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ZONING BOARD OF APPEALS**

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MINUTES

Meeting of June 3, 2013

I. Call to Order

The June 3, 2013 scheduled meeting of the Zoning Board of Appeals was called to order at 7:35 pm at the Norton Public Library by Tom Noel, Chairman, with the following members present. Tom Rota, Nitin Choksi & Frank Reynolds (Alternate member) and Jason Broksma (Alternate member). Also present was Ilana Quirk, Esq., Kopelman & Paige.

Tom Noel noted there was only one item on the agenda this evening.

013-005 – Campanelli Thorndike Norton, LLC, Parcels 61 & 76, Assessor's Map 11, **274 East Main Street** Comprehensive Permit 40B application – 230 apartments.
(continued from the April 1, 2013 mtg.)

Document List

1. Expanded Study Area Traffic Assessment dated March 28, 2013.
2. Comprehensive Permit Application – Supplement No. 2. Response to Comments.
3. Comprehensive Permit Application – Supplement No. 3. – Revised Architecture.
4. Plans entitled “Norton Apartments, 274 East Main Street, Norton, MA, Campanelli Thorndike Norton LLC, March 1, 2013. Pages T1 & A1 – A12. Preliminary Architectural Drawings, Typical 30 Unit Apartment Bldg., 274 East Main Street, Norton, Massachusetts, signed and stamped by Candice L. Reynolds.
5. Plans entitled “Plans to Accompany Comprehensive Permit Application for Norton Apartments, 274 East Main Street, Norton, MA, January 31, 2013, prepared by Kelly Engineering Group, Inc. and signed and stamped by David Noel Kelly. (Sheets 1-16).
6. List of Waivers requested from the Zoning Board of Appeals.

7. A letter dated May 7, 2013 addressed to the ZBA in response to Graves Engineering, Inc. letter dated April 26, 2013.
8. Letter dated May 13, 2010 to ZBA from Oren N. Sigal.

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

Tom Noel pointed out that a lot of information has been submitted to the board since the previous public meeting and it should all be posted on the website.

Tom Rota stated that, as in all 40B applications, when a draft Decision with conditions is submitted, revisions will be made and then the board will review it very thoroughly and completely and anyone who wishes to comment on any of the conditions, will have a chance to do so before it is approved.

Tom Noel asked Mr. Geisinger if he had met with the Water/Sewer Department as planned on May 29th and Mr. Geisinger replied he had. He stated he had slides to show this evening which incorporates some of the issues discussed at that meeting.

David Eastridge proceeded with the slide show explaining the different issues. He noted that there are no upgrades required by the Water Department for this project but the applicant is proposing a new 12" water main that will run from Dunkin Donuts down to Hastings Way which will replace the old 8" water pipe. He noted that originally a force main pipe for sewerage was proposed to run along the front of this project and connect by way of a 3" pipe to where Norton Glen had connected to the sewer lines that go up to Newland Street. He said the plan now is to run a 6" pipe directly to the pumping station on Newland Street.

David Eastridge noted that the Water/Sewer Department will be waiving the fees for sprinkler and water connections because of the improvements to the water/sewer lines by the applicant.

Ilana Quirk stated that the Water/Sewer Department has asked that the Town Manager with her help write a memo detailing the agreement between the applicant and the Water/Sewer Department to be presented at the ZBA's next public meeting.

Tom Noel asked if having two water mains run along side each other was advisable and Mr. Eastridge replied that the Water Dept. was in favor of this. Ilana Quirk noted it was the Water/Sewer Dept's engineer who actually suggested the two separate water mains. Ilana Quirk noted that an easement would be given to the Town for future hookups even though the main lines were located on the applicant's property.

Nitin Choksi asked who would be responsible for the pump station and David Eastridge replied it would be privately owned. Frank Reynolds asked what the pipe would be made

out of and Mr. Eastridge replied it would be made out of PVC. Lloyd Geisinger pointed out that he did not need to use 6" pipe but he is doing so to benefit the Water/Sewer Department and the Town.

Frank Reynolds asked if the traffic will be reduced to one lane or remain at two while the road and pipes are under construction and Dave Eastridge replied that he was not sure at this time.

Jason Brolsma asked if residents would have to tie into the sewer lines and Lloyd Geisinger replied that this issue would come under the Town Bylaws. Tom Noel advised the residents that Jason Brolsma can participate in and attend public hearings but will not be able to vote on the final decision.

Frank Reynolds asked who was in charge of "patching" on the roads and Bob Kimball replied it would be the Highway Department that would be in charge of that issue.

