

Norton Planning Board Minutes of Meeting

For

October 5, 2010

**Call to Order**

The October 5, 2010 meeting of the Planning Board was called to order at 7:15 p.m. by Mrs. Haracz, Chairman. Members present: Chairman-Mrs. Joanne Haracz, Mrs. Marilyn Benaski, Mr. David Miller, Mr. George Burgess, and Mrs. Cheryl-Ann Senior. Absent: Mr. Alec Rich. Mr. Joseph Fernandes arrived at 7:20 p.m. Mr. Gabriel, Town Planner, was also in attendance

**Report of the Planning Board**

Nothing was discussed.

**Approval Not Required Plans Pending**

**Applicant name** \_\_\_\_\_ **Date filed with Town Clerk**

**Approval of Minutes**

**MOTION was made by Mrs. Benaski to approve the Planning Board Minutes of Meeting, dated June 15, 2010, as written. Second by Mrs. Senior. Vote: All In Favor, except Mr. Burgess who voted "present". MOTION CARRIES.**

**MOTION was made by Mr. Miller to approve the Planning Board Minutes of Meeting, dated July 6, 2010, as written. Second by Mrs. Senior. Vote: Unanimous. MOTION CARRIES.**

**Report of the Town Planner**

Mr. Gabriel said the Finance Committee meeting is being held tomorrow evening, but appeared there may not be any available Planning Board members to attend, and there may be a vote taken at this meeting. Mr. Gabriel said he would try to attend.

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Mr. Gabriel said this item was not on agenda but referenced postponement of surety on Shelly Road (side off of Anna Way).

Mrs. Haracz said possibly some info for next meeting regarding this item (trees, etc.).

Mr. Gabriel said a letter sent to Mr. Pasqualino advising him need to finish work on Johnson Road and surety referenced.

Mr. Gabriel also spoke of letter regarding subdivision on Norton/Mansfield line (Perry & Feck). There is supposed to be a stonewall built, and Town has surety for that. All but three lots are in Mansfield. Road is completed but no stonewall built. They have some money to get that done.

Mrs. Benaski said in area of Cross and Johnson Road, observed were two younger men with a huge industrial roll of electrical cable; not sure what they were doing, but this may want to be looked into.

#### **Planning Board Business and Policies**

Nothing was discussed.

#### **Bills and Warrants**

**MOTION was made by Mr. Miller to approve Planning Board Bills and Warrants in the amount of \$1,958.36. Second by Mr. Benaski. Vote: Unanimous. MOTION CARRIES.**

#### **Appoint Planning Board rep to Town Manager Selection Committee**

Mrs. Haracz said she served on Committee last time. Mr. Rich may be interested but it is a commitment. No need to appoint tonight. 10/19 is next meeting.

#### **Waste Management**

Mr. Gabriel said info sent out on special permit for Waste Management and they have requested some changes. They requested changes to three items (handout) their suggested changes/ written into permit and assessors re: registration of vehicles. They were present this evening, so may want to address this.

Regarding #2, they are concerned about, however, public hearing is closed. When project up and complete they'll mitigate noise as much as can be done and he expressed to Mr. Dibb if a problem down road regarding noise Planning Board will have to address it. Language discussed.

Mrs. Haraz said she agreed with Mr. Gabriel and cannot guarantee sound issues won't arise. Allow 16' wall and 10' sound barrier as long as different types of backup alarms.

Mr. Gabriel said other item is excise taxes he wrote in condition. He understands their concern but has a problem with "what is required by law"; he is not clear on what is required by law. Principal place of business of incorporation referenced. He would need to discuss this with Waste Management.

Mr. Gabriel spoke of disposal of garbage from trucks. In certain "rare occasions" if breakdown of truck,

etc. Other circumstances, if a lot of traffic, they cannot always get emptied and not always emptied next day according to their rewrite (not just mechanical breakdown of trucks).

Mrs. Benaski spoke of cold weather; it is ok; but hot weather it will have an odor.

