

**Norton Planning Board Minutes of Meeting
For
July 10, 2012**

Call to Order

The July 10, 2012 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; Mr. Patrick Daly; Mr. Scott Nichols; and Mr. Alec Rich. Mr. Joseph Fernandes arrived at 7:25 p.m. Absent: Mr. George Burgess. Also present was Mr. Charles Gabriel, Town Planner.

Report of the Planning Board

Horizon Beverage status was discussed briefly.

Approval of Minutes

MOTION was made by Mr. Miller to approve the Planning Board Minutes of Meeting, dated May 15, 2012, as written. Second by Mr. Nichols. Vote: Unanimous. MOTION CARRIES.

Report of Town Planner

Mr. Gabriel spoke of application of a variance by Mr. Ferrarra, owner of restaurant on Rte. 123(former Norton YMCA), as the buffer between residential and commercial is tight.

Mr. Fernandes arrived at 7:25 p.m.

Planning Board Business and Policies

Planning Board meetings to be held August 7 and 21; and September 4 and 18, 2012.

Bills and Warrants

MOTION was made by Mr. Rich to approve Planning Board Bills and Warrants in the amount of \$1,624.12, dated July 10, 2012. Second by Mr. Fernandes. Vote: Unanimous. MOTION CARRIES.

Approval Not Required Plans Pending:

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

7:30 P.M. Special Permit, Donna Moitoza, 34 Pine Street, application to allow five alpacas on less than five acres, continued from June 19, 2012

Mr. Charles Moitoza was present on behalf of Mrs. Moitoza, who was ill this evening. The last time they appeared before the Board they were working on surveying land and fencing and hoped to pursue property beside them. Mr. Moitoza was requesting to withdraw without prejudice at this time.

MOTION was made by Mr. Rich to allow to withdraw without prejudice, Special Permit, Donna Moitoza, 34 Pine Street, application to allow five alpacas on less than five acres, continued from June 19, 2012. Second by Mr. Fernandes. Vote: Unanimous. MOTION CARRIES.

Mrs. Haracz said Mr./Mrs. Moitoza are free to come back before the Board at some point.

Mr. Moitoza said he has also received some anonymous comments/complaints regarding this.

It was noted that all paperwork will remain on file; file will be maintained, but a new application would be needed.

Ms. Debbie Davascio of Lantern Lane stated she wanted to submit paperwork for file.

Site Plan Approval: Dr. Ryan Welter, proposed modification of 184 West Main Street with 315 foot addition

Copy of plan was distributed: "Dr. Ryan Welter, MD, PhD-Triston Medical-Primary Care Centers, 465 So. Washington Street, No. Attleboro 02760", drawn by Coneco, Ed Ryberg, Coneco Engineers, Scientists and Surveyors, dated July 6, 2012.

Plan is to add about 3,000 square feet and now have removed first floor addition so now second floor addition is planned, which was recently submitted to Planning Board.

Plan explained: three foot overhang and second means of egress. Roofing, siding, windows, and trim were discussed and samples shown to Board. They plan to create a center tower. It was believed they have adequate parking. First floor would include the current restaurant (Trinity), tanning business, and preschool, and the planned medical/doctor offices on first floor. Second floor is where Cable Access is located. Planning Board perused plans.

Brown/light tan color planned to be used and they also looked at grey color and showed brown/tan option to Board of rendering of building.

Mrs. Haracz remarked the two lighter colors fit in with village commercial the best.

Mrs. Haracz stated Deputy Fire Chief Myles indicated transformer needs to be moved.

Mr. Ryberg stated, yes, transformer to be moved.

Mrs. Haracz said also mentioned was vegetation and access road.

Mrs. Haracz inquired about landscaping?

It was noted no changes to landscaping now but whatever Planning Board is requesting, they can look into, however, they have not gotten to that level of detail as yet.

Mrs. Haracz stated the Town does have landscaping requirements (to bring up to grade, etc.).

“Elevation Plan/Rendering” was reviewed.

Mr. Miller referenced “dummy gable” on building may be beneficial for esthetics. Roof line discussed. Air-conditioning units are located on roof also, but are very far back it was noted by client.

Mrs. Haracz said it was a positive sign to see building renovated. Second story addition appears to have no major issues. Street/public side esthetics need to be looked at, as well as landscaping to upgrade entire site, etc.

