

Norton Planning Board Minutes of Meeting
For
APRIL 2, 2013

Call to Order

The April 2, 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, Chairman; Mr. David Miller, Vice-Chair; Mr. George Burgess; Mr. Patrick Daly; Mr. Joseph Fernandes; Mr. Scott Nichols; and Mr. Alec Rich. Also present was Mr. Charles Gabriel, Town Planner.

Report of Planning Board

Nothing was discussed.

Approval of Minutes

MOTION was made by Mr. Fernandes to approve the Planning Board Minutes of Meeting, dated January 22, 2013, as amended. Second by Mr. Daly. Vote : All In Favor, except for Mr. Burgess, who voted present.

MOTION was made by Mr. Fernandes to approve the Planning Board Minutes of Meeting, dated February 5, 2013, as amended. Second by Mr. Miller. Vote : All In Favor, except for Mr. Rich, who voted present.

7:30 P.M. Public Hearing: Proposed Amendment to the Norton Zoning Bylaw to establish a temporary moratorium on the use of land or structures for a Medical Marijuana Treatment Center to be in effect until June 30, 2014

Mr. Gabriel provided a summary. Attorney General has approved moratorium on these medical marijuana dispensaries. Rules supposed to be promulgated by May 1 which may or may not happen and he further explained implications, etc.

Town Manager, Mr. Yunits, stated the referendum question passed in November. On Friday the regulations were publicized. Attorney General said she would allow moratoriums to June 30, 2014 and to revisit next year. Locale of dispensaries and cultivations were referenced and this article proposed to be on warrant. He said a year should be enough time to do what is needed, etc.

Mr. Fernandes asked if it was the Board of Selectmen's intent for ultimate use regulations and in which zone to allow?

Mr. Yunits responded this is similar to way adult entertainment was handled. He thanked the Planning Board for considering this.

MOTION was made by Mr. Burgess to recommend. Second by Mr. Rich. Vote: Unanimous. MOTION CARRIES.

Report of the Town Planner

Mr. Gabriel referenced a letter in Board's packet regarding signs and referenced the medical offices being constructed at Trinity Restaurant plaza (Dr. Welker). Mr. Gabriel recalled Attorney Sousa being present at a meeting and they changed bylaw to smaller signs. "Draft Regulation" was provided to Mr. Gabriel-- "105 CMR: Dept. of Public Health".

Mr. Gabriel spoke of no hardship/sign issues.

Mr. Miller referenced process and asked if there was an appeal period?

Mr. Gabriel said they would need to go to court.

Mrs. Haracz said she did not agree with ZBA and felt the Planning Board should respond to ZBA regarding this.

Mr. Gabriel said they may need to involve town counsel.

Mr. Gabriel said advertisement (ad) was general; to go before ZBA for variance to change sign.

Mr. Gabriel agreed it is a concern regarding zoning bylaw and regulations.

Mr. Gabriel also noted a new used --car dealer is now located at former mini golf on Mansfield Ave. Arguably it should have come before Planning Board; it is a change of use and there are at least nine to ten parking spaces. If the Planning Board ignores these things it is a concern as Planning Board is spending a lot of time meeting together, etc.

It was noted this car dealer had a public hearing; they went before Board of Selectmen for a license.

Mr. Nichols said it is important for Planning Board to be informed of agenda of ZBA.

Discussion ensued on height of sign, etc.

Mr. Fernandes said 10' is allowed; and 25' is what they have; can they say to applicant that they can accept a 18'6" electronic sign?

Mrs. Haracz said it is setting a precedent with 25' sign being approved.

Mr. Fernandes noted it was such a large variance. Planning Board also shared that concern.

Mr. Gabriel referenced letter and said he would like Mrs. Haracz's name on letter/signature.

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MOTION was made by Mr. Fernandes to send letter to ZBA of Planning Board's displeasure and justification for violation of sign regulation in the Village Commercial district. Second by Mr. Rich. Vote: Unanimous. MOTION CARRIES.

It was discussed that some signs in that plaza (Trinity Restaurant plaza) are now gone; it appears the tanning temporary sign is gone.

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Mr. Gabriel stated he will contact South Shore Millworks again to see if they are going to be doing anything. Owner has not communicated to him about anything. He will report back to Planning Board.

8:00 P.M. Public Hearing – The Planning Board will re-open the Public Hearing on the application of John Waitkus for Special Permit/Site Plan Approval to accept and consider information from Goldman Environmental Consultants, Inc.

It was noted this was reopened at the last Planning Board meeting therefore does not need to be reopened.

The letter from Mr. Donahue, of Goldman Environmental Services was referenced. Mr. Donahue stated Planning Board hired him to review this project.

MOTION was made by Mr. Fernandes to open Public Hearing for Mr. Waitkus. Second by Mr. Daly. Vote: Unanimous. MOTION CARRIES.

Mrs. Haracz provided history and concern of day to day operations if a spill occurred.

Mr. Donahue said he was asked to only review this and not to redesign this. This business is not doing manufacturing; gravel is good, if not better, in this case. Paving site creates PH, etc. A leak would be very small or a catastrophic leak like from a forklift that would be cleaned up immediately. Heavy equipment turns up pavement if paved. For those reasons he stated he put this letter together.

Mr. Fernandes said his only concern was if gravel is as effective as pavement. Apparently Mr. Donahue has this answer.

