



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 August 6, 2013

I. Call to Order

The August 6, 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. Also present was Ilana Quirk, Esq., Kopelman & Paige. Jason Brolsma 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 July 29, 2013 mtg.)

Document List

1. Comprehensive Permit Application dated October 18, 2012.
2. Plans entitled Preliminary Subdivision Plan to accompany application for Comprehensive Permit for a Planned Unit Residential Development to be known as "Island Brook" being a resubdivision of Lot 57; and Lots 238 thru 245 as depicted on Assessor Map 17, signed and stamped by Robert A. Junior and dated August 7, 2012. (Sheets 1-6)
3. Report from Jeffrey Walsh of Graves Engineering Inc. dated March 8, 2013.
4. Response letter from Frank Westgate to Jeffrey Walsh's (Graves Engineering, Inc.) report of March 8, 2013 dated March 14, 2013.
5. Jeff Walsh (Graves Engineering, Inc.) response letter dated July 26, 2013.
6. Memo from Bob Engler, SEB, dated July 30, 2013.

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

No one was present representing the applicant this evening.

Jeff Walsh of Graves Engineering presented a Contract Change Order #3 for the Island Brook project. Tom Rota made a motion, seconded by Nitin Choksi, to accept the Contract Change Order #3 as submitted. All in favor. Approved.

Jeff Walsh stated that if he received revised plans early enough, he could have a report ready by August 24th.

Tom Rota made a motion, seconded by Nitin Choksi, to continue the public hearing until Monday, August 26, 2013 at 7:35 pm to be held at the Norton Public Library. All in favor; motion approved.

Tom Noel noted the second 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 July 22, 2013 meeting)**

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
23. Graves Contract Change Order #3
24. Graves Contract Change Order #3R
25. Abutters' Additional Supplemental Material dated 7/22/13
26. Draft Comprehensive Permit for 274 East Main Street
27. Memorandum of Agreement
28. Supplement No. 7
29. Abutters' Response to Supplement No. 7 dated 8/5/13
30. Letter from SRPEDD dated August 6, 2013

Present for the public hearing were Lloyd Geisinger of Thorndike Development, David Eastridge of Thorndike Development, Peter Freeman, Attorney for the applicant, David Kelly, Engineer 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 there was a change to the Grave's Contract Change Order #3. The applicant was given the two Change Orders, #3 and #3R, to review.

Tom Rota made a motion, seconded by Nitin Choksi, to accept the Contract Change Orders #3 and #3R. All in favor. Approved.

Lloyd Geisinger gave a brief summary of Supplement #7 which he proceeded to pass around for review.

He stated that Supplement #7 has incorporated comments and issues by the abutters and residents as well as the ZBA Board. He said that the plans that he had revised after receiving input from Jeff Walsh and abutters and residents are the ones dated March 13, 2013. He pointed out that the buildings (3 & 4) nearest to the Red Mill Village Community were moved further away approximately 4 feet. He said that the parking has been reduced as well. He noted that one of the paved roads has been designated as a pedestrian way.

Mr. Geisinger stated buildings 1 and 2 were now proposed 10 feet farther away from the curb. He said buildings 6 and 7 are 5 feet further away. He said Bldg. 8 is 5 feet further from the road. He further commented that the 2-story buildings will be 30 feet from East Main Street and the 3-story buildings will be 40 feet from East Main Street.

Mr. Geisinger noted that the building height has been lowered to 49' 10". He further commented that the number of 3-bedroom units has been reduced from 16 to 14 and as a result, the number of apartments has been reduced from 232 units to 228 units.

Tom Rota thanked Mr. Geisinger for the presentation.

Tom Noel asked Mr. Walsh if these changes affect his Project Change Order #7 and Mr. Walsh replied that he would have to see revised plans for the storm water and parking issues before making any comments.

Tom Noel asked Mr. Walsh how much time he would need to review the newly revised plans and he replied he would need three weeks.

Frank Reynolds asked if the improved buffer area would improve light pollution at buildings 3 & 4 and Mr. Geisinger replied it would. He asked Mr. Geisinger if he proposed a stonewall along East Main Street and Mr. Geisinger replied he had not because it would be too expensive.

Ilana Quirk noted that the revised sheets given for tonight's meeting do not have dates on them. Lloyd Geisinger replied that he is waiting for a little feedback from the ZBA Board before he has final revised plans. Mr. Freeman stated the plans are dated July 30, 2013 and will eventually have revision dates after more details are put on the plans.

Tom Noel and Tom Rota commented that the new plans are an improvement to the project. Tom Noel asked Mr. Geisinger when he could get the revised plans to Jeff Walsh at Graves Engineering. Lloyd Geisinger replied he could get the revised plans to Mr. Walsh in two weeks time and would like to request a two-week extension for this project. Tom Noel suggested extending the project to the end of September in order to give enough time for the board members to review the revised plans. Lloyd Geisinger agreed to the end of September for the extension time.

Tom Rota stated he would like to receive a comment letter from the Fire Chief on the revised plans.

