



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

### **Meeting of June 25, 2014**

The June 25, 2014 scheduled meeting of the Zoning Board of Appeals was called to order at 7:30 pm at the 2<sup>nd</sup> floor conference room, Norton Town Hall by Tom Noel, Chairman, with the following member present, Nitin Choksi & Frank Reynolds (alternate member). Also present was Ilana Quirk, Town Counsel.

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

013-005 – Campanelli Thorndike Norton, LLC, Parcels 61 & 76, (Assessor's Map 11) 274 East Main Street Comprehensive Permit 40B application – 188 apartments.

Post-approval issues will be discussed.  
(cont. from the June 9, 2014 meeting.)

Tom Noel commented that the last meeting discussions were held were on June 9, 2014.

Ilana Quirk noted that the decision had required that the submitted post-approval off-site plans be reviewed by a Peer Review. She noted that the last set of plans were dated June 6, 2014 with revisions as requested by the Peer Review, Graves Engineering.

She noted that all “off-site” revisions that are made to the post-approval plans be reviewed by a Peer Review with a final report submitted by the Peer Review to the ZBA.

Frank Reynolds made a motion, seconded by Nitin Choksi, to accept the **Post Approval Decision** for the 274 East Main Street Chapter 40B Comprehensive Permit with latest revisions made on June 9, 2014 per Peer Review's comment report dated June 6, 2014. All in favor. Approved.

**013-003 - Island Brook, LLC - Parcels 57, 238, 239 240, 241, 242, 243, 244 & 245**  
**(Assessor's Map 17) East Main Street**

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 June 24, 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 Mary 28, 2104 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.
51. Letter dated May 28, 2014 from Bernard E. Marshall, Water/Sewer Superintendent to Tom Noel, Chairman, Zoning Board of Appeals.
52. Report from Graves Engineering, Inc. dated June 6, 2014.
53. Island Brook Development Budget.

54. Revised Preliminary Construction Budget. (*pro forma*)

55. Draft decision dated June 5, 2014

Present at the public hearing were Muhammad Itani, Applicant, Bob Engler and Bernard Marshall/Water/Sewer Superintendent.

Tom Noel stated he received by way of Town Counsel, 3 versions of the *pro forma*. 1. one listing full payment of water/sewer fees; 2. one listing no payments for water/sewer fees and 3. payment of **75%** of the water/sewer fees.

Discussion ensued regarding water/sewer fees.

Tom Noel commented that he sent a letter regarding the possibility of submitting a post-approval alternative on-site design of a sewage treatment plan. Bernie Marshall noted he cannot comment at this time because nothing has been submitted to his department as yet.

Tom Noel suggested having the *pro forma* reviewed by a consultant at this time. Ilana Quirk noted that Mr. Bowman could review the *pro forma* if required. She noted that he would do the review of the submitted *pro forma* any revised *pro formas* to be completed in three weeks for a total of \$3,500.

Mr. Engler commented that if the reviewing of the *pro forma* is not going to have any impact on the board's decision, he does not want to pay for the review at this time. He noted that the public hearing is going to be closed soon. Tom Noel did not want to comment the board's position on this at this time.

Discussion ensued on the various alternatives of obtaining water/sewer.

Tom Noel noted that only one week remained to discuss the project.

Frank Reynolds suggested closing the public hearing at this time.

Tom Noel asked Nitin Choksi's opinion on whether or not to close the public hearing this evening and he said it was his opinion that extending the public hearing would not make any difference at this time.

Bob Engler asked if he and his applicant should be included in discussion of the final decision and Tom Noel replied they do not need to be present.

Tom Noel asked if anyone else had anything to add to tonight's discussion and no one replied.

Mr. Itani asked if he could take a few minutes for a discussion with Mr. Engler. Mr. Itani and Mr. Engler engage in private discussion. Board agrees and takes brief recess.

Board reconvenes. Brief discussion follows. Applicant has nothing further to present or discuss. Mr. Noel comments that the Board is left with no option other than to close the public hearing. Mr. Itani and Mr. Engler acknowledge that they understand.

Motion by Mr. Reynolds, seconded by Tom Noel, to close the public hearing. All in favor. Approved.

Frank Reynolds made a motion, seconded by Nitin Choksi, to hold the **post-hearing** review and deliberations on Monday, July 7, 2014. All in favor. Approved.

Frank Reynolds made a motion, seconded by Nitin Choksi, to adjourn the meeting at 8:39 pm. All in favor. Approved.

Meeting adjourned.

Minutes Approved by Committee on: March 2, 2015

Respectfully submitted,



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Thomas R. Noel, Chairman  
Norton Zoning Board of Appeals