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## **Planning Board Meeting Minutes June 13, 2017**

### **7:15 P.M. Call to Order**

The June 13, 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 Joseph Fernandes, Chairman. Member(s) present: Mr. Edward Beatty; Mr. Frank Durant; Mr. Joseph Fernandes; Mr. Timothy Griffin, Steven Hornsby, Mr. Kevin O'Neil, and Mr. Stephen Jurczyk. Also present was Tabitha Harkin, Planning and Economic Development Director.

### **General Business**

Mr. Fernandes gave a brief review of the agenda.

### **A. Planning Board Business & Policies**

#### **1. Discussion – Release of Surety - South Shore MillWork, Inc., Maple Street**

Ms. Harkin provided a letter from South Shore MillWork, Inc. requesting a release of their \$20,000.00 surety provided for the Special Permit 443 and a release of their \$2,500.00 surety regarding the survival of the trees for two growing seasons by removing any dead trees and the planting of new ones along the northern boundary of the property. As of today, South Shore MillWork, Inc. has not provided the material or proof needed to release either surety. Mr. Griffin inquired about large tarps he has seen at a house across the street from South Shore MillWork's property that have been there for several weeks and questioned whether these pertained to the earth removal. Ms. Harkin commented the building inspector indicated that these piles have since been cleared. This discussion will remain open until the issues are resolved.

#### **2. Discussion – Release of Surety – Larson Farms Subdivisions, Autumn Lane**

Ms. Harkin informed the Board that this is a partial release of a surety in the amount of \$10,494.35 for items listed in the provided spreadsheet. There is a remaining surety of \$12,543.05 for items that need to be completed. Since the approved items are unclear and an electronic copy is not available at this time, this item will be tabled until the next Planning Board meeting. Mr. Hornsby requested a physical signed copy from Keith.

#### **3. Site Plan Review: SITE#17-01 379 Old Colony Rd. David Rossi**

Ms. Harkin reviewed the recommendations as written in her report titled "DPED Review #3", dated July 13, 2017. The applicant has presented two revised schemes to the Board based on their previous

comments/questions at the May 2, 2017 and May 16, 2017 meetings. Exhibit "A" shows the site plan as requested with the parking waivers. Exhibit "C" depicts a plan with nine parking spaces. Mr. Rossi is asking the Board to approve scheme "A" in lieu of the parking as required by uses in Article 7 in the Norton zoning By-law (page 57). These include requirements for Commercial use, Bulky retail and warehouse use. Industrial use is not applicable since it is not allowed in the area. As this building is intended to serve a singular employee in a limited capacity, waivers considered by the Planning Board may include a stipulation that conditional language be recorded with the Registry of Deeds. This requires all driveways, parking and access circulation to be constructed per the standards and regulations therein, in the event of a change in use of ownership. Ms. Harkin has included the conditional language in the materials provided. The Town of Norton staff are comfortable with the application with the conditional requirement. Ms. Harkin has also provided some additional comments and questions. The Deputy Fire Chief, Mr. David Myles, had some additional comments and questions that were provided in the materials.

Mr. Jurczyk gave an overview of each attachment. This included: scheme "A" depicts a waived version of the parking, to be filled with crushed stone; Scheme "B" is a zoomed in version of the latter; and scheme "C" includes the 8 parking spaces. After a question from Mr. Jurczyk, Mr. Rossi described how the truck would pull in, back into the turning area, and then pull forward. Mr. Rossi's car would be at the end of the driveway when this occurs.

When asked by Mr. Beatty if a Title 5 was obtained, Mr. Rossi commented that he wanted to get past this phase and then obtain one. The septic system is currently in front of the building and if approved, they would relocate it to the back. Mr. Beatty then inquired about the septic cover. Mr. Rossi contacted the Highway department and the details he received was the cover was pertaining to an area to clean out catch basins – it provides access to those. Mr. Beatty commented the cover impacts the driveway preparation and parking lot plans. Mr. Beatty is concerned if, in a future state, a driveway will go to the rear of the property and will be placed over it. Ms. Harkin mentioned if needed, the cover could be made level by changing the rim elevation.

