

Norton Planning Board Minutes of Meeting
For
March 18, 2014

Call to Order

The March 18, 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. Edward Beatty; Mr. George Burgess; Mr. Patrick Daly; and Mr. Joseph Fernandes. Also present was Mr. Charles Gabriel, Town Planner.

Report of the Planning Board

Nothing was discussed.

Approval of Minutes

MOTION was made by Mr. Miller to approve the Planning Board Minutes of Meeting, dated February 4, 2014, as amended. Second by Mr. Nichols. Vote: Unanimous. MOTION CARRIES.

Report of the Town Planner

Attorney Sousa was on this evening's agenda, however, he would not be able to attend this evening's meeting; he will be in at a future meeting.

Planning Board Business and Policies

Mr. Miller asked if Phyllis, Planning Department Secretary, could send the agendas out via email as well as continuing to also provide a paper copy in mailboxes.

Bills and Warrants

MOTION was made by Mr. Beatty to approve Bills and Warrants in the amount of \$2,143.77. Second by Mr. Burgess. Vote: Unanimous. MOTION CARRIES.

Approval Not Required Plans Pending:

Applicant Name

Date Filed with Town Clerk

No ANR's were reviewed/approved.

7:30 P.M. Public Hearing: for a proposed zoning amendment to regulate Large-Scale, Ground Mounted Solar photovoltaic Facilities

Mrs. Haracz read aloud Hearing Notice.

Mr. Gabriel said town counsel made some comments and received some comments from Conservation Agent. Critical questions: 1) where is it allowed and what districts allowed in? 2) what setbacks are needed? All of the changes town counsel made from the first draft were mostly grammatical changes. Where in Town is it appropriate to allow is the question. R-60, R-80, commercial, and industrial Mr. Gabriel believed he would allow them in. They are allowed on rooftops.

Mrs. Haracz said the size of facility seems logical; not allowed in village commercial district.

The most recent draft should be dated March 12, 2014; previous draft dated February 10, 2014.

Mrs. Haracz asked if it needs to be a "buildable" lot?

Discussion on whether it would need a building permit. Purpose of frontage was discussed (access of a vehicle and space for construction).

It was discussed it would need to be a certain amount away from trees for shadowing. Clearing of trees was discussed.

Mr. Gabriel said it can be regulated but not sure if it can be prohibited.

Mrs. Haracz asked Mr. Gabriel to ask town counsel the question of allowable locations.

Mr. Daly asked about the glare issue for people driving?

Mr. Gabriel said during permitting process they can ask them to demonstrate that it does not glare.

Mrs. Haracz referenced the importance of allowing facilities in certain districts by special permit. Also, another item was to have a stormwater management checklist.

Various edits of document were discussed.

Mrs. Haracz asked if there were questions or comments from members of audience.

Mr. Aidan Foley of Blair Capital, one of organizations working with Mr. Bottomley on solar projects. He had a few comments and referenced Mass Wetlands Protection Act Regulations: 1) 5,000 square foot allowable jurisdiction impact and said his company tries to be proud of what they leave behind. May remove shading trees as needed but not wetland itself; 2) It is a 250 kilowatt system; 3) a glare in a technical sense; glare occurs at a very particular area, and is usually not an issue; 3) recommended to stay away from blanket prohibition; 4) encouraged to look at property owner's holdings, not lot size; 5) encouraged Planning Board to think about parking canopies; 6) name of installer : AVI. Installer is not always known. Also, "required documents" was discussed.

Section 21.2.10.3: Electric wires to be underground. It works best to try to do aboveground near wetlands. Consider discretion depending on qualities of site.

22.2.11: There are setbacks. Tree-clearing is part of the project.

There is a 20-30 year life span of these projects. Escrow fund was also discussed.

Mr. Henry Riley of Attleboro and on board at Daggett-Crandall Home spoke of stormwater management checklist. This could be waived. Ideal to waive before someone spent a lot of money on stormwater management checklist, etc. Plans for construction were discussed.

21.211.2-Initials: Should be listed as acronyms and need to spell these out in the bylaw.

A vegetated wetland - include a seasonal pool/vernal pool. Some people are against coming up next to a vernal pool. So people do not need to go back to drawing board, especially once money has already been spent. Discussion on vernal pools, etc.

Mrs. Haracz said it appeared the Board was not at the point to vote on this, therefore, would like to continue to the Planning Board's next meeting.

Mrs. Haracz asked Mr. Gabriel for the next meeting to please have schedule for Town Meeting timeline/deadline. Also, important to contact town counsel regarding special permits and to look into other items as previously discussed.

MOTION was made by Mr. Burgess to continue Public Hearing for a proposed zoning amendment to regulate Large-Scale, Ground Mounted Solar photovoltaic Facilities to April 1 at 7:30 p.m. Second by Mr. Daly. Vote: Unanimous. MOTION CARRIES.

Attorney Henry Sousa to discuss a proposed zoning change on land located near the intersection of West Main Street and South Worcester Street

It was noted, as indicated earlier in the Meeting, Attorney Sousa was unable to attend this meeting this evening.

Review of a plan for a proposed solar facility on land behind South Shore Millwork

Plan perused by Planning Board: "RIM Engineering - South Shore Millwork, July 26, 2013" and "Top Sheet for Addition of South Shore Millwork".

No need to go through Conservation Commission; no clearing of trees, etc.

Mr. Burton said there was an access road planned but not sure if shown on plan.

