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**NORTON PLANNING BOARD MEETING
DRAFT MINUTES OF March 26, 2019**

The Planning Board Meeting of March 26, 2019 was called to order in the Norton Middle School Auditorium at 7:15 p.m. by Mr. Joseph Fernandes, Chair. Members present were Mr. Timothy Griffin, Mrs. Julie Oakley, Mr. Stephen Jurczyk, Mr. Frank Durant, Mr. Oren Sigal and Mr. Steven Hornsby. Town Counsel, Amy Kwesell was also present.

Approval of Minutes

March 12th minutes. **Motion to approve as amended with edits made by Mr. Sigal, Second by Mr. Jurczyk. All in favor. (7-0)**

ANR Endorsement: [2019-05]- Off Oak street, Tournament Players Club of Boston at Great Woods, LLC

Dan Waslewski present to represent TPC. Goes over the plans to carve out parcel to sell part of it and keep the rest.

Questions:

1. What is the buffer between the lots?
2. What is on parcel "A"?

Motion to Approve by Mr. Hornsby, Second by Mr. Sigal. All in favor. (7-0)

Mr. Sigal recuses himself as an abutter to the following project.

Continued Public Hearing for SP- 484: 308 E, Main Street/ Bernie & Phyl's – Rubin Norton LLC, Application for Site Plans and Special Permits for 49,400 sf warehouse expansion.

Mike Trowbridge present

Changes:

1. Swing gate added
2. Concrete washout added
3. Goes over Conservation Commission changes requested and completed
4. Parking spots shown on plans- 108 spots
5. No new parking or loading docks being proposed
6. Has not yet submitted with Conservation Commission, knows conditions will be made by the Planning Board.

Mr. Durant Motions to close Public Hearing, second by Mrs. Oakley. Mr. Sigal Abstains.

Vote 6-0-1. Motion passes.

Motion to approve special permit by Mr. Durant, Second Mrs. Oakley. Mr. Sigal Abstains. Vote 6-0-1. Motion Passes.

Motion to approve Site Plan by Mrs. Oakley, second by Mr. Hornsby. Mr. Sigal abstains. Vote 6-0-1. Motion Passes.

Bills

7:28

Horsley Witten bills. Motion to approve by Mr. Hornsby, Second by Mr. Jurczyk. Vote 7-0. Motion passes.

Updates

7:35

Mr. DiGiuseppe shares some projects that the Department is working on with the Town, such as launching plans for the new Norton Master Plan. The petition that will now hold a special Town Meeting to revise the by-law change on solar will be heard by the Planning Board on April 9, 2019. Town Counsel and Mr. DiGiuseppe are arranging a training for the Planning Board and Zoning Board of Appeals.

Continued Public Hearing for SP-482: Fairland Farm Solar-NextSun Energy, LLC. Application for Site Plan and Special Permits for a large-scale, ground mounted solar facility located on a cranberry bog.

7:58

Applicant Adam Schumaker with NextSun Energy present, as well as Stacy Minihane from Beals and Thomas as well as the applicant's attorney Charles Le Ray. Landscape Architect, David Lapointe also present to review screening.

Updates: The Applicant gives the Board, for the first time, an agreement between NextSun and Mr. Pollilio, regarding purchasing land to be used for screening. Mr. Schumaker also reviews submittals for noise and updates that more abutters have been reached out to for group or private meetings.

Mr. Matthew Gaines, Attorney who represents about 20 abutters speaks:

- Conservation Commission has moved this item to April 8th
- Confirms more abutters have been reached out to, and this Sunday is a group meeting.
- Speaks about NextSun attorney's letter including the need for a special permit.
- Does NextSun plan to use the 222 Bay Road easement to maintain the panels?
- Would like questions, which the Planning Board asked of the applicant, to be fully answered, as they feel they have not been yet.

Board Questions:

- Can applicant point out the full extent of the Pollilio land that is referenced in the purchase agreement?
- Describe megahertz info to help with noise concerns
- Can you soundproof the inverters?
- What was the purpose for continuing the item with Conservation Commission?
 - Per suggestion of the Conservation Agent, they asked for continuance.
- When do you estimate the plantings used for screening, will reach mature height?

- Would like megahertz information directly from the manufacturer of the equipment in sites examples.
- How many abutters in total, were notified of the project with mailings?
 - 163 abutters
- Since the submittal, how many abutters have you officially contacted?

Town Counsel, Amy Kwesell speaks. Effective date= date voted on at Town Meeting

- The effective date of a bylaw change is at publication “except for zoning amendments”
- If other permits are required, Building Commissioner decides and informs the applicant
- Applicant can withdraw Special Permit as it is currently considered mute, as it seems right now.
- Conditions based on approval have to be made based solely on findings and testimony given during public hearings, nothing can be submitted once hearing is closed.
- Findings for each will go specifically to either the Site Plan or Special Permit.

Board:

- Would the petition article affect this project, if it is voted on before any change to the by-law is made?
 - Town Counsel- No, it would not. Building Commissioner would have to decide if building permits can be approved.

As there was extensive conversation, review the video located at the Norton Media Center webpage starting at 1:11:44.

At this time a few community members had an opportunity to ask the Applicant and Board questions and raise their concerns. The questions and comments focused on health, visual and noise impacts as well as impacts to property values. For the full detail on what was asked and responded to, please refer to the video recording located on the Norton Media Center webpage.

Mr. Schumaker asks for a continuance to next public hearing.

Motion to continue to the April 2, 2019 meeting by Mr. Jurczyk, second by Mr. Hornsby. All in favor. 7-0.

