

**Norton Planning Board Minutes of Meeting
For
January 18, 2011**

Call to Order

The January 18, 2011 meeting of the Norton Planning Board was called to order at 7:15 P.M., by Mrs. Haracz, Chairman. Members present: Mrs. Joanne Haracz, Chairman; Mr. David Miller, Vice-Chair; Mrs. Marilyn Benaski; Mr. Joseph Fernandes; Mr. Alec Rich, and Mrs. Cheryll-Ann Senior. Mr. George Burgess was absent. Town Planner, Mr. Charles Gabriel, was also present.

Report of the Planning Board

Mrs. Senior stated there was a SRPREDD meeting next Wednesday and she is planning to attend.
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Mr. Rich said Wednesday is Town Meeting and Horizon Beverage will be discussed and he is unable to attend Town Meeting. Horizon Beverage will be beneficial to Town of Norton.

Approval of Minutes

11/23/10-

MOTION was made by Mrs. Benaski to approve the 11/23/10 Planning Board Minutes of Meeting as amended. Second by Mrs. Senior. Vote: Unanimous. MOTION CARRIES.

12/7/10-

MOTION was made by Mr. Miller to approve the 12/7/10 Planning Board Minutes of Meeting as amended. Second by Mr Rich. Vote: All members voted in favor with Mrs. Senior voting "present". MOTION CARRIES.

7:30 p.m. Public Hearing, continued from December 7, 2010: John and Laurie Waitkus, for a Special Permit to allow the keeping of toxic and/or hazardous materials in quantities greater than those associated with normal household use on a lot located within the Water Resource Protection District and for Site Plan Review to construct a building greater than 2,500 square feet. The site is located off Lopes Drive

Mr. Gabriel said they requested an extension.

MOTION was made by Mrs. Benaski to continue Mr. Waitkus to February 1, 2011 at 8:00 p.m. Second by Mrs. Senior. Vote: Unanimous. MOTION CARRIES.

Report of Town Planner

Mr. Gabriel said Mr. Amory retired (one of Town's consultants-Amory Engineering) and was with Planning Board for 12 years. Mr. Amory's associate is working on Waste Management project.

Mrs. Haracz recommended to send Mr. Amory a card for his retirement.

Planning Board Business and Policies

Mr. Miller said Planning Board agenda is being mailed to the Planning Board ahead of time (an e-mail copy would be fine).

Bills and Warrants

MOTION was made by Mr. Miller to approve Bills and warrants in the amount of \$4,206.15. Second by Mr. Fernandes. Vote: Unanimous. MOTION CARRIES.

Request by John Garanito for release of surety being held for Rubin Drive
Mr. Gabriel said this was accepted in spring of 2009. Street trees were discussed.

MOTION was made by Mr. Fernandes to release surety for Rubin Drive in the amount of \$2500. Second by Mrs. Benaski. Vote: Unanimous. MOTION CARRIES.

Angelo Pasqualino re: snowplow and Johnson Road completion

Mr. Gabriel said he needs to deal with railing at some point and Mr. Pasqualino said he reinforced it. Need to get "ok" from Mr. Silver, Highway Superintendent.

Mrs. Benaski asked about road plowing as she was in that area and discussed tabling it to spring.

At 7:50 p.m. Planning Board adjourned for ten minutes

Future meetings of Planning Board to be February 1 and 15, 2011; March 1 and March 15;

8:00 P.M. Public Hearing – Paul and Jane Lucier, pursuant to the Norton Zoning Bylaw, Article IV, Use Regulations, for a Special Permit to allowing the keeping of two miniature horses on a lot of less than five acres. The lot is located at 16 Plain Street and is identified on Assessor's Map 17 as lot 76-01.

Mr. and Mrs. Lucier reside at 16 Plain Street. They have already purchased two horses and they are staying at his sister's house. Shed will be mini-barn. His wife would like to work with their daughter who they adopted from Russia for therapeutic and possibly competitive reasons.

Horses were described; will be 32" high full grown. A 60' round pen and a larger area to graze.

Shed is 300-400' from street at least.

Waste from horses they will use plastic buckets and shipped to farm down street where they grow hay. It would be picked up everyday. A seven pound bucket and about ¼ full. The farm is Butch Reilly's farm (which is the farm down the road)....Crane Farm.

Mr. Lucier said it will not create an odor. He said he and his mother have had horses their entire life. No intention of breeding and limit to two. He said people on street had previously had horses and mini-horses don't make any sounds at all.

