



**PLANNING BOARD
NORTON, MASSACHUSETTS**

**Norton Planning Board Minutes of Meeting
For
April 19, 2011**

Call to Order:

The April 19, 2011 meeting of the Norton Planning Board, held in the first floor Selectmen's Conference Room, 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. George Burgess; Mr. Joseph Fernandes; Mr. Alec Rich; and Mrs. Cheryll-Ann Senior. Town Planner, Mr. Charles Gabriel, was also present.

Report of the Planning Board

Mr. Miller said he indicated to Mr. Gabriel last week a person who resides off of John Scott Boulevard stated that Camponigro defaulted and a binder coat is down only.

Mr. Gabriel said this is a common driveway (a special permit). He could ask Mr. Silver, Highway Superintendent, if he could do work and get a price on it. He will speak to Mr. Silver the following day.

Mr. Miller asked about status of High-Tech Auto?

Mr. Gabriel responded he spoke with them via telephone and was told they did not have any final engineering plans and Mr. Gabriel asked that he be contacted as soon as he received these plans. Mr. Gabriel said High -Tech Auto is responsive and working inside building currently.

It was noted the former Norton YMCA to become a restaurant is being currently worked on.

Approval of Minutes

MOTION was made by Mrs. Benaski to approve the Planning Board Minutes, dated April 5, 2011, as amended. Second by Mr. Rich. Vote: Unanimous. MOTION CARRIES.

Report of the Town Planner

Mr. Gabriel stated Horizon Beverage is done and has filed documents as necessary.

Mr. Gabriel referenced street acceptances and received mylar for Ellis and Pratt Drive. A fence is up at Pratt and Ellis Road. Water Dept. had some questions but he believed they have been resolved.

Mr. Gabriel said they are waiting on Johnson Drive, per Chief.

Itemization from Mr. Silver discussed. \$50,000 in cash and some money for snow plowing. There is not that much work to do.

Mrs. Haracz asked Mr. Gabriel to please update Board as to what is "still needed to do", etc.

Planning Board Business and Policies

Nothing was discussed.

Bills and Warrants

MOTION was made by Mrs. Benaski to approve Bills and Warrants, dated April 19, 2011, in the amount of \$4,681.88. Second by Mr. Fernandes. Vote: Unanimous. MOTION CARRIES.

Approval Not Required Plans Pending:

<u>Applicant Name</u>	<u>Date Filed with Town Clerk</u>
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No ANR's were reviewed.

8:00 P.M. Public Hearing: continued from April 5, 2011, John and Lauri 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 a Water Resource Protection District and for Site Plan Approval to construct a building greater than 2,500 square feet. The site is located off Lopes Drive.

It was noted regarding Norfolk RAM Report; most significant comments were highlighted (#1, #2, #6, and #12).

It was discussed public hearings held on Oct 19, 2010, November 9, 2010, and Dec 7, 2010 and Mrs. Senior was absent. Feb 15 Mr. Miller and Mr. Rich were absent.

Mrs. Haracz said if these members reviewed Minutes of those meetings it should be fine. It was noted that it was also advertised.

Mr. Todd Pilling of Pilling Engineering showed "Proposed Site Plan", by Pilling Engineering, dated March 17, 2011, referencing Lopes Drive-Lot 5A.

Mr. Pilling referenced Sheet 2-added "note" on plan regarding hazardous liquids storage area.

-No floor plan - has only a bathroom

Sheet 4-"liner" material as used in septic systems

- Cape Cod berm (sheet 2) is darkened now on three sides.
- Spot grade at different spots
- 100' buffer line parallels to zone line. Storage trailers to be relocated outside of buffer strip.
- Specs on diesel tank.

Pad parked on concrete fueling vehicles explained. It is now 10'x20' not 10'x10'.

Mr. Pilling said they are a very small quantity generator. DEP updated their list and they are on DEP's list. They are registered as a very small quantity generator. He distributed this list to Planning Board.

