussion. All in favor. Approved.

Tom Noel stated that Graves Engineering has been selected to be the Peer Review for the project and Jeff Walsh of Graves Engineering introduced himself.

Tom Noel asked Ilana Quirk to give a brief update of the status of the project. She stated that at the previous meeting discussion took place regarding the "Not to Exceed" contract. She said a decision was made by the applicant to wait until revised plans were

submitted before signing a contract with the Peer Review engineer. She stated revised plans were submitted to Graves Engineering last week and after reviewing the plans, Graves Engineering agreed that the Scope of Work and the "Not to Exceed" amount was fine. She said the next step would be for the board to approve the draft contract tonight and it would then be given to the Town Manager to have the Board of Selectmen sign the contract. She noted that after the funds are in place, the Peer Review can begin. The ZBA secretary noted the funds of \$5,100 has already been received. Ilana Quirk stated she would give the contract to the Town Manager in time for Thursday evening's Board of Selectmen's meeting.

Tom Noel noted a typo on the contract where the word "Easton" should be changed to "Norton" as the location where the check for \$5,100 was submitted.

Tom Rota made a motion, seconded by Nitin Choksi, to approve the contract as drafted correcting the typo. All in favor. Approved.

Tom Rota read a letter received by Bob Engler of SEB, LLC, applicants engineer, dated January 29, 2013 requesting a 60-day extension of the 180-day time frame for the public hearings.

Tom Rota made a motion, seconded by Nitin Choksi, to accept the letter requesting an extension of the public hearing process date. All in favor. Approved.

Tom Noel asked Mr. Walsh how long he would need to review the plans and he replied approximately four weeks. Ilana Quirk stated the four weeks should start after the Selectmen sign the contract. Tom Rota made a motion, seconded by Nitin Choksi, to continue the public hearing until Monday, March 18, 2013 at 7:35 pm. All in favor. Approved.

Tom Noel stated the next item on the agenda is:

013-005 – Campanelli Thorndike Norton, LLC, Parcels 61 & 76, Assessor's Map 11, 274 East Main Street Comprehensive Permit 40B application -230 apartments.
(cont. from the January 14, 2013 mtg.).

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.
 11. Revised plans entitled Plans to Accompany Comprehensive Permit Application for Norton Apartments, 274 East Main Street, Norton, MA January 31, 2013 for Thorndike Development Corp. by Kelly Engineering Group, Inc., signed and stamped by David Noel Kelly. (Sheets 1-14)
 12. Stormwater Management Report, Norton Apartments, 274 East Main Street, Norton, MA 02780 dated January 31, 2013, prepared for Campanelli Thorndike Norton, LLC and prepared by Kelly Engineering Group, Inc.
 13. Traffic Impact and Access Study, 274 East Main Street Apartments, prepared for Campanelli-Thorndike Norton, LLC – Amended-January 2013, prepared by MDM Transportation Consultants, Inc.
 14. Revised Comprehensive Permit Application: Supplement No. 1, 274 East Main Street dated January 31, 2013.

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

Tom Rota made a motion, seconded by Nitin Choksi, to remove the project from the table for discussion. All in favor. Approved.

Tom Noel noted that Lloyd Geisinger had emailed the link to the new website for the 274 East Main Street project. He asked Mr. Geisinger if he had submitted a check for the Peer Review and he replied that he had. Mr. Geisinger noted he had brought in revised plans this evening for distribution.

Tom Noel asked if the Board of Selectmen had signed the revised contract and Ilana Quirk replied that they had last Thursday evening. Ilana Quirk stated that, even though evidence of the check clearing has not been received, Graves Engineering has agreed to begin their Peer Review for the project.

Lloyd Geisinger noted that his entire technical team is not present this evening but he would present a slide show showing the revisions that have been made to the project to date. He said that once the Peer Review is completed and submitted, his team will comment on the report.