Mr. Barthe of South Sore Millwork said he has been working a lot with the solar company. Road was discussed.

Mrs. Haracz said she had concerns where this site will drain.

Mr. Daly asked if the Fire Dept. has reviewed this plan yet?

Mr. Barthe responded, no, he did not believe the Fire Dept. had reviewed plan yet.

Mrs. Haracz referenced access road to site; there is a steep hill at this location.

Mr. Gabriel clarified they were not here this evening for clearing.

Mrs. Haracz said if they are clearing trees, how will it be vegetated? She noted site plan does not indicate what area will be cleared. How will site be stabilized and if any building and/or concrete on site, how will it be accessed? Also, will need to show Sturdy Street on plans. Proposed site is 2 ½ to 3 acres.

Proposed fence on plan is six feet and is chain-link.

Mr. Gabriel said there is a concern as to who will monitor stabilization.

Under MPDS regulations, EPA can inspect at any time the stabilization of site.

Mr. Daly asked them to shown on the next plan where it will be located (below ground).

Lighting was also discussed. It was noted there would be one light on a pad.

Mr. Burton referenced a LOI (Letter of Intent) with company for two months.

Mrs. Haracz said what also needs to be shown on plan is what happens to Sturdy Street.

It was noted additional info should be ready by April 1.

Discussion of proposed parking associated with a driving school located off Olympia Street

Property Owner said he provided information last week. He stated he spoke to Mr. Barbato, former Building Inspector, to purchase property and intent was not to teach in Norton. Mr. Barbato said it was zoned village commercial, and said it would be fine to go forward. At the end of 2013, the current Building Inspector contacted him regarding his business. It was noted there was a full-time mechanic available at location.

Property owner said there will be floor drains and a tank within a tank and he is having that plan engineered. He brought contractor with him this evening, Mr. Caponigro. He believes it is zoned properly but a change of use. Last owner was a carpentry/construction company. He said they are moving forward with the installation of drains and tank in ground.

Mr. Gabriel said it is evident the property was purchased and property owner is in this location. However, Mr. Gabriel said he was not entirely sure property owner is allowed here.

Norton Zoning Bylaws were reviewed as well as the auto repair section and discussion ensued on agreed use being allowed.

Mr. Gabriel referenced site plan review.

The property owner asked what he can devise for a site plan that already exists? He said business has privacy with arborvitaes.

Discussion ensued on interpretation of zoning bylaw definitions.

Mr. Gabriel referenced processing application fee for "site plan review".

Mrs. Haracz said this is treated like an information session; formally it is necessary to apply for site plan review.

Mrs. Haracz discussed with Board the possibility of waiving requirements for an engineered plan.

It was noted proposed are 12 parking spaces (11 TDA vehicles are currently there). He also wants to pave it and line it, so there would be 12 total spaces. He can keep everything off front.

Mr. Daly said paving is close to 3,000 square feet and he could not see from plan if a sewer was out from road.

It was noted it was recycled asphalt currently which vehicles are sitting on.

Property owner responded it was 34" to septic system.

Mrs. Haracz said this site pitches toward back of property. Runoff was discussed.

It was discussed in the rear of this site, there are woods, near Trinity Restaurant.

Discussion on possibly waiving requirements.

Mr. Daly said he would like to know what exactly is behind that building.

MOTION was made by Mr. Burgess for allowance of waiving a professionally engineered plan. Second by Mr. Daly. Vote - Roll Call: Mr. Daly voted In Favor of Motion; Mr. Nichols voted In Favor of Motion; Mr. Fernandes voted In Favor of Motion; Mr. Miller voted In Favor of Motion; Mr. Burgess voted In Favor of Motion; Mr. Beatty voted In Favor of Motion; and Mrs. Haracz voted In Favor of Motion. MOTION CARRIES.

Mrs. Haracz said Board would like a better sense of what is behind property/drainage to rear.

It was suggested for Property Owner to come back to Planning Board with formal Site Plan for review and specifics of what is located behind site (drainage to woods).

Review of draft decision(s) for a proposed doctor's office at 85 East Main Street

Various items were discussed: signage: directional signing: one-way sign, etc. Bylaw states sign can be no more than 10 feet in height but sign exceeds that.

Mr. Gabriel said he can add to plan/or a provision regarding sign size.

It was noted header piece of sign needs to be added in when defining the sign height.

Mrs. Haracz said it also needs to refer to design of building as shown in photograph.

Mrs. Haracz said elevation was shown at first meeting.

Condition on days/hours of construction was discussed. Days/hours should be Monday through Saturday; 7 a.m. to sundown.

Mrs. Haracz asked Mr. Gabriel to finalize this Decision.

Adjournment

MOTION was made by Mr. Beatty to Adjourn at 9:50 p.m. Second by Mr. Burgess. Vote: Unanimous. MOTION CARRIE

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 March 18, 2014

- . Draft Planning Board Minutes of Meeting, dated February 4, 2014

- . Zoning Amendment to regulate large-scale, ground mounted solar photovoltaic facilities document (draft dated 3/12/14)

- . “Plan drawn by RIM Engineering for South Shore Millwork, Maple Street, for proposed solar facility, Plan dated 7/26/13” and “Top Sheet for addition of South Shore Millwork” document

- . Driving School proposed parking off Olympia Street (drawing/sketch)

- . Draft Decision for proposed doctor’s office, 85 East Main Street,