- Loamed and seeded shown on plan
- Spec Sheet on lighting

Mrs. Haracz spoke of review by Town's Consulting Engineer-Site Plan - "stormwater".

Mr. Pilling said he received that document today and confused by some of it.

Mrs. Haracz referenced #2, zoning bylaw – she did not believe Planning Board's consulting engineer had most updated zoning bylaws.

Mr. Gabriel said there was a change to bylaw in June 2010 to Water Resource Protection District and put in zoning so probably operating under old bylaw (appeared Consulting Engineer did not have an updated set of bylaws).

Mr. Gabriel referenced copies of colored pictures; rectangular plastic container; 499 gallon tub) it sits in, and referenced letter Mr. Pilling just reviewed with Board. Mr. Gabriel said he asked Planning Board's engineer about water quality issue.

Mr. Gabriel referenced the picture of container and Mr. Pilling's comments. Mr. Gabriel had concerns as to what happens when it rains.

Mr. Gabriel said it is designed to drain stormwater so if this goes forward a requirement that this component be required.

Mr. Pilling said it has a circle filter, so optional filter already on it. At is an extra \$300 but it is worth it. Diesel tank is a double-walled tank.

Mr. Fernandes inquired if it would be an alarm or a double-wall?

Mr. Pilling said it would be alarmed or gauge where it can be monitored. He will find out specifics.

Mrs. Haracz asked about allowance by DEP regulations.

Mr. Gabriel said Norfolk Ram (#2) commented on the three places where there are hazardous waste. The trailer is just sitting on gravel and it is critically important nothing be put in these trailers and need inspection. He did not feel confident all regulations will be adhered to.

Mr. Gabriel discussed monitoring wells and Norfolk Ram feels they should have them. Three wells not too far away and monitoring wells important. Consider monitoring wells on this site.

Mr. Gabriel stated he had a conversation with town counsel regarding Mr. Pilling who had previously stated he (Mr. Pilling) spoke with Town Counsel. Mr. Gabriel said it is Planning Board's decision to make and not decision of Town Counsel.

Mr. Pilling said paint and oil to be kept inside building. Oil and paint thinner all in secondary containers and there are basically five levels of protection for oil leak.

Mr. Pilling said Town Counsel said they want the people to put in wells at \$15,000. Mr. Pilling said they are willing to put in the three wells but then they were told not to do it. Building Inspector was involved in conversation, too.

Mr. Gabriel said non-compliance can be critical – need to monitor.

Mr. Pilling said his client is very neat/has locked gates and he asked/invited all Board members to visit.

Monitoring wells were discussed.

Mr. Pilling said their LSP said three wells would be sufficient and Town Counsel had agreed with this. They wanted to install wells themselves. Town would put in wells at \$17,000 and they could do for \$2,000.

Mr. Burgess asked who observes wells being installed?

Mrs. Haracz said Planning Board's consulting engineer would observe wells.

Mrs. Haracz said Items #1 and 2 have been covered.

Mr. Pilling referenced the following Items:

#3 – no further comment.

#4 - "pavement areas".

Mr. Pilling explained the route of going into swale-(sediment forebay and then swale).

Mr. Pilling said he had confusion with town's consulting engineer; basically saying opposite.

Mr. Pilling said town consulting engineer also wanted them to count holes in perforated pipe in 4" pipe.

Mr. Pilling said answers will be received from town's consulting engineer regarding clarification on confusion areas.

Mr. Gabriel said he could not respond to the confusion part of it.

Mr. Gabriel spoke of parking of vehicles. He referenced two parking areas in front of building which are not really large. A commonsense perspective would be trailers parked on gravel/ or any type of equipment/vehicles containing oil, etc., and presume to be parked on small impervious parking areas. He finds this hard to accept.

Mr. Pilling said 30-50 vehicles on paved surfaces or in building being repaired. Some are pickup trucks; bucket trucks.