Mr. Geisinger noted that some of the issues and concerns neighbors and abutters had with this project are the entrances, leaving more natural buffer, saving the old White family farm house, detention basins causing mosquitoes, etc.

Mr. Geisinger began a slide show while explaining the revisions to the project. He was able to present the slides showing the old slides next to the revised slides explaining the changes as follows:

1. He described the front of the buildings showing three full stories, some with lofts to the rear which go with the three-story apartments. The front of the apartment complex showed three entrances to the community.
2. the entrance directly across from the Kingsbury Hill condos has been eliminated.
3. the natural buffer at the rear of the property abutting Red Mill Village has been increased.
4. the club house has been re-located.
5. the house directly on East Main Street has been revised to be level with East Main Street, eliminating the retaining wall.
6. the number of apartments in each building has been reconfigured: Old plan was 25, 25, 30, 30, 30, New plan is 20, 30, 30, 30, 30.
7. the club house has been re-located where building 3 was originally located at the primary entrance way.
8. the buildings on the Red Mill Village side are closer to Red Mill Village but the natural buffer has increased along with the planting of a row of pine trees.
9. the detention basin on the Red Mill Village side will be eliminated.
10. storm water basins 2 and 3 have been removed.
11. soil tests have been done, a detention basin will be designed as a recharge basin which will not hold water, helping the mosquito problem.
12. roof runoff will go into an underground infiltration system and recharge area.
13. a recycling area will be onsite for rubbish disposal.
14. has met with the Historical Society and is proposing to move the White family farm house to an area next to the White Cemetery. Only house, not additions, will be moved. Proposed to create two apartments in the house. Proposing to swap land (.2 acres) with the Town for (.08 acres) which will need a 2/3rds vote at a Town Meeting to occur. This will increase the total of apartments to 232. Asked the Historical Commission to add the article to a Town Meeting. If this is not a possibility, the house will have to be demolished.

The old White family farm house will be remodeled using natural materials.

Tom Rota asked Mr. Geisinger if the radius for the Fire Dept. has changed and Mr. Geisinger replied that he will wait until the Fire Dept. has had a chance to review the revised plans.

Mr. Geisinger stated that updated landscaping plans will be submitted.

Tom Noel asked why the matter of the land swap with the town would have to go before Town Meeting for a vote and Ilana Quirk replied that any disposition of an interest in land requires Town Meeting approval.

Jason Brolsma asked if there were any changes to the number of parking and David Eastridge noted there are about four or five fewer spaces.

Tom Rota asked if the height of the buildings have changed with the addition the apartments in some buildings going from 25 to 30. Lloyd Geisinger noted that the buildings are 54 ½ feet from the first floor to the ridge at the top. He said there are a few buildings with loft areas that are not considered rooms, but only storage areas.

Frank Reynolds noted that one building had a sunken garage which was listed as a four-story building.

Mr. Geisinger noted that the buildings will appear higher from the front and lower at the back of the buildings.

Tom Rota asked if there were any retaining walls proposed along East Main Street and Mr. Geisinger replied there were not.

James Conway of 283 East Main Street, Unit 14 asked if there was any problem with the Fire Department regarding the building that was at street level having only one egress. Tom Rota stated all buildings must have two egresses. Lloyd Geisinger noted that all the buildings have a corridor from the front of the building leading to the different apartments and there are many exits at the rear of the buildings. He said he would have a detailed diagram for the next public meeting.

Dr. Maureen Sroczyński, 283 East Main Street, #15, noted that the issues with Rt. 495 have been omitted in the revised traffic report. Mr. Geisinger replied that this is a question for his engineer who is not present this evening and would address this issue at the next meeting. Dr. Sroczyński asked why the storm water plan is showing all water flow going towards Red Mill Village. David Eastridge replied that this again is a question for the engineer, but he noted that they are trying to mimic the water flow which is present on site at the present time. He said they will wait for Graves' report to answer other questions on the drainage. He stated that the soils on the property are better than expected and will help the drainage system to remain the same.