Ilana Quirk noted that the Water/Sewer Department held a meeting last night and is still working on the Memorandum of Agreement.

Mr. Geisinger commented that he would forward a request to extend the project tomorrow.

Frank Reynolds requested that any revised plans that are sent to Jeff Walsh be sent to the board members and also sent as a PDF file to him. Mr. Geisinger agreed that would be done.

Ann Orlando, 37 Coddling Road, said she was speaking in behalf of the abutters and agreed that, even though some of the aspects of the new plan are an improvement, the project falls short from what they had hoped to see. She noted that the applicant had neglected to state that buildings 1 and 2 have been enlarged. Mr. Geisinger replied that only building 1 has been enlarged to be the same size as building 2 and that building 2 has not been enlarged.

Maureen Sroczynski, 283 East Main St., Unit 15, asked Mr. Geisinger if he was proposing to straighten and flatten a portion of East Main Street as shown in his presentation. Tom Noel replied that the applicant had stated earlier that the plans will not be updated until further in the review process. She asked what assurance the board has that this will be done. Tom Noel replied that the Traffic Consultant, Jennifer Connolly will review this in her traffic study. He stated this issue will be discussed again further into the project review.

Tom Rota commented that the construction of this community may in fact slow traffic a little on East Main Street as some of the other areas in town.

Ms. Sroczynski presented a letter from John DeLano dated August 15, 2013. She pointed out that Mr. DeLano did note that underground drainage would be a good solution but only if the system is maintained and inspected properly. She asked that the board ensure in some way that this is done. Ms. Sroczynski also noted that there may be a problem at the pumping station at Kingsley Road that should be discussed.

Ilana Quirk noted that at last night's Water/Sewer Commission meeting it was noted that pumping would be done at night as not to cause a problem. She said the issue is still under discussion at the Water/Sewer Department.

Tom Rota suggested that if a water or sewer issue does occur, it would be up to the Community Management Company to fix it.

Tom Noel asked Mr. Walsh if abutters properties will be affected by any water/sewer issues that may occur and Mr. Walsh replied that it will depend on the design of the system and the grading and elevations of the property. He said that it will depend also on the maintenance for the system.

Mr. Walsh stated that the Conservation Commission will review the maintenance for the various detention and catch basins.

Tom Noel had concerns with how the maintenance responsibility would be handled. David Eastridge replied that he would submit an Operations and Maintenance Plan.

Jeff Walsh noted that different areas of pollution and drainage maintenance are covered under different departments. He noted that if the area size is large enough, applications would have to be sent for Federal review.

Lloyd Geisinger commented that the Conservation Commission has required that a SWPPP report be filed with the state and that the traffic consultant, Jennifer Connolly, will review the SWPPP.

Tom Rota asked Ilana Quirk who would be the bonding agent with a project such as this and she replied it all depends on how the decision is written.

Peter Freeman commented that the Conservation Commission will require a Certificate of Compliance once the project is completed and if it is not, will require a bond be placed for certain portions of the work in order to obtain the Occupancy Permits from the Building Inspector.

Oren Sigal, 28 Coddling Road, had questions regarding setbacks. He noted that the details for setbacks are not consistent on all plans. He stated that the sidewalks will be located on town property.

Attorney David Gay, representing the Kingsbury Hill Condo Association, presented a letter from SRPEDD and read a paragraph which stated that one of the responsibilities of the Zoning Board of Appeals regarding a 40B project is the local concerns of the existing residents of Norton as well as the proposed residents. He suggested decreasing the density by eliminating some of the units.

Ralph Stefanelli, 12 James Street, read a letter from SRPEDD dated August 6, 2013 into the record which contained comments regarding the application for this 40B project.

Sidney Belastock, 45 Coddling Road, had questions regarding school buses and if there would be an area setback for the buses to pull into. Tom Noel replied that would be determined by the School Department.

Myrna Belastock, 45 Coddling Road, had questions regarding the reduction of parking spaces and where the proposed cars be parking. Tom Noel replied that the parking spaces are shown on the revised plans. Lloyd Geisinger noted that the ratio for parking spaces and buildings are the same as before the revisions to the plans.

Tom Rota asked Mr. Walsh to check with the traffic consultant, Jennifer Connolly, for an update on her review.

Tom Noel asked Mr. Walsh for an update for the Island Brook project and Mr. Walsh replied that he has received the plans for the Storm Water but funds have not yet been deposited for the review.

Tom Rota made a motion, seconded by Nitin Choksi, to continue the public hearing until Thursday, August 29, 2013 to be held at the Norton Public Library at 7:30 pm. All in favor. Approved.

The members reviewed the Bills Payable Sheet for Graves Engineering for the amount of \$5,836.79. Tom Rota made a motion, seconded by Nitin Choksi, to pay the bill. All in favor. Approved.

The members reviewed the Bills Payable Sheet for Allegra Design Marketing Print for the amount of \$104.17. Tom Rota made a motion, seconded by Nitin Choksi, to pay the

bill. All in favor. Approved.

Tom Rota made a motion, seconded by Nitin Choksi, to adjourn the meeting at 9:54 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