



TOWN OF NORTON
ZONING BOARD OF APPEALS
70 East Main Street
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MINUTES

Meeting of November 1, 2013

The November 1, 2013 scheduled meeting of the Zoning Board of Appeals was called to order at 7:01 pm at the Norton Public Library by Tom Noel, Chairman, with the following members present, Tom Rota and Frank Reynolds (Alternate member). Also present was Ilana Quirk, Town Counsel.

Tom Noel noted there was only one item on the agenda:

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 October 24, 2013 meeting)

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
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.
 53. Order of Conditions from Conservation.
 54. Draft Waivers from applicant dated 10-3-13
 55. Notes of Explanation for 274 East Main Street Pro Forma, Budget, and "One Stop" Submission to MHP.
 56. Letter dated September 18, 2013 to ZBA from John C. Bowman, III.
 57. Letter from Harold Silverman, 77 Coddington Road, Norton, MA to Tom Noel, ZBA.
 58. Draft Decision dated 9-15-13.
 59. Letter and Economic Analysis for 274 East Main St. to John C. Bowman, III from Lloyd Geisinger, Campanelli/Thorndike Development dated October 8, 2013.
 60. Initial Pro Forma dated October 9, 2013
 61. Letter dated October 14, 2013 to Tom Noel, Chairman, ZBA, from Richard Heaton, Partner of H & H Associates, LLP.
 62. Letter dated October 15, 2013 to John C. Bowman, III, Crosswhite Property Advisors, from Oren N. Sigal, Attorney at Law.
 63. Documents submitted by the applicant: amended 10-15-13: Operating Budget, Summary Project Budget-180 Unit Plan, Project Specifications.
 64. Letter dated October 15, 2013 to David McClave, DHCD from Oren N. Sigal, Attorney at Law.
 65. Financial Review by John C. Bowman, III, Crosswhite Property Advisors, dated October 23, 2013.
 66. Revised color pamphlet "Smart Growth Multi-Family Apartment Community, 274 East Main Street by Campanelli/Thorndike dated November 1, 2013.
 67. Letter dated November 1, 2013 by the applicant requesting an extension to November 16, 2013.
 68. two traffic charts
 69. Memo to ZBA from Jennifer Carlino dated October 29, 2013.
 70. Transfer of funds memo from Jennifer Carlino to James Puella dated October 30, 2013.

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

Tom Noel noted an email had been received by the developer who requested that review of the draft decision be set aside temporarily so he could present a newly revised plan that had been created as a result of meetings between himself and the concerned abutters and residents.

Peter Freeman commented that even though revised plans will be reviewed this evening, the applicant is not giving up any rights for the original plans and waivers as submitted to date.

Lloyd Geisinger handed out copies of the revised plans. He proceeded to point out all the proposed changes on a projector screen and answered questions by the members and the audience. He stated that this plan is not the plan he had hoped to finalize.

Tom Noel asked Mr. Geisinger how long it would take to draw up and submit the final revised plans. Mr. Geisinger replied that even though he is not that happy with these newly revised plans, he is hoping that these final plans will be satisfactory to the residents of Red Mill Village, all the abutters, to the ZBA members and to the Board of Selectmen.

Tom Noel commented that in his opinion, the newly revised plans seemed to be less impacting to the neighbors and Frank Reynolds agreed.

The applicant agreed to have the newly revised plans reviewed by the Peer Review. Ilana Quirk noted that drainage plans can be referred to in the Comprehensive Permit and a condition requiring the applicant to submit drainage plans for Peer Review as well as ZBA review at a public meeting. She pointed out the process for "post-decision" reviews and comments.

Discussion regarding Phasing ensued. David Eastridge gave a brief scenario on the proposed phasing per the submitted plans.

Tom Noel asked Mr. Geisinger an approximate time that final revised plans will be submitted in order for him to send a memo to the Fire Department for their comments. Mr. Geisinger replied that he needs to hear back from the abutters and residents either this evening or in the near future first. He replied that by the end of next week or the beginning of the following week he could have the final plans ready for submittal.

There was much discussion on what impacts reducing the project was going to have on the Town and this project.

Tom Rota noted that a few affordable units would be eliminated according to the revised plans.

Maureen Sroczynski, 283 East Main Street, Unit 15, asked Mr. Geisinger if he was keeping the sewer lines on the site rather than putting them on the street and he replied that was correct. She asked him if he had plans to try and straighten the curve on East Main Street and he replied he did. She commented that she the other abutters were looking forward to meeting with Mr. Geisinger to further discuss these issues.

Ann Orlando, 37 Coddling Road had concerns that the public hearing would be closed this evening and Tom Noel assured Ms. Orlando the public hearing is not closing this evening.

Tom Rota commented that the public hearing can be closed but a condition will have to be included with the final decision stating that the applicant will have to submit a COMPLETE detailed final revised plan to be reviewed by the Peer Review and the ZBA before any permits for construction can be obtained.

An abutter asked if the applicant is willing to continue the public hearing and Tom Noel replied he will ask the applicant if he is willing to continue the public hearing.

Ann Coulter, 283 East Main St., Unit 17, asked if the final approved plans would have to be submitted to the Conservation Commission and Mr. Geisinger replied that they would.

John Cunningham, 23 Williams Road, had concerns with encroachment into the buffer zone. Tom Noel replied that a fence is going to be installed to prevent encroachment into the buffer zone.

Oren Sigal, 28 Coddling Road, asked Mr. Geisinger to explain what the changes in the units would be as a result of the reduced height of buildings and Mr. Geisinger explained that to him.

There was a short recess of the public meeting from 8:46 pm to 9:02 pm.

Maureen Sroczynski stated that she and the abutters would be meeting with Mr. Geisinger next week and she asked Mr. Geisinger if he would extend the public hearing.

It was agreed the next public meeting would be held on Wednesday, November 6, 2013 at 7:30 pm at the Norton Middle School.

Maureen Sroczynski stated that the abutters will be meeting tomorrow at 12:00 noon and then they will meet with Mr. Geisinger on Sunday at 5:00 pm.

Mr. Geisinger agreed to extend the public hearing until November 16, 2013

Tom Rota made a motion, seconded by Frank Reynolds, to accept the extension request letter dated November 1, 2013 written by Peter Freeman, Atty. for the applicant, requesting that the public hearing be extended until November 16, 2013. All in favor. Approved.

Tom Rota made a motion, seconded by Frank Reynolds, to continue the public hearing until Wednesday, November 6, 2013 to be held at 7:00 pm at the Norton Public Library. All in favor. Approved.

Tom Rota made a motion, seconded by Frank Reynolds, to adjourn the meeting at 9:13 pm. Approved.

Minutes Approved by Committee on: September 22, 2014

Respectfully submitted,



Thomas R. Noel, Chairman
Norton Zoning Board of Appeals