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**Town of Norton Planning Board
Meeting Minutes
April 19, 2016
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Call to Order

The April 19, 2016, meeting of the Norton Planning Board was held in the first floor Selectmen's Conference Room, of the Norton Town Hall and was called to order at 7:15 P.M., by Joanne Haracz, Chairman. Members Present: Joanne Haracz, Chairman; Mr. David Miller, Vice-Chair; Mr. Edward Beatty; Mr. George Burgess; Mr. Joseph Fernandes; and Ms. Cheryll-Ann Senior. Also Present: Beth A. Wierling, Director of Planning & Economic Development, and Janet Sweeney, Recording Secretary. Absent from the meeting was Mr. Patrick Daly.

General Business

A. Report of the Planning Board

No report presented.

B. Planning Board Business and Policies

- Ms. Haracz thanked Ms. Senior, Ms. Miller, and Mr. Burgess for their time spent serving on the Planning Board as this is their last Board meeting.

Norton Self Storage: Ms. Wierling said she received a draft landscape plan for Norton Self-Storage; they had their first inspection done by the peer review engineer and she is awaiting report from engineer. If any member is interested in reviewing it, it is available. They are keeping landscaping in front, however, she cannot tell from plan if there is a berm built or not. She indicated to applicant they need to come back to Planning Board with the landscape plan.

Permit Requirements for Chickens: Ms. Wierling indicated she had received a lot of calls from residents regarding keeping chickens. Most people were curious about getting three or four chickens and most were in a zoning district which required a special permit for chickens on less than five acres; and she asked how did Planning Board want to proceed with this, considering the cost to applicants for advertised notified public hearing for only three or four chickens.

Mrs. Haracz replied that having personally experienced numerous chicken issues over the years, she thinks it would be ideal to have the Town have a general bylaw to allow the keeping of a small amount of chickens in a backyard. She believed having a special permit for four chickens is unnecessary, especially where special permits are usually needed for a

large commercial building. She recommended the setting up of a bylaw would be the way to go.

Ms. Wierling asked what could be done for the time being, if anything, because they would need to have a special permit?

Mrs. Haracz responded she was not sure if they have any other options. They could potentially not charge them a full amount.

Mr. Burgess said he believed a special permit was a waste of time to raise a few chickens.

Mrs. Haracz agreed and said a special permit does not make any sense.

Ms. Wierling said she will check into what can be done legally.

Red Mill Village: Mrs. Haracz noted she believed the Town did have an inspection on Red Mill by Amory Engineers.

Ms. Wierling responded, Mr. Dave Eastridge, recently meet on site with Amory Engineers to review a proposed paving plans and they will be moving forward shortly to complete.

However, Mr. Eastridge would like to come to the Planning Board's next meeting to discuss that process and potential for return of surety.

Mrs. Haracz asked if this was the final item they need to do; are they close to finishing?

Ms. Wierling responded, yes, they are very close to finishing.

C. Site Plan & Special Permit Modification: 60 Commerce Way - Ryder Truck - Document(s) Presented to Planning Board:

1. *Letter, dated April 19, 2016, addressed to Beth Wierling, from Donald F. O'Neill, Managing Partner, Condyne Engineering Group, Re: Request to Present on May 3, 2016 to the Norton Planning Board for the development project for Ryder Truck Rental, Inc., to be built on 60 Commerce Way, Norton, MA*

Mrs. Haracz indicated Condyne requested to come before the Planning Board to discuss the site plan application for Ryder Truck Rental at 60 Commerce Way, however, since they are still working with Conservation Commission on certain issues, the Planning Board has requested the applicant come back to the Planning Board when they are finished with ConCom to ensure plans are consistent between the two Boards. Condyne requested to attend the May 3, 2016 Planning Board meeting. This was not a special permit, so they will be added to the agenda on that date. Ms. Wierling noted because of upcoming Planning Board elections, it would be best to wait for all new members to be present rather than start the hearing and have to re-advertise when new Board members are elected.

D. Approval of Minutes

No Minutes were reviewed/approved.

E. Bills and Warrants

Mrs. Haracz noted this included two payrolls, fees for peer reviews for New England Ice Cream, membership fees and dues, a conference, plan copier supplies, and return of a refund to Wheaton College.

Mr. Beatty inquired about the return of refund to Wheaton College?

