

Norton Planning Board Minutes of Meeting  
For  
February 4, 2014

**Call to Order**

The February 4, 2014, 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. Edward Beatty; Mr. Patrick Daly; and Mr. Scott Nichols. Mr. Joseph Fernandes arrived at 7:25 p.m. Also present was Mr. Charles Gabriel, Town Planner.

**Report of the Planning Board**

Mr. Miller stated he may be absent or could be late for the Planning Board meeting scheduled on February 18<sup>th</sup>.

Mr. Burgess referenced Olympia Drive and driving school vehicles at that location, and inquired about status of this.

Mr. Gabriel responded Building Inspector spoke to property owner and property owner is supposed to come before Planning Board with a site plan. He will talk further to Building Inspector regarding this.

**Approval of Minutes**

The Minutes of Meeting distributed this evening will be reviewed at the next scheduled meeting.

**Report of the Town Planner**

**Planning Board Business and Policies**

Next scheduled Planning Board meetings to be held March 4 and March 18; and April 1 and April 15.

**Bills and Warrants**

**MOTION was made by Mr. Beatty to approve Bills and Warrants in the amount of \$4,586.26. Second by Mr. Daly. Vote: Unanimous. MOTION CARRIES.**

**Approval Not Required Plans Pending:**

<u>Applicant Name</u>	<u>Date Filed with Town Clerk</u>
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<b><u>Janet Eckstrom</u></b>	<b><u>January 21, 2014</u></b>
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Plan distributed, "Plan of Land on Lincoln Street, Norton, MA, dated 1/10/14".

Mr. Lundquist of Outback Engineering stated one parcel will be divided into three. It will be well water.

Mrs. Haracz noted it had frontage requirements.

**MOTION was made by Mr. Beatty to approve Plan of Land on Lincoln Street, Norton, MA, for Janet Eckstrom, dated January 10, 2014, drawn by Outback Engineering. Second by Mr. Burgess. Vote: Unanimous. MOTION CARRIES.**

**Jeffrey Burton**

**February 1, 2014**

Plan was distributed to Planning Board members, "RIM Engineering, date of Plan 1/14/14". Mr. Burton explained this did not meet code; slight change. Lot line next to addition needed 60 feet vs. 40 feet.

**MOTION was made by Mr. Beatty to approve Plan of Land drawn by RIM Engineering, for Jeffrey Burton, dated January 14, 2014. Second by Mr. Burgess. Vote: Unanimous. MOTION CARRIES.**

**7:30 P.M.**      **Public Hearing:** Dr. Aafaque Akhter d/b/a 85 Legion LLC for approval pursuant to the Norton Zoning Bylaw, Article XIV-Water Resource Protection District of a Special Permit to construct an office building with associated parking and drainage facilities within the Water Resource Protection District and pursuant to Article XV for Site Plan Approval

Mr. Todd Pilling of Pilling Engineering was present. This location is 85 East Main Street and plan is to tear down building and Dr. Akhter also owns 87 East Main Street.

Drawing was displayed to Board: "East Main Street, Route 123".

Mr. Pilling spoke of installation of a Stormsepor 450i instead of a regular catch basin. Consultant for Town asked for this. He also added inverts to plan and eliminated two parking spaces as well. Therefore, a 20' buffer to residential properties. Parking in front of building was discussed. The psychiatry office will be located in back/rear of building and Dr. Aafaque Akhter will speak to that.

Dr. Akhter said he has his business in the office at 87 East Main Street and has been in Norton since 2002. He said there are many reasons they need to separate parking. He spoke of a medical reason, being a psychiatry practice and obliged to keep it more isolated. A small parking lot is conducive to patient care. Also, it is a long walk from back to front of building.

Parking spaces in the front of building were discussed.

Dr. Akhter stated he owned another psychiatry office in Mansfield, and will probably move Mansfield office to Norton location.

Dr. Akhter said it will be mostly psychiatry in rear of building.

Mr. Pilling said they were currently looking into tying into sewerage. Preference would be to connect to sewer line.

It was noted Patrick Brennan, P.E., of Amory Engineers reviewed this.

Mr. Gabriel referenced berm in front; needs to be more detailed and more height (at least 3 feet above street level).

Mr. Pilling said there would be no problem modifying berm. Landscape architect saw berm and they can add plants to this berm.

Mrs. Haracz commented Walgreen's in Norton is type of ideal berm .

Mrs. Haracz also indicated the Town has plans to construct sidewalks on Route 123 and wanted them to be aware of this.

Abutter, Mr. Brown, of 89 Plain Street, asked about trees (especially elm trees) and would they remain?

Mr. Pilling said he won't cut down perfectly good trees; and will save what he can.

Mr. Pilling explained lighting to Planning Board.

"Building Rendering" reviewed of proposed building - (5,440 square feet).

Mrs. Haracz said she would like to see specifics of berm; and would like to see shorter/smaller plants on berm. Also, wanted to ensure berm will be wide enough.

Mr. Pilling said a three foot wide berm is planned.

Mrs. Haracz said also a definition/specs of building with colors and roof specs and materials would be needed.

Mr. Daly said he would rather see one row of parking in front.

Mr. Nichols said it does not meet bylaws that Town has regarding parking.

