

**Norton Planning Board Minutes of Meeting  
For  
July 24, 2012**

**Call to Order**

The July 24, 2012 meeting of the Norton Planning Board held in the first floor Selectmen's Conference Room, was called to order at 7:20 P.M., by Mrs. Haracz, Chairman. Members Present: Mrs. Joanne Haracz, Chairman; Mr. David Miller, Vice-Chair; Mr. George Burgess; Mr. Patrick Daly; Mr. Joseph Fernandes; and Mr. Alec Rich. Absent: Mr. Scott Nichols. Also present was Mr. Charles Gabriel, Town Planner.

**Report of the Planning Board**

Nothing was discussed.

**Approval of Minutes**

**MOTION was made by Mr. Miller to approve the Planning Board Minutes of Meeting, dated June 5, 2012, as written. Second by Mr. Daly. Vote: Unanimous. MOTION CARRIES.**  
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**MOTION was made by Mr. Daly to approve the Planning Board Minutes of Meeting, dated June 19, 2012, as amended. Second by Mr. Rich. Vote: All Members voted in Favor of Motion, except for Mr. Burgess, who voted "present". MOTION CARRIES.**

**Report of Town Planner**

Nothing was discussed.

**Planning Board Business and Policies**

Nothing was discussed.

**Bills and Warrants**

**MOTION was made by Mr. Miller to approve Planning Board Bills and Warrants in the amount of \$1,987.17, dated July 24, 2012. Second by Mr. Daly. Vote: Unanimous. MOTION CARRIES.**

**Approval Not Required Plans Pending:**

Applicant Name            Date Filed with Town Clerk

No ANR's were reviewed.

**7:30 P.M. Continued from July 10, 2012: Site Plan Approval: Dr. Ryan Welter, proposed modification of 184 West Main Street with 315 foot addition**

Mr. Ed Ryberg of Land Tech General Contractors was present on behalf of applicant, regarding rehab of exterior and interior of building. Two open items were discussed at the last meeting: 1) parking analysis and 2) landscape requirements and wanted to discuss this more before they submit.

Copy of plan was distributed: "Dr. Ryan Welter, MD, PhD-Triston Medical-Primary Care Centers, 465 So. Washington Street, No. Attleboro, MA Site Plan – Proposed Building Addition, 184 West Main Street, Norton, 02766 dated 7/24/12, drawn by Coneco Engineers, Scientists and Surveyors"

Mr. Ryberg stated 102 spaces were required (restaurant (Trinity) is licensed for 210 seats); so they are thirty spaces short=155 total. They are asking Planning Board's view as they believe it will adequate.

Mr. Ryberg distributed Google map to Planning Board, dated 7/24/12, of 184 West Main Street, Norton, MA.

Other document distributed: "Proposed Building Addition, 184 West Main Street, Norton, MA – Parking Analysis".

Mrs. Haracz said she did not want to see more parking than needed. She recommended to set aside area unpaved so it could be utilized in future and asked this area to be shown on new site plan.

Mr. Ryberg referenced additional islands; owner wants to spruce up and put more landscaping in, but if they could avoid island on end of three rows it may help, and add a fence along front of building.

Mrs. Haracz said they could add landscaping instead of a fence (an example is Walgreen's in Norton).

Mr. Gabriel said it would be a lot easier to see a specific plan. Need to provide landscaping as close to bylaw as possible. Discussion ensued.

Mr. Ryberg said revised plan will also show handicap parking.

It was noted the architect will be present next time they meet to explain more specifics to addition.

**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 August 7, 2012 at 7:30 p.m. Second by Mr. Rich. Vote: Unanimous. MOTION CARRIES.**

**8:00 P.M. Continued from July 10, 2012: Special Permit/Site Plan Review, John Waitkus submission of 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**

Plan distributed to Board entitled, "Waitkus Proposed Site Plan, Lot 5A Lopes Drive Norton, MA-Revision Plan Date, 7/13/12".

