



**PLANNING BOARD
NORTON, MASSACHUSETTS**

**Norton Planning Board Minutes of Meeting
For
July 26, 2011**

Call to Order

The July 26, 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; Mrs. Marilyn Benaski; Mr. George Burgess; Mr. Joseph Fernandes; Mr. Alec Rich; and Mr. Patrick Daly. Mr. Charles Gabriel, Town Planner, was also present.

Report of Planning Board

Mr. Miller referenced High Tech Auto; porch was started.

Mrs. Benaski commented that the wall looks good.
.....

Mrs. Haracz said it appears Waste Management is also starting work.

APPROVAL OF MINUTES

June 21, 2011:

MOTION was made by Mrs. Benaski to approve the Planning Board Minutes of Meeting, dated June 21, 2011, as amended. Second by Mr. Daly. Vote: Unanimous. MOTION CARRIES.

REPORT OF THE TOWN PLANNER

Mr. Gabriel said paving is almost ready to start off John Scott Blvd. There is now a signed letter so Treasurer/Town Accountant are both satisfied. A check can now be written. A-1 Paving can begin work in two weeks. One-third of \$17,000 can be written by check from Treasurer. He asked Planning Board to sign if they accept proposal.

Mr. Daly said Certificate of Insurance will also need to be provided.
.....

Mr. Gabriel said Treasurer's Attorney called him on a number of occasions regarding Johnson Drive and money Planning Board is holding (this is Mr. Pasqualino's subdivision). Mr. Pasqualino owes Norton a substantial amount of money. Attorney Richard Bland, Mr. Pasqualino's attorney, is involved and indicated he would take Town to court if money is not released. All is signed off/Mr. Silver, Highway Superintendent signed off. This money will go from one account to another account and

Attorney for Treasurer asked him to talk to Attorney Bland. Mr. Gabriel spoke of releasing all except \$10,000.

Mrs. Haracz stated Mr. Fernandes had concerns with road being accepted for winter. Road has not been accepted but should be put on Fall Town Meeting Warrant.

This is between Treasurer and Mr. Pasqualino regarding money and Treasurer's Attorney to pay taxes owed, etc.

If Highway and Fire dept. signed off, then it should be accepted probably.

Mr. Gabriel said need to release it to Mr. Pasqualino technically.

Mrs. Benaski said it appears to be an issue between Town Treasurer/Tax Collector and Mr. Pasqualino. Treasurer to issue the check.

MOTION was made by Mrs. Benaski to release all surety for Johnson Drive except \$10,000 to be held for Conservation Commission. Second by Mr. Rich. Vote: Unanimous. MOTION CARRIES.
.....

Mr. Gabriel said Mr. Azanow called and wondered if he should attend the Planning Board meeting this evening. An amendment to So. Worcester Street property Mr. Azanow needs to make. Fees for a number of things. Mr. Gabriel said he will calculate fees. Possible waiving of fees was discussed.

Mrs. Haracz said Planning Board's August meeting is next week and need to zero in on agenda and if nothing is on agenda next week's meeting will be canceled. If August 2 is canceled the next Planning Board meeting will be August 16.

Bills and Warrants

MOTION was made by Mr. Burgess to approve the Planning Board Bills and Warrants, dated July 26, 2011, in the amount of \$1,958.96. Second by Mr. Miller. Vote: Unanimous. MOTION CARRIES.

Perry DiMascio-Request of Release of Surety for Autumn Park

Mr. DiMascio said he has paid all his taxes. The wall issue that was previously discussed has been resolved and wall will be built. The only outstanding issue was the wall. The road is complete. The sign is staked out and will be done at end of August.

Mr. Fernandes asked if the wall that is there currently is complete?

Mr. DiMascio responded that wall is a lot nicer than the way it was before.

Mrs. Haracz said she had an e-mail from Mr. Ryan, resident of Autumn Park, and due to circumstances

out of his control he could not attend this evening's Planning Board meeting. Mr. Ryan asked Board to release all except \$3,000 from Mr. DiMascio's surety.

Mr. Gabriel said Town is holding approximately \$41,000.

Mr. Miller asked Mr. DiMascio why wall was more substantial on Mansfield side?

Mr. DiMascio said wall on Mansfield side was by his own residence and he built it himself and thought better to leave as is without wall previously, then decided to build and complete.

Mr. Fernandes said it appeared the Norton part is Feck Way and DiMascio Drive is Mansfield entrance.

Mr. DiMascio described construction to be angular/flat stones with inset letters with a black background with white lettering with 20' section of stonewall. A mason will be building wall. Sign to be built exactly per specification on plan (wall to sit 6" off ground).

Mr. Gabriel said he has plan in his office/department.

Mr. Miller said plan states the wall to be on crushed stone; 24" deep.

Mr. Gabriel and Planning Board discussed Mr. Ryan requesting to hold \$3,000 of surety which sounded too low to the majority of Board members.

