

RECEIVED
NORTON TOWN CLERK

2017 JUN -7 A 10:31



Planning Board Meeting Minutes April 11, 2017

7:15 P.M. Call to Order

The April 11, 2017, meeting of the Norton Planning Board was held in the Board of Selectman's Meeting Room and was called to order at 7:15 P.M., by Joanne Haracz, Chairman. Member(s) Present: Joanne Haracz, Chairman; Mr. Edward Beatty; Mr. Patrick Daly; Mr. Frank Durant; Mr. Joseph Fernandes; and Mr. Stephen Jurczyk. Also present was Tabitha Harkin, Planning and Economic Development Director.

General Business

A. Determination of Substantiality: Def. Plan Modification Request- Mary Jo Estates

Attorney for the project, Mr. Elliot Bray, N. Attleboro, gave the board a handout that outlined the permitting history and timeline of issues. He stated the original project was approved in 2014, and went on to explain that the construction needed an extension due to the Natural Heritage filing, stating that the "turtles" were holding up the construction. He said an NOI was filed, and denied in 2015. There were appeals to DEP and extensions, and a superseding order of conditions was issued November 2016. He said the final plan was approved just yesterday, but there were still field inspections and approvals necessary. In light of all this, they are requesting a one year extension retro to June 4 2016, but would prefer a two year, as he felt they may need to come in again given the permitting requirements for NH.

Ms. Haracz asked about the second item they were looking for a modification on, regarding the utilities.

Mr. Bray stated that they contacted National Grid and told them their period of work had expired and they would again need the extension to run them through 2017. And then again, they would not be complete.

Ms. Haracz read aloud from the letter that they were originally looking to put the utilities underground.

The applicant would prefer the issues be aboveground. Undergrounding became an issue with the wetlands and National Grid will only entertain above ground poles.

1 E O A 7 - JUL 2015
Mr. Daly – You said in your letter there were national grid issues, not turtle issues.

Mr. Bray stated that there was both. He outlined more of the process with both Natural Heritage, DEP, and National Grid.

Mr Landry spoke, who was identified as one of the principal attorneys. He said National grid cannot do the undergrounding as requested because of safety issues, etc. and the back and forth discussions with them were what held things up so long. He reiterated the points for why the applicant was seeking the extension.

Ms. Haracz stated, so you had two things you are looking for, to approve the poles be above ground and the pole locations. Which had been requested to be placed on the right hand side.

The applicant stated that the board could ask, but National Grid is going to do what they are going to do.

There was question by Mr. Beatty about the existing poles, and some discussion about how existing pole locations are on both sides. The applicant verified that National Grid would want to use these existing locations. Typically they would want it all on one side of the road.

Ms. Haracz reiterated the two items requested. One on the continuance, and the other on the utility issue.

Mr. Daly asked why it took so long to come in. Almost two years?

Mr. Bray reiterated the history of the project and stated that first of all it was all dependent on DEP whether they had a project or not. And then there was the additional permitting requirements with Natural Heritage and National Grid. He apologized for being late but he stated the developer didn't want to move forward again until they understood the project was even viable.

Mr. Daly said, you are waiting for national grid, after us. Do you think there is any chance National Grid will pull the plug on this?

Mr. Bray said no, he didn't believe so. But without a live permit, they won't even develop engineered plans. He reiterated the National heritage turtle issues would be the next thing.

Mr. Jurczyk asked about Natural Heritage requirements, and what was driving the timeline?

Mr. Daly, Mr. Juczyk and other members of the board had more questions about the timeline. There was discussion about what could be approved for an extension. The applicant is seeking a two-year extension.

There were questions by members of the boards about what the Norton subdivision regulations dictate regarding extensions. After some discussion, it was determined the board could only give a one-year extension.

The board and the applicant deliberated the language in the subdivision regulations.

Ms. Haracz summarized that the applicant would not be completed at the one year extension date, so they would need to return again soon. She asked if the board would consider the two-year extension.

Mr. Daly stated that he felt it made sense to grant the one year extension and wait, so they would need to come back a second time.

Mr. Jurczyk stated, then this would be expiring on August 2017. It would give the applicant four months.

Mr. Daly- (they would) deal with the utilities, and then come back and the board would see the progress and what the rules are.

MOTION made by Mr. Jurczyk to grant a one year extension to continue the project. Seconded by Mr. Durant. Vote: Unanimous. MOTION PASSES

Ms. Haracz discussed the second item regarding utilities. She summarized that this would be to allow the overhead poles. There was discussion between members of the board on the pole placement and wires.