Mrs. Haracz said she agreed with Mr. Miller there are "rare and unforeseen" circumstances where garbage is to be in trucks; "except for rare or unforeseen circumstances"... language discussed.

Mrs. Haracz said "occasionally" an issue.

Mr. Fernandes spoke of language 10' high vs. 16' fence if a 10' soundbarrier. Plan shows a 16' fence?

Mr. Gabriel said a 16' high sound barrier wall Planning Board approved .... If they want to come back to change it they can do so.

Mrs. Haracz spoke of language on condition #2.

Mr. Fernandes said it may be beneficial to ensure 16' with a clear description. Opening sentence discussed; industrial zoned district inevitable but not appropriate....two studies done and would indicate that would work.

Discussion: it was quite clear about the 16' sound barrier; do not think anyone is going to revisit this.

It was agreed to Table this for the time being as there is a 7:30 Hearing on Agenda.

#### **George Lettoug-High Tech Auto**

Mr. John Delano stated he prepared plans for project originally and for revision. Mezzanine did not calculate into floor space and building dept. including it and noted and thus back in front of Planning Board. Photo of Bridgewater building shown which they wanted to pattern their building after.

Plans were described by Mr. Delano and canopy to be delivered and installed different than what it was. Architectural feature not as discussed and e-mails sent back and forth to company and Mr. Lettoug. Windows added as an afterthought and not planned on original elevation.

Mr. Lettoug said it was to be same look as Autopart International. He added some windows at top to make it look better. It is his town as well as it theirs and wants building to look good.

Mrs. Haracz stated she had no problems with windows.

Mrs. Benaski said she did not think building fit into village commercial. It looks nothing like building in

Bridgewater. Thought it was to be peaked in front per diagram.

Mr. Lettouf said they went through three different salesmen and trying to charge him re-engineering.

Mr. Delano said they are proposing to take off canopy, put columns up; and to put treatment on windows to make colonial-looking. Originally did not want so close to street but Planning Board did not want parking in front.

Mrs. Haracz said façade is removable ; and to possibly make it a peaked roof?

Mr. Fernandes questioned when windows were installed?

Mr. Fernandes said to minimize size he would increase the front façade and would bring it down. The Board saw Bridgewater building and thought they would get a carbon-copy. Discussion ensued.

Peak roof was discussed.

Mr. Lettouf said he thought it would make it more industrial.

Mr. Fernandes agreed it would make it more industrial looking.

Mr. Fernandes said building as proposed is not building that is being delivered.

Mr. Gabriel suggested some mullions on windows to make it more attractive.

Mr. Delano said shutters are to be added.

Mr. Lettouf said it will be stucco. No matter who pays for changes, etc., it will be corrected.

Mrs. Haracz referenced a letter from Fire Dept. regarding excess of 7500 square feet sprinkler; fire alarm; deed restricted; right to inspect.

Mr. Lettouf said it would be changed to limit livable space to less than 7500 square feet.

Mr. Burgess said it is still space, whether it is used or not.

It was noted building - 6900 square feet; mezzanine - 1200 square feet = 8100 square feet.

Mr. Lettouf said Fire Dept. said no sprinklers necessary.

Mr. Fernandes asked did Fire Dept. see second floor windows added?

Mr. Delano said Fire Dept. saw mezzanine and on receipt from Fire Dept. with that set of plan/same

date. Also, foundation plan shows additional structure was done for mezzanine.

Mr. Gabriel said to verify that, can see if Fire Dept. has plans with or without mezzanine.

Mr. Fernandes referenced “usable space” not “used space”.

Mr. Gabriel said he spoke to Mr. Rich and he has a concern re: putting in a sprinkler system; a larger pipe needed and moratorium in tearing up road; Town could get a bond so he can proceed with his project once moratorium lifted.

Mr. Lettoug said no sprinkler is planned.

Mr. Miller said he agreed with Mr. Fernandes; approve façade way it is.