Ms. Wierling responded the Wheaton Solar site plan approval was completed and remaining peer review funds needed to be returned to the applicant, which requires a vote of the Planning Board. \$5,000 was initially submitted for peer review of the landscaping along Clapp Street, the remaining balance after all invoices have been paid is \$3,170 plus interest.

Mrs. Haracz said they did vote to return unused amount at a previous meeting. Ms. Wierling indicated the accounting office required additional information and paperwork to complete the return of funds.

MOTION was made by Mr. Beatty to approve Norton Planning Board Payables, in the amount of \$16,027.31, dated April 19, 2016. Second by Mr. Burgess. **Vote: (6-0) Unanimous.**
MOTION CARRIES.

7:30 P.M. PUBLIC HEARING - continued from April 5, 2016

0 Oak Street (Assessor's Map 15, Lot 20) **Adv.:** Feb. 23, 2016 & March 1, 2016

Applicant: Safeway Development Corp. **Abut.:** February 19, 2016

Three (3) Special Permits:

- (1) Article IV - Use Regulations, Section 4.2 Residential Uses, Multi-family Dwelling: to allow multi-family dwellings in an R-40 Zoning District
- (2) Article XI - Affordable Housing, Section 19.3.2 Multiple Units: For construction of affordable housing units within a development of six (6) or more multi-family dwelling units
- (3) Article IV - Use Regulations, 4.2 Residential Uses, Common Driveway: To construct a private driveway. (Adv.: March 22, 2016 and again on March 29, 2016; Abut: March 16, 2016)

Site Plan: Article XV - Site Plan Approval, Section 15.3.1, Applicability, Residential Use

Site Plan/Special Permit Decision: 90 days following closure of public hearing to vote
14 days after vote to file decision with Town Clerk

Document(s) Presented to Planning Board:

1. Letter dated April 15, 2016, addressed to the Town of Norton-Planning Board/Beth Wierling, from Matthew Crowley, PE, Project Engineer, BETA Engineering, Re: Multi-Family Dwellings Assessor's Map 15 & Lot 20, Norton, Massachusetts Peer Review Update.
2. Letter dated April 13, 2016, addressed to David Miller, Planning Board Vice-Chair, from Jeff Stoye (abutter to project), Re: Special Permit for 0 Oak Street (Assessor's Map 15, Lot 20; Applicant: Safeway Development Corp.
3. Memorandum dated April 12, 2016, addressed to Planning Board, from Beth A. Wierling, Director of Planning & Economic Development, Re: Site Plan & Special Permits: Oak Street (Assessor's Map 15, Lot 20)--File #: SP/SITE-464
4. "Proposed Site Development Plans for Multi-Family Dwellings-Special Permit & Site Plan Set, Assessor's Map 15 & Lot 20, Norton, MA, Rev. April 11, 2016"- Plans Prepared for Safeway Development Corp., South Easton, MA; Plans Prepared by MBL Land Development & Permitting Corp., South Easton, MA

5. *Letter, dated April 11, 2016, addressed to Joanne Haracz, Chairperson, Norton Planning Board, from Brian M. Dunn, President/Project Director, MBL Land Development & Permitting Corp., South Easton, MA, Re: Special Permit Site Plans for Submission to the Norton Planning Board for Assessor's Map 15, Lot 20; 0 Oak Street, Norton, MA*
6. *Correspondence, dated April 1, 2016, addressed to Beth Wierling, from Ilana Quirk, Town Counsel, Kopelman & Paige, Re: Affordable Housing and Common Driveway/Fairway Green/Oak Street with accompanying documents*
7. *Document: Fairway Green Condominium Master Deed (stamped/received by Planning Board April 7, 2016)*
8. *Document: Fairway Green Condominium Trust (stamped/received by Planning Board March 30, 2016)*
9. *Correspondence, dated March 30, 2016, addressed to Beth A. Wierling, Director of Planning & Economic Development, from Robert J. Meisterman, President and Treasurer, Safeway Development Corp., 820 Washington Street, South Easton, MA 02375, Re: Oak St. - Fairway Green Condominiums*

Chairman Haracz opened the continued hearing.

Mr. Brian Dunn, MBL Land Development & Permitting Corp., located at 480 Turnpike Street, South Easton, Massachusetts, was present speaking on behalf of Mr. Robert Meisterman, President and Treasurer, Safeway Development Corp.

