



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 June 24, 2013

I. Call to Order

The June 24, 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 (Alternate member) Also present was Ilana Quirk, Esq., Kopelman & Paige. Jason Broksma (Alternate member) was absent.

Tom Noel noted the first item on the agenda is:

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 April 1, 2013 mtg.)

Tom Noel noted that no one representing the applicant was present this evening. He asked Ilana Quirk for an update on the project. Ilana Quirk replied that she had received an email from Bob Engler on June 18th stating that the applicant would not be able to go forward because the revised materials were not submitted to the Peer Review in time to submit a report this evening. She said that he advised the board to continue the public hearing to the next scheduled ZBA meeting.

Tom Noel noted that a check in the amount of \$3,900.00 has been submitted for the Peer Review and there is a balance of \$4,092.30 in the Peer Review account for this project.

Jeff Walsh replied that he has received revised plans for the Island Brook project and had only reviewed them quickly to give a cost estimate for the Peer Review.

Tom Rota made a motion, seconded by Nitin Choksi, to continue the public hearing until Monday, July 29, 2013 at 7:35 pm at the Norton Public Library. All in favor. Approved.

Tom Noel stated the next item on the agenda is:

Discussion – William Moore – 409 Reservoir Street – regarding the wording of the variance for project 011-009.

Documentation

1. Application
2. Plan entitled Foundation As-Built Plan for 409 Reservoir Street prepared by Prime Engineering, Inc., Scale 1"=20', signed and stamped by Bernard N. Perrotty and dated May 13, 2013.

Tom Noel asked the members if they had read an email sent by Mr. Moore asking for clarification on the wording of the decision filed with the Town Clerk on June 22, 2011.

Tom Rota noted that the contractor for the project did not follow the approved plans filed with the decision of June 22, 2011, therefore locating the foundation of the house 9" too close to the lot line. He said that after inspecting the property, the Building Inspector wanted clarification on the plans from the Zoning Board.

Ilana Quirk replied that the approved plans and final decision cannot be changed. She said a modification to the decision would have to be applied for.

Mr. Moore said that his contractor did not make a mistake and the board approved final setbacks at a range of 25 feet to 13 feet. He said the contractor intended on making the project better by centering the house on the lot.

Tom Noel stated that the decision very clearly refers to the approved plans with the exact setbacks to follow.

Mr. Moore replied that the Building Inspector does not find a problem with the location of the foundation as it is, but the bank is insisting on clarification of the As-built plan and the approved plan.

Tom Noel noted that the side yard setback was approved to be 14'7" and the applicant will have to apply for a new variance because the foundation was placed at 13' 9".

Frank Reynolds agreed that the dimensions were discussed at a public hearing for this project and the setback was approved at 14'7".

Tom Rota noted that the Zoning Board of Appeals has to adhere to the rules and regulations and cannot make any exceptions.

Tom Noel advised Mr. Moore to file a new application as soon as possible to allow the application to be reviewed at the July 29th meeting.

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.
(continued from the June 3, 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.
9. Letter dated May 24, 2013 from MDM Transportation Consultants, Inc.
10. First Amendment to the Purchase and Sales Agreement.
11. Letter dated June 6, 2013 from Brona Simon, Mass Historical Commission
12. Letter dated June 5, 2013 from Mass Housing Partnership
13. Letter dated June 3, 2013 from Oren N. Sigal, Atty.
14. Letter dated June 3, 2013 from Oren N. Sigal, Atty. requesting to do a presentation.
15. Draft Comprehensive Permit dated June 2, 2013
16. Letter dated June 11, 2013 from Michael Yunits, Town Manager
17. Graves Engineering, Inc. Report dated June 21, 2013
18. Memorandum dated June 23, 2013 from Conley Associates
19. Letter dated June 24, 2013 from Oren N. Sigal, Atty.
20. Letter dated June 24, 2013 from residents of Red Mill Village
21. Letter dated June 24, 2013 from Mass Housing Partnership

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 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 he has received new documents for review but, because they were submitted so close to the meeting time, he has not had a chance to read the documents and cannot comment on them tonight.

