



**TOWN OF NORTON**  
**ZONING BOARD OF APPEALS**  
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## MINUTES

Meeting of January 29, 2015

The January 29, 2015 scheduled meeting of the Zoning Board of Appeals was called to order at 7:30 pm in the 2<sup>nd</sup> floor conference room, Norton Town Hall, by Tom Noel, Chairman, with the following members present, Nitin Choksi & Frank Reynolds, Associate Member. Also present was Ilana Quirk, Town Counsel.

**Campanelli Thorndike Norton, LLC, Parcels 61 76, Assessor's Map 11, 274 East Main Street.** Comprehensive Permit 40B application – 230 apartments. Post-permit review.

Attorney Peter Freeman and David Eastridge of Thorndike Development were present at the public hearing.

Ilana Quirk noted that per the approval dated January, 2014, revised plans were to be submitted and reviewed by Graves Engineering pertaining to certain issues that were left open. A request dated December 23, 2014, was made by the applicant's attorney, Peter Freeman to review the new revisions to date. She commented that this is the seconded post-approval meeting that was held. She noted that a meeting was scheduled for December 15, 2014 at the request of Peter Freeman to address the revisions made to the project. She said Jeff Walsh had submitted his report and that Jennifer Connolly was present at the meeting to comment on traffic issues. She noted that the two remaining issues at the end of the meeting were the lighting issues and landscaping issues.

Ms. Quirk noted that in his letter of December 23, 2014, Peter Freeman had also requested a decision be made that two changes made to the project be determined in-substantial. The first change being to eliminate the guard rail on the east side of East Main Street and the second change to extend the time frame to begin the permitting process for the sidewalk to be installed from the project to Krickets Korner restaurant. She said the applicant is hoping to receive a decision this evening on these two issues.

David Eastridge updated the members on the lighting, landscaping and sidewalks.

Jim Pappas, abutter, had a comment regarding the lighting and noted the lighting is a safety issue.

Nitin Choksi made a motion, seconded by Frank Reynolds, to find that the changes requested in Peter Freeman's letter dated December 23, 2014 regarding the elimination of the guardrail on the east side of East Main Street and the extension of the time frame to begin the permitting process for the sidewalk on East Main Street, be determined in-substantial. All in favor. Approved.

Ann Orlando asked if the ZBA board will review the sewer pump installation and Ilana Quirk replied that the Water/Sewer Department will review the sewer pump installation unless substantial changes are made from the decision.

Frank Reynolds made a motion, seconded by Tom Noel, that the changes to the lighting plan on the revised plans be approved as long as there are no safety concerns per peer review by the traffic consulting, Jennifer Connolly. All in favor. Approved.

### **Turtle Crossing 40B Comprehensive Permit**

#### **127-129 Newland Street**

##### **Notice of Project Change – Request for an Extension**

Peter Freeman addressed the board to request two year extensions for all dates included in the decision of the project to allow the applicant to obtain funding for the project deeming the extension request in-substantial.

Nitin Choksi made a motion, seconded by Frank Reynolds, to determine the request for two year extensions for all dates included in the decision of the project to allow the applicant to obtain funding for the project as in-substantial. All in favor. Approved.

### **Bay Road Heights 40B Comprehensive Permit - Bay Road. Request for an Extension.**

Tom Noel read an email received from Paul Cusson, representative for the applicant dated December 16, 2014 requesting an extension for the project for Phase I, the construction of three dwellings to begin not later than March 12, 2016 to be completed within one year of the start of construction, Phase II, construction of 10 single-family houses to begin no later than September 12, 2016 to be completed no later than September 12, 2018 and the dates for Phase III to begin no later than September 12, 2017 to be completed no later than September 12, 2019, all to be determined to be in-substantial changes.

Frank Reynolds made a motion, seconded by Nitin Choksi to grant the requests as read by Tom Noel in Mr. Cusson's email dated December 16, 2014 and to determine the requests in-substantial.

At 8:50 pm Tom Noel, Chairman, recommended going into Executive Session to review and discuss litigation strategy relating to **Island Brook, LLC v. Norton Zoning Board of Appeals,**

**HAC NO. 2014-08**, concerning a comprehensive permit with conditions issued for land on East Main Street, with the Board to return to open session thereafter.

**Motion to Convene Executive Session:**

MOVED that the Board go into executive session, under G.L. c.30A, §21 for the purposes and reasons declared by the Chair, to review and discuss litigation strategy relating to **Island Brook, LLC v. Norton Zoning Board of Appeals, HAC NO. 2014-08**, concerning a comprehensive permit with conditions issued for land on East Main Street, with the Board to return to open session thereafter.

**ROLL CALL VOTE:**

	<u>To Convene</u>	<u>To Adjourn</u>
Thomas Noel	yes	yes
Frank Reynolds	yes	yes
Nitin Choksi	yes	yes

The members returned to open session at 9:20 pm.

**Public Session Resumes:**

The members agreed the next public hearing will be held on Monday, March 2, 2015.

The members reviewed two invoices submitted by Graves Engineering. One in the amount of \$256.00 for the 274 East Main Street 40B project and the other one in the amount of \$3,399.03 for the 274 East Main Street 40B project.

Frank Reynolds made a motion, seconded by Nitin Choksi, to pay the bill for \$256. All in favor. Approved.

The members had a question regarding the invoice for \$3,399.03 and it was agreed to hold the invoice for clarity.

Nitin Choksi made a motion, seconded by Frank Reynolds, to adjourn the meeting at 9:32 pm. All in favor. Approved.

Minutes Approved by Committee on: April 27, 2015.

Respectfully submitted,



Thomas R. Noel,  
Chairman, Norton Zoning Board of Appeals