Mr. Dunn said as the Board is aware, they revised their site plans and issued a comment letter to the Planning Board and BETA Group, and submitted a waiver request based on the recommendations of the Planning Board and Ms. Wierling, as well as BETA Group (Mr. Matthew Crowley). Mr. Dunn said they feel they successfully revised the plans enough that hopefully this evening, if it's in the mindset of the Board to issue approval of the site plan and special permits. He said he would be happy to review the revisions of the plan.

Mr. Dunn said they had a meeting with Matt Crowley of BETA Group, Ms. Wierling, and the Water Department. He said they have also been in contact with the Deputy Fire Chief regarding the turning radius for the fire trucks and it is his understanding that the Deputy Fire Chief is satisfied with the turning radii. Mr. Dunn indicated he also reviewed with the Deputy Fire Chief the ability of the fire trucks to pull in, back up, and come out the driveway. They have made the common driveway 22' in this area, increased the width of the access aisle in the rear of the building to 24', and moved the parking spaces from up against the other side of the parking lot and assigned parking spaces for each individual unit so they will be numbered. They have also updated the water line and looped the water line through the site based on the meeting they had with the Water Department. They have also added the appropriate connection and the fire suppression line, as well as the additional hydrant that was requested by the Water Department and Fire Department. Therefore, regarding safety issues and concerns regarding access of site, fighting a fire, as well as meeting the Water Department issues, all issues have been addressed.

Mrs. Haracz addressed the Town's review engineer, Matt Crowley, BETA Group, and asked after his review of everything, was he in agreement that the applicant met the concerns the Board had from the last time meeting?

Mr. Crowley responded, in general, the big picture items have been addressed. BETA Group has had a number of comments of a lesser concern that they feel are still outstanding, but don't feel addressing these concerns will result in any major revisions to the project.

Mrs. Haracz asked if those concerns were related to the items of safety and access?

Mr. Crowley responded, no, they were not.

Mr. Dunn stated they also provided a lighting plan for the project and they are a Boston light-type style; very residential looking, not a commercial type of a light. Also, no lights will be shining up, all lights will be the pointing down type of lights. He said they gave the foot candle plan as part of the site plan set, therefore, they provided that info as well.

Mrs. Haracz asked if the plan shows where the lights will be located?

Mr. Dunn responded, yes, and noted the circles on plan where lights are being proposed.

Mrs. Haracz asked if there would be lights on the driveway? Mr. Dunn responded, yes, there would be lights on the driveway.

Mr. Dunn noted lights will be on either side of driveway coming down to provide lighting for cars and access to site to get to rear or parking and lighting in rear of building.

Mrs. Haracz asked if the lights were "Dark Sky" compliant?

Mr. Dunn replied, yes, they are "Dark Sky" compliant. All lights are shielded down/pointed down.

Ms. Wierling noted there was some spillage and the way the zoning bylaw is written, indicates there should be no spillage beyond the property line. There is also some spillage on Oak Street, which is not as significant because it is good to have some lighting on the roadway.

Mr. Dunn indicated it needs to be a special condition or they can revise plan so that there is no spillage. He believed it was .1 foot candles (just barely over the line).

Ms. Wierling indicated it was the Planning Board's decision on the lighting on the roadways.

Mr. Beatty asked about signage?

Mr. Dunn replied, yes, and noted there is one sign planned and he referenced on map where they provided a location of sign, however, they do not have details of sign. They put a sign there as part of the Site Plan and if they could possibly have it as a special condition and have developer detail sign, then submit to Building Inspector for approval under sign regulations, he believed that would be the most prudent thing to do at this time. As of now, they are not planning a lit sign, if it is going to be lit, he will ensure it is something that is not detrimental to the area.

Mr. Beatty had concerns of a lit sign with spillage out onto Oak Street.

Ms. Haracz said any spillage out onto Oak Street would be minimal; about 1/10 of a foot. It was discussed possibly a light post would light sign up enough as well as the location of other lighting.

Mr. Dunn noted there are some foot candles in that direction, but not a lot.

Mr. Dunn noted per Mr. Crowley's comments of BETA Group, they changed drainage design, the basin has moved to the rear. Therefore, they updated drainage design to have a water quality swale at back of the parking area and a fore bay area, and more or less have a constructed

wetland type of a design to treat the stormwater. In rear, there is a lot of higher groundwater levels so it made sense to make changes to make drainage system more of a constructed wetland system, so that change was made as well to the Site Plan.

