



TOWN OF NORTON
ZONING BOARD OF APPEALS
70 East Main Street
Norton, Massachusetts 02766-2320
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MINUTES

Meeting of November 25, 2013

The November 25, 2013 scheduled meeting of the Zoning Board of Appeals was called to order at 7:00 pm at the Norton Town Hall by Tom Noel, Chairman, with the following members present, Nitin Choksi, Tom Rota, Frank Reynolds and Jason Brolsma. Also present was Ilana Quirk, Town Counsel.

Tom Rota made a motion, seconded by Frank Reynolds to remove from the table for discussion the project:

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 November 6, 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.
71. Contract Change Order #5 from Graves Engineering, Inc. dated November 7, 2013.
72. Draft Dimensional Table for 274 East Main Street.
73. Draft Dimensional Table for 274 East Main Street with abutter's notes.
74. Waivers requested by applicant.
75. Waivers requested by applicant with abutter's notes.
76. Graves Engineering report dated November 18, 2013.
77. Graves Engineering report dated November 25, 2013.
78. Response letter re: Draft Decision from the Town Manager, Michael D. Yunits dated November 25, 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 Noel commented to Mr. Geisinger that he hoped an agreement had been reached between the applicant and the abutters. Mr. Geisinger replied they had come to an agreement.

Larry Finn requested that once the agreement has been signed by both parties they would like it to be part of the final decision and Tom Noel replied that the members would have to review it first and then they will consider adding it to the final decision.

Jeff Walsh gave an update on his review of Exhibit C, lights, etc. and on the waivers requested.

Tom Noel asked David Eastridge to describe the waivers.

Ilana Quirk noted that the waiver should specify what plan it is associated with to include title and date.

At 7:50 pm Tom Rota made a motion, seconded by Frank Reynolds, to recess the public hearing for this project until no later than 9:30 pm at which time the public hearing will reconvene. All in favor. Approved.

At 8:00 pm Frank Reynolds made a motion, seconded by Nitin Choksi to remove from the table for discussion the project:

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 September 23, 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.

7. Letter from Board of Selectmen to ZBA dated August 9, 2013.
8. Letter from Frank Westgate of Westgate Associates to Graves Engineering, Inc. dated August 20, 2013 in response to Graves Review Report dated June 26, 2013.
9. Report from Jeffrey Walsh of Graves Engineering, Inc. dated September 20, 2013.
10. Email sent September 24, 2013 from Bob Engler confirming the granting of an extension of the public hearing to December 1, 2013.
11. Graves Engineering, Inc. Contract Change Order #4 dated October 9, 2013.
12. Revised plans entitled "Revised Preliminary Plan to accompany application for a Comprehensive Permit for construction of a Residential Condominium Complex known as "Island Brook", East Main Street, Norton, MA, Comprising Lot 57 and Lots 238-245 on Assessor's Map 17, Scale 1"=80', Prepared by Gallagher Engineering, signed and stamped by Frank J. Gallagher and dated May 15, 2013. (Sheets 1-8). **Latest revisions on October 28, 2013**
13. Abutters Sketch **"Island Brook", Scale 1"=200', October 23, 2013.**
14. Report from Jeffrey Walsh of Graves Engineering, Inc. dated November 21, 2013.
15. Waiver List, Island Brook, East Main Street, Norton, MA

Present at the public hearing were Rober Junior, owner and applicant, Bob Engler of SEB, LLC, Frank Gallagher, Gallagher Engineering and Jeff Walsh of Graves Engineering, Inc.

Bob Engler noted that he had submitted revised plans per comments from Jeff Walsh, Graves Engineering.

Jeff Walsh noted that he has received the revised plans and has submitted a report dated November 21, 2013.

Frank Reynolds commented that he has asked for the pdf files of all plans several times and have not received them. Frank Gallagher replied he would see to it from now on that he receive the pdf files of all plans.

Jeff Walsh went through all revisions made to the revised plans briefly.

Jeff Walsh suggested that a condition be written into the Comprehensive permit requiring that soil testing should be completed at all storm water basins and added to the final detailed plans before a permit is issued. He suggested to do 2 borings at each basin.

Frank Gallagher commented that detention basins are required by the DEP to prevent an increase of ground water runoff onto abutting properties. He proceeded to explain what type of detention basins are proposed, and why, as well as the locations.

Tom Noel made a comment as to why detention basins were located before soil samples were done on the property. Mr. Gallagher replied that he used data from previous soil tests which were done in the approximate locations of the proposed detention basins.

Bob Engler commented that there should be enough information submitted at this time to get permission to move forward as well as issuing a permit. Tom Noel commented that the submitted plans should show more information pertaining to the detention basins.

Discussion ensued on the drainage design.

