

Norton Planning Board Minutes of Meeting  
For  
August 12, 2014

**Call to Order**

The August 12, 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; and Mr. Joseph Fernandes. Absent: Mr. Patrick Daly, Mr. David Miller, and Mr. Scott Nichols. Also present was Mr. Charles Gabriel, Town Planner.

**Report of the Planning Board**

It was noted there were twenty hours of municipal assistance available from SRPEDD until 3/31/15.

**Approval of Minutes**

It was decided to delay review of minutes until the end of the meeting.

**Planning Board Business and Policies**

Planning Board meetings to be held September 2 and 16, 2014.

**Report of Town Planner**

Nothing was reported.

**Bills and Warrants**

It was noted some of expense was to Aggregate Industries for County Club Way. Money for repair of road from Mr. Bottomley's (developer's) surety.

**MOTION was made by Mr. Beatty to approve Bills and Warrants in the amount of \$12,143.29. Second by Mr. Burgess. Vote: Unanimous. MOTION CARRIES.**

**Approval Not Required Plan:**

<u>Applicant Name</u>	<u>Date Filed with Town Clerk</u>
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Carol Miner	August 5, 2014
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Mr. Gabriel explained this plan which was presented to ZBA and the applicant was denied. There is no frontage, therefore, they made it into a non-buildable lot. It may possibly be appealed. It was noted applicant was not in audience.

**MOTION was made by Mr. Miller to approve plan of land for Carol Miner, dated August 5, 2014. Second by Mr. Burgess. Vote: Unanimous. MOTION CARRIES.**

**7:30 P.M. – Public Hearing - Norton Solar**

Engineer from VHB was present representing solar company and explained; two independent solar farms on Clapp Street and showed drawing/aerial “Proposed Solar Farm, Norton, MA-aerial exhibit”. He stated they met with abutters at Wheaton College and an abutter had concerns with views from their property; he stated the next meeting will be held on August 25. Also, screen of trees (red cedars and yews) were referenced and they will be clearing a total of six (6) acres between the two. They will not touch any structures with this project.

Mrs. Haracz said there were a lot of deer in the area, so a yew may not be best tree to plant.

Engineer said trees being planted would be 7 to 9’ tall and would grow to about 15 feet. Discussion ensued.

Mrs. Haracz noted there was an abutting property with a second floor, therefore, 15 feet for trees may not be ideal as a screen.

Mr. Gabriel said it is a negative visual impact on that residential area.

It was noted this is under a special permit.

Engineer responded they were meeting requirements for screening.

Mr. Gabriel asked about financial aspects to Wheaton College.

Mr. Brian Douglas, CFO, from Wheaton College was present, and responded there was a discount (a credit to Wheaton's electric bill) and said it was fairly complicated with relationships. This discount/reduction would be about 5-10% of Wheaton's cost.

Mr. Douglas said college has seen these as parcels available for development. He said it was good for global warming and disrupting it less than other developments would. Also, it would help Wheaton College financially. They would like to develop an asset as minimally disruptive as possible. Alternative would be to sell lands for other purposes.

Mr. Fernandes asked why it was so close to neighbor/abutter, rather than closer to wetlands?

Engineer responded it would probably cost more.

Mrs. Haracz referenced Three Mile River being an Area of Critical Environmental Concern (ACEC) under Executive Office of Environmental Affairs.

Engineer said he believed that was reviewed by Conservation Agent and he believed it was located further back.

Mr. Gabriel stated this was in an ACEC.

Engineer believed they were outside of ACEC.

Engineer said it is less impact of building a dormitory etc., regarding visual impact.

Mrs. Haracz stated one major issue is there needs to be more of a visual buffer.

Engineer said they were meeting all intent of zoning bylaw.

Mrs. Haracz read bylaw aloud. She referenced two issues: 75 foot setback and visual screening.

Drainage was also discussed.

Engineer said he received a copy of drainage today from Town's engineer review, but has not addressed it yet.