Tom Noel asked Ilana Quirk if she had a chance to review any of the latest submitted documents. She replied to one issue being the height issue and noted it would be the boards responsibility to show how the local concern with the height issue would outweigh the local need for buildings of this height.

Peter Freeman stated he wanted to explain why the word "towering" should not be used in any descriptions regarding this project.

James Pappas of 3 Danforth Road made note that the distances were incorrectly noted in Supplement 5. at Bldg. 1 and David Eastridge explained how the measurements were calculated.

Ann Coulter commented that after walking by the proposed site at the edge of the property line, the buildings are going to be too close to traffic.

There was some discussion as to where balloons should have been placed for the balloon test but were not.

Lloyd Geisinger replied that the balloons were placed by professional surveyors.

Ann Orlando of 37 Coddling Road asked the board if they would allow the residents of Red Mill Village and of the Kingsbury Condo Association to do a presentation at a future meeting.

Frank Reynolds asked if the balloons were placed at the actual grades for the proposed buildings and David Eastridge noted they were.

Tom Noel asked if the balloon site visit went well and David Eastridge replied that it had. He asked if the center of the road was going to change and Mr. Eastridge replied it was not going to change.

There was some discussion with the proposed curving of the roadway in front of the proposed buildings. Tom Noel asked if the road was going to be flattened. Lloyd Geisinger replied that these details will be available later on. Tom Noel asked Mr. Walsh if this issue would be reviewed before or after the public hearings are completed. Mr. Walsh replied there is no topography available at this time.

Ilana Quirk noted that the road elevations can be conditioned in the decision as needed.

Maureen Sroczynski, 283 East Main Street, Unit 15, said that the applicant had stated at one time that he was going to soften and flatten the road but this information is not shown on any plans submitted to date.

Jeff Walsh had concerns with lowering the site distances by revising the elevations for the road.

Robert Machaud noted the applicant had intended on straightening the road, not to flatten it.

Lloyd Geisinger noted it is difficult at this time to put specific information on the submitted plans.

Jim Conway of Kingsbury Hill condos stated that the the curve on Route 123 is already dangerous and by changing the curve in the road might make it more dangerous.

Sidney Belastock, 45 Coddington Road, asked if school children would be picked up inside the community or on Route 123.

Ilana Quirk noted that kiosks would be constructed for the children to wait for the busses.

Tom Noel asked Mr. Walsh where he was in regards to the funding of the project at this time. Mr. Walsh replied that he will confer with Conley Associates and reply back to the ZBA as soon as possible. He said a lot will depend on what the drainage revisions will be.

Lloyd Geisinger replied that he is in the process of working with the Conservation Commission at this time regarding drainage issues.

Tom Noel read aloud a letter received from Town Planner, Charles Gabriel, dated May 20, 2013 noting similar projects built in neighboring towns referenced by the applicant where the numbers did not coincide with the numbers submitted by the applicant.

Lloyd Geisinger stated the letter would be addressed at the next meeting. He proceeded with a slide show of Supplement 5 showing the landscaping plans. David Eastridge noted the different heights of the trees and how they would screen the community from Red Mill Village.

Peter Freeman submitted a letter from Mass Housing Partnership approving the eligibility of the project which Tom Noel read into the record.

Tom Noel noted that the residents may make their presentation at the next public hearing. Tom Rota requested that the ZBA get a copy of the presentation prior to the public meeting.

Tom Rota made a motion, seconded by Nitin Choksi, to continue the public hearing until Monday, July 22, 2013 at 7:30 pm at the Norton Public Library. All in favor. Approved.

Tom Rota made a motion, seconded by Nitin Choksi, to adjourn the meeting at 10:20 pm. All in favor. Approved.

Minutes Reviewed and Approved by Committee on August 20, 2014

Respectfully submitted,



Thomas R. Noel
Chairman, Norton Zoning Board of Appeals