



TOWN OF NORTON
ZONING BOARD OF APPEALS
70 East Main Street
Norton, Massachusetts 02766-2320
Office: 508-285-0278
Fax: 508-285-0277

MINUTES

Meeting of May 19, 2014

The May 19, 2014 scheduled meeting of the Zoning Board of Appeals was called to order at 7:30 pm at the 1st Floor Selectmen's meeting area, Norton Town Hall by Tom Noel, Chairman, with the following members present, Nitin Choksi, Frank Reynolds and Jason Brolsma. Ilana Quirk, Town Counsel was also present.

013-005 – Campanelli Thorndike Norton, LLC, Parcels 61 & 76, Assessor's Map 11, 274 East Main Street Comprehensive Permit 40B application – 230 apartments. (cont. from the January 6, 2013 meeting)

- **Deliberations.**
- **Review and vote on Final draft Decision.**

Ilana Quirk noted that the post approval process is the submission of final plans after the decision is issued and for the Peer Review to review the plans and submit a report to the ZBA Board for approval.

Tom Noel commented that at Contract Change Order #6 has been received from Graves Engineering for their review and that Lloyd Geisinger has approved the Order.

Nitin Choksi made a motion, seconded by Frank Reynolds to accept the Contract Change Order #6 from Graves Engineering to be submitted to the Board of Selectmen and then to the Town Manager for his signature. All in favor. Approved.

Nitin Choksi made a motion, seconded by Frank Reynolds, to remove from the table 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 April 7, 2014 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.
25. Letter dated January 20, 2014 from Shell Pipeline Company LP to Muhammad M. Itani.
26. Several drawings of different styles of houses.
27. Revised Sheet 2 of the Preliminary Site Plans showing 56 single family dwellings with

phasing.

28. Letter dated February 10, 2014 to Tom Noel, Zoning Board of Appeals, from Jennifer Carlino, Conservation Agent
29. Letter dated January 27, 2014 from Bob Engler granting a 90-day extension to the public hearing for Island Brook to close on April 30, 2014.
30. Memorandum dated March 3, 2014 to the Zoning Board of Appeals from Jay Talerman on behalf of the Board of Selectmen.
31. Letter dated March 3, 2014 to Norton Zoning Board of Appeals from Frank J. Gallagher listing waivers being requested by the applicant.
32. Contract Change Order #5 from Graves Engineering, Inc.
33. Letter dated February 27, 2014 from the Water/Sewer Department listing water and sewer fees.
34. Letter dated March 7, 2014 from Jay Talerman (on behalf of the Board of Selectmen) to the Zoning Board of Appeals.
35. Email dated March 4, 2014 from Bob Engler sent to Ilana Quirk
36. Report from Graves Engineering, Inc. dated April 1, 2014
37. Color coded Revised Preliminary Plan (Page 2.)
38. Letter dated March 28, 2014 from Gallagher Engineering to ZBA.
39. Invoice from Graves Engineering, Inc. for \$1,346.00
40. Letter dated April 7, 2014 signed by W. Robert Knapik requesting to extend the public hearing date to June 30, 2014.
41. Letter dated April 25, 2014 from Gallagher Engineering in response to Jeff Walsh, Graves Engineering's report of April 1, 2014.
42. List of waivers dated April 25, 2014 from Gallagher Engineering.
43. Revised plans "Preliminary Plan Comprehensive Permit "Island Brook" in Norton, MA dated April 15, 2014.
44. Contract Change Order #6 submitted by Graves Engineering.
45. Letter dated April 17, 2014 from Jennifer Carlino to Tom Noel, Zoning Board of Appeals.
46. Revised Topographic Sheet from the plans "Preliminary Plan Comprehensive Permit "Island Brook" in Norton, MA.
47. Summary of impacts to 25 foot buffer zone, Island Brook, Norton, MA
48. Report from Graves Engineering dated May 1, 2014.
49. Letter dated May 27, 2014 from Jennifer Carlino to Tom Noel, Zoning Board of Appeals.
50. Letter dated April 25, 2014 to the ZBA from Frank Gallagher, Gallagher Engineering \ with a list of waivers requested.

Present at the public hearing were Muhammad Itani, Frank Gallagher of Gallagher Engineering, Bob Engler and Jeff Walsh of Graves Engineering.

Jeff Walsh noted that he has not had any communication with the applicant since the previous meeting. He went through his report of April 1, 2014 and the changes that the applicant has made to the revised plans since that date.

Bernie Marshall, Water/Sewer Superintendent, noted that the state might be looking to widen Route 123 at some point.

Frank Reynolds had questions regarding the abandoned pipe line by Shell Oil Company. Tom Noel noted that a letter was submitted by the applicant from Shell Oil Company noting that any property containing the pipeline is regulated by them until such time the pipe is removed.

Bob Engler commented that the fees for the water/sewer hookups are very high even though discounts may be given to the affordable units.

Discussion regarding the 25-foot no touch zones in the wetlands ensued. Frank Gallagher replied that he would prefer to let the Conservation Commission review these issues. He said that the individual homeowners might have to address the Conservation Commission for future projects on their properties.

Tom Noel noted that a site walk was done on Saturday, April 12th. He said he, Mr. Atani, Frank Reynolds, Frank Gallagher and Town Counsel, Ilana Quirk walked the site.

Discussion ensued regarding a bus shelter. Tom Noel suggested that the applicant meet with the School Department to discuss this issue.

The board recessed for 3 minutes.

Ilana Quirk noted that the Conservation Commission has brought up several issues regarding the 25-foot “no-disturbance” areas and a letter has been received with many comments.

Mr. Atani suggested letting the Conservation Commission deal with these issues after a Notice of Intent is filed.

Bernie Marshall suggested that a waiver list regarding water/sewer fees be submitted to him before his next meeting next week. Tom Noel asked Mr. Marshall if he could attend the next public hearing for this project.

Tom Noel asked the applicant to contact Shell Oil Company for clarification on the pipeline easement.

Ilana Quirk stated that she will contact Lloyd Geisinger for the 274 East Main Street 40B post-project review and see if they can be ready to attend the next ZBA meeting.

Frank Reynolds made a motion, seconded by Nitin Choksi, to continue the public hearing to Monday, June 9, 2014 at 7:35 pm to be held in the first floor, Selectmen’s area. Approved.

Tom Noel noted that Jennifer Carlino had sent him an email suggesting that the ZBA

members meet with her and a consultant to discuss the process of 40B applications. The board agreed to meet with her on Tuesday, June 3rd.

Frank Reynolds made a motion, seconded by Nitin Choksi, to adjourn the meeting at 10:07 pm. All in favor. Approved.

Minutes Approved by Committee on: March 2, 2015

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "T. Noel", is written over a horizontal line.

Thomas R. Noel, Chairman
Norton Zoning Board of Appeals