

Norton Planning Board Minutes of Meeting  
For  
March 4, 2014

**Call to Order**

The March 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. Patrick Daly; and Mr. Edward Beatty. Mr. Joseph Fernandes arrived at 8:03 p.m. Absent: Mr. Scott Nichols. Also present was Mr. Charles Gabriel, Town Planner.

**Report of the Planning Board**

Mr. Miller noted all the pumps now have new signs on them at Cumberland Farms.

**Approval of Minutes**

November 5, 2013 and January 7, 2014

**MOTION was made by Mr. Beatty to approve the Planning Board Minutes, dated November 5, 2013, as amended. Second by Mr. Burgess. Vote: Mr. Daly voted "present" and all other Board members voted in the Affirmative. MOTION CARRIES.**

**MOTION was made by Mr. Miller to approve the Planning Board Minutes, dated January 7, 2014, as written. Second by Mr. Beatty. Voted: Unanimous. MOTION CARRIES.**

7:30 P.M. Public Hearing: continued from February 4, 2014 – 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, Brockton, MA, was present along with Mr. John Dixson of Architect Studio. Mr. Pilling provided a sketch of three different alternatives (A, B, and C). Mr. Pilling said he was not keen on Alternative B; however Alternative A appeared to work well.

Discussion of a double row of parking with berm (photos of berm shown); intent to hide the vehicles, not the building. Photos distributed to Planning Board for their perusal.

Mr. Dixon explained landscape; esthetically pleasing; parking broken into two zones. A functional need to separate the patients (especially psychiatric patients). Berm appears to be high enough and is five feet wide at top; 18 feet wide. Discussion ensued on landscaping.

M. Pilling stated per regs, ten foot minimum buffer strip required.

Mr. Pilling said existing Legion building is 57' off street; Option "A" is 69' off street. Mr. Pilling said they are trying to block headlights.

Mrs. Haracz said if facing a certain way there is no need to block headlights.

Several Planning Board members opined that they did not like Alternative B (Mr. Burgess, Mr. Miller, and Mrs. Haracz).

Mr. Gabriel spoke of the Planning Board's preferred one row of parking vs. two rows.

Mr. Pilling responded it is not the preferred solution.

Mr. Pilling said they could probably reduce height of berm.

Mr. Daly said he thought Alternative A was reasonable; he did not like building closer to street.

Mr. Daly asked about snow removal on Alternative A?

Mr. Pilling responded snow would get pushed toward property line and in rear.

It was noted hours of business would be from 8:30 a.m. to about 7:00 P.M. on weekdays; weekends they would close at 5 p.m. and are open seven days a week. Hours basically depend on patients' availability/convenience.

Mr. Miller said he liked the A layout for parking. Employees could park in back row. He said they could probably decrease front berm also.

Planning Board appeared to like Alternative A the best.

Intent of Village Commercial is to retain character of "downtown". Mrs. Haracz said intention is where parking lots are not the focus.

Dr. Akhter said it is important to consider the medical needs; psychiatry in the rear.

Mrs. Haracz said it still splits and has parking in rear.

Mr. Fernandes arrived at 8:03 p.m.

Mrs. Haracz and Mr. Pilling explained what was discussed prior to Mr. Fernandes arriving.

Mr. Fernandes referenced the esthetic issue; he preferred building set back. Current building is close to street. He said Alternative A works best; but Alternative A he felt was second to the original proposal.

Mr. Fred Williams of 17 Kensington Road said he does not want to look like Mansfield and thought this was Norton's intent also. He spoke of the new garden shop by railroad which has parking in front. This doctor's office is moving from Mansfield to Norton and it will improve tax base. He believed building looked very attractive and felt the Board had an issue with only a few parking spaces. There is no value for changing the plan. Handicap parking was discussed and he said two rows of parking is not that noticeable.

Ms. Kate DeVito of 84 Cobb Street indicated she has lived in Norton since 1984 and referenced Rails to Trails and said they have some parking facing Route 123, however, she was not sure about dimensions. As a resident she would want more doctors/medical offices in Town other than some other businesses. She agreed with Mr. Williams. She said she worked for Harvard University and was involved with many zoning board meetings. The two rows of parking makes sense to her.

Mr. Pilling referenced handicap spaces; he eliminated two handicap spaces.

Straw Vote was taken on the various Options.

Mr. Daly: Option A

Mr. Fernandes: Original Option/Plan

Mr. Miller: Option A based on precedent

Mr. Burgess: Option A

Mr. Beatty: Original Option/Plan

Mrs. Haracz: Option A

Straw Vote: 4-2 (in favor of Option A)

Mr. Fernandes commented if it was a historic building he could understand it staying closer to street. As presented, the berm takes care of headlights and it does not bother him that it is set back as it appears to be an attractive building. There have been discussions regarding sidewalks, however, more people will be driving vehicles than walking. He feels the original plan proposed with a raised berm is the best option.