Attorney Almeida was present, along with Mr. Todd Pilling of Pilling Engineering; Mr. Walter Hermano, LSP; and Attorney Frank Vale.

Attorney Almeida described the site plan approval/special permit for parking vehicles. 1800 square feet building exists at site and handling and storage of some hazardous materials. Special Permit needed on hazardous materials and gave Planning Board list last time they were in front of Board. All permits they received from fire dept. and designed to store 110%.

Attorney Almeida stated he had a list of vehicles stored on site. Tite tank does have a battery backup and is noted on plan. All vehicles are washed off on site. He had a number of receipts showing vehicles were washed off-site. Re: hydraulic oil, it is all environmental safe hydraulic oil and he had info on this. Automatic sealing takes place so safeguard built in and followed DOT regs so inspected daily (seven days a week/265 days a year) and he had a log showing such.

It was noted Mr. Pilling made some changes to plan. Detail on gravel and impervious surface on plan also. He referenced a 1997 version of DEP stormwater management guidelines ( old version). The 2008 version is the newest version and will be in compliance with 2008 stormwater regs.

He said use of infiltration basins is not prohibited under stormwater management guidelines.

It was noted a letter was received from Norton Health Agent, Leon Dumont, which spoke of Mr. Dumont informing applicant of needing an industrial wastewater protection tank and July 6 tite tank was installed (no permit) and Mr. Pilling never contacted him. Attorney Almeida requested a copy of that letter.

Attorney Almeida said many people were present, and referenced a permit from plumbing inspector; and Mr. Barbato was also at a meeting. If additional permits were required it was not their understanding this was necessary at the time.

Mr. Walter Hermano, LSP, said building inspection conducted and floor drain installed; not jurisdiction under Board of Health. It is a building matter.

Mr. Gabriel stated he will speak to Board of Health Agent regarding this.

Mr. Hermano said building inspector was out there to look at it and he did so. They believed they had all permits they needed.

Mr. Gabriel said he will relay info to Board of Health Agent that they did not believe this was in his jurisdiction.

Attorney Almeida said it is not a septic; therefore, not subject to Title V.

Mr. Gabriel referenced a revised list of materials; all materials listed in trailer; nothing listed in building. Therefore, it was his understanding there is no storage within building; appears the applicant/employees will take from trailer.

Attorney Almeida said waste oil tank in building is only thing stored. Anything stored in trailers on site have secondary containment if needed.

Attorney Vale said this was reviewed by fire dept.

Mr. Fernandes referenced stormwater management and runoff and concerns of compounds leeching through ground. The supplemental affidavit was also referenced.

Attorney Vale said recommendation of gravel and sand because it binds up oils and toxic materials because basically hydro-focus and explained.

Mr. Fernandes stated there appeared to be no backflushing here.

Attorney Vale referenced biodegradation. DOT requirements and trucks checked for leaks. Greatest area to leak is hydraulics which is vegetable oil. Other thing is diesel fuel, and if leaking, then next morning will be picked up. Route 495 has more vehicular traffic than this site.

Attorney Vale said he asked this question to experts as well as risk and most say gravel and sand permissible. Stormwater management plan referenced. Mr. Gabriel asked about \$300,000 for paving costs, etc.

Attorney Vale said \$300,000 cost would include: engineering review; grading area/oil-water separators, etc.

Mr. Gabriel referenced paving was on approved plan.

Attorney Almeida said 9600 square feet is parking area. Installing drainage, paving, and underlying site work/drainage, etc. would incur costs.

Mr. Gabriel asked why a gravel parking lot when it is not in DEP's regulations; not listed as one of the alternatives?

Attorney Almeida said gravel is superior and they had opinion of several experts.

Mrs. Haracz asked if these experts were geologists?

Attorney Almeida said intention is to leave a natural area not disturbed. Nothing in DEP regs states that paving is better. Discussion ensued.

Attorney Vale said most people want asphalt when a lot of people are in and out like shopping plazas.

There is very little risk at this site and if there are any leaks he assured Board they will be cleaned up.

