

Norton Planning Board Minutes of Meeting
For
August 18, 2015

Call to Order

The August 18, 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. George Burgess; Mr. Pat Daly; Mr. Joseph Fernandes; and Ms. Cheryll-Ann Senior.

Report of the Planning Board

It was noted some resumes have been received for Town Planner position.

PLANNING AND BOARD BUSINESS AND POLICIES

Scheduled Planning Board meetings to be held September 15 and 29; and October 13 and 27.

APPROVAL OF MINUTES

MOTION was made by Mr. Beatty to approve the July 14, 2015 Executive Session as written. Second by Ms. Senior. Vote: All In Favor, except for Mr. Burgess, who voted "Present".

BILLS AND WARRANTS

There were no Bills and Warrants for review/approval.

Approval Not Required Plan:

Applicant Name

Date Filed with Town Clerk

No ANR's were reviewed.

Jay Zola – Surety Release Autumn Lane

Mr. Zola said there was approximately \$59,000 in surety.

MOTION was made by Mr. Fernandes to release surety as discussed, exact amount to be determined by Chairman Haracz, to Mr. Jay Zola. Second by Mr. Beatty. Vote: Unanimous. MOTION CARRIES.

7:30 P.M. Public Hearing: Condyne Capital Partners for a Special Permit to allow construction of a 100,000 square foot industrial building at 60 Commerce Way

It was noted there were some issues to be worked out.

Mark Dibb, engineer with Condyne Engineering Group, said documents were resubmitted on July 20 for project and further reviewed by consultant. Since that response, there were two more Conservation Commission meetings that took place: one issue is a vernal pool and another potential vernal pool. The ConCom Agent and Commission were on board with the design. However, Mr. Dibb said he has not received that second review by consultant as yet based on review of vernal pools. Nothing in layout has changed. Some drainage is under review but feel they can seek approval by the Planning Board, subject to conditional approval. They would like to move the project ahead. They feel stormwater management will meet requirements of stormwater management design.

Mrs. Haracz said she had a conversation with Jennifer Carlino, Conservation Agent, and Ms. Carlino indicated it deals with vernal pools and not other issues. The Planning Board could condition the project if they voted to approve it (contingent on Conservation Commission becoming part of the order of conditions).

Document provided to Planning Board entitled "July 20, 2015 version - Site Plans - Proposed Warehouse, 60 commerce Way, Norton Commerce Center".

Mrs. Haracz said another condition should probably be that the Town's inspector to inspect the drainage system also.

MOTION was made by Mr. Fernandes to close this Public Hearing. Second by Mr. Miller. Vote: Unanimous. MOTION CARRIES.

MOTION was made by Mr. Fernandes to approve the Special Permit for Condyne Capital Partners for a Special Permit to allow construction of a 100,000 square foot industrial building at 60 Commerce Way. Second by Mr. Beatty. Vote: Unanimous. MOTION CARRIES.

MOTION was made by Mr. Fernandes to approve Site Plan for Condyne Capital Partners at 60 Commerce Way. Second by Mr. Beatty. Vote: Unanimous. MOTION CARRIES.

7:45 P.M. Public Hearing: 58 Barrows Street – Request of an allowance of a horse

Applicant stated she wanted to build a little barn with a geriatric horse (18 years old) who is on a restricted and special diet and needs monitoring. Horse now resides at Lincoln Meadows in Norton. It would be helpful and convenient to monitor him throughout the day on her property. Planned is a 20' x20' low-profile barn with a pen area off that structure. She is looking at many barns in Maine to duplicate so as it would be a very unobtrusive barn. One photo of proposed barn distributed to Board "Pine Horse Barns".

Applicant has an acre of her property devoted to this project and most of it in back is flat. The Town of Norton owns the easement that runs along the length of her property. Regarding horse manure, she designed a six bin compost to help maintain the manure and anything above that would be hauled off. She has a local farm that would be interested in anything that would be composted. It was noted she would restrict this to one horse. She also noted she has a lot of trees on the periphery of her property.

Resident of 62 Barrows Street said he was an abutter and only received short notice about this meeting. From what he did see, the barn is proposed to be at property line and there is a 15' right of way at that location. He resides on other side of the right-of-way. His concern would be the impact of his/his family's life outside of their house (odor, flies, manure, etc.). Right now it appears to be proposed for an elderly horse; however, if that horse passes away, what would it then be used for? It seems like there may be other issues on the property as well as the use of buildings. In the future, that building could be used for something else on that property.

Mrs. Haracz explained it would be a special permit for only a certain number of animals which Planning Board could approve.

Mrs. Haracz said September 15 is the next scheduled Planning Board meeting, so it would give the Board time to review/look at property and respectfully requested permission to look at this property.

Mrs. Haracz asked applicant how much flexibility she had in moving the barn?

Applicant responded land is very flat in back; she could move it further in or further back .

Mr. Daly asked further about the composting.

The Applicant responded she has an organic area in the back. Pellets will be utilized and lime put on compost. Compost will be rotated every three days and takes about three weeks to turn into soil.

