



TOWN OF NORTON
ZONING BOARD OF APPEALS
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MINUTES

Meeting of December 10, 2015

The December 10, 2015 scheduled meeting of the Zoning Board of Appeals was called to order at 7:01 pm in the first floor Selectmen's area, Town Hall by Tom Noel, Chairman with member Frank Reynolds present; Nitin Choksi joins meeting minutes later. Also present was Ilana Quirk, Town Counsel and Beth Wierling, the Director of Planning and Economic Development for the Town of Norton.

Attending the public hearing for the Island Brook 40B project was the applicant and owner Muhammad M. Itani, attorney Peter Freeman, Freeman Law Group and Frank Gallagher, Gallagher Engineering.

7:05 pm Open Session/Executive Session – *continued from December 7, 2015- Island Brook 40 B (East Main Street) Island Brook LLC v. ZBA, HAC (No. 2014-08)*

Mr. Noel declared that, under G.L. c.30A, §21, an Executive Session would be appropriate, in order to discuss with counsel strategy regarding litigation known as Island Brook LLC v. ZBA, HAC 2014-08, which concerns an appeal from a comprehensive permit granted with conditions to Island Brook LLC for 43 acres of land located off of East Main Street, because a discussion in open session could have a detrimental effect on the Town's bargaining position and litigation position of the Town. The Board shall return to open session at the conclusion of the executive session.

Motion by Mr. Noel to Convene Executive Session for the purposes and reasons declared, with the Board to return to open session thereafter.

ROLL CALL VOTE to convene Executive Session:

Thomas Noel	<u>yes;</u>
Frank Reynolds	<u>yes;</u>
Nitin Choksi	<u>yes.</u>

EXECUTIVE SESSION MINUTES MAINTAINED UNDER SEPARATE COVER

BOARD RETURNS TO PUBLIC SESSION AT 8:25 PM.

Tom Noel commented the board had reviewed and discussed the documents submitted on October 27, 2015. He noted that changes were being requested of the developer and asked Ilana Quirk to review those changes.

Ms. Quirk noted the 11 issues to be discussed and discussion ensued, as follows:

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|------------------------------|----------------------|
| 1. Sewer | 7. Sidewalk fund |
| 2. Water lines | 8. Bus shelter |
| 3. Secondary means of egress | 9. Utility phasing |
| 4. Fire Protection | 10. Recreation areas |
| 5. Lot lines | 11. Legal fees |
| 6. Driveway lengths | |

Sewer: Ms. Quirk noted that the sewer issue has been resolved, as Peter Freeman confirmed.

Secondary means of egress: Island Brook has agreed that the graveled secondary access road will be 24 feet wide. Applicant asked that the ZBA agree to drop the condition if Conservation rejects the secondary means of egress now shown on the amended plan.. The Board noted an alternative that fire suppression water sprinklers be installed in all buildings. Peter Freeman argued that sprinklers would not be financially feasible and are not necessary.

Lot lines: distances have been added to the submitted plans.

Driveway lengths: the lengths of 22 feet have been noted on the plans.

Sidewalk fund: the board had requested \$75,000 and the applicant suggested \$25,000. Mr. Itani commented that neighboring residents will be benefitting from the proposed sidewalks and it would not be fair to put the entire financial burden on him. Frank Reynolds commented that school children will be using the sidewalks waiting for the school bus and in his opinion, even \$75,000 will not cover the cost of the sidewalks proposed. Mr. Itani countered that the bulk of the sidewalks will be located on town property.

Ilana Quirk commented that regarding the wetlands issue, in all lots with backyards abutting wetlands, installing a visual barrier to prevent encroachment into the wetlands. Mr. Itani commented lots had been reconfigured to move them out of wetlands buffer zones. The board reviewed the plans and noted a few lots still within the buffer. Discussion ensued concerning whether the remaining lots should be reconfigured to place them outside of the wetland buffer or adding a condition that visual barriers such as split rail fencing be installed as visual barriers at the edge of any wetland or buffer zone encroachment.

Mr. Gallagher commented that the Conservation Commission will require a visual barrier on all lots abutting wetlands and he suggested the visual barrier could be placed at the limit of work instead of at the edge of the wetlands. Mr. Itani suggested leaving the issue of the lots

and visual barriers up to the Conservation Commission. Board members expressed their intent to take care of such a condition themselves.

Bus Shelter: The board remains undecided at this time.

Utility Phasing: The board requests specifics on a plan so that it may be peer reviewed.

Recreation: Developer is willing to provide two areas. The Board is requesting to fence in the two areas and the board would like wood chips or gravel in the dog park. Also, the board would like some money set aside for play equipment in the toddler area.

Mr. Itani stated he is willing to install fencing and gravel but he was concerned about play equipment for the children due to liability concerns and suggested this question should be left to the Home Owners Association.

Discussion ensued concerning further meetings. Mr. Freeman suggests January 4th. Mr. Noel asked Mr. Itani to advise the Board at the next meeting of the developer's position regarding the outstanding issues as noted and discussed.

Peter Freeman reiterated the position that requiring fire suppression sprinklers in all units would not be financially feasible and was unnecessary.

Mr. Itani commented that some issues will be subject to Conservation Commission review.

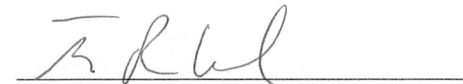
Tom Noel asked Mr. Itani to get revised plans to the board as soon as possible

It was agreed to continue the meeting to Monday, January 4, 2016.

Mr. Reynolds made a motion, seconded by Nitin Choksi, to adjourn the meeting at 9:26 pm. Approved.

Minutes Approved by Committee on: February 1, 2016.

Respectfully submitted,



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