

Norton Planning Board Minutes of Meeting  
For  
June 17, 2014

**Call to Order**

The June 17, 2014, meeting of the Norton Planning Board, held in the first floor Selectmen's Conference Room, was called to order at 7:42 P.M., by Mrs. Haracz, Chairman. Members Present: Mrs. Joanne Haracz, Chairman; Mr. David Miller, Vice-Chair; Mr. Edward Beatty; and Mr. Patrick Daly. Mr. Joseph Fernandes arrived at 7:55 P.M. Absent: Mr. George Burgess and Mr. Scott Nichols. Also present was Mr. Charles Gabriel, Town Planner.

**Report of the Planning Board**

**Approval of Minutes**

There were no Minutes reviewed/approved.

**Report of the Town Planner**

**Planning Board Business and Policies**

**Bills and Warrants**

There were no Bills and Warrants

**Approval Not Required Plan:**

Applicant Name                      Date Filed with Town Clerk

David Erikson                      June 3, 2014

It was explained this is to create two lots. Easement area was referenced.

**MOTION was made by Mr. Daly to approve the plan “Division of property approval not required Form A Plan of Land in Norton, MA, owned by Ann E. Febiger, David E Erikson, John W. Erikson and Thomas E. Erikson, dated May 28, 2014, by John W. Delano and Associates, Inc. Registered Land Surveyors and Engineers, Taunton and Halifax, MA”. Second by Mr. Beatty. Vote: Unanimous. MOTION CARRIES.**

East Hodges LLC                      June 13, 2014

Mrs. Haracz explained this ANR is related to Mr. Bottomley’s recent plans and puts all land together. It was noted Parcel C added to existing lot; access onto East Hodges Street. Other lot to be a solar farm or a house and other house is where Mr. Chisolm currently resides. This now makes it legal.

**MOTION was made by Mr. Daly to approve the plan prepared for East Hodges LLC, dated 7/4/14. Second by Mr. Beatty. Vote: Unanimous. MOTION CARRIES.**

7:30 P.M.              Public Hearing: Condyne Capital Partners, Inc. for a Special Permit and Site Plan Approval for a proposed office/truck repair building of approximately 15,324 square feet with associated parking and drainage facilities to be located off Commerce Way. The site is identified on Assessor’s Map 25 as lots 84-1 and 86

Mr. Jeff O’Neil was present from Condyne accompanied by Mr. Mark Dibb, Engineer for Condyne; and Mr. Sean Morrison with Penske Trucking.

Rendering was shown: “Site Plan – Penske” Locus map, prepared by Condyne Engineering Group” Brockton, MA prepared for Condyne Capital Partners, Brockton, MA , 1150 West Chestnut Street, Ste. 3, (received/date stamped by Planning Board office on May 27, 2014; no other dated on plan). The reason they were before the Planning Board was for a special permit for special use over 10,000 square feet on property. This property is on Commerce Way; wooded undeveloped property and site sits on two lots. Proposed project to be 6.5 acre parcel.

Mr. Dibb explained this would be a fueling facility for operation with a 30,000 gallon underground storage tank with six repair bays. This building is tied into Norton Commerce Center sewer facility. Stormwater management system has a storm septic treatment; a third pretreatment structure. Amory Engineering reviewed project and Mr. Dibb stated he received a letter from them today.

Mr. Dibb said it is designed for two-way traffic and described circulation. He said the following week they will be going before conservation Commission. It was noted there would be 60-80 rental units on site.

Mr. O'Neil provided Board some exterior photographs of building's interior and exterior. He said Penske is already servicing Horizon and other businesses in Myles Standish Park.

Mrs. Haracz referenced two letters to be read into record from Planning Board consultant engineer with a letter dated June 12, 2014 and response by Condyne, and June 17, 2014 was final letter of Town's consultant engineer.

Mrs. Haracz referenced approval of drainage from Town's consulting engineer and they also need to go before Conservation Commission.

Mrs. Haracz referenced a letter from Fire Department regarding Penske.

Condyne said they were aware of Fire Department letter and comments.