Mrs. Haracz asked if everything drained toward that pond?

Mr. Dunn responded, yes except for the small area at front of driveway, which they have a small water quality swale to treat that runoff at front of driveway; everything else travels to rear of site and is self-contained on property.

Mrs. Haracz asked if it picks up runoff from roof also? Mr. Dunn replied, yes, it also picks up runoff from roof.

Mr. Beatty referenced the water on the northeast building, is all the water on that property to go to the larger swale on the other property? Mr. Dunn responded, yes.

Mr. Crowley indicated the big picture items have been addressed; they had requested several revisions to the drainage calculations regarding the land cover types, it is more administrative. He believed they were going to show few changes to the design, but they think it should be finalized and put together as a comprehensive stormwater report as a final document.

Mrs. Haracz asked Mr. Crowley if that was his major comment?

Mr. Crowley responded, yes, it was his major comment regarding drainage.

Mr. Crowley said something interrelated, not solely drainage, but another comment was they would like to see a detailed grading plan. Overall they show the general flow of the site, however, they would like to see some more spot grades that shows positive drainage in critical areas along sidewalks, at the faces of garages and, in particular, at intersection of Oak Street. It appears to very, very flat in that area, so they want to make sure there is no ponding or icing in a winter condition.

Mr. Dunn responded it was not a problem to do this.

Mr. Dunn referenced the Landscaping Plan and noted they updated it, and he believed Mr. Crowley had some further revisions on types of species regarding that. They changed the landscaping around the building and where they had cars, they added landscaping to the rear of the building, and in areas of water line looping they also added more trees where the trees would be cut down because of water line looping. They also added snow removal areas on the site and noted this was on the Landscaping Plan. He stated Mr. Crowley had indicated they did not show the areas, but it is on the Landscaping Plan, and they probably just didn't add as typical, but there are several different areas for snow storage on the site, and, of course, if there is a substantial amount of snow, Mr. Meisterman and his management group will remove snow from site if needed.

Mrs. Haracz asked if these still have a one car garage under?

Mr. Dunn responded, yes, they do.

Mr. Dunn referenced parking and noted they added accessible spaces to Site Plan.

Ms. Senior asked if there were any intentions to add porches or decks?

Mr. Dunn responded, no.

Ms. Wierling indicated Mr. Dunn has addressed the outstanding issues of the Planning Department. Some things, such as the documentation for the housing and the driveway can be a "condition". There are a number of waivers requested as well.

Mrs. Haracz asked if any members of the audience had any questions or comments on these revised plans?

Ms. Wierling referenced a letter addressed to the Board, dated April 13, 2016, from an abutter, Mr. Jeff Stoye, regarding Special Permit for 0 Oak Street, and which she provided copies to the Board members. The major concern of Mr. Stoye was this area having a very high water table (letter on file in Planning Department).

Mrs. Haracz indicated Mr. Stoye could not be present at this evening's meeting, and she read the letter aloud.

Mrs. Haracz asked for confirmation regarding Mr. Stoye's (abutter's) concern that all grading from this, including septic system area grades to the back/rear?

Mr. Dunn replied that was correct.

Mr. Crowley stated for clarification, the septic areas will first flow to the front of the property but the overall grading all flows back to the wetlands eventually.

Ms. Senior asked Mr. Crowley if the design presented so far addressed this abutter's concerns?

Mr. Crowley responded it is designed to meet the stormwater standards. He said he wanted to be cautious in his statements because it is a sensitive site and does have high groundwater and he has not personally been to the property in question, however, the stormwater standards are being met.

Mrs. Haracz stated hence Mr. Crowley's desire for the spot grades he requested. Mr. Crowley responded, yes, that was correct.

Mr. Beatty said currently there is standing water on the site/little pools here and there.

Mr. Crowley responded he would think, given the soils on the site, they are not good for infiltration. He would expect after a rain event that the pools of water would stay on the surface for a period of time.

Mrs. Haracz asked if the top of foundation is above the existing ground levels and the reason fill is being brought in?

Mr. Dunn replied that was correct.

Mr. Fernandes said he was trying to understand how water gets to those retention basins per the Plan? It appears they will be bringing in approximately 6-7 feet of fill.