Dr. Maureen Sroczyński mentioned that the wetlands on her side of the street were supposed to be flagged and David Eastridge replied that they will be. She asked where the sewer lines were going to be installed. Lloyd Geisinger replied that he has been negotiating with the Water/Sewer Department. He said that they have the ability to keep the sewer line on their property which would not require that the residents of the Kingsbury Hill condos to connect.

Tom Rota noted that it was of his understanding that condo units were not required to connect to the sewer lines and Duane Knapp replied that according to the Town Bylaws, for the last 10 years, at least, condo units are required to tie into town sewer lines if possible. Tom Noel asked Mr. Knapp if he has reviewed a plan which shows the sewer lines located on private property and he replied he has not had a chance to review the revised plans yet. Tom Noel asked Mr. Geisinger if this has been considered and he replied that the force main can be located anywhere they wanted.

Frank Reynolds noted that the water line will be installed in the center of the road right in front of the Kingsbury Hill Estates entrance. Lloyd Geisinger stated that he has agreed to make some improvements to off site water mains as requested by the Water Department.

Tom Rota noted that water runoff cannot increase by a specific project. He said that Graves Engineering has proven to be excellent in that area for past projects. Dr. Maureen Sroczyński asked if Graves Engineering was going to review the Peer Review report requested by the Conservation Commission. Tom Noel replied he has no idea whether they will or not and noted that the ZBA Board has faith in Graves Engineering.

James Pappas of 3 Danforth Lane asked if any studies have been done as to what types of vegetation might help with noise reduction within a buffer area and Mr. Geisinger replied there has not as yet. Mr. Pappas asked Mr. Geisinger if any thought had been given to the possibility of the location of the lofts in regards to looking into the second floor rooms in the Red Mill Village units. Mr. Geisinger replied that he has not looked into this issue and was waiting for the revised plans and this issue will certainly be taken into consideration.

Daniel Rich of 34 Burt Street said he and his brother own property to the west of this site. He said there is a retention pond on his property and how can he be assured that the water in his retention pond will not increase with the development of this property. He mentioned also that he has a spring on his property which starts on this property. Lloyd Geisinger replied that he will have his engineer look at this and assured Mr. Rich that he is not allowed to increase the water flow to any other properties. He stated he would come up with a detailed response.

Barbara Hagg of 283 East Main Street, Unit 19 asked if the highest part of the hill on the property was going to be flattened and David Eastridge replied that a few feet would be removed to lower the hill. He said the grade of East Main Street is even with the other side of the hill that cannot be seen from the street.

Tom Rota asked Mr. Bob Kimball, Bd. of Selectmen, if people who live in apartments pay excise taxes and property taxes and Mr. Kimball replied they pay excise taxes but not property taxes. He said the owner of the property pays the property taxes. Tom Rota asked Mr. Kimball if a study has ever been done on the amount of taxes received from a housing subdivision versus apartment complexes and Mr. Kimball replied this has not been investigated as yet. Mr. Kimball stated the greatest impact is by the total amount of added children to the school system. He noted that the average cost per student is between \$11,000 and \$12,000.

Dan Rich stated that more taxes are collected from commercial property rather than from residential property. He said that 4 acres of commercial property had been used already for residential purposes at Red Mill Village and this project will use up 15 more acres of commercial property leaving only his and his brother's property of 11 acres of commercial property on this side of Route 495.

Oren Sigal of 28 Coddling Road asked if sliding glass doors would be located at the back of the buildings facing toward Red Mill Village. Mr. Geisinger replied, that because of the design of the buildings, there are no ground level apartments at the rear facing Red Mill Village. He said the apartments on the second and third floors will have small decks approximately 4 or 5 feet by 6 or 8 feet and not suitable for storage. He noted that there are large storage units behind the garages for use by the tenants.

