

Norton Planning Board Minutes of Meeting
For
NOVEMBER 13, 2012

Call to Order

The November 13, 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. Joseph Fernandes; and Mr. Alec Rich. Mr. George Burgess arrived at 7:20 p.m. Absent: Mr. Scott Nichols. Also present was Mr. Charles Gabriel, Town Planner.

Report of Planning Board

It was noted Highway is proposing to do road and sidewalks on southside of Route 123. Photographs distributed to Board of this.

Mrs. Haracz said water and sewer proposing changes; Mr. Knapp should be invited in to provide update to Board.

Mr. Burgess arrived at 7:20 p.m.

Approval of Minutes

MOTION was made by Mr. Miller to approve the Planning Board Minutes of Meeting, dated September 4, 2012, as amended. Second by Mr. Fernandes. Vote: All In Favor, except for Mr. Daly voting "present". MOTION CARRIES.

MOTION was made by Mr. Miller to approve the Planning Board Minutes of Meeting, dated September 18, 2012, as amended. Second by Mr. Fernandes. Vote: All In Favor, except for Mr. Daly voting "present". MOTION CARRIES.

Report of Town Planner

Roads to possibly be accepted at Town Meeting were discussed.

Mr. Gabriel said there were two 40B's in front of ZBA and this is early in process. He asked how does Planning Board want to deal with it? Mr. Gabriel stated he could write a letter to have them come before Planning Board, however, they do not legally have to do this.

Mr. Burgess said if this project goes through, he would like to see sidewalk go up to Easton line.

It was unanimously decided to invite them to come before the Planning Board. Mr. Gabriel will write a letter to them.

Planning Board Business and Policies

Future Planning Board meetings are scheduled for Dec. 4 and 18, 2012; and January 8 and 22, 2013.

Bills and Warrants

MOTION was made by Mr. Miller to approve Planning Board Bills and Warrants, dated November 13, 2012, in the amount of \$1,522.72. Second by Mr. Burgess. Vote: Unanimous.

Surety Release for River Oaks subdivision

MOTION was made by Mr. Burgess to release all surety for River Oaks. Second by Mr. Daly. Vote: Unanimous. MOTION CARRIES.

David Azanow Update

Mr. Gabriel said Mr. Azanow communicated with him and wanted an extension on Harvest Farm Estates as he was concerned about potential rail near location. Discussion ensued.

Mr. Gabriel said Mr. Azanow was good to 2009 and Board extended to 2010 (basically an extension on an extension); December 21, 2014 is date by state law and he asked us to extend, but he also owes Town taxes and he is on the delinquent list and encouraged to not extend/permit.

Mrs. Haracz asked Mr. Gabriel to send a letter to Mr. Azanow referencing the Permit Extension Act and indicating he owes real estate taxes also.

7:45 p.m. Public Hearing: John Waitkus continued from September 18, 2012, modification of previously approved Special Permit #433-Handling of Toxic/Hazardous Material within the Water Resource Protection District and for Site Plan Approval

Attorney Almeida was present on behalf of Mr. Waitkus, and spoke of the previous discussion of referring this out to a consultant at one point, however, it would be about \$6,000 and Mr. Waitkus decided not to do so due to cost. Oct. 26, 2012 letter was sent to Planning Board setting forth his reasons deferring request and his belief enough evidence to Planning Board. Mr. Waitkus has GZA/Geo Environmental here this evening for questions and stated they were not involved in preparation of plan, etc. , and on 6/7/12 a letter was rendered from GZA. Mr. Albert Ricciardelli, LSP, with experience at MIT and Chevron Oil for years and Attorney Almeida stated just because Mr. Waitkus wrote a check to the consultant he did not believe they would be biased.

Mr. Ricciardelli said in his opinion nothing had not changed and he was in front of Planning Board about two years ago. Question: If chemical released, what would happen to chemicals? He said it was all petroleum-derived chemicals with a couple of small exceptions. Mr. Ricciardelli stated he worked from Chevron in 1980's and said petroleum floats in water and is biodegradable and retained up in soil, and doubtful it would get to water and, if so, it would not sink. From a groundwater perspective it is not a great risk for not paving site; if site is paved, it would possibly carry it out to wetlands. Paving site could increase risk. It is not a benefit to paving vs. what is there currently. Discussion ensued.

Mr. Ricciardelli spoke of wetlands next to it.

Mrs. Haracz commented no direct discharge to water body proposed

Mr. Ricciardelli said two years ago Brake Clean was used, and he did not think he (Mr. Waitkus) is using it now. If he is using it still he suggested it is put in garage and only have a small amount. It is used in most garages.