Mrs. Haracz referenced the fleet storage area.

Mr. Hermano said it is a clean site and operation and even more so than he has seen on other sites. Stormwater management standards have been met as early as November 2010.

Mr. Fernandes stated he understood stormwater management and runoff. He was not concerned about heavy/frequent vehicles trips at site. However, had concerns if one vehicles sits there for one year and leaks, and some vehicles do not move. Checkoffs referenced earlier by Attorney are merely from a safety perspective and not to check for leaks, etc. Also, especially if it never rains a concern; if it drips down to ground, off to aquifer and to Town wells.

Mr. Hermano said most liquids are biodegradable. Mr. Waitkus maintains his equipment. If leaked it would be contained. In the last two years he probably saw two small stains and one was salad dressing owner told him.

Attorney Vale said they have monitoring wells and should there be a significant release, it will be picked up in monitoring.

Mr. Fernandes said if it is picked up in monitoring wells, \$300,000 pales in comparison to the alternative cost/fees (expensive remediation if it leaks/releases). It is a reality.

Mr. Fernandes stated he would like an independent review of concept of gravel withholding a spill, etc.

Attorney Vale said the Board does have their opinion where it would capture in monitoring wells.

Mr. Fernandes said, with all due respect, Mr. Vale and others are working for proponent.

Mr. Hermano said he could not fathom a release. He is on call and would cleanup spill and told Mr. Waitkus to call him if there is a spill. State would be notified and Town could be notified. He is licensed by Commonwealth of Massachusetts. Also, his job is a supervisory position.

Mrs. Kathleen Ebert-Zawasky, from audience, said she is an abutter and their neighbor., and asked about gravel specifics.

Mr. Hermano said gravel is already there.

Mrs. Ebert-Zawasky spoke of pervious and impervious and a possible sanitary liner under gravel. She stated she is a biologist by trade. A pervious layered system with wildlife preserve and groundwater is the concern. Liner is a very good solution as an option.

Attorney Vale referenced impervious membrane and said it is costly and could flood. However,

probably better to use a membrane than paving. Microdegradation would work quite well. He said he would be more concerned about Route 495 vehicles/spills/leaks.

Mrs. Ebert-Zawasky questioned if this was not under purview of anyone in room.

Mr. Gabriel spoke of a possible gravel, sand, asphalt mix. He asked about the type of gravel.

Attorney Vale said it was his understanding there is not much runoff, however, they can get an answer to that.

Mr. Hermano discussed compaction. Slope on property is also very minimal. Water direction discussed.

Mr. Gabriel said he did previously have the older regulations. Infiltration basins are not prohibited but infiltration in Zone 2 within a fast perk rate, and an area of pollutant requires a pretreatment.

Mr. Pilling spoke of pretreatment devices (two devices needed to get to percentage).

Mr. Hermano referenced a catch basin and forebay, and they are using handbook. At low spot would be a catch basin so can design it so it is lower.

Discussion of no pipes noted on plan.

Mr. Hermano said test pits, three wells and previous gravel operation was on site. He would call it an "A" or "B" for drainage purposes.

Mr. Pilling discussed modifying slip, too.

Mr. Gabriel said infiltration does not meet stormwater management standards.

Mr. Hermano said they could add it in about 15 minutes.

Mrs. Haracz said Planning Board has not had a consultant review of use of a gravel surface for parking of vehicles.

Mr. Daly referenced 499 gallon diesel tank and thought it would be beneficial of moving this far away from wells. He has visited site.

Mr. Hermano spoke of combustibility and advice of Attorney Vale to leave it where it is.

Mr. Pilling referenced drainage calcs and Norfolk Ram reviewed calcs. 44% is percent to get to and truck going over it; it will get chewed up. He is not too worried about stormwater; for him something sitting on top of soil – where will it end up? He would like to see what happens when something falls on gravel.

Mr. Hermano said he did observe puddles on property.

Attorney Almeida said an LSP to review, not just Norfolk Ram.