Mr. Sigal asked if there was going to be a full-time management facility on the property. Lloyd Geisinger stated he would have that information at the next meeting. Tom Rota asked the members if Turtle Crossing had a management facility that was staffed 24/7. Ilana Quirk replied it is proposed to be staffed from 9-5 with a phone number available 24/7. Tom Rota stated it will be conditioned for a phone number to be available 24/7 for this project also.

Barbara Sigal of 28 Coddling Road asked who will monitor the number of people who are living in each apartment. Tom Noel replied that the amount of people allowed to live in each unit will be noted on the leases. She asked how this will be enforced. Ilana Quirk replied that in past situations the ZBA has limited the amount of bedrooms for each unit and also conditioned what storage areas or lofts can be used for. Ilana Quirk noted there is always a need for enforcement. She said the sewer flow is determined by the bedroom count which also determines the amount of people sleeping in each unit. Bob Kimball stated there is no way to monitor the amount of people residing in each unit and this issue has to be controlled by the management. He said sometimes the amount of children in each unit can be detected by school records. Tom Rota asked how this problem is handled at the Kingsbury Hill condos and Ms. Sroczynski replied that the association has documents stating how many people are allowed to reside in each unit. She said that is the difference between a condo association and a management company. Tom Rota stated the ZBA will do their best to control the amount of people that will be living in each unit. Ms. Sroczynski suggested that the leases can determine how many people will be living in each unit.

Leo Conlon of 79 Coddling Road noted that originally the two buildings at the rear were going to face Red Mill Village and it looks to him now that they will be facing East Main Street. He noted it would be preferable to have the front of the buildings face Red Mill Village. Mr. Geisinger noted that because of a number of revisions that were suggested by different people, the location of these buildings have changed as well. He said that the natural buffer between the houses and Red Mill Village has increase and also noted that the rear of the buildings look just as good as the front.

Christine Roessel of 93 Coddling Road asked Lloyd Geisinger if he planned on removing all the old trees and plant new trees for the buffer. He replied he was not removing all the old trees and would be adding new pine trees.

Amy Markham of 283 East Main Street, Unit #24 asked Mr. Geisinger if he still had plans to straighten the curve in the road on East Main Street. Mr. Geisinger replied that the revised plans submitted and on the website show that the road is going to be flattened.

Jay Herzog of 43 Coddling Road noted that even though the buffer between Red Mill Village and the proposed apartments is larger, the buildings are closer to Red Mill Village. He said that even though there will be more trees within the buffer the houses are proposed at 54 feet high and will be seen over the trees. Lloyd Geisinger replied that the buildings will not be seen over the trees. He said all the trees and locations will be flagged and checked out before any construction has begun. Mr. Herzog asked Mr. Geisinger how wide the parking spaces are and Mr. Geisinger replied that the distance from the back of the parking lot to the back of the buildings is 46 feet.

Dr. Maureen Sroczyński asked Mr. Geisinger if, after hearing comments from different departments and the different members of the audience, if he had any plans to reduce the density of this project. Mr. Geisinger replied that in his experiences with past projects in other towns and in Norton, to make the project work, 200 or more apartments are necessary. He stated he does not apply for a high number of apartments expecting to be required to lower the amount. He says he applies for exactly the number needed to make the project successful financially given the present economy.

Tom Noel asked if there were any other questions regarding issues that have not been discussed yet. Bob Kimball stated that he is not sure that swapping cemetery frontage land on East Main Street for back land is in the best interest of the Town. He said the deed has to be searched and he is not sure cemetery land can be swapped and if there are any restrictions on the cemetery property. He stated that the applicant should have a plan B. Tom Noel asked when the next Town Meeting is scheduled and Mr. Kimball replied there is a Special Town Meeting in May. Dan Rich noted that he is the Chairman of the Cemetery Commission and stated that even though the Cemetery Commission maintains all the cemeteries in Norton, that does not mean that they own them. He said he would try and find out who owns the White Street Cemetery.

