



**TOWN OF NORTON**  
**ZONING BOARD OF APPEALS**

70 East Main Street

Norton, Massachusetts 02766-2320

Office: 508-285-0278

Fax: 508-285-0277

RECEIVED  
NORTON TOWN CLERK  
2014 SEP 23 A 10:15

**MINUTES**

Meeting of September 19, 2013

The September 12, 2013 scheduled meeting of the Zoning Board of Appeals was called to order at 7:37 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 that there is only one item on the agenda this evening,

Tom Rota made a motion, seconded by Frank Reynolds, to remove from the table for discussion the project for: Campanelli Thorndike Norton LLC 40b. All in favor. Approved.

**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 August 29, 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
31. Extension letter from Freeman Law Group, LLC to ZBA dated August 7, 2013
32. Letter to ZBA from the Board of Selectmen dated August 9, 2013
33. Contract Change Order #3R from Graves Engineering, Inc. dated August 6, 2013
34. Town Counsel's draft Decision dated August 23, 2013
35. Letter from David T. Gay of Gay & Gay, Attorneys for the Kingsbury Hill Condominiums, to the ZBA dated August 23, 2013.
36. Town Counsel's draft Decision (with Developer's Revisions) dated August 23, 2013
37. Letter to ZBA from the Red Mill Village Condominium Trust dated August 29, 2013
38. Report from Kelly Engineering Group, Inc. dated August 26, 2013 to the Norton Conservation Commission responding to Chessia Consulting Services LLC report dated July 26, 2013
39. Letter from Kelly Engineering Group, Inc. to Jennifer Carlino dated August 26, 2013 in response to her letter dated July 15, 2013.
40. Letter to Thomas Noel, Chairman, Zoning Board of Appeals from the Red Mill Condominium Trust dated August 29, 2013.
41. Contract Change Order #4 from Graves Engineering, Inc. dated August 29, 2014
42. Letter from William D. Myles, Deputy Fire Chief, to the ZBA dated September 11, 2013.
43. Draft decision from Town Counsel dated September 11, 2013.
44. Updated 274 East Main Street Phasing Plan
45. List of waivers submitted by the applicant
46. Letter from Oren N. Sigal, Atty. at Law to the ZBA dated September 12, 2013.



47. Letter from Oren N. Sigal, Atty at Law to the ZBA with corrections to his letter dated September 12, 2013 dated September 16, 2013.
48. Extension of Purchase and Sale Agreement submitted on September 12, 2013
49. Letter from Oren N. Sigal, Atty at Law to the ZBA dated September 16, 2013.
50. Report from Graves Engineering, Inc. dated September 18, 2013.
51. Report from Robert J. Michaud, P.E., MDM Transportation Consultants, Inc. dated September 19, 2013.
52. Request by the applicant's Attorney, Peter Freeman for an extension of the public hearing to November 4, 2013.

Tom Rota made a motion to remove the application by Campanelli/Thorndike for a 40b Comprehensive Permit for 274 East Main Street from the table for discussion. All in favor. Approved.

Present at the public hearing were Lloyd Geisinger of Thorndike Development, David Eastridge of Thorndike Development, Peter Freeman, Attorney for the applicant and David Kelly, Engineer.

Tom Noel asked Mr. Geisinger how he would like to begin tonight's hearing. Mr. Geisinger replied that he had met with his consultant, Mike Jacobs since the last meeting. He noted that he would like to make aware of the latest changes made by the DHDC recently.

Mr. Jacobs addressed the board and began by stating that the DHDC guidelines for a rental 40b project allows the applicant a maximum profit of 10% of the equity put into a project. He noted that if the profit (or dividend) comes in under 10%, that is the amount that will be judged whether or not the project is financially feasible. He stated that, at this time, the dividend for this project is approximately 5.4%.

Mr. Jacobs noted that by removing the top floor of any of the units cannot be feasible given the fact that none of the other features of the project will be reduced; the landscaping will remain the same, the foundations and grading will remain the same, the clubhouse will be needed, etc. He stated that while the operating costs will continue to rise, there will be a significant reduction in income from rents.

Frank Reynolds asked how the costs for this project could be determined this early in the project and Mr. Jacobs replied that given experience from all the years he has been in the business, a 20% reduction in the units will reduce the applicant's dividend significantly.