Oren Sigal of 28 Coddling Road asked where the 12" pipe for the water goes when it enters Red Mill Village at Hastings Way and David Eastridge replied it will tie into an existing 8" pipe. He asked Mr. Eastridge how long the new piping would be and he replied approximately 1.4 miles. Mr. Sigal asked Ms. Quirk if she had found out where any new easements would be needed with the water/sewer lines and she replied that at the Water/Sewer meeting of May 29th, the plans submitted were "Concept" plans which showed the sewer main running along the 274 East Main Street project on the property and would not require an easement. She stated that easements would be given to the Water/Sewer Department by the applicant to allow emergency tie-ins in the future.

Bob Kimball noted that once the sewer line goes by the White Street cemetery, abutters in that area will have five years to tie into the sewer line. He stated this would not include the Kingsbury Hill condo residents.

James Pappas of 3 Danforth Lane asked Mr. Eastridge if the costs for the water/sewer systems and schedule of fees were determined at the previous Water/Sewer Department meeting and he replied that they were.

Tom Noel noted that usually the developer and the Water/Sewer Department will come to an agreement which will benefit them both.

Ilana Quirk stated that, even though the applicant may have asked for a waiver pertaining to Water/Sewer fees, it is advisable for the applicant to deal directly with the Water/Sewer Department.

David Eastridge noted that the waived fees from the Water/Sewer Department equal approximately \$424,100 and the off-site improvements that will be done by the applicant to benefit the town will be approximately \$600,000.

Maureen Sroczynski, 283 East Main Street, Unit 15, noted that at the Water/Sewer Department meeting she asked if all developers are treated the same and she was informed that they are not always treated the same.

Tom Rota stated that each department will try and negotiate the best deal for the Town.

Maureen Sroczynski asked if any other developers have been given waivers and Bob Kimball replied that they have.

Ilana Quirk noted that the developer for Red Mill Village had similar waivers.

An abutter asked if at some point during the review process, would it be possible for the residents and abutters to make a presentation and Mr. Noel replied they would be able to.

Tom Rota replied that the abutters and residents may make a presentation at the next meeting.

Oren Sigal asked Mr. Eastridge if the waivers for water fees equals the off site work that will benefit the town and Mr. Eastridge replied that the off site work will be much more. Mr. Sigal asked if permits will be needed to do work to the sewer lines and Tom Noel replied the lines will be located on the applicant's property and will not need easements. He noted that the lines will eventually be owned by the town.

Tom Noel noted that he received an email inviting the ZBA board members and a few Red Mill Village occupants to attend a site walk at which time balloons will be in place to try and show the proposed height of the buildings. Lloyd Geisinger replied that at the previous meeting he suggested this is not a good way to accurately show height for the buildings. He said that there might be a better way to show the proposed heights. He replied that if the board would like to see the balloon test, he would be happy to do that.

Tom Rota asked Mr. Geisinger how tall the tallest buildings are proposed and he replied that he will show the board this information with tonight's presentation. He proceeded with his slide show presentation.

David Eastridge spoke about the views that would be seen from the Red Mill Village residents. He noted that he flagged the edges of the back of the property and has tagged the trees that would be staying. He said that the residents had three concerns; 1. headlights, 2. noise and 3. security.

Lloyd Geisinger offered to meet with the Red Mill Village homeowners at any time. He noted that the height of the tallest building has been reduced from 55' 1" to 48' 6". He showed slides of neighboring towns and similar projects.

Tom Rota noted that he has been giving a lot of thought to as what the finished project will look like and wants to take pride in what ever the ZBA approves to be built. He

noted to Mr. Geisinger that all the projects built in neighboring towns just shown in the slide presentation are not on a main road and you have to drive in long distances to get to the buildings. He said that this is not the case with 274 East Main Street project which is proposed to be right on Route 123, East Main Street.

Lloyd Geisinger noted that he would have photos of the landscaping plan at the next meeting.

Tom Noel stated that a balloon test might be beneficial.

Ilana Quirk noted that the ZBA jurisdiction is "Local Concern" and this has to be taken into consideration when considering the height of the buildings. Lloyd Geisinger replied that 45-ft. buildings are allowed in Commercially zoned properties. David Eastridge stated that the residents of Red Mill Village will see very little of the proposed buildings of the 274 East Main Street project. The residents at Red Mill Village disagreed with him. Tom Noel replied that a site visit will be necessary soon to check this out.

Maureen Sroczyński noted that the land elevation for the proposed project is higher than the roadway. She suggested that the buildings are going to be higher because of the land elevation. She asked if the applicant was going to lower the elevation of the property. Dave Eastridge replied all the elevations are noted on the submitted plans.

