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NORTON PLANNING BOARD MEETING  
DRAFT MINUTES OF AUGUST 20, 2019

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The Planning Board Meeting of August 20, 2019 was called to order at Norton Town Hall, Board of Selectmen Chamber, at 7:15 p.m. by Mr. Steven Hornsby, Chair. Members present were Ms. Julie Oakley, Mr. Oren Sigal, Mr. Timothy Griffin, Mr. Scott Bichan, Mr. Joe Fernandes and Mr. Kevin O'Neil. Also in attendance were Amy Kwesell, Town Counsel and Paul DiGiuseppe, Planning Director.

Mr. Hornsby mentions the Board directly received a letter from an abutter of Fairland Farms but reiterated the Board should not directly receive information.

**Bills and Warrants**

**Motion to approve bill made by Mr. Griffin, Second by Mr. Sigal. All in favor. Motion passes.**

**Approval of Minutes**

**Motion to approve the August 6, 2019 minutes with amendments made by Ms. Oakley, Second by Mr. Sigal. Vote 6-0-1 (Mr. O'Neil abstains). Motion passes.**

**Mr. DiGiuseppe announces that Mr. O'Neil submitted his signed Mullen Form for the August 6, 2019 meeting.**

**Public Hearing SP-486-60 West Main Street/Cumberland Farms**

The applicant is not in attendance. Mr. DiGiuseppe explains the applicant would like to gauge whether the Board would support bylaw changes to allow for gasoline stations with underground storage tanks within Zone III if adequate standards are in place and would like to continue this application until after Fall Town Meeting or approve the application contingent on approval of the bylaw change. The Board discussed their concerns about this proposal and the applicant not being in attendance. The Board needs more time and information regarding the proposed bylaw changes. Town Counsel advises against approving the application based on a condition dependent on a bylaw change. The Board discusses the applicant's emails.

**Motion to table the potential Zoning Bylaw changes to a date to be determined made by Mr. Griffin. Second by Ms. Oakley. Discussion that no action is needed as nothing has been filed. Mr. Griffin withdraws the motion.**

**Motion to continue to September 10, 2019 made by Mr. Bichan. Second by Ms. Oakley. All in favor. Motion passes.**

**Pending Decision SP. 488- Remand order for 210 Bay Road and 21 Fairlee Lane**

Mr. Bichan recuses himself.

Mr. Hornsby states there is no rush to vote.

Matthew Gaines, attorney for some abutters, asks whether Mr. O'Neil can vote as he was not a Planning Board member during the original application. Ms. Kwesell states Mr. O'Neil can participate as Boards have changing membership.

Mr. Griffin notes the revised application is smaller but the inverter could impact abutters on Bay Road. This issue will need to be conditioned. Mr. Sigal is concerned about location of inverters. Mr. Fernandes would like no discernable sound above background at the property line. Some members disagree with this as a condition. Ms. Kwesell reads from Section 15 (Site Plan Chapter of the Zoning Bylaw) which identifies objectives to be met. Section 15.6 provides a detailed list of objectives and noise is mentioned under D with reference to using landscaping to reduce noise impacts on abutting property. Section 15(1) Purpose- includes protecting against adverse impact to adjoining landowners and with Section 15.8A(10)F specifically allowing for conditions to mitigate adverse impacts to the neighborhood and abutters caused by noise. The Board would need to make a connection.

Ms. Oakley states the size of the project is large and not having a similar project to compare, is concerned with the potential health effects. She also noted concerns relative to not having applicable studies on effect on neighboring home values, EMF and pile driving.

Mr. Sigal is concerned about stormwater and would like to adopt certain Order of Conditions into a decision. Massachusetts DEP has a site visit in September.

It is pointed out a portion of the inverter is in the floodplain. The Special Permit provision under Article 13 (Floodplain District) is discretionary. Town Counsel to confirm with the Conservation Commission.

In regards to the berm, there was discussion about providing flexibility for the species to be planted. There was disagreement with providing this flexibility.

Mr. Sigal wants the Fire Department's conditions in the decision.

Mr. Sigal states the Decommission Plan surety must not include salvage.

Mr. Sigal wants a condition for water monitoring and must be signed off by a PE. He also wants a Geotechnical Report with a finding that proposed construction will not adversely impact water in terms of quality and quantity.

There was discussion regarding the length of operations with a concern that battery operations until 10:00 pm is too late. Some disagreed stating that noise conditions will address this point.

There was interest in providing additional screening for Fuller Drive.

There is need for a condition for the name of the company providing maintenance.

There is need for a condition to comply with the SMART program.

There was a discussion whether batteries are an accessory use. There was conversation about deferring this question to the SMART program.

Ms. Kwesell stated she cannot attend on September 10 and will be available on September 17 and indicated she needed to confirm what plans the Conservation Commission reviewed and whether it reflected the current location of the equipment which appears to be with in the Flood Plan Zone.

**Motion to continue item to September 17, 2019 made by Ms. Oakley and second by Mr. Sigal. All in favor. Motion passes.**

Mr. Bichan returns.

**Discussion on potential changes to Zoning Map and Zoning Bylaws**

Mr. Henry Souza discusses Zoning Bylaw changes he will be submitting to allow by Special Permit duplex and multi-family use in the Commercial Zoning District. Additionally, he will be submitting a rezoning from Commercial to Village Commercial for properties located near Mansfield Avenue and Smith Street. No action was taken by the Board.

The Board discussed a meeting with the Charter Commission.

Tentative October meeting dates include October 2 and 22.

**Motion was made by Mr. O'Neil to adjourn. Second by Mr. Bichan. All in favor. Meeting adjourns at 9:59 pm.**

Minutes prepared and submitted by Paul DiGiuseppe, Director of Department of Planning and Economic Development.

Minutes Approved on: 9/17/19

Signature Paul DiGiuseppe