It was noted it goes from 69' to 92' from street (from original plan/concept to Option A).

Mr. Fernandes said at next year's Town Meeting, he may possibly try to change this bylaw. As a lifelong Norton resident, he does not like the look of the Village Commercial design. He does not like a building "in your face" and a building that does not feel natural.

Mr. Burgess stated he would like to change his vote to original option/concept. Therefore, straw vote is now 3:3.

Mr. Pilling spoke of a compromise; what if they were to dress this area up to "sweeten the pot"?

Mr. Steve Hutchinson, a retired banker and loan officer, spoke and referenced the Teitelman office building with parking being problematic. \$15-\$18 per square feet of 7-8 parking spaces is not feasible to keep most banks happy. It is a business decision. Who will lease 2500 square feet of office space for 7-8 spaces?

Mr. Miller said he was never completely against original plan, however, it is what happens in future as it sets a precedent.

**MOTION was made by Mr. Fernandes to approve Special Permit for 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, of originally presented plan, with change that berm be decreased to 3 ½ feet level and landscape as presented and same landscaping plan theme continued at 87 East Main Street with a slight berm.**

**MOTION was made by Mr. Burgess to Close the Public Hearing of Dr. Aafaque Akhter d/b/a 85 Legion LLC. Second by Mr. Fernandes. Vote: Unanimous. MOTION CARRIES.**

Mr. Gabriel explained if the Board closes the Public Hearing and votes on original plan and it does not pass, where does that leave the Board?

**MOTION was made by Mr. Fernandes to approve plan for Dr. Aafaque Akhter d/b/a 85 Legion LLC, as originally proposed with slight modification at 87 East Main Street as discussed/presented per plan dated February 11, 2014, and building would not receive an occupancy permit unless landscape completed or bond sufficient to cover landscaping. Second by Mr. Beatty.**

**Voted:**

**Mr. Daly: Not In Favor of Motion**

**Mr. Fernandes: Yes, In Favor of Motion**

**Mr. Miller: Not In Favor of Motion**

**Mr. Burgess: Yes, In Favor of Motion**

**Mr. Beatty: Yes, In Favor of Motion**

**Mrs. Haracz: Yes, In Favor of Motion**

**Friendly Amendment : Motion was made by Mr. Fernandes to approve site plan for Dr. Aafaque Akhter to include beyond what is currently included, to include slight berm with continued**

**landscaping in front of 87 East Main Street and any other condition as written. Second by Mr. Beatty. Vote: Unanimous. MOTION CARRIES.**

**Vote: 4:2. MOTION CARRIES.**

Mr. Gabriel stated it was a good idea as a condition to have some sort of bond.

Mr. Pilling said they would not object to those conditions.

Mr. Dixon said color would be terra cotta; siding and beige trim and stone veneer at entryway.

Building facade and one-way signs were discussed.

Mr. Gabriel said to architect to provide him via email specs/colors. Mr. Dickson agreed and said it is a very traditional New England wood siding. Mr. Gabriel said and street sign (one way) and sign for office. Mr. Pilling said it would be a small office sign; similar size to what is currently there.

**MOTION was made by Mr. Fernandes to approve Site Plan for Dr. Aafaque Akhter building as presented and include additional landscaping in front of 87 East Main Street and no occupancy permit granted unless landscaping complete or bond to cover amount, and sample be given to Mr. Gabriel as soon as possible and drawing and specs on sign. Second by Mr. Beatty. Vote: Unanimous.**

**Discussion:** It was discussed landscaping was not specific enough. Mr. Gabriel said there needs to be more specifics on landscaping and it needs to be provided as one of the conditions for next meeting. **Vote: Unanimous. MOTION CARRIES.**

#### **Report of the Town Planner**

Mr. Gabriel spoke of South Shore Millworks and their solar project; it is not physically built but will submit plans before bylaw passed.

#### **Planning Board Business and Policies**

Next scheduled Planning Board meetings to be held 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 \$3,797.64. Second by Mr. Burgess. Vote: Unanimous. MOTION CARRIES.**

**Approval Not Required Plans Pending:**

Applicant Name                      Date Filed with Town Clerk

There were no ANR's reviewed.

**Adjournment**

**MOTION was made by Mr. Beatty to Adjourn at 8:58 p.m. Second by Mr. Burgess. Vote: Unanimous.  
MOTION CARRIES.**

**Respectfully Submitted by:**

**Janet A. Sweeney  
Planning Board – Recording Secretary**

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

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

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