

Norton Planning Board Minutes of Meeting  
For  
FEBRUARY 5, 2013

**Call to Order**

The February 5, 2013, 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, Chairma n; Mr. David Miller, Vice-Chair; Mr. Joseph Fernandes; Mr. Scott Nichols; and Mr. Alec Rich. Mr. Patrick Daly arrived at 7:23 p.m. and Mr. George Burgess arrived at 7:28 p.m. Also present was Mr. Charles Gabriel, Town Planner.

**Approval Not Required Plans Pending:**

<u>Applicant Name</u>	<u>Date Filed with Town Clerk</u>
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<u>Michael and Barbara Silvia</u>	<u>January 22, 2013</u>
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It was noted this was approval not under subdivision control split; need 80,000 square feet (non-wetlands).

**MOTION was made by Mr. Fernandes to approve ANR for Michael and Barbara Silvia, plot of land located on South Washington, Street, Norton, MA. Second by Mr. Nichols. Vote: Unanimous. MOTION CARRIES.**

<u>Fred Bottomley</u>	<u>January 24, 2013</u>
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Mr. Yarworth of Yarworth Engineering, was present on behalf of applicant regarding plan of land on East Hodges Street.

This site has an existing house on it; land in front where there was formerly a road. Decision was rescinded by Planning Board in past. Mr. Yarworth said applicant would like to split Lot A off and new easement over Lot B (not changing access that exists). 50' of frontage; both will have 150' of frontage. Cart path goes through that location. Lot B may be a solar farm.

Mrs. Haracz stated it appeared they wanted to split one parcel into two lots basically.

Mr. Yarworth said there is access through WLFB land.

Mr. Gabriel spoke of access to lots; no access to lots they have created.

Mr. Gabriel said the applicant is asking Planning Board to sign, however, there is no access "on" these lots.

Mr. Bottomley said he is manager of East Hodges LLC/WLFB LLC when house was built (and provided history) and Planning Board had previously approved subdivision (Salby Farm). Mr. Vidala passed away out of state and there were a lot of problems. Then Salby Farm subdivision was rescinded. Deeds were conveyed with easement in them. Plan before the Planning Board is a Form A.

Mr. Yarworth said these are in separate ownerships.

Conservation Commission (ConCom) did an ANRAD and "wrapped up" with ConCom several weeks ago.

Mr. Gabriel said setting precedent with splitting up a lot with 1,000 feet of wetlands and not practical.

Mr. Gabriel noted there is no house on Lot B.

Mr. Bottomley said subdivision created access and Town continued to access. \$95,000 was paid by previous owners in real estate tax.

Mr. Yarworth said a second house cannot be put at location without a special permit.

Mr. Bottomley said this has a building permit, an occupancy permit; and was given a certificate of compliance also.

Mr. Bottomley described possible solar farm and stated he had already spoken to some town officials regarding this. Looking at a two meg site. Wetlands on both sides and they went through ConCom.

Mr. Gabriel questioned if solar project did not go through; would they put a house at location? Is that the intention?

Mr. Bottomley responded they did not have intention right now. He has looked at various agricultural things. Utilities were discussed.

Mr. Daly questioned if road was wide enough for construction to build electric/solar farm?

Mr. Bottomley responded, yes, it was strong enough. It was noted, Mr. Michael Chisolm has it under agreement and waiting to close on it.

Mr. Bottomley stated he would like to have a waiver granted; minimum four-lot subdivision and plan distributed.

Mr. Yarworth described it: 18' wide with four lots on a country road. Poles above-ground already; access to back relocated. Also, no expense to Town; ownership stays with owner. They will have wells.

Mr. Yarworth said if there is opposition to this they would like to know; and probably would not go any further (he asked for Board's opinion).

Plan was perused by Planning Board.

**MOTION was made by Mr. Fernandes to approve ANR Plan of land at East Hodges Street, dated January 24, 2013, prepared by Yarworth Engineering, 140 E. Main Street, Norton, MA.**

**Second by Mr. Nichols.**

**Discussion: Mr. Burgess stated this was confusing.**

**Mr. Fernandes spoke of "approving or not approving" and referenced solar farm in residential area. Discussed if there would be two uses on one lot? It was noted solar exempt from a use/zoning.**

**Mr. Gabriel referenced rules with respect to approving ANR's.**

**Mr. Fernandes referenced a possible shared driveway approval necessary if house put on Lot B.**

**It was noted lots were not labeled with previous ANR.**

**Vote: Mr. Burgess voted not in favor of Motion**

**Mr. Nichols voted yes, in favor of Motion**

**Mr. Fernandes voted yes, in favor of Motion**

**Mr. Miller voted yes, in favor of Motion**

**Mr. Daly voted yes, in favor of Motion**

**Mrs. Haracz voted yes, in favor of Motion**

**MOTION CARRIES (5:1)**

Mr. Yarworth spoke of consensus on four lots question.

Mr. Fernandes said per the required number of waivers; there is not enough info on waivers.

Mr. Yarworth said no sidewalk; no curbing. It would be similar to that of Lester Grey and Stone Run.

**Report of Planning Board**

Mr. Burgess referenced South Shore Mill Works concern. He said they took all loam and piling up all gravel. Equipment is up next to gravel (six large piles). Permit approved but no building yet.

