

**Norton Planning Board Minutes of Meeting
For
June 21, 2011**

Call to Order

The June 21, 2011 meeting of the Norton Planning Board, held in the first floor Selectmen's Conference Room in the Municipal Center, was called to order at 7:15 P.M., by Mrs. Haracz, Chairman. Members Present: Mrs. Joanne Haracz, Chairman; Mr. David Miller, Vice-Chair; Mr. Alec Rich; and Mr. Patrick Daly. Absent: Mrs. Marilyn Benaski (Mrs. Benaski arrived at 7:35 p.m.); Mr. George Burgess and Mr. Joseph Fernandes (Mr. Fernandes arrived at 8:10 p.m.). Town Planner, Mr. Charles Gabriel, was also present.

Report of the Planning Board

It was noted Planning Board will need to wait for at least one more member to hold Public Hearing.
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Mr. Miller had some info on High Tech Auto and the porch. The applicant/owner (Mr. Lettoug) of High Tech Auto did get revised drawings showing 8' wide porch with burnished slate roof color. Some variance clearance in pitch of roof and it could be dropped down Mr. Lettoug had stated.

Mr. Miller said, in his opinion, a 9' clearance (adds 2' of space) is best. Once the Board gives their decision Mr. Lettoug can get started.

Mrs. Benaski arrived at 7:35 p.m.

Mrs. Haracz stated Mr. Lettoug showed the Board a rendering previously.

Drawing/rendering shown of building (revised drawing) by CORLE.

Discussion ensued on revised 8' high porch (7' doors); if 9' should put closer; but Mr. Lettoug will do what Planning Board desires; either 8' or 9'.

Mr. Daly said he would defer this issue to Mr. Miller.

Consensus of Board was in favor of 9' clearance; no Board member was opposed to this.

Mr. Miller will give direction/update to Mr. Lettouf.

Autumn Park Subdivision`

Mrs. Haracz spoke of Mr. Gabriel at some point having a discussion with town manager as Autumn Park may go before Board of Selectmen and would like to have town manager be aware of the opinion of the Planning Board. There are two opinions; one of Mr. Ryan, resident, and one of Mr. DiMascio and both made cases to Planning Board very clearly. Planning Board to decide to agree with one or other (to either find project in default and send to Board of Selectmen or give Mr. DiMascio his money back).

Mrs. Haracz stated she looked at site as did Mr. Daly. Plans do show a wall.

Mr. Miller spoke of importance of clarifying construction of stone wall or wall with sign.

Mrs. Haracz said both are part of what shows on plan.

Discussion on 1. the beautification of development; and 2. wall supposed to be relocated.

MOTION was made by Mr. Rich to find Mr. DiMascio in default on two items discussed above (construction of stone wall and wall with sign). Second by Mr. Daly. Vote: 4:0-Unanimous. MOTION CARRIES.

Mrs. Haracz asked Mr. Gabriel to please write a letter regarding this issue and Planning Board to take necessary steps.

Mr. Ryan, in audience, asked if he would be notified of the next meeting. He stated he was not notified of the last meeting with Mr. DiMascio. Mr. Ryan asked also if he would be notified of Board of Selectmen meeting as well?

Mr. Gabriel responded, yes, Mr. Ryan would be notified.

Approval of Minutes

MOTION was made by Mr. Miller to approve the Planning Board Minutes dated May 24, 2011, as amended. Second by Mr. Daly. Vote: Unanimous. MOTION CARRIES.

Report of the Town Planner

Mrs. Haracz asked if there was any progress with Waste Management?

Mr. Gabriel stated town manager said Taunton was asking for a traffic light. Waste Management appears to be willing to put in traffic light from what he has heard. He said he can see if Waste Management can stabilize it.

Mr. Fernandes asked if light may be installed; why would construction stop?

Mr. Gabriel said there may be some other questions (possibly widening of road issue, etc.).

Mr. Fernandes said if Waste Management does not do what Taunton wants then they do not have to do what Taunton wants.

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Discussion on state-owned land (59.4 acres) on Hill Street and concern it is zoned industrial. Hill Street zoned industrial (corner of South Washington); only access is Hill Street. It is a windy residential street and not set up for trucks. Another access possibly?

