



TOWN OF NORTON
ZONING BOARD OF APPEALS
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MINUTES

Meeting of July 22, 2013

I. Call to Order

The July 22, 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) Also present was Ilana Quirk, Esq., Kopelman & Paige. Jason Brolsma (Alternate member) was absent.

Tom Noel noted the first 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 24, 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
22. Traffic Consultants letter dated July 19, 2013

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 the residents of Red Mill Village and residents of the Kingsbury Hill Estates will be putting on a presentation this evening.

Ann Orlando of 37 Coddington Road began the presentation by introducing Larry Flynn of 12 Williams Road. Mr. Williams wanted to note that he and the residents are not against this project, but are against the size and scope of the project.

Ann Orlando noted that all the speakers this evening are residents of Red Mill Village or Kingsbury Hill Estates. She noted that the slide show presentation this evening will address the following issues: Site Plans, Health and Safety, Drainage and Conservation and Smart Growth. Ms. Orlando wanted to emphasize that the residents and abutters are not opposed to a project being developed at 274 East Main Street but had concerns with several aspects of the project.

Ms. Orlando stated that the presentation tonight is going to focus on the comparison of this project with other similar projects throughout the state. She said that it is hers and her colleague's opinion that this property is not suited for a project of this size or density.

Mr. Cooper Winston, 49 Coddington Road addressed the board. He said he has been involved with 40B projects and large developments for over 40 years. He said that concerns with this project are height, bulk and placements of the project. He noted that there is very little open space proposed for this project. He suggested that the applicant is trying to "shoehorn" this project. He said that the height of the project and the distance of the project from the road is not in compliance with the Zoning Bylaws and

Regulations, even with waivers. He proceeded to describe comparable projects in other towns with this project explaining the major differences.

James Pappas, 3 Danforth Lane, spoke about the balloon test that was done and he did not think it was very accurate in showing height distances. He noted that the wind was interfering with the viewing process. He compared the proposed buildings with a standard billboard which are usually 14'x48'. He said the construction of 3 buildings along East Main Street will be comparable to having 15 large billboards on the road.

Maureen Sroczynski, 283 East Main Street, Unit 15, asked the board members to take into consideration the future of this community regarding health and safety rather than considering the desires of the developer at the present time. She pointed out possible problems with traffic issues in front of the Kingsbury Hill Estates entrance if this project is built as proposed. She noted that the Mass Energy and Environmental Secretary approved this project with the understanding that the applicant was going to enhance traffic safety in a meaningful way by modifying and flattening the curve in front of this project.

Maureen Sroczynski stated that there will probably be a significant amount of children living in this community but no safety fences or barriers to the pond or road. She noted there are no proposed shelters for the children or their parents to wait for school buses. She noted that the safety traffic level for the intersection at the Kingsbury Hill condos will decrease to a level D with the construction of this project which is against Planning Board rules and regulations.

Leo Conlon, 79 Coddling Road discussed issues with conservation and drainage. Mr. Conlon noted that the increased impervious surface should not increase more than 15% and the developer is requesting a waiver to increase impervious surface to 50%. He noted there is a vernal pool abutting this property as well as the Canoe River Aquifer. He described the importance of a vernal pool. He said that the developer is requesting a waiver of the buffer zone to the vernal pool from 100 feet to 25 feet. He noted that, in his opinion, this will be too close to prevent children from collecting endangered species habitat from the vernal pool. Mr. Conlon was asking the board on behalf of the abutters and neighbors to deny the request for a waiver for the vernal pool buffer zone.

Maureen Sroczynski noted that the residents of the Kingsbury Hill Condo Association have hired an Environmental Engineer to study the wetland reviews and comments by the developer and by the Conservation Commission. She said they are attending the Conservation Commission meetings regularly getting as much information as possible.

Christine Roessel, 93 Coddling Road, stated that she is the closest abutter to the project which will be approximately 140 feet from her back deck. She spoke about Smart Growth and the developers notation that the proposed project will be "Smart Growth". She stated that a Smart Growth area to be located within walking distance from a proposed site should include lodging, entertainment or public transportation which is not

the case here. She said another criteria for Smart Growth is the various housing options on the site and this site contains only apartments.

Ms. Roessel noted there will be very little open space, most areas being pavement. She said that there will not be any transportation from the site as a criteria of Smart Growth would require. She stated that the Town should have had input on the design of the project before an application was submitted for this project. At her conclusion Ms. Roessel suggested taking the Town Planner's advice and reduce the density and height of the project.

Jay Talerman, Attorney for the abutters addressed the board. He noted that there should be much more mitigating and review of the project before a decision is reached by the board. He suggested that a lot of common sense has to be used before the board can reach a decision.

Attorney David Gay addressed the board. He suggested that the board keep in mind who this project will affect and make sure they can be proud of the decisions they make.

Tom Noel thanked everyone for their presentations.

Maureen Sroczynski suggested waiting on a decision until after the applicant receives their permit from the Conservation Commission. Ilana Quirk replied that the applicant cannot wait because of their deadline of August 30th.

Tom Noel asked Jennifer Connolly of Connolly and Associates if guard rails would be advisable and she replied that the buildings would slow down traffic.

Cooper Winston noted that a 24/7 management company would be advisable.

Lloyd Geisinger stated that the amount of buildings cannot be reduced because the quality of the project will also be reduced. He said that the investors will not want to invest on the project either if the amount of buildings is reduced.

Jennifer Connolly noted that there is not a significant history of accidents at the Kingsbury Hill Condo entrance and that the project does meet the minimum safety guidelines.

Tom Rota made a motion, seconded by Nitin Choksi, to continue the public hearing until Tuesday, August 6, 2013 to be held at 7:30 pm at the Norton Public Library.

The members reviewed an invoice from Graves Engineering, Inc. Nitin Choksi made a motion, seconded by Tom Rota, to pay the bill. 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 Approved by Committee on: March 2, 2015

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'TR Noel', is written over a horizontal line.

Thomas R. Noel, Chairman
Norton Zoning Board of Appeals