Mr. Fernandes said throughout this review, the applicant's reps have stated gravel is better than pavement and referenced sensors for leaks and double-walled for concern to damage to environment. Mr. Fernandes asked Mr. Ricciardelli if he worked at Chevron, how many outlets were gravel-based at Chevron. Mr. Fernandes said he has never seen a gas station not on a cement slab.

Mr. Ricciardelli said at Chevron lots of trucks were on gravel parking lots. It was a different order of magnitude (this is a smaller scale).

Mr. Fernandes said at a gas station, there is basically not a lot of spill but contained still.

Mr. Ricciardelli said there are tens of thousands of gallons located in a gas station vs. this smaller site.

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Mr. Fernandes said parked vehicles is concern. If a leak develops and especially if this leak develops in off-season and goes undetected is concern. At least on asphalt someone sees at least a sheen.

Attorney Almeida said even off-season someone will be there every day (Mr. Waitkus' son lives on site also). Second, they also have monitoring wells. Even if spilled on asphalt there needs to be someone there to see it.

Mr. Rich asked what is the largest tank on any of these vehicles?

Mr. Ricciardelli responded 50 gallons.

Mr. Rich said even a 50 gallon leak goes undetected.

Mr. Fernandes said he is under assumption it would be like a lawn mower; vehicles won't be checked every day.

Mr. Ricciardelli said per Hazardous Plan, it is supposed to be checked every day and would call hazardous leak company (there are procedures in place, etc.)

Mrs. Haracz spoke of the importance of following the Hazardous Plan. This is Town's only water supply and cannot "put genie back in bottle once it's out".

Mr. Gabriel said Bernie and Phyls' have trucks along with several other facilities and they all have paved. No good environmental reason to not pave, and there is nothing in stormwater management regs that gravel surface parking lot is an ideal or acceptable surface.

Mr. Ricciardelli said he did not know one way or the other if either way gravel is better or paving is better. Bernie and Phyl's would probably pave as he would assume it is beneficial as it is really more wear and tear.

Mrs. Haracz suggested to close the Public Hearing as there appeared to be enough info and recommended the Board take a straw vote .

Mr. Fernandes spoke of the petroleum-based products and various viewpoints on this. He is not doubting what they are communicating to Board, except consultant is being paid by applicant and Mr. Fernandes personally believes gravel is not appropriate . To seek an independent opinion would be beneficial, and needed to say this is his opinion in advance, without convincing anyone else on how to vote.

Mrs. Haracz said this is not in Planning Board's budget to do their own review.

Original special permit still stands if not voted on.

Mr. Gabriel said this vote is for a new special permit and applicant obliged to pay for a review and this was not presented to applicant in that form but that is in Town's regulations. Mr. Gabriel stated he was not saying the Board needs to make that demand, however, he wanted to point out there is a statement in zoning regs regarding this.

Mrs. Haracz said there is no enforcement mechanism; except for Board's vote.

Mrs. Haracz said this has been an issue for awhile and they were waiting to hear a response, etc. Before Board now is modification of Special Permit.

Mr. Gabriel read aloud zoning bylaw regarding applicant paying for review.

MOTION was made by Mr. Fernandes to close Public Hearing. Second by Mr. Rich. Vote: Unanimous. MOTION CARRIES.

Straw Vote (how would each member vote to approve request):

Mr. Rich : Yes in favor

Mr. Fernandes: Not in favor

Mr. Miller: Not in favor

Mr. Burgess: Not in favor

Mr. Daly: Not in favor

Mrs. Haracz: Not in favor.

Mrs. Haracz said this is for protection of Town's groundwater. Formal vote will be taken at Planning Board's next meeting, and she will review what Board members have been absent, etc., and they can review tape/minutes.

Mr. Rich said he will not be present at the next meeting on November 27.

Mr. Gabriel said this may take two meetings; probably won't get a draft to approve that particular night.

David Eastridge regarding surety for Red Mill Village

Mr. Eastridge was not present this evening.

Mr. Rich said sidewalks on Newland and White Streets (Red Mill Village) are asphalt but plans calls for concrete. He asked if they ever came before Board for a Modification to change?

It was not believed there was a modification for that change. Mr. Gabriel stated he can ask Mr. Eastridge about this when he is present at future meeting.

Adjournment

MOTION was made by Mr. Fernandes to Adjourn at 8:25 p.m. Second by Mr. Burgess. Vote: Unanimous. MOTION CARRIES.

Respectfully Submitted by:

Janet A. Sweeney
Board of Selectmen – Recording Secretary

Minutes Approved by Committee on: _____
(Date)

Signature: _____

Chairman: _____

Documents Reviewed/Distributed at Planning Board Meeting of November 13, 2012

. Draft Planning Board Minutes of September 4 and September 18, 2012

. Photographs of Road/Sidewalks – Route 123 (southside)