Ms. Haracz asked the applicant, are there trees there now? I remember it as an open field.

The applicant said, no, we would be planting street trees.

Ms. Haracz noted that the board would like to see all the trees on one side.

Mr. Bray said he was happy to discuss this with the utilities provider, but they are wont to do what they do.

MOTION made by Mr. Beatty to allow for the above ground utilities, with the caveat that the board would prefer for poles to remain on one side. Seconded by Mr. Jurczyk. Vote: Unanimous. MOTION PASSES

PUBLIC HEARING SP #468 316 East Main St. - Norton Self Storage (Continued from April 4, 2017)

Mr. Larsen spoke on behalf of the project, and spoke to the revisions made to the Landscape Plan, titled Landscape Plan- Norton Self Storage LLC, Sheets 1 & 2" dated 4-7-17 by Barnstable Land Design which had been revised per the direction of Ms. Harkin, satisfying the board.

There was a discussion on swales. Mr. Beatty said they appear to be working well. Mr. Larsen said there was work done but more work would need to widen them to 5' from the existing 3' at best. He reiterated that there was no drainage going to the road.

Engineer for the project, RIM engineering, was asked to provide a supplemental drainage analysis be submitted with calculations to confirm the capacity of the swales was sufficient. The documentation was described, and the Director of Planning stated she had not received sufficient documents. There was discussion about the drainage system and how, once it was revised to accommodate wider swales, would be hydro-seeded. The swales aren't irrigated.

Mr. Daly asked about the construction of the swales and expansion plans, and when work would be performed.

There was a discussion on the surety amount proposed and draft surety agreement for the work to be performed for landscape plantings and swale re-construction. \$10,000 was agreed on, in the form of cash, given the amount of work to be performed. Mr. Larsen said he was happy with it.

MOTION made by Mr. Beatty to allow surety in the amount of \$10,000 to cover landscaping and drainage plan changes as discussed, between the applicant and the Town. Seconded by Mr. Daly. Vote: Unanimous. Motion Carries.

Ms. Harkin discussed a few potential waivers, reading from the DPED Review document.

Ms. Haracz addressed the Lighting plan. The Board had requested an updated plan. The applicant responded that he could not get one on time for the meeting.

Discussion that there would need to be a condition about providing the photometric plan. The applicant wanted to submit an amended plan administratively. The applicant is constructing less lights than proposed as shown.

A waiver to the stamp was discussed. There was further discussion on architectural items- siding etc- as requested in the modification application materials submitted March 7, and follow up discussions with the building inspector. The Architect, Steve Hayes had submitted a letter on how the applicant would meet requirements.

there was some discussion on floor plans that the Building Inspector had obtained depicting an accessory apartment on the second floor of the offices. The Building Inspector send an email to the Town Planner saying that it was not an allowed use in this zone. There was further discussion on this item.

Mr. Fernandes- condition should state "There shall be no accessory apartment, if and unless such time that zoning is changed to allow such a use and whereupon the requirements that may be necessary at such time"

There was discussion on the final approved operating hours- to be documented as Monday-Saturday 7 AM to 8 PM, Sundays 8AM to 7PM.

Reference document submitted by the applicant dated March 7, 2017 for architectural modifications only, pages 1-3 only, by their description.

Ms. Haracz reiterated Conditions discussed- Hours of operation, need for surety, provisions of lighting plans, architectural changes, and the accessory apartment.

Ms. Haracz said they would need two votes, site plan and special permit decision.

MOTION was made by Mr. Jurzyck to approve the Site Plan modification per the recorded plans titled "As Built Site Plan-Norton Storage" Dated January 25, 2016 and revised through March 9, 2017 by RIM Engineering and "Landscape Plan- Norton Self Storage LLC, Sheets 1 &2" dated 4-7-17 by Barnstable Land Design incorporating the recommended conditions. Second by Mr. Durant. Vote: Unanimous. MOTION CARRIES

MOTION was made by Mr. Jurzyck to modify the Special Permit #438 subject to all conditions discussed. Second by Mr. Beatty. Vote: Unanimous. MOTION CARRIES

PUBLIC HEARING SP #469 0 East Hodges St – Shared Drive (Continued from April 4, 2017)

Mr. Oates, engineer for the project, returned to discuss the watershed analysis, drainage area and Watershed maps created.

There was further discussion from abutters regarding flooding concerns and a discussion on the size of the downstream culvert.