Mr. Gabriel said Planning Board can consider all things.

Diana Annis-Special Permit for Chickens

Ms. Annis said this was an adventure between her and her neighbors next door but chickens to be housed on her property. Chickens to be in a coop (a removable coop) approximately 4' wide with a 6' run (4'x6') and located at the back of her yard. One of her neighbor's sons works at Winslow Farm and this would involve herself and the neighbor's son.

Plan/sketch shown of roads/ yards and coop. Ms. Annis stated her neighbor was also here this evening.

It was noted neighbor's address is 2 Bryson Drive. Neighbors will also help care for chickens.

Ms. Annis explained processing of feeding chickens in morning with fresh bedding and coop cleaned out and waste will be mulched with some being used for her garden.

When asked, Ms. Annis said there would be no roosters.

MOTION was made by Mrs. Benaski to approve Special Permit for eight (8) hens maximum and no roosters. Second by Mr. Rich. Vote: Unanimous. MOTION CARRIES.

Bills and Warrants

MOTION was made by Mr. Miller to approve Bills and Warrants, dated June 21, 2011, in the amount of \$3,304.07. Second by Mrs. Benaski. Vote: Unanimous. MOTION CARRIES.

Discussion on Easecat River Oaks

Mr. Gabriel provided an update on River Oaks and stated at the last meeting he provided a letter he sent to developer and developer did reply with letter and he will proceed with it. He also dropped letter off to Mr. Silver, Highway Superintendent, and told Mr. Turwetz that Mr. Silver needs to be involved from beginning. There appears to be a positive response from developer.

Mrs. Haracz referenced patching to be done by 7/31/11 so that trees can be planted, and should wait for developer to follow through.

Mr. Gabriel said he has cash in account. He said it was curious that roads need to be redone as well as sidewalks.

Mrs. Haracz read letter aloud stating no later than 7/21/11 for patching to be done. Street trees no later than Labor Day as well as Pine trees and finish course on roadway and sidewalk by Oct. 31, 2011.

Ms. Stacey Tetrault of 2 Allen Drive, said it was very unsafe for their children. Uncapped drain/holes in road and crumbled rock everywhere.

Mrs. Haracz said developer will patch it by 7/31/11 and then pave in fall.

Ms. Tetrault said she was not sure if anyone has seen this area?

Ms. Alanna Nardone of 1 Allen Drive asked what would be process of getting their own mailboxes? The post office told her to deal with developer regarding this issue.

Mrs. Benaski said they should send a letter to their Congressman.

Mrs. Haracz asked Mr. Gabriel to arrange for Mr. Silver to look at this area.

Private Drive off of John Scott Boulevard Surety

Mrs. Haracz said \$17,000 surety held to have paved and it is not paved.

Mr. Gabriel said Board does not need to find developer in default as developer already defaulted on his own. It appears residents want to do this job themselves and can get in contact with Mr. Gabriel and get cost estimate and proceed working with their contractor. He asked Mr. Silver to look into this and he is willing to do work but wants to be held harmless and the neighbors said they would prefer to do themselves. It is probably less expensive for Town to do this themselves. Planning Board needs to vote on this.

Mr. Gabriel reiterated they will need to receive a cost estimate and itemized list.

Mrs. Haracz stated it is a private drive.

Mrs. Haracz asked Mr. Gabriel to send another letter to neighbor(s) for process going forward.

Mr. Miller said it should be made specific that check can only be issued to contractor and same signoff by residents.

Mr. Gabriel said he would try to get Mr. Silver marginally involved in this. Amount of \$17,000 for paving.

MOTION was made by Mr. Miller to allow the residents to contract with a private contractor to pave private drive and Town to release surety upon verification that contractor did work up to amount of \$17,000. Second by Mrs. Benaski. Vote: Unanimous. MOTION CARRIES.

Mrs. Haracz said to reply to Mr. Silver and copy residents.

John and Lauri Waitkus - Lopes Drive-Lot 5A

Planning Board perused plans for Lot 5A-Lopes Drive, drawn by Pilling Engineering, dated 6/16/10. Rev thru June 2, 2011.

At 8:10 Mr. Fernandes arrived.