Tom Noel stated a visual on-site visit would be necessary to get an idea of how high the buildings will be compared to Red Mill Village. He suggested the applicant setting up a balloon test for the area and Lloyd Geisinger replied he would do that.

Christine Roessel, 93 Coddling Road, invited the members to go to her home and stand on her deck and then go to the upstairs in her home and look out to get an idea of what she will see if this project is built. She noted that the applicant pointed out trees that might or might not be cut down.

Leo Conlin of 79 Coddling Road pointed out that the property grade behind Red Mill Village leading to 274 East Main Street site goes up hill which would make the proposed buildings higher than stated.

Jim Pappas, 3 Danforth Lane, stated that there is a large tree in front of the old White Farm house on Route 123 (East Main St.) that is approximately 44.5 feet tall and located 10 feet from the road. He said driving by you can get an idea of how tall the proposed buildings at 274 East Main Street will appear.

Harold Silverman, 77 Coddling Road, noted that it would be helpful to visualize how high the buildings at 274 East Main Street will be compared to the houses at Red Mill Village if all elevations are shown on the plans for both sites.

Ann Coulter, 283 East Main St., Unit 17, asked if there would be any balloons on East Main St. and Mr. Geisinger replied there would be. He suggested the balloon site visit be held on Saturday, June 15, 2013. It was agreed that would be done and the site visit would be posted with the Town Clerk.

Bob Kimball stated that in order to get a true picture, the elevations will have to be the same at both projects.

Tom Noel asked the two engineers on the ZBA board if the two buildings in the back, #3 & #4, are at a different elevation than the rest of the project. Frank Reynolds replied that the applicant will be flattening the grade as much as possible to avoid having to bring in fill. David Eastridge stated that the grades at the rear might be slightly lower than the rest of the site. Ilana Quirk noted that the balloons can be adjusted as needed to show the approximate heights.

Lloyd Geisinger stated he has been in touch with Jeff Walsh in regards to the next step in the Peer Review process. He said he has responded to the latest comments by Graves Engineering, Inc. including the traffic comments which will be added to his website tomorrow. Mr. Geisinger noted that he has also responded to Oren Sigal's letter dated May 13, 2013 and Thomas C. Houston's letter dated April 29, 2013.

Lloyd Geisinger stated that Jeff Walsh of Graves Engineering, Inc. had sent an email advising him that a suggested amount for the next Peer Review would be \$4,800.00. He said he submitted a check tonight to the secretary in the amount of \$4,800.00. Tom Noel replied that he was not aware of the email. Tom Rota made a motion, seconded by Nitin Choksi, to accept the amount for the next Peer Review to be \$4,800.00 for Graves Engineering, Inc. All in favor. Approved.

Tom Noel noted that Island Brook was continued to the meeting of Monday, June 24, 2013 but did not think they would be ready for any discussion.

Peter Freeman stated that he had a copy of the First Amendment To Purchase and Sale Agreement he submitted to the board.

It was agreed to continue the public hearing until Monday, June 24, 2013 at 7:36 pm.

Ilana Quirk noted that the applicant will discuss "Phasing" at the next public meeting.

Tom Noel requested that Ilana Quirk attend the balloon test on site. Lloyd Geisinger replied he would advise of the date and time by email.

Oren Sigal asked if he could get a copy of the draft decision. It was agreed that he could get a copy.

Ilana Quirk noted that every waiver and decision will have to be reviewed at some point

before a decision is written. She stated that abutters can air their concerns at any time during the public hearings. She once again reminded the abutters that the board always has to go back to their jurisdiction. She said they need to know what the issues are and know if they are local concerns and identify what the local concerns are. She stated that at that point they need to find out if the local concern outweighs the need for affordable housing.

She continued to say that if a specific issue is proven to be a real local concern, the board may act on this concern by making the appropriate revision to the project and, at this time, the applicant may deem that the revision will make the project unfeasible and then submit the "Proforma". She noted that mitigation can begin between the board and the applicant.

Maureen Sroczynski asked when the abutters and residents will be able to give their presentation. Tom Noel asked Ms. Sroczynski about how long their presentation would be and she replied that she was not sure at this time. Oren Sigal suggested that the board think about dates and give them a date at the next meeting.

Tom Rota made a motion, seconded by Nitin Choksi, to continue the public hearing until Monday, June 24, 2013 at 7:36 pm at the Norton Public Library.

Tom Rota made a motion, seconded by Nitin Choksi, to adjourn the meeting at 10:16 pm. All in favor. Approved.

Minutes Approved by Committee on: September 8, 2014

Respectfully submitted,



Thomas R. Noel, Chairman
Norton Zoning Board of Appeals