Mr. Dunn referenced grading, they have 142' elevation which meets out in the street dropping down in elevation, so this area of the driveway the stormwater travels down a certain way and the rest of the grades go from 142', continuing down to 143', to swale, to 141' so all flowing in that direction. So no stormwater is entering out onto Oak Street and no stormwater is going into any of the abutting properties, it is all being contained in the drainage basin to the rear of the site.

Mr. Fernandes said that is what he is having a difficult time understanding and referenced the existing right hand side set of buildings. He said they have existing roughly 141'-143' and will

go from 142' to 148'; how does that water on top of the septic system find its way back over to the detention basin?

Mr. Dunn explained from one side of the septic system it travels a certain way, and from the other side of the septic system it travels another way; but it is still self-containing on the property, and the abutting property is more than 380' away.

Mr. Dunn noted this will be a grassed/lawn area, so when it does rain, there will be some infiltration on top of the grass so it is not really causing run off issues toward the abutter. Everything is being self-contained.

Mr. Fernandes said it currently goes from about 143' and toward the right it drops down to 136' so there is already a flow in that direction. Therefore, what this is basically doing is making that pitch a little steeper.

Mr. Dunn replied, yes, steeper on top of the septic system, but then will flow towards the wetland system toward the rear or southeast of the property.

Mr. Fernandes said it appears they are losing some permeability and the calculations are such that it is still going to be absorbed within the property itself.

Mr. Dunn responded, yes, that is correct.

Mrs. Haracz said it appeared the driveway is flat between the two septic systems in the middle and then splits.

Mr. Dunn replied, yes, and he pointed out the high point where some stormwater travels one way and some travels the other way out to the swale, so it is a way of managing it on their property with no effects to the abutters.

Mrs. Haracz asked if it then runs toward the wetlands?

Mr. Dunn responded it runs toward the side and toward the rear of the property, as it does now.

Mrs. Haracz asked the Board/audience if they had any other questions?

There were no further questions.

WAIVERS:

1. Section 15.7 - Site Plan Approval: Submission Requirements: Development Plans shall be submitted at a scale of one inch equals twenty feet (1" = 20') or at such a scale as may be approved by the Planning Board. The applicant has prepared plans at 1" = 40'.

MOTION was made by Mr. Miller to allow plans to be prepared at 1" = 40'. Second by Mr. Beatty. **Vote:** (6-0) Unanimous. **MOTION CARRIES.**

2. Section 18.2 - Applicability: The landscape plan shall be prepared by a Registered Landscape Architect. The applicant has provided a landscape plan stamped by a Registered Engineer.

MOTION was made by Mr. Miller to waive requirements of Section 18.2 that a Registered Landscape Architect shall prepare the landscaping plan. Second by Mr. Beatty. **Vote:** (6-0) Unanimous. **MOTION CARRIES.**

3. Section 18.5.1 and 18.6.1: To waive the Buffer area requirements. The applicant proposes to maintain a varying width natural buffer between the proposed buildings and Oak Street. To

install the plantings as required by the Zoning Bylaw, would require removal of natural vegetation.

MOTION was made by Mr. Beatty to waive the buffer area requirements per Section 18.5.1 and 18.6.1 and allow buffer area to be maintained/constructed as shown on the site plan. Second by Ms. Senior. **Vote:** (6-0) Unanimous. **MOTION CARRIES.**

4. Section 18.5.2: Plant Materials Needed: Landscape buffer strip shall contain at least one tree per thirty (30) linear feet of street frontage or a portion thereof and shall contain at least three (3) shrubs per one hundred (100) square feet of buffer area. The applicant proposes to maintain the natural vegetative buffer and provide supplemental plantings in the southeastern portion of the site.

MOTION was made by Mr. Beatty to waive requirements of Section 18.5.2 and allow buffer area to be maintained/constructed as shown on the plan. Second by Ms. Senior. **Vote:** (6:0:0) Unanimous. **MOTION CARRIES.**

Ms. Wierling referenced some Conditions of Approval as follows:

Standard Conditions of Approval:

1. The Special Permit shall not take effect until it is recorded in the Bristol County Registry of Deeds and no construction shall take place until the Applicant has provided proof of such recording to the Planning Board.
2. This Special Permit, shall lapse within two-years, which shall not include such time required to pursue or await the determination of an appeal as referred to in M.G.L. Chapter 40A, Section 17, if a substantial use has not sooner commenced, or in the case of a permit for construction has not begun by such a date, except for good cause.