Mr. Miller suggested instead of a stucco building, cement/clapboard which is more in line with village commercial.

Mrs. Haracz thought mullion windows look good; not certain about shutters.

Mrs. Senior said shutters might add to heaviness/mass. Discussion ensued.

Mr. Delano clarified that it appeared Planning Board wanted a drawing without façade on top and what implications are for removing it.

Mrs. Haracz said they need to continue this; they agreed to show different facades and also without the windows.

Mrs. Haracz said 7500 square feet issue for sprinklers.

Mr. Gabriel said sprinkler system up to decision of Mr. Lettoug and Fire Dept.

Mrs. Haracz said approving a building of a certain size triggers a sprinkler system. If windows disappear ok; let Fire Dept. decide on sprinklers. She said she thought the clapboard would tone it down. No more than 7500 square feet is an issue.

Mr. Delano said taking some recommendations and to come back at a future meeting and give Planning Board a presentation and see if something Planning Board could approve.

**MOTION was made by Mrs. Benaski to continue High Tech Auto to to 8 p.m. on 10/19/10. Second by Mrs. Senior. Vote: Unanimous. MOTION CARRIES.**

**Domenic Teixeira-Zoning Proposal**

Ralph Maloon, of RIM Engineering was present on behalf of applicant.

Mr. Burgess said he had a conflict of interest and had to remove himself.

Plan was shown. Only here this evening for a zoning change; line shown of village commercial and residential. If any future construction proposed they would have to come back for a public hearing.

Mr. Maloon said they resolved issue with triangle-shape matter.

Wetlands plan from 1990 referenced. Any future construction they would have to go to Conservation Commission.

Mr. Miller said at last meeting he had not seen property, but had the opportunity to go visit it and spoke to Mr. Teixeira when he was there. He said he can see change being made since non-conforming (i.e., a variance for a deck enlargement, etc.). Not inclined for additional units on property; there are eleven units now.

Richard Turgeon of 250 South Worcester Street, said his belief is the only intention is to building additional apartments by Mr. Teixeira. A major problem having additional problems there and there is no privacy in his yard.

George Reese of 262 South Worcester Street said if any future buildings basically it will be right in his backyard and paid a lot of money for his house.

Mr. Gabriel said non-conforming use can be changed. Section 6 finding.

Mrs. Haracz said all of ownership would be in a village commercial district.

Mrs. Haracz explained to members of audience that vote this evening means it would go to town meeting (2/3 vote needed of everyone at town meeting).

Mr. Turgeon said rezoned to village commercial about two or three years ago and did not remember being notified. Last meeting two more apartment buildings referenced (five units each). Also, in last month his car and car across street were broken into; two weeks ago police with flashlights in area and front lawn fight from apartments.

Mr. Fernandes said he did not see how village commercial enhances anyone's stature or town's situation and does not blame Mr. Teixeira. Home occupations/businesses could go back there and allowed by right. He would like to have a discussion on an off-night to discuss village commercial.

Mrs. Haracz said village commercial does allow mix of residential/business uses.

Mrs. Haracz said issue before Board is to recommend or not to town meeting.

Straw Poll-Roll Call: (To recommend):

Mrs. Benask: voted "no"

Mr. Fernades: voted "no"

Mr. Miller: voted "no"

Mr. Burgess: recused himself (not voting)

Mrs. Senior: no

Mrs. Haracz : no.

**MOTION was made by Mr. Fernandes that Planning Board recommend this to Town Meeting that village commercial zoning be changed as discussed/described. Second by Mr. Miller. Vote: Unanimous. Vote: All Voted Not In Favor. MOTION DOES NOT CARRY.**

Mrs. Haracz said this will be on warrant for town meeting. Planning Board does not recommend it. Applicant could move it if so desired.

At 8:55 p.m., Mr. Burgess returned to the meeting.

**Continuation of Waste Management language Discussion:**

Mr. Miller discussed Condition 2 wording.

