

Norton Planning Board Minutes of Meeting
For
June 16, 2015

Call to Order

The June 16, 2015, meeting of the Norton Planning Board, held in the first floor Selectmen's Conference Room, was called to order at 7:22 P.M., by Mr. Miller, Acting-Chair. Members Present: Mr. David Miller, Vice-Chair; Mr. Edward Beatty; Mr. George Burgess; Mr. Joseph Fernandes; and Mr. Patrick Daly. Absent: Mrs. Joanne Haracz, Chairman. Also present was Mr. Charles Gabriel, Town Planner.

Report of the Planning Board

Nothing was discussed.

Approval of Minutes

MOTION was made by Mr. Beatty to approve the Planning Board Minutes of Meeting, dated May 19, 2015, as amended. Second by Mr. Fernandes. Vote: Unanimous. MOTION CARRIES.

Report of the Town Planner

Planning Board Business and Policies

It was noted Mr. Beatty will serve as Planning Board's SPREDD delegate.

Bills and Warrants

There were no Bills and Warrants to approve/review.

Approval Not Required Plan:

Applicant Name **Date Filed with Town Clerk**

No ANR's were reviewed.

7:30 P.M. **Public Hearing: Jeffrey Zaccardi for a Special Permit to convert an accessory apartment to a duplex**

Mr. Zaccardi explained the information/approval he received regarding the building of an inlaw apartment in the past. He was told in the past he met all the criteria of a duplex. He is trying to sell this property and a purchase and sale on this is taking place tomorrow. He said Chris Yarworth of Yarworth Engineering had told him the lot would be large enough. It was noted it is a 48,787 square foot lot. He said this was not an illegal apartment he tried to "sneak by" the Town.

Presented to Board was "20 Oak Street, Norton, A-1 for Jeff Zaccardi, p 5/9/05 drawn by J. Marshall" – "Elevations - by Creative Designs-6 Wilkins Drive, Plainville, MA".

It was noted the tax document from the Town of Norton states it is "a single family with in-law".

Mr. Miller said duplex in R-40 zone is 80,000 square feet. Special Permit was discussed.

Mr. Gabriel said the Board cannot give him a permit if they are aware it is a violation. A variance would be needed from ZBA for lot size.

Mr. Burgess said building permit was given by building inspector.

Mr. Gabriel said Planning Board can grant a Special Permit. Building inspector indicated as long as there is a condition in, it would be ok. A legal non-conforming use was discussed.

MOTION was made by Mr. Fernandes to grant Special Permit to convert an accessory apartment to a duplex to Jeffrey Zaccardi. Second by Mr. Burgess. Vote: Unanimous. MOTION CARRIES.

Mr. Fernandes recommended Mr. Zaccardi bring this to ZBA.

Mr. Miller referenced Special Permit and the Norton Zoning Bylaws: "Accessory Apartment" was put in as 2.2A; assuming it was meant to be 2.2 and amended in the year 2000.

8:00 P.M. **Public Hearing: continued from June 2, 2015: Theresa Shepard, 120 S. Worcester Street for a Special Permit to allow a horse on less than 5 acres in the Residential-40 zoning district**

Planning Board was provided the chance to look at property.

6/16/15 Planning Bd. Minutes
Page 3

Mr. Daly said the pond-like area is 100' away from where they are planning to place building.

It was noted the applicant spoke to Conservation Commission and the building needs a permit.

Mr. Burgess said he saw area and had no problem with it.

Mr. Miller commented it was a substantial piece of property.

Mr. Miller said he asked Mr. Gabriel to pull a decision from 2011 that was approved similar to this situation. His concern was manure. One condition would be manure stored in a water tight container. It didn't appear the proposed container had a cover either.

Mr. Daly spoke of the possibility of flip-flopping the structures.

An abutter of 118 South Worcester Street, who was an immediate abutter to the left, said there were two definitions to biweekly which could mean twice per week or every two weeks regarding the emptying of the manure. Concern of it seeping into wetlands.

Applicant said it would be emptied every two weeks or sooner if needed.

Abutter referenced the buildings on right side of metal building; her property can see barns. She also asked how far from her property line will barn be established?

Mr. Miller said per drawing; it is 40-50 feet away from this abutter's property line.

Abutter said there is foliage on side of property line; will they leave those trees?

Applicant responded those will be left as is and will plan to plant more also.

Mr. Fernandes said he had no issue with granting special permit for use but where it is known there are wetlands in this area, it is a concern, and not knowing where structure will be exactly is an issue. It was discussed ConCom will drive where this will be placed. Question was how does Planning Board grant special permit conditionally where ConCom has not provided input?

