

Norton Planning Board Minutes of Meeting
For
July 28, 2015

Call to Order

The July 28, 2015, 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. Pat Daly; Mr. Joseph Fernandes; and Ms. Cheryll-Ann Senior. Absent: Mr. George Burgess.

Report of the Planning Board

It was noted the Town is advertising currently for a Director of Planning.

Planning Board Business and Policies

Next meeting planned for August 4, 2015

Approval of Minutes:

Bills and Warrants

MOTION was made by Mr. Miller to approve Norton Planning Board Bills and Warrants in the amount of \$826.03. Second by Mr. Beatty. Vote: Unanimous. MOTION CARRIES.

Approval Not Required Plan:

Applicant Name: **Date Filed with Town Clerk**

Francis Reilly (lots 3 &4) **July 21, 2015**

Francis Reilly (lots 5, 6, 7 **July 21, 2015**

It was noted this was creating five lots. It was noted lots 3, 5, and 7 were kept by Reilly Family Trust and lots 4 and 6 were designated Agricultural Preservation, and abuts Norton Conservation land. Lot 3 has an existing house; and lots 5 and 7 are buildable lots.

MOTION was made by Mr. Fernandes to approve Sheets 1 of 2 and 2 of 2. Second by Mr. Beatty. Vote: Unanimous. MOTION CARRIES.

7:15 P.M. Public Hearing: Condyne Capital Partners (continued from the July 14, 2015 meeting)
Special Permit to allow construction of a 100,000 square foot industrial building at 60 Commerce Way

Mr. Dibb, engineer from Condyne, was present and respectfully requested a continuance to August 4, 2015.

MOTION was made by Mr. Beatty to continue Condyne Capital Partners-Special Permit to allow construction of a 100,000 square foot industrial building at 60 Commerce Way, to August 4, 2015 at 7:30 P.M. Second by Mr. Fernandes. Vote: Unanimous. MOTION CARRIES.

7:30 P.M. Public Hearing: Carroll Advertising
Special Permit to erect an Electronic Message Center (digital sign) measuring 14' x 48' (672 sq. ft.) 67 feet high

Mr. John Carroll was present along with Attorney Jim Brady. It was explained this is a 14' x 48' digital sign on a 116,000 square foot lot. Impact is minimal and has social/economic benefits on Route 495.

Mrs. Haracz said this Electronic Message Center does not meet zoning requirements.

Mr. Carroll referenced a possible variance by ZBA.

It was noted Mr. Gabriel, former Town Planner, did not think Planning Board could approve under bylaws. This could possibly be brought to Town Meeting. It is a fundamental issue if Town wants billboards. It was noted there is a mitigation agreement in place.

Mr. Carroll asked if they could have a placeholder for Town Meeting? He said he would hate to lose standing if other companies were also interested. He also requested to continue this Hearing.

Mrs. Haracz said it is up to the discretion of Town Meeting if they want to allow but she did not see it being allowed.

Mr. Yunits referenced the \$5,000 Mitigation Agreement and any legal advice the Planning Board needs, there is available money for legal costs, and if tabled money can be utilized.

A resident commented it was not accurate about it being non-residential. Bylaw was also referenced; and no sign shall be directly illuminated during certain hours.

Ms. Cathy Ebert Zawasky, a Norton resident and President of Land Preservation Society, noted the Town of Norton has a different character and is rural vs. Foxboro and Walpole. She distributed a document to the Board entitled “Lincoln Woods Conservation Land”, and said they are a land trust for land preservation and water safety.

She said there is also a good patch of wildlife; a habitat for many animals. Light can disturb and affect the following animals: monarch butterflies; and noted tree frogs are nocturnal and light affects the mating calls for reproduction; for fireflies, light at night for males affects reproduction; and various birds are also affected, including, but not limited to, osprey.

Ms. Ebert-Zawasky stated if they were to allow something like this she would request an environmental review and would need to check if regulated habitats, and operational greenhouse gas emissions she was not certain about.

Mr. Pelligrini, a Wrentham resident, said he did quite a bit of research on this. He said a federal guideline has been in place since 1971; a 660’ corridor placed and related to funding for federal highways. Federal Government basically would govern advertising. Within 660’ of right of way federal law would apply and regulated by Mass DOT, etc., and this was run by Town counsel as well.

Ms. Haracz said the former Town Planner did speak to the Mass DOT attorney regarding this and Town permitting is required.

Mr. Pelligrini said local bylaws are in conflict with state governed bylaws.

Mrs. Haracz suggested a continuance on this.

MOTION was made by Mr. Daly to continue to August 18 at 7:30 P.M. Second by Mr. Beatty. Vote: Unanimous. MOTION CARRIES.

8:00 P.M. Public Hearing : Ion-The-Ball

Special Permit to erect an Electronic Message Center (digital sign) measuring 14' x 48' (672 sq. ft.) 70 feet high

Mr. Robert Pellegrini was in attendance accompanied by Mr. Jim Johnson also. The location of this is at 176 South Washington Street. He noted a typo on plan; height not 18'; it should read 14' x 48'. Color photo of site distributed: "176 South Washington Street". Other changes were discussed.