Mr. Gabriel said it could possibly be a violation.

Mr. Burgess said the Town of Norton has been very good to that owner/business.

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Mr. Miller referenced a Sun Chronicle article regarding the “cracking down” on temporary signs in North Attleboro, and a few businesses are being called each day regarding this problem. Trinity plaza signs were referenced. Three or four signs by Trinity Restaurant were discussed, and doctor who bought property had said these signs would be coming down. Mr. Gabriel will write a letter to Building Inspector regarding this issue.

It was discussed to start with Trinity plaza first and then go from there.

**Planning Board Business and Policies**

Nothing was discussed.

**Bills and Warrants**

**MOTION was made by Mr. Fernandes to approve Planning Board Bills and Warrants, dated February 5, 2013, in the amount of \$1,926.11. Second by Mr. Miller. Vote: Unanimous. MOTION CARRIES.**

**Approval of Minutes**

**Report of Town Planner**

Mr. Gabriel spoke of review and vote on Special Permit Decision for John Waitkus (ninety (90) days up before next meeting). Attorney Almeida, on behalf of Mr. Waitkus, sent letter and agreed to engineer review to be done by Norton.

Mrs. Haracz spoke of a non-binding straw vote. Now Planning Board has formally closed Hearing. Three firms/resumes provided by Attorney Almeida and firms are qualified and not to exceed \$3500. Mrs. Haracz said she was familiar with at least one firm. It seems when Attorney Almeida responds it is noted as an “accidental spill” but Planning Board has issues with day to day operation.

Also concern with being here at the “eleventh hour” and not inclined to want to accept, and it is another way to extend this. The Planning Board did indicate to Attorney Almeida the public hearing was going to be closed. Also, nothing from these firms stating “the scope of work”. Mrs. Haracz provided history of this and not sure what Town will gain with this delay. Discussion ensued.

Mr. Fernandes spoke of the three firms and the importance of knowing the efficacy of gravel vs. paved. He would have approved if there was a third party review, and it is possibly still attainable. What is lost if the scope of the work is confirmed?

Mrs. Haracz said typically the Planning Board chooses its own engineer.

Mr. Fernandes said if they deny the modification then back at court. Will Planning Board case be better if the Board did agree to use one of these three firms and to advise us of gravel vs. pavement concern. It may give Planning Board more leverage.

Mrs. Haracz said runoff from site seems to be “brushed aside” over and over again by applicant/his representatives. She sees this being extended and being in the same spot. Discussion ensued.

Mr. Gabriel said the Board needs to vote or grant extension to applicant even though there are only four Board members this evening (majority vote).

Mr. Nichols said he works in the geotech field and had discussions with others regarding gravel vs. pavement and is in no way same or better than pavement .

Mrs. Haracz said she works with people in environmental field and same thoughts were provided to her.

Mrs. Haracz said first item: does Planning Board want to grant request of applicant’s attorney?

Mr. Fernandes said he would like this to be in good as shape as possible if this is continued to court. Also what were specific questions to firms is important to know.

Mrs. Haracz said it was important to be aware of “scope” by consulting engineers.

Mr. Daly agreed and said to take extra step to get info on scope, etc., via phone call/email from firms.

**MOTION was made to vote to extend timeframe for Decision re: Waitkus property on Special Permit for thirty days to March 5, 2013. Second by Mr. Burgess. Vote:**

**Mr. Nichols voted no**

**Mr. Fernandes voted yes**

**Mr. Miller voted yes**

**Mr. Burgess voted yes**

**Mr. Daly voted yes**

**Mrs. Haracz voted no.**

**MOTION CARRIES.**

Mr. Gabriel said the Planning Board should be provided with “scope” and to obtain this info first.

Mrs. Haracz said she felt all three firms should provide Planning Board with a written scope and signed by each firm (sent to Mr. Gabriel by each firm).

Mrs. Haracz said they should have info by next meeting from all three firms, and this should be communicated to Attorney Almeida.

Mrs. Haracz said they will need to reopen hearing possibly to obtain more info. Therefore, at next Planning Board meeting, they will need to vote to open or not open public hearing.

Mr. Gabriel summarized the previous votes/actions: voted to extend for thirty days; call Attorney Almeida and obtain \$3500; and to fax proposal to three firms as discussed, and inquire if they can do this for \$3500.

**MOTION was made by Mr. Fernandes to authorize Town Planner, Mr. Gabriel, to solicit an agreement to perform work as specified in proposal from three firms, as per Attorney Almeida, and in compliance with any of three firms, and ask Attorney Almeida for \$3500, and Mr. Gabriel to engage consultant re: scope, etc. Second by Mr. Burgess. Vote: Unanimous. MOTION CARRIES.**

**Adjournment**

**MOTION was made by Mr. Fernandes to Adjourn at 9:10 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 February 5, 2013

ANR: Michael and Barbara Silvia-applicants re: plot of land located on South Washington, Street, Norton, MA (filed with town clerk on January 22, 2013)

ANR: Fred Bottomley-applicant re: plan of land on East Hodges Street (filed with town clerk on January 24, 2013)

Planning Board Bills and Warrants, dated February 5, 2013, in the amount of \$1,926.11.

Draft decision for John Waitkus