Mr. Gabriel made a point of clarification that Mr. Lucier was here this evening because he did not have five acres of land.

Mr. Lucier said his intention is to ensure all is done properly.

Mr. Miller asked if Board of Health is involved at all?

Mr. Lucier responded he was not aware of this.

Mrs. Haracz said Mr. Lucier should check into that to be certain.

Mr. Lucier said he will keep it very clean and anyone can visit site.

Mr. Lucier said shed is 10x10 and is two-stories and sufficient to house two horses. A concrete floor is in shed and Building Inspector in past was involved.

Mrs. Haracz referenced a letter received from a neighbor, Mr. and Mrs. Tobi Cibotti, dated January 2, 2011, and was a resident of 14 Plain Street. Resident said they have children, invested money for pool, enjoy their deck in evenings, and are opposed to mini-horses being directly next door, and had concern with odors especially if manure not properly maintained. Also concerns with property value, and why should they have to be forced to live with windows closed. Horses should be kept on proper acreage.

Mr. Tom Golota of 25 Plain Street, said there is a farm behind his house with various animals. He said at times they cannot eat outside due to odors, etc. This farm behind him is on ten acres of property and barn 200-300' behind his house, but there are still odors from donkeys and other animals. A horse farm is further down road. A zoo is a place to see animals like this and spoke of odors and allergies to animals. He asked for Board to vote against this. He had concerns also more animals would be added.

Mrs. Haracz said the Planning Board can limit with a special permit as to the number of animals to be on land.

Mr. Golota said this property is not an adjoining neighbor but need to take stand for his neighbors. There is a place for horses and not in his backyard.

Lisa and Tobi Cibotti of 14 Plain street said they sent the letter that was read and said they need five acres of land and that is why they have bylaws to protect residents. Will manure be removed everyday? About 100' is shed from his property line.

Mrs. Cibotti said an easement is there also.

Mrs. Cibotti said residents (John and Debbie Poplawski) of 10 Plain Street could not attend due to death in family but had comments regarding 16 Plain Street: concern with request in many areas (quality of life and concern of river/brook leading to Rumford River, etc.).

Mrs. Lucier said other horses were already here when neighbors moved into this area/neighborhood.

Mr. Lucier said most concern appear to be with odors, horse flies, etc. Speculation is manure being taken away; but his wife goes to farm down road everyday and will be only a small bucket. Poor management of horses, animals leads to odors, etc. Leeching- 300 yards back to stream and he would have to throw it in there via wheelbarrow which is a weak argument. There may be some horse farms around neighborhood who may not

manage their farm well. He said right next door there were horses and person had five or six full sized horses and they could not smell odors.

Mrs. Haracz said she resides in subdivision next to Mr. Lucier's mother and there are no odor problems.

Mr. Miller said Plain Street R-60 / other side R-80. By right on other side they could have it "by right".

Mr. Steven Tessier said he and his wife have same concerns with odors, etc. , and asked what recourse they have?

Mrs. Haracz said the Building Inspector can issue a cease and desist order if there is a problem.

Mr. Tessier said they have a pool in backyard, and enjoy taking a neighborhood walks. They reside two houses away. He said in summer odors can move /winds vary. He said he is an "animal person" but is not in favor of this himself. He said they are in a residential neighborhood and bought home for that reason.

Mrs. Haracz asked if Planning Board had enough information or do they want to visit site?

Planning Board decided to observe site.

Mr. Rich said five years ago he moved back to Norton and was in Dighton previously and had a barn behind him and was 80' from back of his house with full size horses and no odor problems.

Mrs. Haracz said management of manure is important.

MOTION was made by Mrs. Benaski to continue this Public Hearing to February 1 at 7:30 p.m. Second by Mrs. Senior. Vote: Unanimous. MOTION CARRIES.

MOTION was made by Mrs. Senior to Adjourn at 8:35 p.m. Second by Mrs. Benaski. Vote: Unanimous. MOTION CARRIES.

Respectfully Submitted by:

Janet Sweeney
Planning Board – Recording Secretary

Documents Discussed/Viewed at January 18, 2011 Planning Board Meeting

. Letter dated January 2, 2011, from Mr. and Mrs. Tobi Cibotti, residents of 14 Plain Street, stating they were not in favor of the Public Hearing of Paul and Jane Lucier regarding mini-horses.

. Letter from John and Debbie Poplawski, of 10 Plain Street, stating they were not in favor of the Public Hearing of Paul and Jane Lucier regarding mini-horses.