Lloyd Geisinger replied that he would also do research on the cemetery. He said that he had met with the Cemetery Commission and the Norton Historic Commission a couple of weeks ago. He said that he is hoping to present this issue at the Annual Fall Town Meeting. He stated that if moving the White Farm House is not possible, he is required to make a photograph record of the house and property to be permanently displayed somewhere in Norton and then will be able to demolish the building.

Peter Hunt of the Norton Historical Commission addressed the board. He stated that the Norton Historical Commission would be in favor of saving the house if possible. Tom Noel stated that, in his opinion, if this issue goes before Town Meeting for a vote, the majority of voters will be in favor of saving the house.

Frank Reynolds asked Mr. Geisinger why he wanted to move the house from its present location. Mr. Geisinger replied that even though the property seems to be large, each component of this project, such as the location of the buildings, sidewalks, parking etc. has to fit in like a puzzle. He said the extra twenty feet that would be lost has a rippling affect on the rest of the project and there would not be enough room without the extra twenty feet. He said careful thought had been given to using the house but trying to fit it in and adding it to new structures is not practical or cost efficient. He stated that the income from the two proposed apartments will be needed to re-locate the house.

Ralph Stefanelli of 12 James Street noted that he did not think this project was good for Norton as the applicant is stating. Tom Noel asked Mr. Stefanelli to refrain from these statements until future meetings. Mr. Noel stated the purpose of tonight's meeting is for obtaining further information regarding the project and not for airing individual feelings on the project. Mr. Stefanelli replied that he would put together a packet for future presentation.

Tom Rota stated that the Zoning Board of Appeals (ZBA) has a job to perform which is to fairly review all applications submitted including applications for 40b projects.

Tom Noel commented that the ZBA cannot deny a project because of individual preferences and they cannot increase the cost of the project to make it economically impossible for the applicant to complete.

Tom Rota replied that the Peer Review will check all concerns that are brought up at the public hearings. He stated that if the ZBA denies a project, the applicant can appeal to the state and the state can allow the project as proposed. He noted that it is better to permit the project with many conditions that will make the project better for the town. He said the input from town departments, neighbors, abutters, etc. is welcome to create a better project.

Ann Orlando of 37 Coddington Road asked Tom Noel when concerns of the residents and comments by various town departments will be heard and discussed. Tom Noel replied that these issues will be brought up at future public meetings after the applicant has had a

chance to present the final revised plans. Tom Rota asked Ms. Orland if there was a specific concern she wanted to state and she replied that she had concerns with the density and the height of the project. Tom Noel replied that the applicant is still revising those two aspects of the project and these concerns can be discussed after the final revised plans have been submitted. Ms. Orlando replied that she just heard Mr. Geisinger state he has no plans to change the density nor the height. Ms. Orlando asked when the project economic feasibility study would be done. Tom Noel stated that in past years, consultants have been contracted to determine the economic feasibility of a project.

Ilana Quirk stated that this was done before state regulations had changed. She said that at the present time the subsidizing agency reviews the project economic feasibility and makes sure that the applicant has satisfied all criteria to proceed with the application with the Town.

Tom Rota stated that the ZBA and residents will have a better feeling of the project after the Peer Review submits their report.

A resident of Coddling Rd. stated that some of the lofts or dens may actually be used as bedrooms. Tom Rota asked Mr. Geisinger how big the lofts were proposed to be. Peter Freeman replied that the lofts have no closes or doors and state regulations, the building code and conditions imposed by the ZBA will make it highly unlikely that the lofts will be used as bedrooms.

Frank Reynolds noted that there are 7 lofts per building proposed per submitted plans.

Leland Goldberg, 9 Danforth Lane, asked Tom Noel if part of the ZBA's review process included the financial or economical impact to the town. Tom Noel replied that the main three criteria of the Zoning Board are **health, safety and welfare**.

Ilana Quirk commented that, just last week out in Western MA, a case was appealed and won by the applicant, when it was ruled that a Zoning Board of Appeals cannot deny a project just because the number of people will increase the population.