Mrs. Haracz said a hydrogeologist she believed should conduct review.

Attorney Vale said he believed an LSP with geohydrological experience would be beneficial.

Mrs. Haracz said it would require applicant to provide funding. Planning Board can select their own engineer for review.

Attorney Vale said GZA is a well respected company and they want someone knowledgeable if there is an independent review.

Attorney Almeida said as long as they feel person/firm is qualified and would request names of two or three people and get estimates.

Mr. Fernandes said they will listen to their comments, however, the decision will ultimately be the Planning Board's decision.

Attorney Vale suggested the Board talk to GZA for clarification, which may be helpful to them, as GZA rendered the opinion.

Mrs. Haracz said they have GZA's opinion on paper, and if there are questions, Town's engineer can contact GZA.

Mrs. Haracz said first thing they need is agreement from Mr. Waitkus to proceed. It was discussed they need to get estimates first, etc.

Mrs. Haracz said the Board will provide names, qualifications, and estimates.

Attorney Vale said, in their opinion, paving area would not be useful.

Mr. Gabriel said he would plan to give them the name(s), estimates, etc. in a couple of days.

Mr. Gabriel said it is important to craft questions, get a price/engineering firm, and can rephrase question(s) as needed, etc.

MOTION was made by Mr. Burgess to continue this meeting to August 7, 2012 at 8 pm. Second by Mr. Daly.

Discussion: Attorney Almeida said he may not be present for the August 7 meeting due to a scheduling conflict.

It was discussed, with all due respect, Attorney Almeida may not need to be present as it was agreed

there are mostly technical issues to discuss.

Mrs. Haracz said a review of this opinion is necessary, and whether the proposed area, and gravel and sand vs. asphalt if best.

Mr. Fernandes stated this decision to be mostly on gravel vs. pavement. He referenced bulldozers, track vehicles, etc., and "assuming" someone sees a leak is a concern, as well as winter setting in after fall. Mr. Fernandes said if a truck has a diesel leak, and if on pavement, it would puddle up.

Mr. Daly had a concern with diesel fuel, with two inches of compacted gravel and ground asphalt, it would not hold up.

Mr. Gabriel referenced storing materials in trailer and if this was ok to do.

Mrs. Haracz asked Mr. Gabriel to put together questions Planning Board wants to ask Town's consultant/engineer. Mr. Waitkus would need to agree to fund the consultant's review.

Mr. Gabriel communicated he will e-mail questions to applicant/applicant's reps and asked them to respond back to him with their input; edit them or write their own questions.

**MOTION was made by Mr. Fernandes to continue Special Permit/Site Plan Review, John Waitkus submission of 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, to August 7, 2012, at 8:00 P.M. Second by Mr. Daly. Vote: Unanimous. MOTION CARRIES.**

**Adjournment**

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

**Minutes Approved by Committee on: \_\_\_\_\_**  
**(Date)**

**Signature:**

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**Chairman:** \_\_\_\_\_



Respectfully Submitted,

Janet A. Sweeney  
Planning Board – Recording Secretary

**Documents Reviewed/Distributed at Planning Board Meeting of July 24, 2012**

- . Draft – June 5, 2012 and June 19, 2012 Planning Board Minutes of Meeting
  
- . Bills and Warrants, dated July 24, 2012, in the amount of \$1,987.17
  
- . Plan entitled: “Dr. Ryan Welter, MD, PhD-Triston Medical-Primary Care Centers, 465 So. Washington Street, No. Attleboro, MA Site Plan – Proposed Building Addition, 184 West Main Street, Norton, 02766 dated 7/24/12, drawn by Coneco Engineers, Scientists and Surveyors”
  
- . Google Map, dated 7/24/12, of 184 West Main Street, Norton, MA
  
- . “Proposed Building Addition, 184 West Main Street, Norton, MA – Parking Analysis”
  
- . “Waitkus Proposed Site Plan, Lot 5A Lopes Drive Norton, MA-Revision Plan Date, 7/13/12”