Mr. Pellegrini said crane was put on site; a "flag test". "Southbound View " color photo distributed; and "Northbound View" color photo distributed. It is strictly regulated and must be variant with light level. Discussed were items regulated by the State. There would be no motion with a static screen (these signs are also used for emergencies and lost children). There is no distraction if technology falters, it would go to one screen.

It was noted operating hours would be 24 hours per day.

Mr. Yunits said they are working on a similar agreement as with Carroll Advertising; hopefully at next Board of Selectmen meeting it will be signed.

Mr. Pellegrini showed location where it would be located.

Mrs. Haracz said it is not specifically located on plan well.

Mr. Pellegrini responded they can provide a broader/better view for next meeting.

Mrs. Haracz noted it appeared it would be clearly visible from Plain Street.

Ms. Cathy Ebert-Zawasky spoke again of the biological and environment impact.

Mr. Yunits spoke in favor of these electronic messaging centers. He said it is amazing between this newer technology and the old billboard-type signs. There are no bright lights/no changing screens, etc. He encouraged the Planning Board and others to drive up and look at similar billboards. He said he will work with these developers to do whatever is needed to do.

Mrs. Haracz stated the zoning bylaw prohibits billboards.

Mr. Reilly, a Norton resident, referenced directional signs and noted it would be ZBA that issues variance for directional signs.

Mr. Yunits said there is \$5,000 for the Town to use regarding legal investigative work. The Town also would receive \$300,000 per sign. Bonds were also discussed.

It was noted lifespan of these electronic message centers are between 10-15 years.

Documents/Renderings displayed to Board: “Proposed Digital Billboard” Site: Map 24, Lot 30, 176 So. Washington Street, Norton, MA, Plan 1978-LO-6213, Prepared for Ion The Ball, LLC, Dated 6/29/15, Lawrence P. Silva, P.E., Reg No. 33381-C” and “RMG Outdoor Inc., Preliminary drawing 14 x 48’ single post center ; double face 30’ V-build led ready 6/30/15, Phoenix, Arizona”

MOTION was made by Mr. Daly to continue this to August 18 at 8:00 P.M. Second by Mr. Beatty.

Vote: Unanimous. MOTION CARRIES.

**8:30 P.M. Public Hearing: GAC Development
Special Permit and Site Plan Approval to construct a retail and restaurant shopping plaza (13,562+ sq. ft.)**

David Cohen and Craig Driscoll of Driscoll Engineering were present.

Mr. Daly made disclosure of a potential conflict of interest where he coached Mr. Cohen’s child in sports, but he believed it would not be an issue to perform his duties regarding this matter.

Mr. Cohen said they plan to raze the building and redevelop this into a single-story, multi-use building. He said they cleared trees to show to perspective tenants (approximately 13,000 square feet).

Displayed to Board was: “60 West Main Street – Schematic Design” color photographs from Honey Dew and Master Sgt. Trent Memorial Park. It will be a colonial look; similar to CVS and Walgreen’s in Town.

Mr. Craig Driscoll of Driscoll Engineering, explained parking (retail and restaurant establishments are planned).

It was noted the entire site will be cleared. They tried to keep as many tall pines for buffering and to try not to interfere with septic. Drainage was also discussed, as well as site circulation.

Mr. Cohen referenced the drive-thru. A coffee shop or a fast food establishment is being proposed; possibly Panera or another similar type of place.

Traffic generation was referenced and Mrs. Haracz said a traffic engineer could determine the trips to this development.

Mrs. Haracz said the Town's consulting engineer will review site design and referenced/read aloud letter with comments from Amory Engineers.

Mrs. Haracz noted specifics were needed on shingles/clapboard, etc. Also ADA compliant sidewalk would be needed.

It was noted this is a very congested area, especially in afternoon.

Mrs. Haracz said a traffic study was needed especially with a drive-thru; this should also include a pedestrian traffic study as well as on bicycle traffic. Parking study also needed.

Mrs. Haracz noted this site was being maximized.

Mr. Miller was curious as to the actual distances of houses that surround this property.

Mr. Cohen responded the houses are 55' from corner of building to property line and house 10' from property line.

Mrs. Haracz recommended an aerial photo of this site in comparison to abutters.

Mr. Driscoll stated they do exceed required setbacks also.

Mrs. Haracz noted the Town also has landscaping requirements.

Snow plowing/snow storage was discussed as well as the intent of buffer.

Mr. Cohen noted there would be a 6' fence along rear and side - 6' vinyl chainlink.

It was noted the hours of operation would mirror a Dunkin Donuts or Honey Dew (5 a.m. to as late as 10 p.m. possibly).

Mrs. Haracz noted this was zoned village commercial.

Mr. Cohen said he would create an esthetically pleasing site; he resides in Town and wants to cleanup this and make it appealing to town. This site is currently an eyesore; to tear it down and put up a new building would be an improvement.