Bob Engler replied that enough information has been submitted in order for the board to make a decision.

At 9:10 pm Tom Noel called for a short recess.

At 9:16 pm the public hearing resumed.

Bob Engler stated that test pits will be completed by the end of next week. Frank Gallagher commented that 2 soil tests will be done at each detention basin and the soil logs will be sent to Jeff Walsh for review.

Jeff Walsh requested that limits of work be shown on the revised plans.

Ilana Quirk asked if the issue of the gas line and easement has been addressed. Bob Junior replied that he would obtain a letter from the gas company addressing this issue.

Frank Reynolds suggested details on the density and height of the buildings including parking spaces should be put together before the next meeting.

Ilana Quirk summarized the 4 important issues to be submitted before the next meeting as follows:

1. add 2 test pits for each basin to find the highest level for the ground water table.
To be submitted to the ZBA before December 6, 2013.
2. add the limit of work for each wetland area.
3. submit a letter from the gas company regarding the abandoned gas line.
4. submit data regarding height, density, amount of bedrooms, etc.

Tom Noel asked Mr. Junior if he has met with the Water/Sewer Dept. and he replied he met with them once. He said that he sent a letter to the Water/Sewer Dept. with no response. Tom Noel commented that he would check with the Water/Sewer Dept. Bob Engler commented that there is confusion between the Town of Norton and the Town of Mansfield regarding ownership of the sewer lines and easements.

Bob Junior commented that he has not had a response to his letter to the Water/Sewer Dept. dated August 21, 2013.

Ilana Quirk noted that the applicant can ask for relief pertaining to water/sewer connections or apply to the Water/Sewer Dept. which has been the regular procedure.

Ilana Quirk suggested inviting the Water/Sewer Superintendent to the next meeting.

Mr. Engler submitted a copy of the August 21, 2013 letter. He stated that Mansfield advised him to speak to the Water/Sewer Dept. in Norton and the Norton Water/Sewer Dept. advised him to speak to Mansfield Water and Sewer Dept. Tom Rota commented that usually the applicant deals with the Water/Sewer Dept. for water and sewer issues.

Discussion ensued on what members have missed any public hearings for this project. Ilana Quirk noted that Jason Brolesma has missed only one meeting which had no substance.

Frank Reynolds made a motion, seconded by Nitin Choksi, to continue the public hearing until Monday, December 9, 2013 at 7:30 pm in the first floor Selectmen's meeting area. All in favor. Approved.

Nitin Choksi noted that he will not be able to attend the meeting of Monday, December 9, 2013 and this will be the first meeting he will miss for this project.

The board went into recess at 9:55 pm.

The meeting reconvened at 9:58 pm.

Discussion resumed on the **Campanelli Thorndike Norton, LLC, Parcels 61 & 76, Assessor's Map 11, 274 East Main Street** Comprehensive Permit 40B application – 230 apartments.

David Eastridge continued reading the waivers requested.

Tom Rota made a motion, seconded by Frank Reynolds, to continue the public hearing to Monday, December 2, 2013 to be held at 7:00 pm at the Town Hall. All in favor. Approved.

Discussion ensued regarding discrepancies in the language for the **Turtle Crossing Chapter 40B Permit**.

Tom Noel stated that Jennifer Carlino, Conservation Agent, brought to his attention that the Zoning Board of Appeals had waived the 25-ft. no disturbance zone policy in the original decision dated June 18, 2012.

Ilana Quirk read sections of the original Decision which referred to several "no-touch" zones. She said that the applicant would have to abide by the conditions in the Decision even though the board did waive the 25-ft. no-disturbance policy so that the applicant would not have to go back to the Conservation Commission later on. Ilana Quirk explained that on page 5 of the original Decision of June 18, 2012 it stated that there would be a 25-foot no-touch zone from all wetlands.

Tom Noel replied that this would have to be explained to Jennifer Carlino, Conservation Agent.

Tom Noel noted that in the last draft before the decision was finalized, the word "touch" in No-Touch zone was changed to "build" by the Attorney for the applicant. He said this went un-noticed by the ZBA board.

Tom Rota made a motion, seconded by Frank Reynolds, to send a clarification letter to Jennifer Carlino, Conservation Agent, noting that all conditions relating to "no-touch" zones within the Decision/Modification to Decision would have to be followed by the applicant. He noted that there is a condition that there is a 25-foot "no-build" zone for all wetlands. All in favor. Approved.

Ilana Quirk replied that she would write the letter for the board to send.

Tom Rota made a motion, seconded by Frank Reynolds, to adjourn the meeting at 11:00 pm. Approved.

Minutes Approved by Committee on: September 22, 2014

Respectfully submitted,



Thomas R. Noel, Chairman
Norton Zoning Board of Appeals