Mr. Gabriel said it would be beneficial if delineated by space. All these different types and sizes of equipment "fitting", etc.

Mr. Pilling said town inspectors can look at this.

Mr. Gabriel said there were a lot of vehicles on site when he visited site.

Mr. Pilling said he can delineate.

#5 – no further comment.

#6 – Norfolk RAM does know know this. Hazardous materials plan is on site (but Town / Planning Board provided plan to Norfolk RAM) so he said he was confused. He mailed it in when they were supposed to do so. Tier 2 they are not. He referenced Norton Emergency Management Agency request they received.

Mrs. Haracz asked who responsible party is (waste coordinator is needed)? It is generally the owner.

Mr. Pilling said he can put owner's name on it.

Mr. Gabriel spoke of EPA I.D. # – small quantity generator?

Mr. Pilling said they fall under VSQG (Very Small Quantity Generator), so EPA does not regulate them. Discussion ensued.

#7 – no further comment.

#8 - "Stormwater Pollution Prevention Plan" prepared for Feds (basically means what to do during

construction).

Mr. Pilling said on sheet 3, "Erosion Control"; he will call it "Limited Work Barrier".

Mrs. Haracz said, therefore, it appears there is no erosion on this site.

Mr. Pilling responded, yes, she was correct.

Mr. Gabriel referenced area on site where it was woods and fields and was not clear who cleared it. No erosion control during process?

Mr. Pilling responded it is very sandy in that area.

Mr. Burgess had concern that Conservation Commission was not more involved.

Mr. Pilling said they are not under jurisdiction of Conservation Commission.

Mr. Gabriel asked who cleared this?

Mr. Pilling spoke of an aerial photograph taken by Norfolk RAM showing no equipment on site which is proof his client did not clear, etc.

It was discussed the previous owner was a sign painter and grew blueberries.

Mr. Pilling said previous owner was also a gravel farmer he believed.

Mr. Gabriel said it did not make sense that this was all cleared previously and seems very coincidental.

Mr. Pilling said his client brought in gravel to fill-in where needed. Thus reason why he felt no special permit needed for gravel removal.

Mr. Gabriel asked when current owner purchased site?

Mr. Pilling believed current owner bought site approximately May 15, 2010, and filed site plan with Planning Board in June.

"Limited Work Barrier" marker and "temporary" erosion control discussed (sheets 2 and 3 on detail).

Mr. Gabriel stated it appeared Mr. Pilling was stating that there was no erosion control on site.

9 – no further comment.

#10 – waiver request - Planning Board

#11 – no further comment.

#12 – basically need to talk with Norfolk RAM about 12” pipes. Will change to all 10” pipes. Oil-water elbow needed and they will do that.

1. Mr. Pilling said they will run analysis less conservative than they were going to do it.
2. Model.

Mr. Gabriel said it appears there is a basic disagreement as to how they are modeling this. Rate and quantity of runoff is same it appears Mr. Pilling/applicant is stating. Mr. Gabriel said he spoke to Norfolk RAM today and there is a bit of a disagreement.

Mr. Gabriel said even virgin-gravel - coefficient gravel – once run over, will compact and more impervious and belies commonsense that this site, no more water running off, etc. He said the only water they would be catching is from paved area (and appears Mr. Pilling is saying it will run off same as when forested as before). Discussion ensued.

Mr. Pilling said it would be less and some significant rain events they have had. Norfolk RAM does not like the way it is being modeled.

Mrs. Haracz said it appears to be an engineer-to-engineer discussion.

Mr. Pilling said he would work it out with Norfolk RAM. Once he works it out with them he will come back before Planning Board with an update.

Mr. Gabriel said Mr. Pilling's client does not want to pave . Bernie and Phyl's and General Motors paved. They are in a WRPD and ACEC and three wells are relatively close and Mr. Pilling's client is refusing to pave this land. This is a standard practice of this Planning Board.