Mr. Rich asked about a septic upgrade?

Client said if it was necessary, per Town Board of Health regs they will do. Right now in preliminary phase.

Mr. Gabriel said they will need to look at Town's parking requirements if they have not yet done so.

It was noted they did an analysis but this analysis was not with him now. Four spaces per thousand per medical use (off hours vs. restaurant).

Mrs. Haracz said she would like to see that documentation.

Mr. Gabriel stated his mind was focused on the first floor addition. This plan is more substantial than he first believed. They should possibly think of upgrading parking lot. Dark sky compliance lighting regulations also.

Mrs. Haracz said she saw no major concern on building itself and it appeared to be positive. However “the devil is in the details”. Discussion ensued.

Mrs. Haracz spoke of village commercial having certain requirements. No one in audience had questions/comments when asked by Mrs. Haracz.

MOTION was made by Mr. Fernandes to continue Site Plan Approval: Dr. Ryan Welter, proposed modification of 184 West Main Street with 315 foot addition, to July 24, 2012. Second by Mr. Rich. Vote: Unanimous. MOTION CARRIES.

8:00 P.M. Special Permit/Site Plan Review, John Waitkus submission of a plan for modification of previously approved Special Permit #433-Handling of Toxic or Hazardous Material within the Water Resource Protection District and for Site Plan Approval

Attorney Alan Almeida was present and stated Mr. Todd Pilling, engineer for applicant could not attend this evening as he had a conflict. It was noted June 2, 2012 was date of original plan.

Owners decided not to construct 7,000 sq. foot building; will have off-season parking of vehicles and equipment will still be present. Building permits were obtained after the fact. Floor drains, tite tank and alarms were referenced and applicant's rep said it would cost about \$300,000 just to do paving and site work, as well as removing impervious paving of parking of vehicles. It was explained that applicant runs bridge inspection business and in winter season business decreases and vehicles to be parked on-site (some vehicles would include: barges, boats).

It was further discussed, in July 2011, a special permit was granted with some conditions attached with some specifics as to activity permitted on-site. Applicant complied with most of conditions/requirements. Fire Dept. aware of storing toxic/hazardous materials on-site. Fifty to sixty chemicals initially (now only diesel fuel and in containers). Toxic materials in trailers but absorbtion at 110%, Three monitoring wells installed and have been sampled twice thus far. In November 2011, a sample was done, as well as in May or June. Applicant's rep said he was not certain if results were received yet. All vehicles on-site are registered with Town of Norton which is a condition and which is outside of construction of building.

Mrs. Haracz noted there was nothing noted on page 3.

Attorney said dirt to be replaced with gravel. Gravel superior to impervious pavement and three engineers they have checked this with and these engineers said this would be best. No servicing of vehicles to be done on site.

Mrs. Haracz referenced "existing gravel area" in which plan states.

Attorney said he thinks it meant gravel that was there already.

Mr. Gabriel said gravel is extremely pervious and he respectfully disagreed with gravel being superior to impervious pavement.

Mr. Gabriel said gravel on top of sand is not good.

Attorney said he disagreed with Mr. Gabriel. They have consulted with a number of engineers regarding this opinion. These engineers said gravel is better to decompose substance or easier to cleanup. Copies of opinion he stated he had with him.

Attorney said they could consider possible alternative which is more cost effective, which is to put a liner under gravel.

LSP, Mr. Walter Hermano, said Town was notified/water department and building department.

Mr. Gabriel said it was not done according to special permit. Town's engineer was supposed to be present.

Attorney said \$19,500 was amount for consultant.

Mr. Gabriel said that amount covered more than installation of wells.

Attorney stated an independent lab does this. Wells on-site or not is irrelevant to purpose of wells. It is a non-issue.

Mr. Gabriel said wells were put in not knowing if they were on the correct property or not. Also Town of Norton's consultant engineer was not present, and was supposed to be according to conditions.

Mr. Fernandes said two things he recalled from previous meetings: a 500 gallon tank (diesel) on a pad and containment.

Attorney said tank on containment unit and it is a 499 gallon tank.

Mrs. Haracz stated this was not noted/shown on plan.

Mr. Miller said there appeared to be a 40-50' walk to restroom, and had some concerns with it being too far away.

Attorney said there are two mechanics in addition to office staff.