Ms. Harkin reviewed the language of the condition regarding if the building is sold. She stated: "In the event of change of use, building expansion, or upon transfer of ownership, all new horizontal and vertical construction shall be designed and constructed per the dimensional standards, storm water management practices and access provisions outlined in the Norton zoning By-law and state regulations per the applicable state building codes. This includes all driveways, parking, and access circulation." Mr. O'Neil asked for confirmation of the Fire Chief's approval. Ms. Harkin replied that he approved what was in writing. Mr. Myles supports our zoning By-laws and developments and is comfortable with the verbiage that if it changes in use or structure, they will come back for a special permit.

Mr. Fernandes would like to see language included regarding if employees are hired, parking will be adjusted. Mr. Rossi commented he is not looking to expand the business and the workload has been the same for the past 5 years. His 10-year plan is the business will remain steady. If business grows significantly and he needs to hire employees, Mr. Rossi will come back to the Planning Board. Mr. Jurczyk stated he is comfortable with the verbiage Ms. Harkin stated would be included.

**MOTION was made by Mr. Beatty to approve Parking Requirement – Traffic/Parking lot waiver and Surface Drainage Plan waiver and incorporate language into the conditions for SITE#17-01 379 Old Colony Rd. on June 13, 2017 at 7:47p.m. Second by Mr. Jurczyk. Vote: unanimous MOTION CARRIES**

**MOTION was made by Mr. Hornsby to approve Site Plan of SITE#17-01 379 Old Colony Rd. on June 13, 2017 at 7:48p.m. Second by Mr. Durant. Vote: unanimous**  
**MOTION CARRIES**

4. Discussion – Landscaping – Clapp Street Solar

Because of the timing, this item was discussed after the Site Plan Review scheduled for 7:20p.m. Ms. Harkin began by explain that she had been trying to work with this applicant when it was sold to a different company and there became a different project manager. Ms. Harkin then began working with the new project manager and had a conference call with him and the landscape designer. They discussed getting a different landscaper to do the work to which that will need a vote to allow to release the money and hire a contractor. This should happen in early fall since it is getting to be late in the summer. Mr. Beatty commented there is a series of white pines that have died on the property. The applicant agreed to do work that hasn't been completed and has mentioned they will not do certain things as agreed to. At this point, Mr. Zwicker stood and commented that the applicant was supposed to plant further trees so the front of the funeral home was hidden. He provided 50 photos to show what has happened to the trees. These were passed among members. Ms. Harkin has not received proof of planting. Ms. Heyden (14 Clapp Street) then rose and addressed the Board. She commented she walked the property yesterday and noticed: 36 trees have been eaten by deer and provided pictures; wild buckhorn, an invasive weed, is now growing throughout the trees and deduced no herbicide has been used; the trees have been cut down and were not planted properly; the land is not being maintained and; no grass has been planted. Ms. Heyden has some safety concerns regarding two unearthed wells. She contacted Brett Chapman to advise him about the wells. Wheaton College did fill one in and the other has been covered by a cement slab. She has asked for a further investigation to ensure there are no other unmarked wells. Ms. Heyden has requested control of the \$20,000 surety to maintain the landscaping herself since it is on her property. Wheaton College has approved the planting on their property.

Mr. Jurczyk inquired about the terms of requirements for maintenance to which Mr. Fernandes replied the maintenance revolved around maintaining the landscaping and decommissioning if necessary. It is a requirement of the By-laws that a certain amount of money be put in an escrow account to make sure x% cost of commissioning is provided so they can restore the site. Ms. Heyden's understanding is every 2 months there would be landscaping maintenance. Mr. Dixon, the applicant's landscaper, may have inferred that he has not kept up with the planting since he has not been paid. A discussion ensued regarding the terms of the permit. Ms. Harkin commented that the electrical inspector and building inspector will not approve inspections until all guarantees have been met. Mr. Fernandes suggested to have a representative from Wheaton College and a representative from the Solar Farms present at the next meeting to continue this discussion. Ms. Harkin will contact them to see if they would be available to meet on June 27, 2017.

**B. Report of the Planning & Economic Development Director**

Ms. Harkin presented the document she compiled for the board titled "*Report of the Department of Planning and Economic Development*" dated June 13, 2017. She gave an overview on the materials in each Planning Board member's binders and noted the status of previously issued decisions and other planning news including a review of a special permit/Site Plan Review for SP #457 - 60 W. Main street. Ms. Harkin suggested to modify the existing permit to a special permit pertinent to a smaller auto parts

business. This was originally permitted as Garretts Shops and is now in a lesser use of what it was currently used for. All members agreed to issue a new permit so it does not include a drive-up window.