Mr. Todd Pilling of Pilling Engineering explained plan. He said two open basins were added. Curve number of 76 they used.

For 100 year event; 102 CFS changed to 101 CFS.

“Proposed Site Plan” of Lopes Drive, Lot 5A explained.

Mr. Pilling spoke of cleanout of pipes.

Showed two infiltration basins which was biggest part.

Vegetation will clog up so they will remove it. Side slopes flat enough so do not need to change.

Hand-pull out vegetation is plan. They will not hand remove vegetation on sides; just will leave it.

Maintenance of infiltration basins also included.

Signed documents by owner so owner's name on all documents as needed.

Operation of Maintenance (how to maintain basin) included

Mr. Rich took site tour of site and he stated it was neat and orderly and well maintained. All appeared to be contained in trailers with padlocks.

Mr. Fernandes said, just for the record, he did not attend May 24, 2011 meeting, however, he watched video and read minutes of meeting so he is eligible to vote.

Mr. Fernandes advised they speak with fire dept./fire chief.

Mr. Pilling said his client spoke with Fire Chief and Attorney General states 7500 square feet is threshold. Mr. Pilling said document from Attorney General was not produced; he asked why would they need it? No document produced as to why they need to do this.

Mr. Gabriel said he was not present at Fire Dept. meeting and have not received anything in writing from them as yet.

Mr. Pilling said when they pull a building permit is when it is important to have all documentation from Fire Dept. ok'd.

Mr. Pilling said it was a 499 gallon diesel tank outside of building. He said they have an entire list (W-D40 and bee spray also needed to be on list). He said he thought 200 gallons for oils, antifreeze, etc.

Mr. Pilling spoke of 120 square feet with 8" high containment curb. He said to have all simultaneously let go is a low chance but sized for this situation.

Mr. Gabriel spoke of a license Fire Chief has previously spoken about/a letter where Fire chief spoke of number of gallons of gasoline/diesel and it seems this would need a permit as it is on site.

Mr. Pilling stated it had all been removed. Everything that was a danger is gone and will come back once they receive permits. Gasoline will be back once there is a safe place to put it.

Mr. Pilling said Norfolk RAM said pump was a problem so they sold pump.

Discussion of diesel fuel at 499 gallons and 175 gallons of gasoline. Mr. Fernandes said he understood 175 gallons of gasoline is gone. Mr. Fernandes spoke of gasoline storage and Fire Dept. concern it is a fire hazard. Diesel fuel also discussed.

Mr. Pilling said applicant uses hydraulic and most are vegetable-based.

Mr. Fernandes said petro-hydraulic carbons is listed. If it is biodegradable, why is it listed as petroleum? Clarification needed on vegetable oil vs. petroleum. He understood all to be stored inside.

Mr. Pilling responded petroleum hydro-carbon it does read, but he was not sure why. He said he is not an LSP.

Mr. Pilling said it is vegetable based and concern with leaking oil into state rivers; Feds are strict. Also first page references it.

Mr. Gabriel spoke of the 44 parking spaces; 10'x20', and photos distributed to Board. Mr. Gabriel said there was not a car visible on any of those photos. He said that plan does not show Board anything other than so many feet by so many feet. These are all huge vehicles. He did not see a pickup truck or a car in photos.

Mr. Pilling said bucket trucks up against building.

Mr. Rich asked about construction trucks?

Mr. Pilling said there would be a forklift, a backhoe; a trailer for hauling gravel, barges and flat bed in photo.

Mr. Gabriel asked if it was Mr. Pilling's contention that these potentially hazardous vehicles will not be a problem.

Mr. Pilling said trailers, barges, flat beds not to be on pavement. Types of vehicles will fluctuate.

Repair of vehicles inside building and some outside. Discussion ensued.

Mr. Fernandes asked if Mr. Pilling's client would agree all motorized vehicles be parked on paved area and violation of stipulation would result in a \$1,000 fine.

Mr. Pilling said that fine was steep.

Mr. Fernandes said fine needs to be steep; especially where this site is on aquifer and a concern.

Mr. Pilling said this was a locked site and need permission to come onto site.

Mr. Fernandes said there should be some requirement that an inspection could occur at any time.