Mr. Beatty asked if the compost containers would be covered?

Applicant responded, yes, she could put a tarp on it to cover it.

Per Mr. Daly's request, Applicant said she would put stakes in ground to mark off four corners of where building would be.

MOTION was made by Mr. Daly to continue this Public Hearing to September 15, 2015 at 7:30 P.M. Second by Mr. Burgess. Vote: Unanimous. MOTION CARRIES.

8:00 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 accompanied by Attorney Brady.

Mrs. Haracz said allowed by zoning issue was questioned at the last meeting. Mrs. Haracz stated Town Counsel provided opinion and this also affects the subsequent Hearing.

Mrs. Haracz read aloud letter from Town Counsel. Special Permit is not available for off-premises signs. It is not allowed by zoning and use-variance not allowed either. Ch93d statute discussed and read from letter. Recommendation was to withdraw without prejudice and if zoning would change they could refile at some point if they so desired.

Mr. Carroll said their intent is to prepare something to file, and they could possibly present at Town Meeting.

MOTION was made by Mr. Fernandes to allow Applicant to withdraw application without prejudice. Second by Mr. Beatty. Vote: Unanimous. MOTION CARRIES.

8:15 P.M. Public Hearing: Ion-The-Ball –Special Permit to erect an Electronic Messaging Center (digital sign) measuring 14' x 48' (672 sq. ft.) 70 feet high

Mrs. Haracz said this is a similar issue regarding an electronic messaging center.

Attorney Robert Pellegrini , representing Ion-the Ball, said they would like to withdraw without prejudice.

MOTION was made by Mr. Beatty to allow Ion-The-Ball to withdraw without prejudice. Second by Mr. Fernandes. Vote: Unanimous. MOTION CARRIES.

8:30 Public Hearing: Proposed Planet Fitness Site – Greatwoods Marketplace

Mr. Wall of Mount Hope Engineering of Swansea, Massachusetts, said this is a 3,000 square foot addition for a proposed Planet Fitness site. mount hope ...proposed planet fitness site plan greatwoods marketplace, 7/23/15

Drainage was discussed.

There were no comments or questions from audience when asked by Mrs. Haracz.

MOTION was made by Mr. Fernandes to approve Site Plan for Gator Investments LLC, subject to Order of Conditions. Second by Mr. Beatty.

Discussion: It was discussed this could be supervised by the Town of Norton's professional consultant engineer and fee would be charged to client for services. Mrs. Haracz said the Town's consulting engineer would be possibly overseeing this. Vote: Unanimous. MOTION CARRIES.

A short recess took place at 8:18 P.M. in anticipation of 8:30 P.M. Public Hearing

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.)

Mr. Driscoll, engineer for applicant was present, along with Mr. David Cohen of GAC Development.

"Fencing" options were distributed to Board as well as "6 foot Chain link fence detail by International Fence Industry Assoc. ". Also distributed to Board were custom panels and gates color photo options.

Correspondence dated July 31, 2015 to GAC Development, LLC. c/o Mr. David Cohen, 229 Main Street, North Easton, MA 02356 re: Garrett's Shoppes on Main, 60 West Main Street, from Vanasse & Associates, Inc., Jeffrey S. Dirk, P.E., PTOE, FITE- Principal

Mrs. Haracz noted at the last meeting a number of questions arose, including the drive-thru, landscaping, and other issues.

Mr. Driscoll spoke of plan changes with drive-thru being away from houses and school. An aerial photo was provided and he noted it was 95' from one particular house to another particular house. Edge of parking would be about 43 feet, while also keeping 20' landscape buffer.

Parking is still facing those buildings.

Mr. Miller applauded them for moving drive-thru but believed there would be an issue with queing.

Mr. Cohen said there are no defined tenants. They are talking to people but no leases signed.

Fencing discussed - 6 feet high PVC solid fence.

Mrs. Haracz referenced the proposed traffic study and analysis which she read aloud.

Mrs. Haracz said at the last meeting, one of the issues was with traffic with Yelle School and High School next door. They need to look at intersection at school complex/driveway near this property where buses leave and across street from Honey Dew Donuts. It would require morning, afternoon, and Saturday counts. Count should be conducted anytime after September 14, 2015; and need to figure out the peaks. Also pedestrians and bikes should be accounted for.

Mrs. Haracz stated Mass DOT may require additional studies, however, she was not sure what their specific concerns may be.

Mr. Driscoll said traffic study should accomplish both what this Planning Board wants and the Mass DOT.

Mrs. Haracz said also queuing issue needs to be looked into as to what Mr. Miller discussed earlier.

No one in audience spoke of traffic study; members of audience agreed the Board and Mrs. Haracz asked the correct questions.

Ms. Senior referenced this area being "village commercial".

Mrs. Haracz said the layout of site does not meet village commercial; therefore, it is up to the Planning Board's discretion. She said it is under site plan approval and looked at zoning bylaws relating to village commercial.

Mrs. Haracz stated the real issue is the site layout and the size of the building.

