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**Planning Board
Meeting Minutes
September 12, 2017**

7:15 P.M. Call to Order

The September 12, 2017 meeting of the Norton Planning Board was held in the Norton Public Library and was called to order at 7:15 P.M., by Mr. Edward Beatty, Vice - Chairman. Member(s) present: Mr. Frank Durant, Mr. Timothy Griffin, Mr. Steven Hornsby and Mr. Stephen Jurczyk. Also present was Tabitha Harkin, Planning and Economic Development Director. Not in attendance: Mr. Joseph Fernandes

A. Planning Board Business & Policies

1. Surety Release Request: Norton Self Storage

Ms. Harkin provided a summary of both releases. The owner of Norton Self Storage has requested a release of surety in the amount of \$10K as the landscaper has deemed all work complete per BETA/Town Planner inspection. Mr. Beatty asked the Committee if anyone has driven by to see the work that has been done and mentioned it looks very nice. There were two considerations related to the rain garden and rain swells. BETA review revealed regrading was needed and on-going maintenance was needed on the other side of the building.

MOTION was made by Mr. O'Neil to approve the surety release in the amount of \$10,000 to Norton Self Storage. Seconded by Mr. Durant. Vote: Unanimous. MOTION CARRIES

2. Surety Release Request: Mary Joe Estates

Ms. Harkin stated WLFB has requested a release of surety in the amount of \$30K to cover the permit fees for tapping into the Norton Water system and to site a fire hydrant.

MOTION was made by Mr. Hornsby to approve the surety release in the amount of \$13,000 to WLFB. Seconded by Mr. O'Neil. Vote: Unanimous. MOTION CARRIES

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 September 12, 2017. Items discussed were the following:

Current Application in Process:

1. Special Permit/Site Plan Review: 0 South Washington – Spears Manuf. – This will be discussed later in the meeting.

Other Planning News:

1. Proposed Zoning Change: Recreation Marijuana Moratorium – This will be discussed later in the meeting.
2. Proposed Zoning Change: Non-conforming Residential Structures - This will be discussed later in the meeting.
3. Proposed Street Acceptance – This will be discussed later in the meeting.
4. Complete Streets/Safe Routes to School Kickoff and Public Meeting – This will be discussed at the September 26, 2017 kickoff meeting at the library.

Recent Decisions Issued:

1. Special Permit 351A – Modification to Woodlark Park. This decision was issued September 5, 2017 and can be found on the dropbox.

Active Construction Administration Items/Peer Review:

1. Wheaton Solar - Surety Release is in progress for #14 Clapp Street. Ms. Harkin spoke to Brian Douglas at Wheaton Solar. They have followed up with solar companies to figure out the maintenance agreement. The surety is being released to take care of the landscaping. The Heayden family would like to keep in touch with the Board for any possible issues that arise in the future.
2. Norton Self Storage – The landscaping is complete and a surety request has been received and approved.
3. Oak Street Multifamily Housing – The landscaping is complete and the occupancy permits have been issued.
4. Mary Jo Estates – This was previously discussed.

Other Planning News:

1. De-Icing Materials – A memorandum of understanding has been issued to Town staff regarding the use of non-sodium de-icers.
2. Town meeting – The received articles are currently on schedule.
3. Leonard Street – A letter has been issued to the state and is available on the dropbox.
4. Complete Streets/Safe Routes to School – This meeting will be held on September 26, 2017. Ms. Harkin asked for members to share the flyer available.
5. Free Trainings – There is currently two free trainings available if anyone is interested. Ms. Harkin will attend on October 11, 2017.

3 Lopes Drive Discussion

Mr. Walter Hermenau, professional engineer, came before the Board. Mr. Hermenau represents the applicant, JLW, LLC. He discussed minor modifications his client is requesting. One modification is to move the infiltration basin closer to the building and to place it underground. In its current location, it is an obstruction to traffic flow on the property. If moved, it will result in less ponding of water on the property and less mosquitoes. The runoff from the roof and pavement will remain the same. If approved, the basin will be sized to handle all the required drainage. The proprietary chamber will be an improvement due to an increase in sediment removal. Mr. Beatty inquired about what is currently in the location he is requesting to put the basin. Mr. Hermenau replied there are infiltration plastic chambers packed with stone that are Ace-20 rated. He went on to say if replaced, it would be possible to be driven over, it would be surrounded by washed stone and be sized more than enough to handle 100-year storm event. The drainage would be piped through the devices and any runoff from the pavement will be caught by the basin.

Mr. Beatty then inquired about the turn-around area to which Mr. Hermenau replied it would be just for the businesses' vehicles. Mr. Beatty asked if there was any input from the Conservation Committee to which Ms. Harkin replied they do not have input since there is no wetland permit required. The Board requested Mr. Hermenau return to the Planning Board Meeting on October 10, 2017 at 7:20 p.m. for a follow-up discussion.