Mr. Gabriel said Mr. DiMascio is communicating wall to be done end of August, which is not too far away, so all his money could be given back at that time. Reasonable thing to do in Mr. Gabriel's opinion.

MOTION was made by Mr. Fernandes to release all but \$6,000 to Mr. DiMascio until wall and sign are complete. Second by Mr. Burgess. Vote: Unanimous. MOTION CARRIES.

SRPEDD Representative

Mr. Gabriel said he sent an email to former Planning Board member, Cheryll-Ann Senior, last week to see if she had an interest to continue in this capacity.

After discussion it was suggested Mr. Gabriel send another e-mail to Ms. Senior's alternate (work) e-mail address in case she did not check her home e-mails.

This was tabled by Mrs. Haracz until the next meeting of August 16, 2011.

Draft Decision – John and Laurie Waitkus

Mrs. Haracz said at the last meeting an initial draft was provided and comments/changes implemented.

Mr. Gabriel spoke of the concern as to how long to keep testing/monitoring wells so he added language

to that effect. Also, consulting engineer to witness installation.

Planning Board reviewed Draft Decision.

All material inside building; all hazardous material as defined by law and in a containment area (110%).

Mr. Gabriel said some material planned to be in those trailers on property; a handout on hazardous material he believed he had provided to Planning Board.

Mr. Fernandes thought there was no hazardous materials in trailers.

Mr. Gabriel referenced 21E, Hazardous Material; he asked how do you define hazardous material? Definition is very broad. Mr. Gabriel searched for definition and read to Board.

"Shall not include oil" was discussed.

Mr. Fernandes recommended to start Section 4, "oil and all hazardous materials....". Discussion ensued.

Mrs. Haracz said she agreed with the past comment of Mr. Miller that there is containment if materials spill. Discussion ensued.

Mr. Gabriel said it is meaningless if it cannot be enforced.

It was discussed to start with "all oil and all hazardous materials/liquid as defined in MGL 21E.....in a containment system. All containers excluding diesel fuels contained in separate fuel tank (499 gallon) as shown on plan".

Mr. Fernandes said as long as it does not exceed 90% of containment system it should be ok.

Mr. Gabriel said when properly stored, it is not hazardous definition states.

It was discussed it should read:

"All oil and all hazardous liquid-material as defined under MGL 41E....excluding diesel fuel which shall be stored outside as shown on plan-Sheet 2".

Mr. Gabriel said any liquids stored in a trailer is a violation. Planning Board said, yes, it would be considered a violation.

Fire Dept. can inspect at any time and there is also a Hazmat Team which Norton also has.

Various changes reviewed.

Mr. Fernandes said it would make sense to reference this list that was provided to special permit so there is no confusion (oil and hazardous liquids as defined by MGL in containment system).

Mrs. Haracz said she is leary about picking and choosing from the list. This list is referenced in the record. They cannot really enforce just this list. It is a judgment call on part of Fire Dept. Discussion ensued.

Discussion on importance/to need to know hazardous material violation.

Fire Dept. can show up at gate and ring bell at any time. Fire Dept. will report to appropriate office/authority.

Mr. Fernandes suggested to also have someone from Water Dept. inspect property for hazardous materials.

Mrs. Haracz said if a spill occurs, Fire Dept. would be involved and not just concerned about flammables.

Gate to be opened when needed and Fire Dept. has tools/axes, etc., if needed to access property.

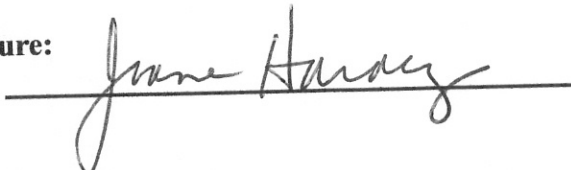
MOTION was made by Mr. Fernandes to move to approve special permit with conditions as contained in this draft as amended for John and Laurie Waitkus. Second by Mrs. Benaski. Vote: All In Favor, except for Mr. Burgess voting "no", and Mr. Daley voting "present". (Five affirmative votes). MOTION CARRIES.

Adjournment

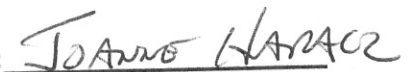
MOTION was made by Mr. Fernandes to Adjourn at 8:35 p.m. Second by Mr. Rich. Vote: Unanimous. MOTION CARRIES.

Minutes Approved by Committee on: 9-20-11
(Date)

Signature: _____



Chairman: _____



Respectfully Submitted,

Janet A. Sweeney
Planning Board – Recording Secretary

Documents/Items Distributed/Viewed at Planning Board Meeting of July 26, 2011

. Plan of Feck Way, Norton, MA

. E-mail/correspondence, dated July 26, 2011, to Mr. Gabriel/Planning Board from Mr. Ryan, resident of Feck Way, Norton, MA, stating he could not attend Planning Board meeting on July 26, 2011, due to circumstances beyond his control

. Draft Decision distributed to Planning Board by Mr. Gabriel, Town Planner, regarding John and Laurie Waitkus