



**PLANNING BOARD  
NORTON, MASSACHUSETTS**

**Norton Planning Board Minutes of Meeting  
For  
September 20, 2011**

**Call to Order**

The September 20, 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. Joseph Fernandes; and Mr. Alec Rich. Mr. Daly arrived at 7:22 p.m. Absent: Mr. Mr. George Burgess. Town Planner, Mr. Charles Gabriel, was also present.

**Report of the Planning Board**

Status of Waste Management was discussed; including the traffic light request by Taunton, etc.  
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Mrs. Benaski stated that work started again on storage units at Gold's Gym. Fill is being dumped and coming in at that location.

Mr. Gabriel said Mr. Pasqualino came in and said he would be starting work again and Mr. Gabriel spoke to Building Inspector regarding this. Building Inspector believes a specialist in plumbing and not a civil engineer would be the best person to oversee. Project was reviewed by GEOD but do not yet have results of that. Mr. Pasqualino is talking of phasing project; maybe half of it. He should come back to Planning Board. There will be no occupancy permit issued until everything is "in". There is the concern of getting it completed. Mr. Gabriel's intention is to watch as closely as possible and if phasing is planned, it needs to come before Planning Board. No surety for Mr. Pasqualino was discussed.

At 7:22 p.m., Mr. Daly arrived.

Mr. Fernandes spoke of a mutual benefit to occupy half of it.

Mrs. Benaski spoke of parking concern; no place to park vehicles.

Mrs. Haracz suggested to write a letter to Mr. Pasqualino to discuss his plans/proposals/phasing.

Mrs. Benaski said the Town had surety for Gold's Gym but it never got finished.

Mrs. Haracz said she believed allowance for surety was put in after Mr. Pasqualino started the Gym.

Mr. Gabriel said he was glad the Board pushed Mr. Pasqualino on landscaping because it looks good

and makes a difference.  
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It was noted Red Mill Village has frames up on new set of buildings.  
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Mr. Rich asked about 155 Pine Street status. It appears it is for sale.

It was discussed that pool house roof collapsed so only the main structure is intact now.

Discussion that is may be a dance retreat which was not part of conditions.

Mr. Rich said he saw a one page ad about dance retreats for certain weekends at this address.

It was noted lot 2 was sold; lot 3 is still for sale at this Pine Street property.

#### **Approval of Minutes**

**MOTION was made by Mr. Miller to approve the Planning Board Minutes of Meeting, dated July 12, 2011, as amended. Second by Mrs. Benaski. Vote: Unanimous. MOTION CARRIES.**

#### **Report of the Town Planner**

Mr. Gabriel referenced Shelly Road side of new development and installation of trees. Several homeowners in a row in neighborhood do not want trees. Mr. Gabriel told neighbors he would take to Planning Board this evening regarding this. It is about a 200' distance. Not sure of reason why they don't want trees.

Mrs. Benaski said she'd like to see neighbors/people sign off that they do not want the trees. Discussion ensued.

Mrs. Haracz said she would personally like to see the trees. It is part of the subdivision plan. As they recently made another developer put in a stonewall as it was part of the plan. Street trees are in subdivision rules and regs.

Mr. Gabriel said he will communicate this to the neighbors.

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

Upcoming planned Planning Board meetings to be held: Oct. 4, Oct. 18, Nov. 1, Nov. 15, Dec. 1, and Dec. 20, 2011.

Reorder of agenda was discussed to have "Report of Town Planner", then the "Report of the Planning Board", and then "Approval of Minutes".

It was noted no elections take place in November.

#### **Bills and Warrants**

**MOTION was made by Mr. Fernandes to approve Bills and Warrants in the amount of \$4,540.71. Second by Mrs. Benaski. Vote: Unanimous. MOTION CARRIES.**

**Approval Not Required Plans Pending:**

Applicant Name                      Date Filed with Town Clerk

**Site Plan Approval: Nextel Communications, 53 West Main Street**

Anne Grant was present as rep on behalf Sprint.. T-Mobile put equipment and few feet needed to be moved. On March 14, 2011 plan was submitted with application.

Mr. Fernandes said it appeared T-Mobile was in wrong spot.

Mr. Gabriel said he was not certain of that.

Mrs. Haracz said all was located within fenced area.

Planning Board reviewed plan.

Mr. Daly asked if there was any type of setback from water tank required?

Mrs. Haracz said she was not sure if a setback was required. She asked if Water Dept. had seen these revised plans?

Ms. Grant said she was not certain if they have seen these plans.

Mr. Fernandes asked if a generator will be installed as part of this and how will it be run-on?