Public Hearing: Proposed Zoning Bylaw: Temporary Moratorium on Marijuana Establishments

Ms. Harkin presented "*Zoning Amendment Process*" and "*Proposed Zoning Bylaw: Temporary Moratorium on Marijuana Establishments*". The proposed changes include language that establishes a temporary moratorium on recreational marijuana establishments.

Ms. Harkin gave an overview of the stages in the amendment process and stated the Town is currently at stage 4. The next stage is to hold a public hearing before going to the Board of Selectman. Two-thirds majority is required at Town meeting to go forward. Ms. Harkin gave a brief background of new legislations and regulations. Issues that were covered included current Norton Bylaw is for medical uses only, references to State regulations are outdated, and drafting of relevant bylaw provisions should be in accordance with the timeline. The proposal is to set a moratorium on recreational marijuana establishments. This would allow a period of time for drafting of relevant bylaw provisions in accordance with the timeline for regulations.

Mr. Beatty asked if there were any questions from Board. There were none. Mr. Beatty then asked if there were any questions from members of the audience. There were none. This goes into effect on June 30, 2018. This proposal would put a pause on all recreational activities (retail, cultivation, etc.) and does not propose revisions to the Bylaws. Mr. Beatty commented it is restrictive currently on the medical side and eventually it may be revised and incorporated on the retail side. Based on this meeting, a recommendation can be forwarded at town meeting.

MOTION was made by Mr. Hornsby to close the public hearing at 7:36 p.m. Seconded by Mr. Jurczyk. Vote: Unanimous. MOTION CARRIES

MOTION was made by Mr. O'Neil to support the temporary moratorium in temporary establishments and forward to the Town meeting. Seconded by Mr. Jurczyk. Vote: Unanimous. MOTION CARRIES

Public Hearing: Proposed Zoning Bylaw: Non-conforming Single and Two Family Residential Structures

MOTION was made by Mr. Durant to open the public hearing at 7:37 p.m. Seconded by Mr. Hornsby. Vote: Unanimous MOTION CARRIES

Ms. Harkin presented "*Proposed Zoning Bylaw: Non-conforming Single and Two Family Residential Structures*". Ms. Harkin stated many lots in Norton have been re-zoned to smaller lot dimensional requirements, creating an abundance of pre-existing non-conforming uses. This causes a large percentage of homeowners to be required to file with the Zoning Board of Appeals (ZBA) for small projects and can be a burden. Ms. Harkin gave a summary of the proposed language: "nonconforming single- and two-family residential structures may be altered as of right upon a

determination by the Building Commissioner if such changes do not increase the habitable floor area of the structure by more than 25%.”

There have been some changes in Draft Article 1.6 in the numbering due to an error but there have been no changes to the actual content since the last discussion. An audience member asked for reiteration. Mr. Hornsby replied that homeowners cannot build more than 25% of the square footage to their existing home without going to the ZBA. These proposed changes say if you aren’t changing it more than 25%, it doesn’t have to go through the ZBA. Mr. Tom Noel, Chairman of the ZBA, spoke from the Audience. Mr. Noel stated this would reduce the number of items that go to the ZBA for permission, thus reducing the expense since homeowners would instead go through the building inspector. Mr. Griffin also reiterated for the audience member

MOTION was made by Mr. Jurczyk to close the public hearing at 7:42 p.m. Seconded by Mr. Durant. Vote: Unanimous MOTION CARRIES

MOTION was made by Mr. Hornsby to recommend the Proposed Zoning Bylaw related to Non-Conforming Single and Two Family Residential Structures at the Town Meeting. Seconded by Mr. O’Neil. Vote: Unanimous MOTION CARRIES

3. Public Hearing: Autumn Lane Street Acceptance

Mr. Jay Zola was a member of the audience to represent the work done on Autumn Lane. Ms. Harkin explained Autumn Lane is a privately constructed street within the Larson’s Farms Subdivision. The Norton Highway Superintendent requirements have been met in regards to the paving of the roadway. The proposal is to see if the Town will accept Autumn Lane as a public way. An audience member, a resident of 4 autumn lane, expressed his concerns with the work done on the road and he asked for reassurance that the work done was done correctly. Ms. Harkin replied the Planning Board released the surety because Mr. Keith Silver, Highway Superintendent, has signed off on all items that were outstanding. Mr. Silver stated all work was done to specifications and he gave his sign-off confirming this. An audience member commented about their concern of the thickness of the road and would like that confirmed. Mr. Beatty stated the only issue Mr. Silver mentioned was the landscaping surrounding the cul-ta-sac and this has already been corrected.

An audience member inquired about a warranty period for protection for the Town. Mr. Beatty stated the Highway Superintendent has inspected and approved it so no warranty is necessary. The Town accepts the road. Mr. O’Neil stated this public hearing is to approve bringing to Town meeting for approval. At the meeting, the Board of Selectman will answer any further questions. Mr. Noel inquired about a procedure in the Bylaws requiring a bond when the Town accepts. Mr. Beatty responded there was a bond during the construction, it was maintained through the construction period but it has since been released based on Mr. Silver’s acceptance. Mr. Beatty also stated Mr. Silver will be present at the Town meeting and will discuss reservations he may have before approving the street.