Parking was discussed. Mr. Dibb stated there would be more than 80 spaces. It was noted there will be two full-time employees and two to four seasonal employees per Mr. Morrison.

Mrs. Haracz asked if they needed so much parking?

Mr. Morrison said some people may leave some vehicles there to use trucks for leasing. Discussion of business ensued.

Lighting was discussed. They described full cut – off lights and landscaping plan focuses on front.

Mr. Dibb noted tite tanks were not required.

Mr. Daly asked for detail on underground storage tank.

Mr. Dibb indicated that detail was not on the plan.

Mr. Dibb said they do need approval of Fire Department for tank.

Mr. Gabriel asked them if they had any objections if all comments of Fire Department are put in special permit.

Mr. Dibb responded they would not have any objections to that.

Operational hours were discussed. Mr. Morrison said Monday to Friday from about 5 or 6 a.m. to 11 p.m. and Saturday from 6 a.m. to 3 p.m. It will be closed on Sunday, except for summer from 7 a.m. to 12 noon for three months.

Mrs. Haracz spoke of restrictions on South Washington Street for any trucks leaving; they need to take a right turn and wanted to reiterate need for all truck drivers. South Washington Street is very narrow and would write this into the order of conditions.

It was noted 88 rental vehicles would be registered to the Town of Norton (tractor and straight trucks).

Mrs. Haracz asked if anyone in audience had any comments or questions.

No one responded from audience to speak in favor or against this.

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

Mrs. Haracz said she doesn't anticipate any problems and the Planning Board's next meeting is July 8.

Mr. O'Neil asked if they would see a draft of conditions before meeting on July 8?

Mr. Gabriel responded that could be done.

Preliminary subdivision plan: "Countryside Estates" a four lot subdivision submitted by Craig Cygawnoski to be located off of South Worcester Street on land located between South Worcester Street and the MBTA railroad and identified on Assessor's Map 27 as parcel 193, continued from June 3, 2014

Mr. Ralph Maloon was present from RIM Engineering. This was a preliminary plan of four lots and a dead-end road and need for a special permit and also needs to remain private, maintained by people who reside there. It is also in wetlands protection district. He said it is still above the water table.

Mrs. Haracz said there are concerns; it is no more than five feet above water table.

Mr. Maloon said they would need to bring fill in for a couple of houses.

Mrs. Haracz referenced Section 5.3 of Norton Zoning Bylaws. Without a special permit, no houses can be built in the wetlands protection district. She said it is marginal land with a high water table. Mrs. Haracz said they also need a common drive.

Mrs. Haracz said Section 5.4 states it should be referred to Conservation Commission and Board of Health.

It was noted a culvert to be located at this location.

Mrs. Haracz noted the plan states it was last flagged in July 2002.

Mr. Gabriel said he did not want the Planning Board to approve the Preliminary and then deny the Final plan.

Mrs. Haracz asked if any person in audience wanted to speak for or against this, or had any questions/comments.

No one from audience responded.

Mrs. Haracz reiterated this was marginal land and believed this would need a lot of fill.

Mr. Beatty and Mr. Daly agreed it would need a lot of fill brought in.

Mr. Beatty recommended Mr. Maloon come back to Board with the amount of fill which would be needed.

Leaching field was also referenced.

Mrs. Haracz stated an accurate wetlands boundary was needed and other issue is amount of fill on site.

**MOTION was made by Mr. Daly to continue this to July 8, 2014. Second by Mr. Beatty. Vote: Unanimous. MOTION CARRIES.**

Maron/Dykers regarding restrictive covenant on land off Cobb Lane

Mr. Gabriel provided history of this to Planning Board. He said there appeared to be old reference numbers to Norton Grove. Combination of lots by assessors for tax purposes (sketch was provided to Planning Board) by Mr. Gabriel.

Mr. Gabriel said applicant wants to build on lot 92. It was noted a restrictive covenant was placed in 2003. Discussion ensued.

Mr. Fernandes arrived at 7:55 p.m.

Mr. Gabriel said a variance will probably need to be requested.

It was noted if the Planning Board releases covenants, then Mr. Maron will have to request a variance with multiple steps to follow.