Mr. Pilling said bylaw "encourages" parking in back/rear.

Mrs. Haracz read regulations and said it says "parking should be placed at rear of building". Discussion ensued.

Mr. Pilling spoke of 38 parking spaces; bylaw calls for 28. Ten additional spaces for this property's use.

Mr. Fernandes said he wondered if things could be moved around, etc.

Mr. Gabriel said it would be beneficial to see a design to try to conform to bylaw and maybe Planning Board could say it does or does not make sense, and possibly will end up with option one (this one). Not sure how much effort was put in to looking at other options.

Mr. Nichols said he would like to look at other options as Mr. Gabriel discussed.

Mrs. Haracz said a sketch would be ideal of alternative options for some members not wanting parking in front.

Mr. Daly believed they discussed at previous meeting to have one row of parking in front and Mr. Pilling was supposed to look at that.

Dr. Akhter stated he instructed Mr. Pilling not to do that; building would not be sustainable and hard to lease.

Mrs. Haracz said it would be in everyone's best interest to look at other options. Parking on side of building was discussed.

Mr. Nichols said he would like to see why it does not work.

Mr. Pilling said possibly one row of parking on side of 87 East Main Street.

Dr. Akhter said he would like to keep two rows of parking in front. Discussion ensued.

Mrs. Haracz said a sketch to be provided to Board members would be best.

Mr. Fernandes said he was not as concerned with an esthetically pleasing building to comply with Village Commercial as he believes it makes a building less attractive sometimes. North Cottage is back further than this building. Most people drive a vehicle so he is not so concerned with pedestrian access.

Discussion followed on minimizing parking, etc.

Mrs. Haracz said it appears to be a split board; a sketch needed; however, it does not need to be a fully engineered plan. She would like them to show one row of parking in front.

Mr. Pilling said engineering-wise, he can come up with something but not sure if it will be ok with Dr. Akhter.

An abutter of 91 East Main Street asked about how wide entrance was?

Mr. Pilling responded 24 feet.

Dr. Akhter said his right of way is same; a common drive.

Abutter said he/his neighbors are residential and Dr. Akhter is business. No privacy in their area; his patients walk their dogs and drive over other areas. Discussion ensued.

Mrs. Haracz stated there will be a two-way in and out on new driveway.

Mr. Pilling said they can install signage stating, "Exit to Street this Way".

Mr. Miller said he may not be able to attend the next meeting but is hopeful he will be able to do so.

**MOTION was made by Mr. Beatty to continue Public Hearing: Dr. Aafaque Akhter d/b/a 85 Legion LLC for approval pursuant to the Norton Zoning Bylaw, Article XIV-Water Resource Protection District of a Special Permit to construct an office building with associated parking and drainage facilities within the Water Resource Protection District and pursuant to Article XV for Site Plan Approval, to February 18, 2014, at 7:30 p.m. Second by Mr. Burgess. Vote: Unanimous. MOTION CARRIES.**

**Solar Bylaw:**

Mr. Gabriel explained this was based on a model bylaw. It has been submitted but could still be changed and explained further. He spoke to Town Counsel and is allowed in some districts but not in others. It is allowed in industrial, commercial, R-60 and R-80. It is not allowed in R-40. Mr. Gabriel indicated Town Manager, Mr. Yunits, is concerned about abutters and that they be notified. It is a site plan review for these matters. About an acre of land is needed with some setbacks. If there were any comments/questions, etc., Mr. Gabriel asked the Board to advise. There is no current case law denying these things.

Mrs. Haracz stated she did attend a Board of Selectmen meeting recently regarding concerns, etc. Board of Selectmen appeared to be concerned due to neighbors' concerns/questions. Discussion ensued.

**Adjournment**

**MOTION was made by Mr. Burgess to Adjourn at 9:10 P.M. Second by Mr. Beatty. Vote: Unanimous. MOTION CARRIES.**

Respectfully Submitted by:

Janet A. Sweeney, Planning Board – Recording Secretary

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

Signature: \_\_\_\_\_

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

Documents Reviewed/Distributed at Planning Board Meeting of February 4, 2014

ANR Plan for Janet Eckstrom, filed with Town Clerk-January 21, 2014: "Plan of Land on Lincoln Street, Norton, MA, dated 1/10/14"

ANR Plan for Jeffrey Burton, filed with Town Clerk-February 1, 2014: "RIM Engineering, date of Plan 1/14/14"

"East Main Street, Route 123" Plan, revised date of 1/27/14, for 85 Legion LLC; "Building Rendering" of proposed building; and Landscape Plan, dated 1/28/14

Letter dated February 3, 2014, addressed to Norton Planning Board from Patrick G. Brennan, P.E., Amory Engineers, P.C. Re: 85 East Main Street

Correspondence dated February 4, 2014 from A. Akhter, M.D., to Planning Board discussing the separate and rear parking and egresses being important to the sustainability of his practice and the building.

Memorandum to Municipal Clients, dated March 20, 2012, from Kopelman and Paige, P.C. (Patricia A. Cantor) Re: Regulating Solar Access Under the Zoning Act, G.L. c.40A, Section 9B

Solar Bylaw 2014 #2- prepared by Town Planner, Mr. Gabriel