The audience member also stated he would like a straight sign for the street and the Board agreed this will be an added stipulation.

MOTION was made by Mr. Durant to close the public hearing at 7:57 p.m. Seconded by Mr. Hornsby. Vote: Unanimous MOTION CARRIES

MOTION was made by Mr. O'Neil to accept the Autumn Lane Street and forward this acceptance, including the condition regarding the street sign, to the Board of Selectman at the Town Meeting. Seconded by Mr. Durant. Vote: Unanimous MOTION CARRIES

Public Hearing: Special Permit #472: Special Permit/Site Plan Review in Industrial Zone

The applicant, Condyne, Inc. is requesting use of a 112,500 sf industrial building for Spears Manufacturing with 25 or more parking spaces, utilities and loading area This was continued from the August 22, 2017 meeting. The initial review, the response letter, site plans, and report were provided.

Condyne, Inc representatives Mr. Mark Dibb and Mr. Jeff O'Neil came before the Board. Mr. Dibb gave a brief review of the timeline. He responded to the review letter on August 29, 2017 by submitting all the required documents to the Conservation consultant as well as the Horsley Witten Group for their consultant review. Mr. Dibb stated he received the Horsley Whitten Group consultant review yesterday and they had a Conservation meeting last night. They did not receive the second review from the Conservation consultant. Other than finalizing their consultant review, Mr. Dibb stated the project looks good and the Conservation consultant did approve ANRAD.

Mr. Dibb reviewed the revisions made based on the comments of the reviews. The main changes included: the fire access routes were shortened; fire access will be painted on the ground; turn-arounds were provided; the Storm water retention areas were added in the front of the property; and parking spaces were removed to allow for turning space. The current conditions of the site plan allows for better access to the site.

A requested waiver is for actual construction lot spaces. Based on warehousing, the requirement is thirty-eight. Mr. Dibb stated they are requesting to add five spaces, to equal nineteen. Mr. Beatty asked if the Fire Department was on board with the lack of total access to the building to which Mr. Dibb responded they were because of the parking modification and the added fire hydrants. Ms. Harkin Pointed out page two of the DPEP review include comments from Fire Deputy David Myles.

Mr. Jurczyk confirmed where the parking lots would be and inquired about the snow storage area. Mr. Dibb stated the area will not be moved because they do not anticipate those lots to be in use. Ms. Harkin went through the DPEP review, the modification requests and the various recommendations provided. These included reducing the parking spaces to nineteen, depiction of signage to make sure it is compliant with the Bylaws, movement of earth materials, waiver of scale, plans to properly depict rain garden areas, erosion and sediment plans, the parking lot plan, the landscaping plan, and compliance with the MA Storm water Standards. Mr. Beatty then asked for any comment from the audience. There were none.

MOTION was made by Mr. Hornsby to close the public hearing at 8:27 p.m. Seconded by Mr. Jurczyk. Vote: Unanimous MOTION CARRIES

MOTION was made by Mr. Durant to waive the non-residential parking requirement and set the parking spaces at nine with a designated handicap space. Seconded by Mr. Jurczyk. Vote: Unanimous MOTION CARRIES

MOTION was made by Mr. Jurczyk to waive the driveway width requirement to a reduced width driveway of 26 feet with a 50-foot turn-around as required by the Fire Department. Seconded by Mr. Durant. Vote: Unanimous MOTION CARRIES

MOTION was made by Mr. O'Neil to waive the scale on the Site Plan Review and show the plan as presented. Seconded by Mr. Durant. Vote: Unanimous MOTION CARRIES

Ms. Tabitha then reviewed conditions of approval that were listed in the DPED Review provided to the Board.

MOTION was made by Mr. Hornsby to approve Special Permit #472 with noted conditions. Seconded by Mr. Durant. Vote: Unanimous MOTION CARRIES

MOTION was made by Mr. Hornsby to approve the Site Plan for 0 Washington Street. Seconded by Mr. Durant. Vote: Unanimous MOTION CARRIES

C. Approval of Minutes

Motion was made by Mr. Jurczyk to approve the Planning Board Minutes of Meeting dated August 22, 2017 as amended on September 12, 2017 at 8:41 p.m. Seconded by Mr. Durant Vote: unanimous MOTION CARRIES

B. Bills and Warrants

MOVED by Mr. Jurczyk to approve the Bills and Warrants of September 12, 2017 in the amount of \$36.00 at 8:41 p.m. Seconded by Mr. Hornsby. Vote: Unanimous. MOTION CARRIES

Payroll was tabled until the next scheduled meeting on September 26, 2017.

Adjournment

MOTION was made by Mr. Griffin to adjourn at 8:42 p.m. Seconded by Mr. Hornsby. Vote: Unanimous MOTION CARRIES

Respectfully Submitted by:

Kayleigh Correia
Recording Secretary

Minutes Approved by Committee on: 10/12/17
(Date)



Signature: _____