Special Conditions of Approval:

1. A pre-construction meeting shall occur with Town staff and the consulting engineer prior to the start of construction.
2. Construction Inspections shall occur by the Planning Board's consulting engineer upon the commencement of construction, at the expense of the applicant, to ensure compliance with all relevant laws, regulations and Planning Board-approved Site Plan specifications.
3. The Special Permit shall not take effect until it is recorded in the Bristol County Registry of Deeds and no construction shall take place until the Applicant has provided proof of such recording to the Planning Board.
4. This Special Permit, shall lapse within two-years, which shall not include such time required to pursue or await the determination of an appeal as referred to in M.G.L. Chapter 40A, Section 17, if a substantial use has not sooner commenced, or in the case of a permit for construction has not begun by such a date, except for good cause.
5. Construction shall be in accordance with the Site Plan titled "Proposed Site Development Plans for Multi-Family Dwellings - Assessor's Map 15, Lot 20, Norton, Massachusetts", dated February 11, 2016 (to include conditions of approval).
6. Hours of construction operations shall be as follows: Monday through Friday - 7:00 a.m. to dusk, Saturdays - 8:00 a.m. to 4:00 p.m. There shall be no construction on Sundays.

7. Any additional uses at the site shall conform with requirements of the Town of Norton Zoning Bylaws.
8. Proposed sign shall be constructed in conformance with Article VII - Signs and other applicable sections of the Town of Norton Zoning Bylaw.
9. Prior to the issuance of a building permit, an ANR plan shall be submitted to the Planning Board for Endorsement, to create lots 1 and 2 as shown on the site plan.
10. Prior to the issuance of any building permit or conveyance of any lot in the project occurs, a proper regulatory agreement and permanent deed restriction, one that would survive foreclosure, be prepared and provided to the Planning Board and Board of Housing, and that they be reviewed by Town Counsel and approved by the Planning Board.
11. The regulatory agreement and deed shall contain lottery, income and resale requirements and shall contain language that the deed shall survive foreclosure. The Master Deed document shall be amended so that it does not provide that foreclosure shall wipe any right of first refusal.
12. All requirements set forth under the definition of Common Driveway under ZBL, Section II shall be satisfied and that the Master Deed shall be amended to provide that the Condominium Trust shall be owner of the common driveway as a common element which all condo unit owners have the right to use and that the Trust shall be responsible to maintain and repair and plow and sand the common driveway and to assess the unit owners for the cost.

Ms. Wierling indicated the Master Deed had been reviewed by Town Counsel and revised by the applicant, however Town Counsel has not reviewed the revisions. She said they were revised by Town Counsel and Town Counsel has not had a chance to review Master Deed.

Ms. Wierling indicated some plantings to be changed; basin plantings, therefore, needs to be updated to include Mr. Crowley's recommendations.

Mr. Crowley stated the Green Ash is prone to disease, etc., and he removed some white pines for proper spacing.

Mrs. Haracz had one comment, where these are condos, site should be prepared before occupancy permit granted.

Ms. Wierling stated this an as-built would be needed and confirmation that the site has been constructed as approved prior to sign-off on an occupancy permit.

Mrs. Haracz reiterated the site should be completed before occupancy permit granted.

MOTION was made by Mr. Burgess to Close this Public Hearing. Second by Mr. Miller. **Vote:** (6-0) Unanimous. **MOTION CARRIES.**

Special Permit Criteria:

Section 10.10 of the Norton Zoning By-Law states that "as a condition of granting a Permit or Special Permit, the granting authority shall find that the petitioned for exception" satisfies the following criteria:

- (1) Is socially and economically desirable;

- (2) Would satisfy an existing need;
- (3) The advantages of the proposal outweigh by far any detrimental effects;
- (4) That such effects on the neighborhood and environment shall not be significantly greater than could be expected from development if the permit or Special Permit were denied;
- (5) That the applicant has no reasonable alternative available to accomplish his purpose; and
- (6) That specific conditions to minimize detrimental effects and protect the neighborhood have been imposed.

