



TOWN OF NORTON
ZONING BOARD OF APPEALS
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MINUTES

Meeting of January 6, 2014

The January 6, 2014 scheduled meeting of the Zoning Board of Appeals was called to order at 7:30 pm at the Norton Town Hall by Tom Noel, Chairman, with the following members present, Nitin Choksi, Frank Reynolds (Associate Member) and Jason Brolsma (Associate Member) Also present was Ilana Quirk, Town Counsel.

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 December 9, 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. Gallagher Engineering comment letter dated November 8, 2013.
15. Report from Jeffrey Walsh of Graves Engineering, Inc. dated November 21, 2013.
16. Waiver List, Island Brook, East Main Street, Norton, MA
17. Revised Stormwater Management Report dated October 28, 2013.
18. Soils reports submitted on November 12, 2013.
19. Norton Conservation comment letter dated November 26, 2013.
20. 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, Scale 1"=80', signed and stamped by Frank Joseph Gallagher and dated May 15, 2013 with latest revisions on December 4, 2013. (Sheets 1-8).
21. Form 11 – Soil Suitability Assessment for On-Site Sewage Disposal.
22. Graves Engineering, Inc. (Jeffrey Walsh) letter dated December 6, 2013.
23. Email received from Francis Westgate of Westgate Associates on December 9, 2013.
24. Draft decision dated December 31, 2013.

Present at the public hearing were Bob Engler of SEB and Frank Gallagher, Engineer.

Tom Noel noted that Ilana Quirk had sent a list of outstanding issues which she proceeded to present to Mr. Engler for a reply.

1. gas easement – he noted there was no need to research the easement
Ilana Quirk suggested a letter be written regarding the easement.
2. sidewalk – Bob Engler noted the sidewalk is off site and he will not pursue this issue at this time
3. Conservation Restriction – Bob Engler replied nothing has been discussed regarding a Conservation Restriction to date
4. active recreation – Frank Gallagher noted that there is an area that can be used for children's recreation.
5. Water/Sewer permits – Bob Engler replied the applicant will go to the Water/Sewer Dept. for all permits. He said that it his assumption that the Town should advise the applicant who owns the manhole and sewer lines in front of the project.
6. post-approved review procedures for the final plans. Mr. Engler replied he has no problem with the procedures.
7. school bus shelter – Bob Engler replied an area has been set aside for this
8. waivers to be discussed

Discussion ensued on the draft decision dated December 31, 2013 and submitted by Ilana Quirk.

Ilana Quirk noted that the deadline for the public hearing is January 31, 2014. Bob Engler replied the applicant would be agreeable to extend the project.

Nitin Choksi made a motion, seconded by Frank Reynolds, to continue the public hearing until Monday, January 27, 2014 to be held at 7:40 pm in the 1st floor Selectmen's meeting area. All in favor. Approved.

The members took a 3 minute recess at 8:58 pm.

The meeting resumed at 9:01 pm.

Frank Reynolds made a motion, seconded by Nitin Choksi, to remove from the table for discussion:

Turtle Crossing 40B Comprehensive Permit.
Notice of Project Change dated December 26, 2013

Document List

1. Letter from Peter L. Freeman, Freeman Law Group, LLC to Tom Noel, Chairman, Zoning Board of Appeals requesting a modification to the Comprehensive Permit for Turtle Crossing/Newland Street dated December 26, 2013.

Attorney Peter Freeman and Engineer, Dan Campbell were present at the public hearing.

Tom Noel noted that in his letter of December 26, 2013, Peter Freeman was requesting a project change and also noted that he wanted the ZBA to rescind the "clarifications" made to the board on December 2, 2013 and December 3, 2013 made to the decision dated January 10, 2008 and to the modified decision issued on June 18, 2012 in regards to the "25-ft. no-disturbance zone".

Ilana Quirk commented that as long as the ZBA's intentions were clear, corrections would not be necessary in the decision. She noted that in the body of the decision conditions referring to the 25-ft. no-disturbance zone were noted, but a waiver was granted at the end of the decision for the 25-ft. no-disturbance zone areas.

Tom Noel commented that the Conservation Agent, Jennifer Carlino, had contacted him and wanted clarification as to why the ZBA had waived the 25-ft. no-disturbance zone.

Tom Noel said he read through the decision and found many places where it clearly stated that no work was to be performed within the 25-ft. no-disturbance zone. He commented that this is what he clarified to the board members.

Tom Noel commented that the second request of Mr. Freeman's letter is for a project change

and the board tonight will decide if it is a “substantial” change or “in-substantial” change.

Tom Noel asked if the plans submitted this evening were the approved plans. Dan Campbell replied there were two changes and proceeded to point out the areas that were different and where the work will be performed on within the 25-ft. no-disturbance zone.

He pointed out that 1 change was made to a swale (detention basin) at the end of the cul-de-sac per Conservation suggestions. He said the basin was put underground.

He proceeded to point out the rest of the areas within the 25-ft. no-disturbance zone, all of which were approved by the ZBA.

Mr. Campbell pointed out changes that were made per requests by the Conservation Commission. He said that the Conservation’s consultant has not signed off on the plans as yet.

Tom Noel commented that, in his opinion, the changes to the plans are “substantial”. He said he would like to get comments from the Conservation Agent as well as have Graves Engineering review the changes to the plans.

Nitin Choksi made a motion that the changes to the plans presented this evening by Dan Campbell are substantial and a public hearing will be held in an open meeting for public review on January 27, 2014 at 7:35 pm at the Town Hall. Frank Reynolds seconded the motion. 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.
Deliberations on final draft Decision.


Frank Reynolds made a motion, seconded by Nitin Choksi, to remove from the table, discussion on the final draft decision. All in favor. Approved.

The members agreed to meet Thursday evening, January 9, 2014 at 8:00 pm at the Town Hall to discuss the final draft Decision drafted by Ilana Quirk.

Frank Reynolds made a motion, seconded by Nitin Choksi, to adjourn the meeting at 10:25 pm. All in favor. Approved.

Minutes Approved by Committee on: March 2, 2015

Respectfully submitted,



Thomas R. Noel, Chairman
Norton Zoning Board of Appeals