Mr. Gabriel said he would like to do a post-mortem on this.

Mr. Nichols asked how did he propose stormwater runoff be handled with gravel? Is Norton guaranteed their well won't be contaminated by this as he, personally, felt it is a big risk.

Mr. Donahue said there is no manufacturing on site; has indoor storage; and owner has an oil collection system for building. A stormwater management plan, even if not required, is a good way to train

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staff/employees is one recommendation. The way the site is graded is different than on the plan; the puddles were noticeable and one would notice a sheen on puddles. Zone 2 encompasses site - reason why review was requested. Zone 2 run by Defresne Henry. Some opportunities to move stormwater collection system outside of Zone 2. Mr. Donahue went to Google and observed nine catch basins on Route 495; catch basins that go directly to well (Zone 1 of well). This has more impact to well than anything else and would be more concerned with that. Zone 1 Town has to own it, but Zone 2 can be owned by other parties.

Mr. Gabriel said if it goes to a wetland DEP not exempt from exemptions.

Mr. Donahue said additional treatment needed; Town could ask for it.

Discussion on "Predate Regs" - 1970's wells in and no regs/no stormwater regs.

Mrs. Haracz said it was not a major concern per Goldman Environmental Services; they should take vote and note additional conditions.

Mr. Gabriel said he can rework draft. Discussion ensued.

Mrs. Haracz spoke of concern with stormwater management.

Attorney Almeida said there was an independent look at it; he had nothing to add at this point.

Stormwater Management in Wetlands Protection Act/Stormwater Management Plan was referenced.

Mr. Donahue referenced EPA program: a better program recommended-a housekeeping plan and training for employees; simpler and less engineering, and can be found on their webpage (EPA) Management Approach vs. Engineering Approach.

Attorney Almeida said there was no problem doing that. Stormwater regs don't apply to site.

It was noted Mr. Nichols and Mr. Burgess missed previous meetings regarding this agenda item, therefore they cannot vote.

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

MOTION was made by Mr. Fernandes to approve the Modification to Special Permit, original approved on 6/16/11; submitted 8/8/12; and further to modify Special Permit that encompasses Stormwater Management Plan under EPA guidelines. Second by Mr. Daly. Vote: Unanimous (Roll

Call: Mr. Rich voted yes; Mr. Fernandes voted yes; Mr. Miller voted yes; Mr. Daly voted yes; and Mrs. Haracz voted yes. MOTION CARRIES.

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Mr. Gabriel will write up a Decision.

Planning Board Business and Policies

Scheduled future Planning Board meetings to be held: April 16; May 7; and May 21.

Bills and Warrants

MOTION was made by Mr. Fernandes to approve Planning Board Bills and Warrants, dated April 2, 2013, in the amount of \$7,841.19. Second by Mr. Daly. Vote: Unanimous. MOTION CARRIES.

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Mr. Gabriel stated he felt it was an unsatisfactory process the Planning Board went through over years with the Waitkus property. Why this happened the way it did is question. He was not satisfied with process. Pavement vs. gravel was discussed.

Mr. Gabriel said this does not meet stormwater management standards best management practices used by ConCom into their bylaw, notwithstanding the fact there are no wetlands.

Mr. Gabriel spoke of "Zone 2". Mr. Gabriel believed in Zone 2 they need to look at a special permit for uses that are a potential threat to water supply. Discussion ensued.

Mr. Gabriel further explained parking space (10 x 19), like a rectangle, with certain dimensions; not defined by white painted stripes.

Mrs. Haracz agreed there is a need to do some research into zoning bylaw and make some suggestions.

Mr. Burgess said Mr. Waitkus had no proper permits from the start.

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Mr. Gabriel said the other item was Feeney Island and a number of things in zoning bylaw. He has established himself as a non-profit, but there is nothing in bylaws about a non-profit. A determination with uses allowed/due process for residents, etc. If established as a use without a building permit, Mr. Gabriel said, in his opinion, it was undermining the authority of the Planning Board.

Regarding appeals, Mr. Gabriel said he would provide Planning Board a copy of letter soon. If Planning Board would like to respond, they need to do it procedurally.

Approval Not Required Plans Pending:

Applicant Name Date Filed with Town Clerk

Charles Nason, et al. March 27, 2013

Plan was distributed to Planning Board.

Mr. Gabriel said there were three lots at this location previously. This is adding Parcel B to land owned by Keith Nason. Parcel B is not buildable; Parcel A there is not enough frontage. New lot is buildable. Parcel C will be given to Land Preservation.

Buildable lot has 150' of frontage it appears. In essence rearranging land between these two lots/reallocating land.

Mr. Gabriel said when the engineer was in Planning Office, he thought he said only one buildable lot, and believed house was not shown on it. If there is a house or not a house on plan, it does not matter either way. There is enough frontage.

MOTION was made by Mr. Burgess to approve ANR for Charles Nason, Applicant, date submitted to Town Clerk's office on March 27, 2013. Second by Mr. Rich. Vote: Unanimous. MOTION CARRIES.

Adjournment

MOTION was made by Mr. Burgess to Adjourn at 9:10 p.m. Second by Mr. Rich. Vote: Unanimous. MOTION CARRIES.

Respectfully Submitted by:

Janet A. Sweeney
Board of Selectmen – Recording Secretary

Minutes Approved by Committee on: _____
(Date)

Signature:

Chairman:_____