The applicant has provided the following responses to Section 10.10:

1. Affordable Homes - There will be two affordable homes offered to the general public, however, these homes could possibly be awarded to local Norton residents who qualify. As a result, this should generate positive public opinion for the Town as they have made efforts to ensure that new, affordable housing is provided to the general public and its community. Buyers of the affordable homes will also express positive opinions of the community in which they are able to finally establish their own home.
2. Additional Revenue - At the present time, the land on Oak Street is being taxed on a passive level. From an economic perspective, developing the land and building new homes on the parcel of land would provide higher tax revenue to the Town of Norton and would be considered the highest and best use of the property. The structures and land would be taxed at a new market level, which would only benefit the Town of Norton economically. The maintenance of the development will be self-sufficient and will not require additional resources from the Town. All maintenance and expenses generated will be paid through condominium fees and managed by its own set of Trustees. In addition to creating additional tax revenue, the development will not require costly services (plowing, road repairs, etc.) to be provided by the Town.
3. Local Businesses - Norton is a very marketable Town with many local businesses and services. These local businesses and services should see an increased volume of business as new members join the community. The excitement and desire of the new members to shop at local stores, visit local restaurants, utilize local services, and support local businesses will benefit not only the businesses but the Town of Norton as well for many years down the road.
4. Attracting New Residents and Businesses - New homeowners and residents will be created as a result of offering these new homes on Oak Street. These new members of the community could possibly bring family and new business to the Town. The new residents have chosen this area to live for the many positive attributes it has to offer. They are proud of the Town in which they live and will tell friends and family the positive experiences they have. This could attract new homeowners and business to the area, which would be an economic advantage to the Town of Norton and its community.
5. Involvement in the Community - There is a possibility that new homeowners could become active members of the community and could contribute to Town opinions and decisions. As you are well aware, any town is always in need of members of the community willing to contribute to the local boards and offer constructive input and opinions. These new community members will have a vested interest in the town in which they live and will

actively support community boards as well as provide assistance to local charities and nonprofits. In addition, new residents may feel the need to support and help the local public services such as the Police and Fire departments.

SITE PLAN OBJECTIVES

Section 15.6 of the Norton Zoning Bylaw states “in evaluating and rendering a decision on a proposed development plan which required Site Plan approval and/or a Special Permit the Planning Board shall consider the degree to which the proposed development achieves the following objectives and may require conditions or modifications to the proposed Site Plan to ensure the objectives are fulfilled:

- Natural Environment;
- Traffic, Parking and Pedestrian Circulation;
- Design; and
- Landscaping

FINDINGS:

After review of the information incorporated as part of the record, submitted written materials and oral testimony, including abutter comments, the Norton Planning Board applied the standards for approval of a Special Permit as stated in Section 10.10 and adopted this information to support its findings that:

1. Special Permit and Site Plan applications for construction of two (2), 6-unit multi-family dwellings (each dwelling unit will be 24' x 36'), with parking, landscaping, septic systems and drainage were submitted to the Planning Board on February 16, 2016. Initial plans showed the use of two driveways to access each building. To improve the site design and accommodate Fire Department safety request for driveway width, a Special Permit Application for a Common Driveway was required; a Special Permit application for a Common Driveway was submitted to the Planning Board on March 16, 2016.
2. The proposed project is located in the Residential-40 Zoning District on approximately 11.9 Acres (8.7-acres upland) at 0 Oak Street (Assessor's Map 15, Lot 20).
3. An Approval Not Required (ANR) Plan is necessary to subdivide the lots into Lot 1 and Lot 2 as shown on the Site Plan. Town of Norton Zoning Bylaw allows for no more than 6, multi-family dwelling units on one lot in the Residential-40 Zoning District.
4. A Special Permit under Section 4.2, Use Regulations: To allow construction of multi-family dwellings in the Residential-40 Zoning District is required.
5. A Special Permit under Article XIX: To provide for Affordable Housing (2-units required) is required.
6. A Special Permit under Article II - Definitions, Section 2.2, Common Driveway, to allow a common driveway is required.
7. Site Plan approval is required under Article XV.
8. Waivers are required from Section 15.7: Site Plan Approval - Submission Requirements, Development Plans shall be submitted at a scale of one inch equals twenty feet (1" = 20') or at such a scale as may be approved by the Planning Board, Section 18.2 Applicability: The

landscape plan shall be prepared by a Registered Landscape Architect, Section 18.5.1 and 18.6.1: To waive the Buffer area requirements; and (4) Section 18.5.2: Plant Materials Needed: Landscape buffer strip shall contain at least one tree per thirty (30) linear feet of street frontage or a portion thereof and shall contain at least three (3) shrubs per one hundred (100) square feet of buffer area.