Continued Public Hearing Special Permit and Site Plan #479 Blue Star Business Park (Leonard Street South)-Condyne Engineering Group, LLC

9:19

This is the continued discussion regarding the Application for Blue Star Business Park located on Leonard Street (South) by Condyne Capital Partners, represented by Mark Dibb and Jeff O’Neill.

Mr. O’Neill and Mr. Dibb state the Conservation Commission did not close their public hearing but there are only housekeeping items remaining. They also responded to Red Mill Village letter addressing traffic concerns and reads response letter.

Mr. Sigal- responds to concerns about bias. He raises the common driveway issue, believes this is access for all 5 buildings as well as requires landscaping. He suggests separating the retail driveway from the commercial, for better safety. Mr. Fernandes responds by comparing the project to an internal road network at a mall. Town Counsel- responded the common driveway would not be considered to connect all of the lots. She would need to look into the landscaping question.

Mr. Sigal asks if there are renderings of the buildings, and where signs would be located.

Applicant responds that renderings were presented and given to the board upon the first initial meetings and are available.

Mr. Hornsby wants to know why there was a delay providing the Horsley Witten report to the applicant and wants a response at the April 2 meetings.

Motion to close the public hearing by Mr. Hornsby, second by Mr. Durant. Vote 7-0. Motion passes.

Motion to approve Special Permits, subject to Findings and Conditions to be discussed made by Mr. Hornsby, Second by Mr. Durant. Mr. Sigal discusses when the conditions should be made.

Vote:

	YES	NO	ABSTAIN	NOT PRESENT
Joe Fernandes, Chairman	x			
Stephen J. Jurczyk, Vice Chairman	x			
Steven Hornsby, Clerk	x			
Frank N. Durant	x			
Julie Oakley	x			
Oren Sigal		x		
Timothy Griffin	x			

Vote 6-1. Motion Passes.

**Continued Public Hearing Special Permit and Site Plan 481 Blue Star Business Park (Building 7)-
Condyne Engineering Group, LLC**

9:49

This is the continued discussion regarding the Application for Blue Star Business Park Building 7 located on Leonard Street by Condyne Capital Partners, represented by Mark Dibb and Jeff O'Neill. Mr. Sigal asks for clarification on basin placement.

Mr. Griffin asks what the final bay count is.

Motion to close the public hearing made by Mr. Hornsby, second by Mrs. Oakley.

Vote:

	YES	NO	ABSTAIN	NOT PRESENT
Joe Fernandes, Chairman	x			
Stephen J. Jurczyk, Vice Chairman	x			
Steven Hornsby, Clerk	x			
Frank N. Durant	x			
Julie Oakley	x			
Oren Sigal		x		
Timothy Griffin	x			

Vote 6-1. Motion Passes.

Motion to approve site plan and special permit, contingent upon Findings and Conditions to be discussed, made by Mrs. Oakley, Second by Mr. Durant.

Vote:

	YES	NO	ABSTAIN	NOT PRESENT
Joe Fernandes, Chairman	x			

Stephen J. Jurczyk, Vice Chairman	x			
Steven Hornsby, Clerk	x			
Frank N. Durant	x			
Julie Oakley	x			
Oren Sigal		x		
Timothy Griffin	x			

Vote 6-1. Motion Passes.

Motion to close the public hearing for the Site Plan 479 made by Mr. Jurczyk, second by Mrs. Oakley. Vote 7-0.

Motion to approve Site Plan 479 contingent upon Findings and Conditions to be discussed, made by Mr. Hornsby, Second by Mr. Jurczyk. Vote:

	YES	NO	ABSTAIN	NOT PRESENT
Joe Fernandes, Chairman	x			
Stephen J. Jurczyk, Vice Chairman	x			
Steven Hornsby, Clerk	x			
Frank N. Durant	x			
Julie Oakley	x			
Oren Sigal		x		
Timothy Griffin	x			

Vote 6-1. Motion Passes.

Continued Public hearing SP. 483: 54 Plain Street Solar Facility- Next Grid Redwood, LLC, Application for Site Plan and Special Permits for a large-scale, ground-mounted solar facility. 10:27

Daniel Serber and Rich Tabaczynski, gives updates

- Removed some string inverters / panels
- Revised decommissioning plans
- Met with Fire Chief to address access
- Reduced to 4.9 acres
- Increased setbacks from school and Plain Street.
- 1.7 MW DC
- Increase width of access road
- Berm height increase

Board Questions:

- Clarify how many panels were taken out
- What equipment will be located on the equipment pad?
- Would the applicant be willing to conduct a baseline sound study?
- Will screening be needed anywhere else other than along the school property line?
- Sound study inquiry
- Would the applicant be open to a condition stating that no discernable sound be heard at any edge of the property?

Dr. Baeta, School superintendent:

- Students around frequency issues
- Agrees future mitigation is important in case noise and other things affect the students
- Decommissioning plan with a 2% increase, seems unrealistic.

At this time a few community members had an opportunity to ask the Applicant and Board questions and water table concerns. The questions and comments focused on visual and noise impacts as well as groundwater. For the full detail on what was asked and responded to, please refer to the video recording located on the Norton Media Center webpage

Motion to continue to April 2 made by Mr. Hornsby, Second by Mr. Sigal. Vote 7-0. Motion passes.

Motion was made by Ms. Oakley to adjourn. Second by Mr. Hornsby. Meeting adjourns at 10:44.

Minutes prepared and submitted by Nicole Salvo, Department of Planning and Economic Development Administrative Assistant.

Minutes Approved on: 4/16/19

Signature Paul D. Vieseppe