



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

Meeting of December 2, 2013

The December 2, 2013 scheduled meeting of the Zoning Board of Appeals was called to order at 7:02 pm in the second floor conference room at the Norton Town Hall by Tom Noel, Chairman, with the following members present, Nitin Choksi, Tom Rota & Frank Reynolds (Associate Member). Also present was Ilana Quirk, Town Counsel.

Frank Reynolds made a motion, seconded by Nitin Choksi, to extend the boards gratitude to Tom Rota for his years of contributions to the Zoning Board of Appeals. All in favor. Approved. Tom Noel added that Mr. Rota's term does not expire until after tonight's meeting. Ilana Quirk added her thanks to him as well.

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 25, 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, 2103 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 Codding 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 Mult-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 Puello 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 Demensional 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.
79. Emailed list of comments by Atty. Peter Freeman to the draft decision circulated by Ilana Quirk on December 1, 2013.
80. Revised plan dated November 27, 2013.
81. Latest draft decision dated November 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 Noel asked if an agreement had been reached between the abutters and the applicant and Mr. Freeman replied there has been an agreement reached pertaining to the plans. Mr. Freeman said the final draft has not been submitted but will be soon. Ms. Orlando confirmed Mr. Freeman's statement.

Ilana Quirk said she had revised the draft decision incorporating comments and waivers by the abutters, attorney, applicant and ZBA members. She said she sent the latest draft to all interested parties today. She said she did receive a response from the Conservation Agent. She said that the applicant has submitted a revised plan dated November 27, 2013.

Ilana Quirk handed out color highlighted copies of the decision and she quickly described all the revisions to the waivers and conditions.

Tom Noel asked the applicant and the ZBA members if they had any questions and they did not. He asked the abutters if they had any questions at this time.

Leo Conlin of 79 Coddling asked what the procedure is from this point on.

Tom Noel replied that the board has 40 days to render a decision and then 14 days to sign and issue the decision. He said there may be a couple of meetings to deliberate on the final decision.

Tom Noel asked if anyone had any new documents to add to the files and no one responded.

Tom Noel noted that a motion can be made at this time to close the public hearing.

Tom Rota made a motion, seconded by Frank Reynolds, to close the public hearing. All in favor. Approved.

The members agreed to deliberate on the decision at a meeting to be held in the first floor Selectmen's area on Monday, December 9, 2013 at 7:45 pm.

Discussion ensued regarding the clarification of a drafting error made in the decision for the **Turtle Crossing 40B** project.

Ilana Quirk noted she had drafted a clarification motion to be voted on by the ZBA members which she had emailed to the members today. She said that if the members vote to accept this clarification, Tom Noel will write a letter to include the clarification and submit it to the Town Clerk and applicant and file a copy with the original modified decision.


Tom Rota made a motion, seconded by Frank Reynolds, to send a letter of clarification as drafted by Town Counsel. All in favor. Approved.

Tom Rota made a motion, seconded by Frank Reynolds, to authorize Tom Noel to write a letter of clarification, as drafted by Town Counsel, to the modified decision for the Turtle Crossing 40B project to be sent to the applicant and Town Clerk and attached to the modified decision. All in favor. Approved.

Tom Rota made a motion, seconded by Frank Reynolds, to adjourn the meeting at 10:30 pm. Mr. Rota's final motion as a member of the Town of Norton Zoning Board of Appeals was unanimously Approved.

Minutes Approved by Committee on: March 2, 2015

Respectfully submitted,



Thomas R. Noel, Chairman
Norton Zoning Board of Appeals