Parking was also referenced. Mr. Driscoll said they were asking for a waiver on parking.

Mrs. Haracz asked for Mr. Driscoll to document their rationale for reduction in parking. Per zoning, they were about 17 spaces short.

Lighting was referenced. Mr. Driscoll said it addresses Dark Sky Compliant lighting.

Mr. Cohen noted they have not tackled signage yet.

Per Mr. Burgess' question on the drive-thru, Mr. Cohen responded a drive-thru is important to the tenant they are trying to land.

Ms. Sue Leibeher, one of the abutters, asked about hours of operation.

Mr. Cohen responded they are not planning a Burger King or Taco Bell with a 2 a.m. closing.

Ms. Leibeher referenced the fencing placement, etc.

Mr. Cohen responded when they cleared the trees, they were trying to be good neighbors, and trying to keep as much of a natural buffer as possible.

Ms. Leibeher asked if it would be possible to go from 6 feet to 8 feet on that fence.

Mr. Cohen responded, yes, that could be done.

Mr. Driscoll answered questions regarding having enough room by drive-thru/driving around.

Mr. Cohen said delivery hours can be governed of when deliveries are received.

Ms. Leibeher felt early morning 7 or 8 A.M. is acceptable for deliveries, etc. She is in favor of putting something at this location; she thought it was a lot of building for a little space.

Ms. Sharon Rafuse of 14 Seminary Way stated building is big and it was not necessary to have a drive-thru. Village commercial is not mandated, but it is there for a reason.

Mr. Mark Leblanc of 11 Seminary Way, referenced this area being village commercial and developer continues to maximize this lot. He also spoke of his concern with the drive-thru, the queuing, and loading area. He said he welcomed the development, but this lot should not have a drive-thru.

Mr. Cohen asked if Mr. Leblanc would be opposed to a drive-thru for a bank? It appeared he was opposed to a drive-thru for a restaurant.

Ms. Leibeher said a bank drive-thru is completely different and banks are generally closed on weekends. Also a restaurant drive-thru would be louder.

Mrs. Haracz said a traffic study is critical. This meeting will probably need to be continued, but it would probably be worthwhile to have a traffic study for next meeting.

Mr. Fernandes said he could not understand the cars queued up for a drive-thru. He could not support a drive-thru without knowing what the type of business will be.

Mr. Cohen said a coffee shop is showing significant interest; and it would be a drive-thru but not an intercom (a face to face order taking). Their website states no microphones/speakers for their drive-thru. It would be no louder than a bank type of microphone/probably less loud.

Mr. Driscoll explained the loading area in greater detail.

Mr. Cohen said he was "trying to get temperature of Planning Board".

Mr. Fernandes said he was not saying he was opposed to a drive-thru definitely; depends on what type of drive-thru.

Mr. Fernandes referenced buffer strip for snow event/plowing. He was not certain if it addresses snow event, per the bylaw.

Mr. Driscoll responded they will look at that.

MOTION was made by Mr. Miller to continue Public Hearing: GAC Development, to September 29, 2015, at 7:30 P.M. Second by Mr. Burgess. Vote: Unanimous. MOTION CARRIES.

Adjournment

MOTION was made by Mr. Fernandes to Adjourn at 9:30 P.M. Second by Mr. Beatty. Vote: Unanimous. MOTION CARRIES.

Respectfully Submitted by:

Janet Sweeney
Planning Board – Recording Secretary

Minutes Approved by Committee on: _____
(Date)

Signature : _____ Chairman: _____

Documents Distributed/Reviewed at August 18, 2015, Planning Board Meeting

Planning Board Executive Session Minutes dated 7/14/15

Letter addressed to GAC Development, LLC, c/o Mr. David Cohen, dated July 31, 2015, Re: Garrett's Shoppes on Main, 60 West Main Street (Route 123), Norton, Massachusetts, from Vanasse & Associates, Inc., Transportation Engineers & Planners (Jeffrey S. Dirk, P.E., PTOE, FITE, Principal

GAC Development - "Fencing options and 6 foot Chain link fence detail by International Fence Industry Assoc. "

Norton Planning Board, Town of Norton, Massachusetts, Application for Special Permit: Applicant- Guiomar Turgeon, 58 Barrows Street, Norton, MA, Re: Request for Allowance of a horse and barn. Also provided one photo of proposed barn distributed to Board "Pine Horse Barns"

Layout And Materials Plan-"Garrett's Shoppes on Main", 60 West Main Street in Norton (Bristol County) Massachusetts, June 15, 2015, Draft date 8/3/2015, Prepared for: GAC Development, LLC, 229 Main Street, North Easton, MA 02356 by JDE (Jacobs Driscoll Engineering), 50 Oliver Street, Suite W3, North Easton, MA 02356

Document: "July 20, 2015 version - Site Plans - Proposed Warehouse, 60 Commerce Way, Norton Commerce Center"

Mount Hope Engineering, Swansea, Massachusetts, Plan of a 3,000 square foot addition for a proposed Planet Fitness - Greatwoods Marketplace, dated 7/23/15