Mr. Miller said Board of Health will probably need to be involved as well with approvals, etc.

Discussion on granting special permit that buildings are no closer to 30' to sideline(s) and buildings at a point perpendicular of 30' and move toward their existing building (basically take point and draw a line 30' perpendicular to that sideline; it is the furthest back-point of barn).

Mr. Fernandes said Special Permit can be amended if they run into difficulty.

Mr. Miller said they could draft a letter to Conservation Commission regarding this.

Mr. Fernandes said far end would be 50-55' from property line.

MOTION was made by Mr. Fernandes to approve Special Permit amongst other conditions and that location of any structure would be no closer than 30' from perpendicular point to intersection of their sideline to neighbor to the north, 118 South Worcester Street, and that structure(s) being 10 x 12 and no closer to South Worcester Street than 12' from that point, and a water tight and covered manure container to be emptied no less than every other week and located as far as possible from South Worcester Street, and that tree line to remain as in its current form along the stone wall, in area of stables, and limited to two horses and all requirements adhered to per Order of Conditions, as well as approvals as required by Board of Health, and provide such approvals to Planning Board.

Discussion: Mr. Miller said basically back of structure(s) will be on that imaginary line.

Second by Mr. Beatty. Vote: Unanimous. MOTION CARRIES.

Mr. Miller said a draft of letter to ConCom should be also sent stating reasons why the Planning Board voted this way, etc.

8:15 P.M. Public Hearing: continued from June 2, 2015: Condyne Capital Partners for a Special Permit to allow construction of a 200,000 square foot industrial building at 20 Commerce Way

Plan entitled "Norton Commerce Center" was displayed to Board.

A letter from Norton Fire Department was read aloud by Mr. Miller dated 6/3/15 from Deputy Fire Chief Myles.

Sprinkler system/hydrants were discussed.

Mr. Miller stated the conditions state they do comply with that letter. There are no abutters to disturb in that area so no work hours discussed.

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

MOTION was made by Mr. Beatty to approve Special Permit #453 for 20 Commerce Way with Orders of Conditions. Second by Mr. Burgess. Vote: Unanimous. MOTION CARRIES.

8:30 P.M. Public Hearing: continued from June 2, 2015: Condyne Capital Partners for a Special Permit to allow construction of a 100,000 square foot industrial building at 60 Commerce Way

Mr. Dibb, engineer for this project, said they will hear back from ConCom in approximately a week or two.

Mr. Miller said the Planning Board's next meeting is planned for June 30.

Mr. O'Neill said the quicker they receive a vote from the Planning Board the better for lending institution, etc. It would be beneficial to possibly achieve this conditionally approved upon ConCom's comments.

Mr. Fernandes said if the Planning Board approves special permit they would need to close Hearing. Discussion ensued.

Mr. Jeff O'Neill said if there are not any major changes, they are trying to get to a closing and their lenders would like no appeals. Discussion on minor modifications.

Mr. Gabriel will write up a Decision and will be ready to vote on June 30, and he will coordinate with Condyne.

MOTION was made by Mr. Fernandes to continue this Public Hearing to June 30, 2015 at 8:15 P.M. Second by Mr. Beatty. Vote: Unanimous. MOTION CARRIES.

Adjournment

MOTION was made by Mr. Beatty to Adjourn at 9:02 P.M. Second by Mr. Burgess. Vote: Unanimous. MOTION CARRIES.

Site Plan Review: Melissa Couttreau for a proposed 6,000 square foot building to be used as a dance studio located at 377 Old Colony Road

This agenda item was not discussed this evening and will be discussed at a future meeting.

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 June 16, 2015

- . Draft Planning Board Minutes dated May 19, 2015

- . Map: "20 Oak Street, Norton, A-1 for Jeff Zaccardi,p 5/9/05 drawn by J. Marshall" – "Elevations - by Creative Designs-6 Wilkins Drive, Plainville, MA"

- . Plan entitled: "Norton Commerce Center", drawn by Mark Dibb, P.E. – Condyne Capital Partners for construction of a 200,000 square foot industrial building at 20 Commerce Way

- . Plan entitled: "Norton Commerce Center", drawn by Mark Dibb, P.E. – for Condyne Capital Partners for construction of a 100,000 square foot industrial building at 60 Commerce Way

- . Letter from Norton Fire Department, dated 6/3/15, from Deputy Fire Chief Myles regarding Condyne Capital Partners for a Special Permit to allow construction of a 200,000 square foot industrial building at 20 Commerce Way