Mrs. Haracz stated this is in a WRPD and a very critical area. Also need specifics on how gravel to be constructed. Also, a cross-section needed and confirmation of the 499 gallon tank.

Mr. Daly inquired if there was a battery backup for tite tank?

Mr. Nichols asked if power washing of vehicles would occur on site? Discussion ensued.

Washing/cleaning/possible painting of vehicles was discussed.

Mrs. Haracz noted there was no piping to infiltration basin.

Mr. Gabriel said this is a critical area and, from his perspective, this is one of the most hazardous sites. Examples used of Bernie and Phyl's and Gold's Gym who always required pavement for parking to go into detention basins (these appear to be intensely toxic and hazardous materials).

Attorney said it may be a mischaracterization; the parking of vehicles would be the worst. Floor drain/alarm/tite tank will be on-site.

Mr. Gabriel asked if all materials would be located in building. A current list needed to be provided to Board.

Attorney said he has a current list and fire department has a current list also, which is as of January 17, 2012, and given to fire dept. with connection with permitting. Discussion ensued.

Mr. Gabriel said there would be all types of trucks, vehicles, and boats (about 80) on-site. Mr. Gabriel encouraged Board to go to Google and look at site.

Mr. Daly said an inventory list of all equipment stored on-site would be helpful.

Paving vs. gravel discussed.

Mr. Fernandes said it was counter-intuitive that gravel is better than a pervious surface. He would be curious to view engineering reports. Some concerns would be with trucks leaking hydraulic fluid, etc.

Attorney said hydraulic fluid is made from vegetable oil. Also from a legal aspect, their position is that this is just the parking of vehicles in WRPD, which does not constitute the handling or storage of these vehicles.

Copies of photos of storage items distributed to Planning Board.

Mr. Rich said hypothetically, on a Friday afternoon, when no one is around and diesel fuel leak occurs, 50 gallons could be lost in ground. He stated he would rather have a safe system so it does not get into the water supply.

Mrs. Haracz stated the Planning Board needed the engineers' information/reports.

Mrs. Haracz said it would be beneficial for Planning Board members to view/visit site.

Attorney said Mr. Gabriel can call his or Mr. Pilling's office to set this up.

Process was discussed of these reports. Mr. Walter Hermano, LSP, utilized, and in chain of custody to independent testing lab.

MOTION was made by Mr. Daly to continue this Public Hearing-John Waitkus, to July 24, 2012 at 8 p.m. Second by Mr. Fernandes. Vote: Unanimous. MOTION CARRIES.

Ms. Kathleen Ebert Zawasky of Land Preservation Society in audience, wanted to express her support to Planning Board. Permeable or non-permeable surface; Blueberry Knoll is in area and clean water desired for future.

Mr. Nichols commented he wanted to see copies of engineering reports.

David Eastridge of Red Mill Village – to discuss modification of plan adjacent to Newland and White Streets

This agenda item was not discussed.

Request by Angelo Pasqualino for release of Johnson Drive road surety

Mr. Gabriel suggested to hold off on Mr. Pasqualino's request as someone is raising questions/tax collector involvement and he did not feel comfortable addressing this agenda item this evening.

Adjournment

MOTION was made by Mr. Daly to Adjourn at 8:48 p.m. Second by Mr. Miller. Vote: Unanimous. MOTION CARRIES.

Minutes Approved by Committee on: _____
(Date)

Signature:

Chairman: _____

Respectfully Submitted,

Janet A. Sweeney
Planning Board – Recording Secretary

Documents Reviewed/Distributed at Planning Board Meeting of July 10, 2012

. Draft – May 15, 2012 Planning Board Minutes of Meeting

. Bills and Warrants, dated July 10, 2012, in the amount of \$1624.12

. Plan: “Dr. Ryan Welter, MD, PhD-Triston Medical-Primary Care Centers, 465 So. Washington Street, No. Attleboro 02760”, drawn by Coneco Engineers, Scientists and Surveyors, Ed Ryberg, dated July 6, 2012 and Elevation Plan/Rendering also reviewed

. Site Plan, John Waitkus – for modification of previously approved Special Permit #433-Handling of Toxic or Hazardous Material within the Water Resource Protection District and for Site Plan Approval

. Copies of photos of storage items for above (modification of previously approved Special Permit #433-Handling of Toxic or Hazardous Material within the Water Resource Protection District)