9. The applicant revised plans to accommodate Planning Board comments concerning access, parking, landscaping and drainage.
10. Supplementary information was provided to meet stormwater management and erosion requirements.

RECORD OF VOTE:

At a regularly scheduled meeting of the Norton Planning Board held on April 19, 2016, the Norton Planning Board voted on the Special Permit and Site Plan applications for Oak Street Multi-Family Dwellings as follows:

SPECIAL PERMIT #1 VOTE:

MOTION was made by Mr. Beatty to grant a Special Permit to allow construction of multi-family dwellings in the Residential-40 Zoning District under Section 4.2, Use Regulations, and determined that the application would satisfy the requirements of the Norton Zoning Bylaw Section 10.10:

- (a) The Project would be socially and economically desirable;
- (b) The Project would satisfy an existing need
- (c) The advantages of the Project do outweigh by far any detrimental effects and that such effects on the neighborhood and environment shall not be significantly greater than could be expected from development if the special permit were denied;
- (d) The Applicant has no reasonable alternative available to accomplish the purpose of the project; and
- (e) The specific conditions imposed hereunder would minimize the detrimental effects and protect the neighborhood and secured by bond or otherwise.

Second by Ms. Senior. **Vote: (6-0) Unanimous. MOTION CARRIES.**

SPECIAL PERMIT #2 VOTE:

MOTION was made by Mr. Beatty and second by Ms. Senior to grant a Special Permit to provide for Affordable Housing (2-units required) under Article XIX and determined that the application would satisfy the requirements of the Norton Zoning Bylaw Section 10.10:

- (a) The Project would be socially and economically desirable;
- (b) The Project would satisfy an existing need
- (c) The advantages of the Project do outweigh by far any detrimental effects and that such effects on the neighborhood and environment shall not be significantly greater than could be expected from development if the special permit were denied;
- (d) The Applicant has no reasonable alternative available to accomplish the purpose of the project; and

- (e) The specific conditions imposed hereunder would minimize the detrimental effects and protect the neighborhood and secured by bond or otherwise.

Vote: (6-0) Unanimous. MOTION CARRIES.

SPECIAL PERMIT #3 VOTE:

MOTION was made by Mr. Beatty to grant a Special Permit to allow a common driveway as outlined in the Town of Norton Zoning Bylaw, Article II - Definitions, Section 2.2, Common Driveway, and determined that the application would satisfy the requirements of the Norton Zoning Bylaw Section 10.10:

- (a) The Project would be socially and economically desirable;
- (b) The Project would satisfy an existing need;
- (c) The advantages of the Project do outweigh by far any detrimental effects and that such effects on the neighborhood and environment shall not be significantly greater than could be expected from development if the special permit were denied;
- (d) The Applicant has no reasonable alternative available to accomplish the purpose of the project; and
- (e) The specific conditions imposed hereunder would minimize the detrimental effects and protect the neighborhood and secured by bond or otherwise.

Second by Ms. Senior. Vote: (6-00) Unanimous. MOTION CARRIES.

SITE PLAN:

MOTION was made by Mr. Fernandes to approve as required under Article XV - Site Plan Approval, the Site Plan titled "Proposed Site Development Plans for Multi-Family Dwellings-Assessor's Map 15, Lot 20, Norton, Massachusetts", dated February 11, 2016, and revised to incorporate conditions of approval as stated above.

Second by Mr. Miller. Vote: (6-0) Unanimous. MOTION CARRIES.

Ms. Wierling indicated Town Counsel has asked that the Board vote to allow Mrs. Haracz to sign document on behalf of the Planning Board.

MOTION was made by Mr. Fernandes on April 19, 2016, the Planning Board voted to authorize the Chairwoman to sign the decision and certify that the above decision is a true and accurate reflection of the action taken by the Planning Board regarding the Application. **Second by Mr. Miller. Vote: (6-0) Unanimous. MOTION CARRIES.**

Mr. Dunn said it was a "breath of fresh air" to work with the BETA Group as well as with Ms. Wierling.

Adjournment

MOTION was made by Mr. Burgess to Adjourn at 8:15 P.M. Second by Mr. Beatty. **Vote: Unanimous. MOTION CARRIES.**

Minutes Approved by Planning Board on:

(Date)

Chairman: _____

Signature: _____

Respectfully Submitted by:

Janet A. Sweeney

Planning Board – Recording Secretary