Engineer indicated about 10-15 solar projects have been built and were located in Hubbardston and West Brookfield, and he stated he could obtain other locations if Board so desired.

It was noted the lease of land from Wheaton College is for 20 years.

Mr. Gabriel asked if Board could be provided a copy of decommissioning agreement?

Mr. Douglas responded agreement it is not fully developed yet. Discussion ensued.

Mr. Burgess questioned what would happen if solar company went bankrupt?

Attorney David Manoogian, representing Wheaton College, responded a bond would need to be established and required, and a condition Town could make it be a part of.

Mr. Gabriel noted issue with setbacks from road; not just from array itself. He also stated fence was very close to Clapp Street.

Mrs. Haracz asked if any members of audience had comments or questions.

Bruce Cummings of 37 Clapp Street said he had submitted a letter to Planning Board and spoke of an opportunity for folks to visit this site. A scaled model would be helpful to see. Concern #1: people/abutters do not want to see it. It is also a seasonal impact with fall/winter seasons. He said he was in biotech and experienced with risk assessment and details he observed from a quality issue. He said it was a concern that they were cutting down so many trees. This is a utility right across from his home.

Mr. Zwicker, 9 Clapp Street and 15 Clapp Street and 9 Rear: Concern about berm.

Resident of 14 Clapp Street spoke of a number of concerns and said he was very close to wetlands and house is elevated; and from second floor she will see all of this. A dorm is a building not a powerplant facility and would prefer a dorm or professors' housing being built. Also, resident noted fence was being lifted up 6" from ground and had concerns for her children. She said this was the only opportunity at this time to talk to Planning Board/Zoning Board.

Discussion also ensued on lighting.

Engineer said there would be no lighting. A maintenance person would visit site, however, there would be no lighting on at any time. Possibly light by inverter but he was not sure. Typically other farms do not have lighting.

Joseph Alves, 32 Clapp Street, spoke of Fire Dept. wanting 18'; there needs to be a setback; it is too close. He spoke of giant arbovitae two to three rowed (double row of plantings). Some homes on Wheaton property should have been condemned. Road is way too wide; like a highway.

Patricia Zwicker of 9 Clapp Street asked about a potential disaster occurring (i.e., struck by lightning or fire); was there any contingency plan?

It was noted there was a performance requirement in the contract.

Engineer said panels are made of glass with metal frames and therefore could not catch on fire.

Mrs. Haracz said there appears to continue to be setback issues and screening adequacy issues. She recommended they revisit and possibly narrow access road.

Mr. Fernandes asked why this site was chosen? What options do they have?

Mr. Douglas responded there was a donation for turf field in other area. Discussion of tax credit if production requirement met.

Engineer said he did not believe they could go back any further. They can take a look at screening issue.

Mrs. Haracz said also one abutter is looking down on site and another abutter surrounded by site.

**MOTION was made by Mr. Fernandes to continue this to September 2, 2014 at 7:30 P.M. Second by Mr. Burgess. Vote: Unanimous. MOTION CARRIES.**

Mr. Fernandes noted VHB is a huge talented group and along with counsel support, he would not vote in favor of this if there are no other options. Burden should not be solely on residents of Town.

Attorney Manoogian said they will work on this plan.

Mr. Gabriel suggested the Planning Board members visit site.

Attorney Manoogian said if there is a site visit, and if members of public wish to attend, they would need to sign a liability waiver for residents if posted as a meeting.

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

Mr. Maloon of RIM Engineering, was present and said plan had changed drastically. It is no longer a subdivision; it is a triplex. A 350,000 square foot site. Mr. Maloon said he was dealing with Conservation Commission.

Mr. Burgess stated a sandpit was formerly at this location.

Mr. Maloon said he met with Jen Carlino, Conservation Agent, and they need to stay away from vernal pool. Building itself needs an allowed use for a special permit. He wanted to get feeling/temperature of Planning Board.

Mrs. Haracz said plan appears better; but site is difficult.

Mr. Maloon further explained plan. It was noted Board of Health would approve septic design.