Mr. Maron said water and sewer on dirt (paper) road.

Mr. Gabriel said purpose of covenant is to not build any more houses on these small lots.

It was noted Mr. Maron wanted to build a home near his mother-in-law.

Mrs. Haracz believed it would be cleaner if all lots were released . Mr. Maron's frontage is on Cail Street.

Mr. Maron said release was notarized and sealed by Attorney Sousa.

**MOTION was made by Mr. Beatty to approve request to release lots 476, 477, etc., (per document).  
Second by Mr. Miller.**

**Discussion: Mrs. Haracz said the Board is voting to release certain lots; however, the release Mr. Maron provided appears to be different lot numbers from Attorney Sousa. It appears Attorney Sousa may have taken the wrong covenant.**

**Mr. Gabriel said he will speak to Attorney Sousa. Further clarification is needed.**

**MOTION DOES NOT CARRY.**

Jay Zola re: lots off Autumn Lane in Larson Farm Estates subdivision

Mr. Zola of Folkman and Zola Builders was present and said he was here for a modification to their subdivision and provided history. He noted there was an isolated wetland at this site. He spoke to Ms. Carlino, Conservation Agent, and on May 26, 2014, lot 30 was not a jurisdictional wetland Ms. Carlino stated. He said he can fill isolated wetland but does not want to fill. The short version is he owns 6,000 square feet approximately on parcel B; a minor change to permit to add parcel b and said plans are on record.

Mrs. Haracz said she personally did not have a problem with this.

Mr. Fernandes commented it does not make situation better or worse.

**MOTION was made by Mr. Beatty to allow lot be to be combined with neighboring lot as described.  
Second by Mr. Fernandes. Vote: Unanimous. MOTION CARRIES.**

Autumn Lane was referenced. Mr. Gabriel said he did not look at it carefully. Bond was discussed.

Mr. Zola said binder would be put down on road.

Mrs. Haracz said typically have inspections of road by Highway Department/Mr. Silver.

**MOTION was made by Mr. Daly to approve bond estimate of \$107,000. Second by Mr. Fernandes. Vote: Unanimous. MOTION CARRIES.**

Surety release to repair Country Club Way

Mr. Gabriel provided an update and said there was approximately \$12,000 surety left. They have been “back and forth” with Mr. Bottomley regarding this issue. Road is raised and there is a large pothole. Mr. Bottomley agreed with Town/Planning Board taking and using surety. Highway Department and Water Department will correct road and estimates received by them is close to what is in account currently and will repair what they can.

**MOTION was made by Mr. Miller to release all surety for Country Club Way to Town of Norton’s Water and Highway Departments for repairs as discussed. Second by Mr. Daly. Vote: Unanimous. MOTION CARRIES.**

Discussion ensued on as-built.

Mr. Gabriel said he would like to release money as soon as possible so Mr. Silver/Highway Dept. can get started on this. If there is no as-built, then with or without as-built, he would need to repair the road regardless.

Town plows road even though it is not an accepted road as yet. Public safety issue appears to be reason it gets plowed by the Town.

Adjournment

**MOTION was made by Mr. Beatty to Adjourn at 9:25 p.m. Second by Mr. Miller. Vote: Unanimous. MOTION CARRIES.**

Respectfully Submitted by:

Janet Sweeney  
Planning Board – Recording Secretary

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

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

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

Documents Reviewed/Distributed at Planning Board Meeting of June 17, 2014

(ANR) Plan “Division of property approval not required Form A Plan of Land in Norton, MA, owned by Ann E. Febiger, David E Erikson, John W. Erikson and Thomas E. Erikson, dated May 28, 2014, by John W. Delano and Associates, Inc. Registered Land Surveyors and Engineers, Taunton and Halifax, MA”

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. Preliminary subdivision plan: “Countryside Estates” a four lot subdivision submitted by Craig Cygawnoski to be located off of South Worcester Street on land located between South Worcester Street and the MBTA railroad and identified on Assessor’s Map 27 as parcel 193, drawn by RIM Engineering

. “Norton Grove Annex, Norton, MA” document regarding Mr. Maron/restrictive covenant on land off Cobb Lane