Mr. Pilling said he is trying to stay under 15%. His client is repairing vehicles (at 13.3% currently).

Mr. Gabriel said he still had concerns with water issue.

Mr. Pilling said then it should be changed out of an industrial zone. Discussion followed.

#13 – De-icing methods they will add in.

Mrs. Haracz stated the name of a person needed: need name/phone number.

#14 – they asked it be changed and they will change it.

#15 – No further comment.

#16 – not applicable under ¼ acre.

#17 – no further comment.

#18 – no further comment.

#19 – 10,000 or more square feet they had discussed and spoke of before and answer on that at last meeting.

#20 – Mr. Pilling said “Lighting” has not been reviewed yet. He stated he provided Planning Board specs/dark-sky friendly. Wall packs also on building.

#21 – VSQG (Very Small Quantity Generator)...it is a registration and not a permit.

#22 – under DEP not required. Limited Work Barrier.

#23 and #24 – no further comment.

A revised plan to be forthcoming.

A letter from Fire Chief Gomes dated April 19, 2011, addressed to Planning Board regarding “Public Hearing on Lopes Drive”. Original letter regarding this agenda item sent July 7, 2010. October 19, 2010 Fire Inspector sent a letter as well. Basically this letter dated April 19, 2011, included, but not limited to, no permit applied for and nothing complied with and building constructed without building or fire dept. permits. Trailers were discussed as well as license needed of storage of gasoline and other fluids in excess.

Mrs. Haracz also read aloud letter from October 2010 from Fire Inspector. Items discussed in this letter included, but not limited to, still issue with vehicles; separation/isolation of non-compatible storage. No smoking/no open flame.

Mr. Pilling said their building is only 7,000 square feet.

Mrs. Haracz referenced language of “or” required by Fire Inspector (hazardous materials).

Mrs. Haracz said resolution of stormwater design and monitoring well needed.

Mr. Gabriel said at next meeting he would like to see this public hearing be closed, and then, based on info, take a “straw vote”). Approve this with conditions or deny as he needs a Decision (needs a sense from Planning Board).

Mr. Fernandes said the area discussed; there are concerns with the stormwater.

Mr. Pilling said he would like to convince them of his model or build a “pond” for lack of a better word.

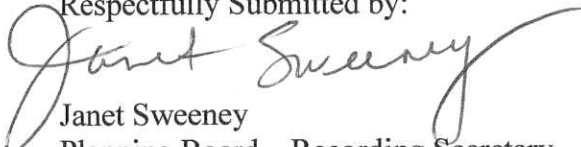
Next planned Planning Board meetings to be held May 3 and 24, 2011.

MOTION was made by Mrs. Senior to continue Public Hearing to May 24 at 7:30 p.m. Second by Mr. Rich. Vote: Unanimous. MOTION CARRIES.

Adjournment

MOTION was made by Mr. Burgess to Adjourn at 9:30 p.m. Second by Mrs. Senior. Vote: Unanimous. MOTION CARRIES.

Respectfully Submitted by:



Janet Sweeney
Planning Board – Recording Secretary

Documents/Items Distributed/Viewed at Planning Board Meeting of April 19, 2011

. Letter/Document from Norfolk RAM and Response letter from Mr. Todd Pilling of Pilling Engineering, regarding Special Permit for John and Lauri Waitkus

. “Proposed Site Plan” by Pilling Engineering, dated 3/17/11, Lopes Drive – Lot 5A (regarding Special Permit for John and Lauri Waitkus)

. DEP (updated) List stating site of Lopes Drive to be a very small quantity generator (re: John and Lauri Waitkus special permit)

. Letter from Fire Chief Gomes, dated 4/19/11, to Planning Board, regarding Lopes Drive(regarding special permit of John and Lauri Waitkus)

. 10/19/10 letter from fire inspector (regarding special permit of John and Lauri Waitkus)