Mrs. Haracz noted they are not voting on this at this meeting. It was noted there are Board of Health and Conservation Commission issues to address. She said she was not opposed to it, but details/issues need to be worked out.

Mr. Maloon noted no perk tests were conducted yet.

It was discussed to file as a site plan in WRPD (Water Resource Protection District) for a multi-family home and for Wetlands Protection District (at least two special permits needed).

#### **Site Plan – Waitkus**

Mr. Walter Hermeneau, a professional engineer explained existing conditions and warehouse garage building they want to build, and may possibly require some excavation to install foundation. Applicant meets all zoning requirements and parking requirement. Applicant has extensive amount of equipment on site. Comments were received from Fire Department and explained two items which will be removed per fire Department, and will address all comments. Building to be one floor; maximum of 24' high; a steel building with special roof so no contaminants to run off roof .

Mrs. Haracz stated Town's consulting engineer reviewed this, especially where it is in the WRPD.

Mrs. Haracz noted some modification in drainage system.

Mr. Hermeneau said he will address the comments.

Discussion of hazardous liquid storage not being removed, but a 499 gallon tank container inside a container. He also noted storage trailers to be moved slightly outside also. Previous pavement will remain with limited pavement around building. The gravel will remain. Discussion ensued.

Also, it was noted by Planning Board, ADA compliance from sidewalk to door was needed.

Mr. Gabriel noted they will not double amount of hazardous material on site; 1800 square feet to 7,000 square feet is a huge increase.

Mr. Hermaneau said repairs to be done in larger building and they do not plan to bring in more hazardous waste, etc.

Mrs. Haracz asked for plan to be revised as discussed and they can come back before Planning Board at a future meeting.

**MOTION was made by Mr. Fernandes to continue this to September 2, 2014, at 8:00 P.M. Second by Mr. Burgess. Vote: Unanimous. MOTION CARRIES.**

**Covenant: Mary Jo Estates, four lot subdivision off East Hodges Street**

Mr. Fernandes said he was absent for this portion of the meeting

**MOTION was made by Mr. Beatty to approve Covenant for Mary Jo Estates. Second by Mr. Miller.**

**Discussion: Mr. Fernandes said he was absent for this portion of the meeting regarding Mary Jo Estates**

**Vote: All members voted in Favor of Motion, except for Mr. Fernandes who abstained. MOTION CARRIES.**

**Request to Adopt Open Space Plan**

Mrs. Haracz indicated she had a CD to review still.

Mr. Gabriel said this was done in 2008 and is updated every so often.

Mr. Fernandes asked how different this was from the already established plan?

Mr. Haracz asked Mr. Gabriel to ask the Conservation Agent, Jennifer Carlino, to come in to a future Planning Board meeting to update them.

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Mr. Gabriel said the Building Inspector provided him a sketch of a small hot dog/restaurant stand near Aubuchon Hardware. Building Inspector is concerned about mobile/temporary restaurants that are not mobile. Mr. Gabriel indicated he asked Building Inspector to meet with Planning Board as it would be a good opportunity to meet, and also there is a handicap issue with some of these mobile places.

**Approval of Minutes**

May 6, 2014:

**MOTION was made by Mr. Burgess to approve the Planning Board Minutes of Meeting, dated May 6, 2014, as amended. Second by Mr. Fernandes. Vote: Unanimous. MOTION CARRIES.**

**Adjournment**

**MOTION was made by Mr. Burgess to Adjourn at 9:33 P.M. Second by Mr. Fernandes. 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 August 12, 2014

- . Draft Planning Board Minutes of Meeting dated May 6, 2014
  
- . 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
  
- . Site Plans-Proposed Solar Farm, Clapp Street, Norton, MA, Dated Issued – July 10, 2014; Latest Issue- July 29, 2014, drawn by VHB, Watertown, MA
  
- . Covenant-Mary Jo Estates, four lot subdivision off East Hodges Street
  
- . Site Plan – Waitkus Property- Lopes Drive, presented at 8/12/14 Planning Board meeting