Harold Silverman of 77 Coddling Road asked the board to take into consideration that, where the applicant is asking for a variance, the burden of proof of whether the project is feasible economically, should be on the applicant. He noted that the sale of this property is contingent upon receiving a permit to construct this 40b project. Ilana Quirk noted that this is not the same as someone applying for a variance or finding under Section 6 of the Zoning Bylaws. She said the same criteria does not apply for both projects. She said that if the applicant does not agree to all conditions imposed by the ZBA, then it would be the burden of the applicant to show why the condition is not feasible. Mr. Silverman commented that the property is more valuable after the permits are issued than before the proposal of a project. He noted that the property can be sold in the future for much more money than before the purchase of the property and was improved for profit.

Ilana Quirk noted that at the time an application is submitted to Subsidized housing, an appraisal is required to be done and submitted with the application.

Tom Noel suggested continuing the public hearing at this time.

Bob Kimball suggested stated that having the 3-bedroom apartments located on the third floor should eliminate the need to use lofts as another sleeping area. He asked what the size of the apartments were going to be and Mr. Geisinger replied he would have that information at the next public meeting.

Oren Sigal asked Mr. Geisinger if he had applied to MEPA or is intending to and Mr. Geisinger replied he does not have an answer this evening.

Tom Noel asked Ilana Quirk what governs the requirement to file with MEPA and she replied the Peer Review will make that decision after reviewing the submitted information.

Tom Rota thanked the residents and abutters for being patient and re-assured them that all their concerns will be addressed at some time.

It was agree that the next public hearing will be held on Monday, March 4, 2013. Tom Rota made a motion, seconded by Nitin Choksi, to continue the public hearing until Monday, March 4, 2013 at 7:35 pm. All in favor. Approved.

Tom Noel noted that the last issue this evening is a request for an extension for the Bay Road Heights, LLC 40b project on Bay Road. He briefly read summarized the email received by Paul Cusson requesting the extension of the modified decision issued by the ZBA on February 27, 2012.

Ilana Quirk explained that "tolling" is required when a permit is under litigation and begins at the beginning of the litigation and ends at the completion of the litigation. She noted that wherever the time lines were at the beginning of litigation is where it will resume at the end of the litigation.

Tom Noel suggested that this extension request is not the normal way to request an extension. He noted that an extension is usually requested near the end of the time line for a project and it is usually a one-year extension request. Ilana Quirk stated she spoke with the Conservation Department and it was expected the litigation would be done before Christmas and it has not ended to date. She commented that the applicants deadline to begin the project will expire on March of 2013 and this is why the applicant is requesting an extension at this time before the litigation has ended.

Tom Rota asked if the extension should be granted extending all the dates in Phase 3 to a date of March, 2014. Ilana Quirk stated that the normal way for an extension hearing is to have the applicant or his attorney present at the public hearing. She stated that the

ZBA tonight has to determine whether the request for an extension is a “substantial” change or a “non-substantial” change. She said that if the extension request is deemed “substantial”, a public hearing with abutter notification will be required. She replied that the ZBA can deem the request “non-substantial” with the condition that the applicant submit update reports during the litigation process.

Ilana Quirk stated that the applicant is entitled to tolling and the request may be deemed non-substantial and the ZBA will be entitled to written status reports of the litigation.

Tom Rota suggested that the applicant does not need this extension and should request an extension after the litigation has ended.

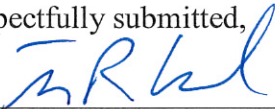
Ilana Quirk offered to contact the applicant and advise them of their options of withdrawing this request and submitting a new extension request.

Tom Rota made a motion, seconded by Nitin Choksi, to continue the Extension request until Monday, February 11, 2013 at 7:30 pm. All in favor. Approved.

Tom Rota made a motion, seconded by Nitin Choksi, to adjourn the public meeting at 10:15 pm. All in favor. Approved.

Minutes Approved by Committee on August 20, 2014

Respectfully submitted,



Thomas R. Noel
Chairman, Norton Zoning Board of Appeals