Mrs. Haracz spoke of 16' high sound barrier wall with agreement Waste Manage could come back if they desired something different and is straightforward. They stated this is what was agreed to.

Mrs. Haracz said #4 is less clear.

Mr. Fernandes said he understood law to be vehicles registered to community where they are garaged.

Mr. Gabriel said he saw no problem to letting waste Management speak to it. Not getting new info/getting clarification

Mr. Dibb referenced #4, re-registration in Town of Norton. Re-register when truck expires. Every intention of registering all trucks in Norton.

Mr. Fernandes asked about construction time of building?

Mr. Dibb said 6-9 months.

Mr. Fernandes said as registrations expire and within a year this issue is moot.

Mr. Richer responded unless a truck comes from another area. If garaged in Norton but domicile more than 20 days registered in Norton. Law is more than 90 days vehicles must be registered in its place of domicile.

It was noted trucks in Attleboro and Plymouth will come to Norton.

Mr. Gabriel asked out of 132 trucks how many would they anticipate in town of Norton at end of year to be garaged in Town?

Mr. Richer responded probably 70-80 trucks out of 132. Full build-out could get to 132 trucks. Intent that garaged trucks will be excise taxed/registered.

Mrs. Haracz referenced Condition #4 and wondered if their language was somewhat vague.

Mr. Fernandes said if law is changed at some later date is his concern. Change Planning Board's language "on site more than 90 calendar days".

Mr. Fernandes said procedurally this should be put on agenda as a minor modification at Planning Board's next meeting.

Mrs. Haracz agreed with Mr. Fernandes.

Mr. Fernandes said #4 only item that needs to be addressed and specified on agenda. #2 and #5 would stay as worded in special permit. #5-minor wording changes; word "such".

Mr. Burgess asked if this was a 7/24 operation?

Mr. Richer said they could operate 24/7 but it is not often. There are a small number of people in third shift.

Mr. Dibb referenced #2, Planning Board could still have right to investigate noise (i.e., loudspeaker system, other noises that arise). There are still nuisance laws.

Mr. Richer said language intended – Condyne to build a 16' wall so would solve issue. They don't want to come back with request that wall needs to be taller, etc.



Mr. Fernandes spoke of backup alarms, satisfied noise mitigation; brought up loudspeaker issue.

Mrs. Haracz said they provided wall, height, dimensions, and type of noise barrier. She felt Board's language is fine and argument not compelling enough.

Mrs. Haracz said once built and occupied there is not much more planning board can do; then becomes a Board of Selectmen issue, etc.

Mrs. Haracz spoke of other issue: "rare occasion" of garbage not being emptied same day.

Mr. Dibb said in addition to mechanical things, snowstorms, etc. Container will stay on truck/covered and be aware due to weather or traffic could be more trucks.

Mr. Burgess asked if Friday collection would it be emptied Saturday?

Mr. Richer responded it would be emptied on Monday or Tuesday if a state holiday.

Mrs. Haracz said Waste Management's language may be clearer.

Mr. Richer said it would be properly contained; removed on next operating day.

It was noted to put on agenda #4 and #5.

**MOTION was made by Mrs. Benaski to continue Waste Management to October 19, 2010, at 7:15 p.m. Second by Mr. Fernandes. Vote: Unanimous. MOTION CARRIES.**

Mr. Gabriel said as long as this is a minor modification, there is no need to notify abutters.

**Adjournment**

**MOTION was made by Mr. Burgess to Adjourn at 9:32 p.m. Second by Mrs. Benaski. Vote: Unanimous. MOTION CARRIES.**

Respectfully Submitted by:

Janet Sweeney, Planning Board – Recording Secretary

**Distributed/Viewed Documentation at Planning Board meeting of October 5, 2010:**

- . Waste Management Order of Conditions document distributed at 10/5/10 meeting.
  
- . Plans/Rendering for High Tech Auto distributed at 10/5/10 Planning Board Meeting
  
- . Plans for Domenic Teixeira by RIM Engineering distributed at 10/5/10 Planning Board Meeting