The applicant said they are submitting a Notice of Intent -NOI as a limited project.

Mr. Fernandes – Question about drainage. How can we make the project flow neutral? The engineer re-iterated that you cannot compensate one catchment area for another. More discussion about controlling water running south, why are we wasting our time if we aren't going to get through the Conservation Commission?

Attorney Costa, a rep for the project, stated that yes, conservation will be challenging. There was follow up discussion on construction costs, soils testing – would need Notice of Intent

Discussion re benefits detriments- SP procedure- one lot with a common driveway vs. four lots. The applicant has a right to attempt 4 driveways.

Abutters to the project stated their concerns about flooding and impact to neighboring wells.

Discussion on the length of the driveway as criteria for a Special Permit

Several members of the board discussed fire suppression as a condition, in agreement that without the Fire suppression system there was a safety issue created by the length. Systems would be required to perform as indicated. Tests would need to be done after a NOI is obtained, and the wells designed on site would need to hold sufficient water reserves to support the fire suppression systems, as designed by a fire suppression engineer according to fire codes.

There was some discussion of the surrounding lots. No survey had been done but there were other development plans for the area. There are buildable lots west and south of this site.

More discussion was had regarding fire department comments from the Deputy Fire Chief encapsulated in the review documents.

Criteria for a special permit discussed, per the zoning bylaw, to weight the benefits and detriments of the project. Ms. Haracz read aloud from 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: is socially and economically desirable; would satisfy an existing need; the advantages of the proposal outweigh by far any detrimental effects; 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; that the applicant has no reasonable alternative available to accomplish his purpose; and that specific conditions to minimize detrimental effects and protect the neighborhood have been imposed and, if necessary, secured by bond or otherwise.*

There was a discussion from the board of the potential for 4 individual applications vs the current application of 4 dwelling units with a single drive as shown.

MOTION was made by Mr. Jurczyk to Close the public hearing. Second by Mr. Daly. Vote: Unanimous. MOTION CARRIES.

There was a discussion on a waiver for the length.

Ms. Haracz stated the Planning Board needed to make a finding that the length proposed would provide reasonable access as proposed, given the conditions discussed.

MOTION was made by Mr. Fernandes to waive the 500' dimensional waiver subject to the conditions discussed. Second by Mr. Jurczyk Vote: 4-2-0. MOTION CARRIES.

MOTION was made by Mr. Fernandes to approve the SPECIAL PERMIT for a common driveway. Second by Mr. Jurczyk Vote: 5-1-0. MOTION CARRIES.

B. Report of the Planning & Economic Development Director

Ms. Harkin briefly discussed the report under tab "B" titled *Report of the Department of Planning & Economic Development* dated April 11. She gave an update on projects under review and the upcoming town meeting. mentioned that a vote on waivers to Special Permit #466 (46 commerce Way) required a waiver, as they had been accidentally omitted at the previous hearing. As she outlined, two (2) waivers are requested: (1) Article XX – Lighting, Section 20.3 to allow 30' light poles where 20' is required and (2) Article XV – Site Plan approval, Section 15.7. To allow plans to be prepared at a scale of 1" = 40' where 1" = 20' is required. There was discussion between the board members about the omitted vote. Ms. Haracz stated that the board had voted on the original decision, but not the recent modification, which led to the confusion. As she stated they already modified it once.

Motion was made by Mr. Daly to allow 30' light poles where 20' is required. Second by Ms. Haracz. Vote Unanimous. MOTION CARRIES.

Motion was made by Mr. Beatty to allow plans to be prepared at a scale of 1" = 40' where 1" = 20' is required. Seconded by Mr. Jurczyk. Vote unanimous. MOTION CARRIES.

C/D. Planning Board Business and Approval of Minutes

Ms. Haracz – We have approval of minutes here for March 21st, which is a very lengthy set. We ask that the board review at the next meeting to allow for review.

F. Bills and Warrants

No Bills of warrants

Adjournment

Ms. Haracz said, this being her last meeting, she wanted to say goodbye and thank you. Mr. Daly also expressed his gratitude. The board thanked them both. She reminded all that elections were the 25th.

MOTION was made by Mr. Haracz to Adjourn at 9:15 p.m. Second by Mr. Durant. Vote: Unanimous. MOTION CARRIES.

Respectfully Submitted by:

Tabitha Harkin, Planning & Economic Development Director

Minutes Approved by Planning Board on: _____

(Date)

5/16/17
TAC