NOAA/Ryder Truck has Polar Design/Build taking over the construction management for the Condyne permitted projects. Peer review has been scoped for Construction Administration on both projects. Ms. Harkin is currently awaiting payment from Condyne for Notice to Proceed. Norton Self Storage has requested a check for the release of their surety. Ms. Harkin is waiting on ensuring completeness of the landscaping to issue a final site inspection. Once this is completed, it will be released. She is also speaking with the project manager about completing the landscaping. Ms. Harkin will then send someone out for a final site inspection, including drainage.

A meeting is on the calendar to discuss the progress of the Leonard Street/Houghton Land development. Currently, there is deliberation over permitting as a subdivision or bundled special permit. Each time a building gets built on this property, it requires a special permit. She assured the board this would not change the public process for reviewing the project.

The updated By-laws have been filed with the Secretary of State. The map will not be updated until we receive the approval from the Secretary of State's office. The updated By-laws have been posted to the Planning Board webpage.

The Town departments have been awarded a technology grant from the Norton Cable Access Board. Ms. Harkin reminded the board the Fiscal year ends June 30, 2017.

Upcoming workshops include: Regional Economic Development (RESC) meeting June 13, 2017 in Carver, MA; Regional Transportation Planning (JTPG) meeting on June 14, 2017; Streets Training completes June 16, 2017 and; South Shore Climate Change Coalition Event on June 16, 2017.

Ms. Harkin gave an update on the By-laws. Currently the priorities are:

- Recreational Marijuana – Mr. Yunits will be talking to the Board of Selectman on Thursday, June 15, 2017 about the planning for Recreational Marijuana. No votes are needed at this time. Mr. Fernandes commented the Board should discuss a moratorium. Ms. Harkin will keep everyone informed on what the Board of Selectman say. Mr. Fernandes stated to see what conclusions they draw before the Board sends their position.
- Codification of By-law – Ms. Harkin explained this means putting the By-laws together and making them searchable online. KP Law is expected to deliver this by October 2017. This would require new formatting and it would include previous revisions. This would make the By-laws accessible through the town website.
- GIS Digitization of Zoning Map – Ms. Harking is currently putting together a budget around completing this.
- Wireless towers – Ms. Harkin informed the Board about the federal loophole that is present in the Federal Communications Act which allows applicants to bypass the Special Permit Granting Authority (Planning Board) to apply for zoning relief from the ZBA. At this time, Ms. Harkin is discussing changes to the language and definitions in the bylaws to tighten up this process.
- Non-conforming lots/temporary parking – By-law language is being drafted to change the wording around non-conforming lot review, temporary parking lots and structures. This will be part of the Town Meeting in the fall.

Lastly, Mr. Griffin stated he will send out the revised section 1.2 of the Norton Planning Board Handbook and it will be voted on during the next meeting on June 27, 2017. If Mr. Fernandes is not present for this meeting, the clerk can open the meeting with this item and can pass motion.



**C. Approval of Minutes**

**Motion was made by Mr. Durant to approve the Planning Board Minutes of Meeting dated May 2, 2017 as amended. Second by Mr. Jurczyk Vote: (4-0-3)**

**MOTION CARRIES**

**D. Bills and Warrants**

Ms. Harkin presented the accounting sheet and commented the budget is broken down by line item and peer review. Also included is the balance sheet. The total is \$ 7,692.67, of which \$4,142.57 is Peer Review Accounts. Mr. O'Neill asked for accounting balance to show what is actually coming out of the budget. This is the total of \$3,550.10 at top of spreadsheet. Harkin to speak to treasurer to get this adjusted.

**MOVED by Mr. Beatty to approve the Bills and Warrants of May 2, 2017 in the amount of \$7,692.67 Second by Mr. Griffin Motion made by Mr. X to release grant. Vote: Unanimous.**

**Adjournment**

**MOTION was made by Mr. Fernandes to Adjourn at 8:55 p.m. Second by Mr. Durant Vote: Unanimous. MOTION CARRIES.**

Respectfully Submitted by:

Kayleigh Correia  
Recording Secretary

Minutes Approved by Committee

on: 6/27/17  
(Date)

Signature: THQ