Ms. Grant said she can find that info out; if run on, but sometimes put on plan just in case.

Mr. Rich said it would behoove the Planning Board to check with Water Dept./be in coordination with Water Dept. regarding this.

Mr. Gabriel said Water Dept. should sign off.

**MOTION was made by Mr. Fernandes to approve Site Plan Approval for Nextel Communications, 53 West Main Street, as presented, and to be subject to approval by Water Department. Second by Mr. Rich. Vote: Unanimous. MOTION CARRIES.**

**One Year Extensions for Consulting Engineers**

Mr. Gabriel said this would allow for extension of one year. The person they were working with previously has joined another firm. He recommended to not extend contract for Amory Engineers but other two they will do. Copy of letter he provided to Board for first extension; allow for increase in salary they may want. GEOD and Norfolk Ram.

Mr. Gabriel said no one at Amory Engineers that he is familiar with at this point. He can find out more with what is going on. Ryan, formerly at Amory, is leaving and no one contacted him.

Mrs. Haracz said there is only one more year left.

Mr. Gabriel said same letter will be planned to be sent as sent before. It will include if increase desired by firm(s) that can be discussed.

**MOTION was made by Mr. Fernandes to renew with GEOD and Norfolk Ram with expectation rates remain the same. Second by Mrs. Benaski. Vote: Unanimous. MOTION CARRIES.**

**Vote to recommend acceptance of Johnson Drive**

Mr. Gabriel said Mr. Silver signed off and mylar is now being revised by Ralph Maloon, of RIM Engineering. Fire Dept. also signed off. October 12 is date of Fall Town Meeting.

**MOTION was made by Mr. Fernandes to recommend acceptance of Johnson Drive. Second by Mr. Miller.**

**Discussion: Mrs. Benaski said this should be approved only if Board receives a mylar.**

**Mrs. Haracz said this is only for acceptance.**

**Mr. Gabriel said mylar needs to go to Town Clerk one week before Town Meeting. Vote: Unanimous. MOTION CARRIES**

**Discussion regarding SP for John Waitkus**

Mr. Gabriel stated he spoke to Town Manager, Mr. Yunits, briefly. He prepared a draft letter for Building Inspector to send and then this letter arrived, and attorneys sent letter to Town. Town Manager will check with Kopelman and Paige. Planning Board may have a position on this and he relayed this to Town Manager. If Planning Board has a position he will report that to Mr. Yunits. Mrs. Haracz said over one-year hearings have occurred. Applicant did not like conditions and applicant needs to follow conditions/need to be enforced.

Mr. Fernandes stated wells were discussed in depth. Mr. Waitkus was not present throughout this process but would think he watched on t.v. Or spoke to his engineer. Mr. Waitkus' only recourse was to appeal, but he did not.

Mr. Gabriel said Mr. Waitkus is already up and running. A cease and desist on this but not enforced. He has been in violation for more than a year in Mr. Gabriel's personal opinion.

Mrs. Haracz said a cease and desist needs to be enforced.

Building Inspector issued a cease and desist a long time ago, and he also told Mr. Waitkus he needs to go to Planning Board to get an approval.

Mrs. Haracz said it is in violation of zoning special permit in her own opinion.

Mr. Gabriel said it should not be renegotiated.

Mrs. Haracz said the Planning Board could send a letter to Building Inspector making it clear there was

twenty days to appeal.

Mrs. Haracz said Planning Board's recommendation is that a letter be written that Planning Board's conditions stand.

Mr. Gabriel stated he would write a letter. Discussion ensued.

Mr. Fernandes said all conditions were discussed so it should not be a surprise since conditions were discussed with Mr. Pilling, applicant's engineer.

**Adjournment**

**MOTION was made by Mr. Fernandes to Adjourn at 8:12 p.m. Second by Mrs. Benaski. Vote: Unanimous. MOTION CARRIES.**

**Minutes Approved by Committee on:** 11-1-11  
**(Date)**

**Signature:**

Joanne Haracz

Chairman:

JOANNE HARACZ

Respectfully submitted,

Janet A. Sweeney

**Documents Reviewed/Distributed at Planning Board Meeting of Sept. 20, 2011**

. Draft Minutes of July 12, 2011 – Planning Board Meeting

. Nextel Communications Site Plan, 53 West Main Street, Norton

. Letter dated September 9, 2011 to Mr. Scott Barbato, Building Commissioner, with cc to town of Norton Planning Board via certified mail re: Lots 4A and 5A, Lopes Drive, Norton, MA, from Alan B. Almeida of Connor & Hilliard, P.C.