Mrs. Haracz said building design is ok and would like to see it closer to street, and she would like to see him avoid a strip-mall look and encourage a town center style.

Mr. Cohen stated it was difficult to lease if too tight to street. In his personal opinion, it will be the nicest building on West Main Street.

Mrs. Haracz spoke of access to site by pedestrians for safety.

Sue Liebherr said her house abuts bank property. All trees were cut down so there is no buffer at all except from what is on her property. Her biggest concern was the drive-thru.

Mr. Cohen explained and responded to Ms. Liebherr's concerns.

Drainage was referenced. Mr. Cohen said drainage would actually be improved on Ms. Liebherr's property since that was also a concern of hers.

Mr. Cohen said their intent is not to take down more trees unless fence is being erected, as it causes them to do so.

Mrs. Haracz said photos would be beneficial, especially of line of trees, etc.

Ms. Liebherr said she also has concerns of dumpsters , lighting, etc.

Resident of 13 Seminary Way said they resided on corner lot, and inquired about a special permit for parking spaces.

Mrs. Haracz responded that they are asking for a waiver for number of parking spaces and Planning Board will need to consider this.

This resident of 13 Seminary way referenced extra traffic with buses transporting students and foot traffic issues. Traffic noise is already an issue since trees were cut down and a PVC fence remedy this. Noise level has increased.

Another resident of Seminary Way said this lot/site is being maximized. He wanted to point out this area is village commercial and is a mixed use commercial plan. Missing from this presentation are concerned neighbors, the schools next door, and being a Historical District.

It was noted the revised/new plans should include: light and sound mitigation, and traffic generation review.

Another resident of Seminary Way said the biggest concerns potentially would be the hours of operation being from 5 a.m. to 10 p.m. ; the intercom system; and the rubbish/dumpster removal.

Mr. Cohen responded time restrictions can be implemented.

It was discussed that traffic study should be conducted when school is in session.

Mr. Cohen said for the next meeting he will bring a full plan with lighting specs, etc.

Mike Rafuse of 14 Seminary Way, said light is important but most concerned with the sound.

Mrs. Haracz stated there is a permit process and additional information will be provided.

Resident of 15 Peter Street said Mr. Cohen had previously noted he preferred one tenant; is that a businessman or town speaking?

Mr. Cohen responded he said it as a businessman speaking; it could be one tenant or five tenants as he was not sure what demand will be.

A resident said a concern would be a Taco Bell, or KFC going into site. Bristol County was rated two in state for diabetes leading to stroke, heart disease, etc.

Sharon Rafuse of 14 Seminary Way said the main concerns would be the drive-thru and hours of business/drive-thru (i.e., 2 a.m.).

Mrs. Haracz said it would be helpful if Mr. Cohen could specify hours.

Mrs. Haracz said it would be necessary for Mr. Cohen to show the light fixtures also which need to be Dark Sky Compliant.

Resident, Mrs. Rafuse of 14 Seminary Way, referenced the multiple businesses would mean multiple dumpsters.

Mr. Cohen responded two dumpsters could be located in a certain location.

Mr. Fernandes said this is a Special Permit and she liked the thought put into building esthetics, but thought the building being moved up toward street may improve esthetics. There appears to be a real concern regarding the drive-thru as it now stands. He believes a drive-thru for fast is unfair to the neighbors and wanted to relay this to Mr. Cohen now. He would like to see some alternatives.

Mrs. Haracz said the major concerns appear to be the drive thru, parking, and a traffic study needed.

Mrs. Haracz said there is a scheduled Planning Board meeting to be held next week on August 4.

Ms. Senior indicated she will not be able to attend next week's Planning Board meeting.

MOTION was made by Mr. Daly to continue GAC Development to August 4, 2015 at 7:45 P.M. Second by Mr. Beatty. Vote: Unanimous. MOTION CARRIES.

Adjournment

MOTION was made by Mr. Beatty to Adjourn at 9:50 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 Distributed/Reviewed at July 28, 2015, Planning Board Meeting

. Approval Not Required Plan (ANR) - Plan of land on Crane Street in Norton, MA prepared for Martha Dion and Francis J. Reilly, Trustees of Reilly Family Trust & Dept. of Agriculture Resources, drawn by Outback Engineering, Middleboro, MA, dated 7/3/15.

Francis Reilly, in reference to lots 3 &4 and 5,6, and 7, date filed with Town Clerk - 7/21/15

. "Lincoln Woods Conservation Land" document (distributed by Cathy Ebert-Zawasky)

. Color photo of "176 South Washington Street" distributed by Ion-The-Ball

. "Southbound View " and "Northbound View" color photo distributed by Ion-The-Ball

. "60 West Main Street – Schematic Design" color photographs from Honey Dew and Master Sgt. Trent Memorial Park and Plan from GAC Development

. Letter dated July 24, 2015 from Amory Engineers, P.C., (Patrick G. Brennan, P.E.) addressed to Norton Planning Board Re: Garrett's Shoppes on Main, 60 West Main Street – Site Plan