Mr. Pilling said there is a gate button at gate.

Mrs. Haracz said procedurally Board can vote to close Public Hearing. Consideration on multiple conditions. They need five affirmative votes and suggested they take a straw vote.

Mr. Fernandes asked if they were expecting any other info from Norfolk RAM?

Mr. Gabriel said Norfolk RAM has not seen these new basins.

Mr. Pilling said no money was sent to Norfolk RAM but he sent new plans to them.

Mr. Fernandes thought there was no need to do engineering calculations on infiltration basins.

Mr. Rich inquired if all vehicles would be registered through Town of Norton?

Mr. Pilling said he was not sure, but was guessing they would be registered through Norton.

Mrs. Haracz said like Waste Management; vehicles are supposed to be registered with Norton.

MOTION was made by Mr. Fernandes to close Public Hearing for Special Permit. Second by Mr. Rich. Vote: All In Favor of Motion, except for Mr. Daly who voted "present". MOTION CARRIES.

"Straw Vote":

Yes In Favor:

Mrs. Benaski

Mr. Rich

Mr. Fernandes

Mr. Miller

Mrs. Haracz.

No Not In Favor:

There were no "No" votes.

Conditions were discussed.

Maintenance of site/materials discussed.

Mr. Gabriel said they should start with monitoring wells; #1-where and how managed?

Mrs. Haracz said, yes, monitoring wells to be built to certain specifications and she would not be opposed to applicant putting in as long as some representative of Town ensuring wells put in accordingly (Mrs. Haracz clarified this was her personal opinion).

Discussion on Water Dept. having knowledge of installing wells.

Mr. Fernandes spoke of importance of observation of monitoring wells and containment of things and construction aspects monitored and observed and to be part of permit. Inspections for monitoring wells per spec/oil-gas separator inspected; detention containment area, etc., and with no disrespect to applicant but believed hire of non-town employee such as a consultant, and there will be a fee.

Mrs. Haracz said also lining of infiltration basins should be inspected.

Mr. Gabriel stated he could talk to Norfolk RAM. Discussion followed.

Mr. Fernandes suggested to have Norfolk RAM give Board a price and make it a condition.

Mr. Gabriel said keeping it under "one roof" is best. He will ask Norfolk RAM about number of wells; where located; construction; containment review. It is basically a construction inspection. Critical elements.

Mr. Miller said this is not unusual for Planning Board to do this. Discussion ensued.

Mr. Gabriel said he could generate a letter regarding monitoring wells and construction. He said Fire Chief did say something in past about sprinklers.

Mr. Fernandes said it appears code is 7500 square feet; if extenuating circumstances and all items caught fire, etc., it could be an issue. Limits on gallons, etc., would be important.

Mr. Gabriel referenced if over 7500 square feet and stated he had conversations with Fire Chief and some areas of discretion and Fire Chief may or may not have some subjectivity.

Mrs. Haracz asked to put this issue with Fire Chief to make decision.

Mr. Miller said if the Fire Chief does not sign off, then there would be no building permit.

Mrs. Haracz said main conditions are maintenance and inspection.

Mr. Gabriel stated Fire Chief had spoken of quarterly inspections.

Mr. Fernandes said if Fire Dept. felt inspections should be on a weekly; monthly; quarterly basis that is

their discretion.

Mr. Fernandes said also as mentioned before, a mutually agreed upon penalty if certain vehicles are parked on paved area.

Mr. Gabriel stated the next Planning Board meeting will be July 12, 2011. Timeline discussed.

Mr. Gabriel said he will send some drafts to Planning Board by e-mail. He will also speak with Fire Chief as well, and Norfolk RAM. He hoped to have this done by the July 12th meeting. He said if conditions are not ok on July 12 meeting, will vote at a subsequent meeting.

Adjournment:

MOTION was made by Mrs. Benaski to Adjourn at 9:05 p.m. Second by Mr. Rich. Vote: Unanimous. MOTION CARRIES.

Respectfully Submitted by:

Janet A. Sweeney

Documents/Items Distributed/Viewed at Planning Board Meeting of June 21, 2011

- . Draft Planning Board Minutes – dated May 24, 2011