Tom Noel asked Mr. Jacobs how the rent amounts are set. He replied that first of all, Norton is a town where the state will use a figure of 80% of the area median income. He noted they would then calculate 30% for each bedroom subtracting the utilities, the total then becoming the maximum amount charges for the unit. He then said some agencies might add a 5% cushion on top of that. Tom Noel asked Mr. Jacob if the owner of the

property could double the rents for the non-affordable units if they wanted to. Mr. Jacob replied they could charge whatever the market would allow at the time.

Mr. Geisinger explained in detail what could happen if there was a 20% loss of units for the project. He asked Tom Noel if the board would retract the request for the condition to remove the third floor of buildings 1, 2 6 & 7 if the Peer Review, after reviewing the pro forma, deemed the project uneconomic. Tom Noel replied that he did not know.

Lloyd Geisinger requested that, during the reviewing of the pro forma, the board continue to review the conditions in the draft decision.

Tom Noel asked Mr. Geisinger if he gave any thought to installing a stone wall in front of the buildings on Rt. 123, East Main Street. He replied that he just today received a letter from MDM Transportation Consultants, Inc. regarding this issue which he submitted.

Tom Noel asked the board members if it they wanted to have the applicant submit a pro forma for review and the members all agreed that the applicant would submit the pro forma for review and also pay for the review. Tom Rota suggested continue reviewing the draft decision during the pro forma review process.

Atty. Peter Freeman stated that he has reviewed the estimate to review the pro forma submitted by John C. Bowman, III in the amount of \$3,500 which he replied is acceptable to the applicant.

Ilana Quirk stated that Mr. Bowman will review the pro forma and come to a conclusion as to whether or not the project will be deemed uneconomic, according to the rules of the DHC, if the condition to remove the third floor of buildings 1, 2, 6 & 7 is applied to the decision.

Lloyd Geisinger agreed to grant an extension of the public hearing until November 4, 2013.

Maureen Sroczynski asked if the pro forma would be public information when submitted and Ilana Quirk replied it would be. She asked if the project can be ruled uneconomic if financing cannot be secured and Tom Noel replied that is not known at this time.

Tom Rota made a motion, seconded by Frank Reynolds, to accept the extension request, dated September 19, 2013, submitted by Attorney Peter Freeman to extend the public hearing until November 4, 2013. All in favor. Approved.

Tom Rota made a motion, seconded by Frank Reynolds, to accept the estimate dated September 18, 2013, submitted by John C. Bowman, III, in the amount of \$3,500, subject to the Scope, to do the review of the pro forma submitted by the applicant. All in favor. Approved.



Jeff Walsh of Graves Engineering, Inc. addressed the board to go over his report dated September 18, 2014. He pointed out the various changes to the plans.

Ilana Quirk asked Mr. Walsh if he had reviewed the Dimensional Table as submitted to him on September 5, 2013. He replied and commented on the dimensions with a few minor changes.

Discussion ensued as to what Table of the Zoning By-Laws was to be used for the dimensions. Ilana Quirk replied she would look into this.

Maureen Sroczynski asked who was responsible for the maintenance of the catch basins that were not on the property. Lloyd Geisinger replied that the owner of the property will maintain the catch basins. He said it is noted in the Order of Conditions issued by the Conservation Commission.

Cooper Winston, 49 Coddling Road, stated that, in his opinion, Condition #48, which refers to the density of the project, is poorly written.

Tom Rota requested that he be given one or two copies of final drafts to review rather than many different ones from many sources. Tom Noel suggested using Town Counsel's (Ilana Quirk) draft of September 15, 2013, or an updated copy from Ilana Quirk.

Tom Rota made a motion, seconded by Frank Reynolds, to continue the public hearing until Thursday, October 3, 2013 to be held at the Norton Middle School at 7:30 pm. All in favor. Approved.

The members reviewed an invoice from Graves Engineering, Inc. in the amount of \$175.92. Tom Rota made a motion, seconded by Frank Reynolds, to pay the bill. All in favor. Approved.

The members reviewed an invoice from Graves Engineering, Inc. in the amount of \$970.15. Tom Rota made a motion, seconded by Frank Reynolds, to pay the bill. All in favor. Approved.

Tom Rota made a motion, seconded by Frank Reynolds to adjourn the public meeting at 10:37 pm. All in favor. Approved.

Minutes Approved by Committee on: September 8, 2014

Respectfully submitted,



Thomas R. Noel, Chairman  
Norton Zoning Board of Appeals