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NORTON PLANNING BOARD MEETING
MINUTES OF JANUARY 4, 2022

The Planning Board Meeting of January 4, 2022 was called to order on ZOOM at 7:15 p.m. by Mr. Timothy Griffin, Chairman. Members present were Mr. Allen Bouley, Mr. Wayne Graf, Mr. Kevin O'Neil and Mr. Steven Hornsby participated remotely via ZOOM. Mrs. Julie Oakley was absent from the meeting. Also, in attendance was Planning Director Paul DiGiuseppe and Administrative Assistant Bryan Carmichael.

Mr. Griffin explained that the meeting was going to be fully remote based on an increase of Covid cases and explained the etiquette that should be displayed during these meetings.

General Business

Bills & Warrants – A WB Mason and a Version bill will be signed by Mr. Griffin at a later date.

Minutes – Minutes were presented from the August 14, 2021 and January 4, 2022 meetings.

Motion to approve the September 14, 2021 minutes is made by Mr. Bouley and seconded by Mr. Hornsby. Roll Call; Mr. Graf Abstain, Mr. O'Neil Yes, Mr. Bouley Yes, Mr. Hornsby Yes, and Mr. Griffin Yes. 4-1-0

Motion to approve the December 14, 2021 minutes is made by Mr. Hornsby and seconded by Mr. Bouley. Roll Call; Mr. Graf Yes, Mr. O'Neil Yes, Mr. Bouley Yes, Mr. Hornsby Yes, and Mr. Griffin Yes.

Review Of Findings and Conditions and Execution of Decision - SP-11450 and SP-11451: 0 Leonard St (Blue Star Business Park, Phase II). Application for Special Permits and Site Plan for an approximately 200,000 sf warehouse and a 60,000 sf warehouse within Industrial zoning, Owner/Applicant: Condyne Capital Partners. Special Permits needed for a building over 10,000sf, Water Resource Protection District and Floodplain District.

Mr. Griffin asks for a summary of the light edits to the draft decision that Town Counsel had made. Mr. DiGiuseppe informs the board that Counsel had reviewed the decision for the special permit and site plan and stated the certificate of approval for the definitive plan looked fine. There were no changes made to the certificate of approval besides through email that the issue of surety that Mr. DiGiuseppe recommends will be dealt with after the appeal process where the board will have to come back after the 20-day appeal period and if this has no appeal within 90

days of being stamped by the Town Clerk. The Planning Board will sign the agreement for surety and the final plans will be endorsed which the action is called for in subdivision regulations. This process is required. Mr. Griffin inquires if the whole board is required to sign. Mr. DiGiuseppe states that the chair does have sole signature authority if needed. Mr. Griffin asks if the board needs to vote on waivers or if they did last meeting. Mr. DiGiuseppe responds that yes, the board will need to vote on waivers and conditions.

Mr. O'Neil motions to allow a waiver to Norton Subdivision Regulation Article S.4.D which requires dead-end streets to exceed 1,000 feet and seconded by Mr. Graf. Roll Call; Mr. Graf Yes, Mr. O'Neil Yes, Mr. Bouley Yes, Mr. Hornsby Yes, and Mr. Griffin Yes.

Mr. Bouley motions to allow a waiver to the Norton Subdivision Regulation Article 6.6.D which requires three feet of cover for storm drain pipes and seconded by Mr. Graf. Roll Call; Mr. Graf Yes, Mr. O'Neil Yes, Mr. Bouley Yes, Mr. Hornsby Yes, and Mr. Griffin Yes.

Mr. Graf motions to allow a waiver to the Norton Subdivision Regulation Article 4.2v which requires profiles of centerlines and easements to be at a horizontal scale of one-inch equals forty feet and a vertical scale of one-inch equals four feet and seconded by Mr. Bouley. Roll Call; Mr. Graf Yes, Mr. O'Neil Yes, Mr. Bouley Yes, Mr. Hornsby Yes, and Mr. Griffin Yes.

Mr. Griffin asks if the certificate of approval needs to be approved. Mr. DiGiuseppe states that the certificate has already been approved. Mr. Griffin asks the board if there is any objection to the chair being the sole signature. There is no objection. Mr. DiGiuseppe informs the board that they can go over the conditions in the decision. The conditions have been added from previous meetings and formatted into the decision. Mr. Griffin speaking for Mrs. Julie Oakley if the condition for right turns onto Route 495 were incorporated into the decision. Mr. DiGiuseppe states is in the decision but called Exit 27. Mr. Griffin asks if the fence on the Curtin property is on the plan. Mr. DiGiuseppe states it was on the site plan document. Mr. Griffin asks for the reason for Counsel's format changes. Mr. DiGiuseppe states that the changes made the certificate flow better. Mr. Griffin asks to confirm that the business hours are on the document. Mr. DiGiuseppe reads the hours on the decision back to confirm. Trucks will be taking a right from the site and not the facility as the document originally read.

Mr. DiGiuseppe asks for the board's opinion on how they want to classify outdoor storage for their showroom. Mr. Griffin doesn't think there is an outdoor display. Mr. Graf agrees with Mr. Griffin. Mr. Bouley suggests that Condyne could apply for a modification if they have/want to have the showroom display outdoors. Mr. DiGiuseppe would be working with the building commissioner on the outdoor display to determine if it is considered storage. Mr. DiGiuseppe removed condition five as that ties back to a previous condition and added condition seven for inspection. Mr. Griffin asks if the Conservation Director title is new. Mr. DiGiuseppe informs Mr. Griffin that the title has been there for the past year or two. Mr. DiGiuseppe states the Conservation and Building Directors will help ensure the buildings are built as the plan is written. Mr. Griffin wants to confirm that there is an outside showroom before making a decision on the site plan. The showroom has no junk and is not seen as a risk. Mr. O'Neil sees no need to

have the language to remain in the waiver. Mr. DiGiuseppe states it might be more material. Mr. O'Neil wouldn't invite those types of display if not requested shouldn't be there. Mr. Bouley states it is not for storage it is for display which is different language than what is on the decision. Mr. DiGiuseppe removes the language about the showroom.

Mr. O'Neil asks if all of the past conditions that were brought up were put into this decision. Mr. DiGiuseppe states they are and he had written them in. Mr. Griffin comments the board will be voting on the decision with a 24/7 operation even if the standard hours of operation are different. Mr. O'Neil asks why the Board would vote on that. Mr. Griffin states that it was on the outset of the project that it was something Condyne wanted but it could help someone else in the future. Mr. O'Neil asks if this would allow future owners to operate on a 24/7 system which Mr. Griffin confirms. Mr. O'Neil suggests changing the hours of operations in the decision to the standard business hours because it is close to a residential area. Mr. Griffin and Mr. Hornsby when initially voting on this were under the assumption the hours of operation would be listed as 24/7 as it is an industrial building in an industrial zone. Mr. DiGiuseppe states there is no other conditions listed after hours of operation and there were residential improvements that could impact the hours of operation. Mr. O'Neil doesn't want the property to be a 24-hour business being so close to a residential area as a new company could take advantage of the hours. Mr. Graf agrees with Mr. O'Neil. Mr. Bouley does not support changing the hours of the building it makes it sound like people cannot be on the site which means the road would not be used if it isn't those hours and nobody could be in the buildings during if it isn't the standard hours which would include maintenance workers. Mr. Bouley continues stating that he would understand a specific use or task but having the whole building hold the same restricted hours.

Motion to change condition 4 the 24/7 hours to the operating hours for building 9 to the hours Yale has given the board is made by Mr. O'Neil and seconded by Mr. Graf. Roll Call; Mr. Hornsby No, Mr. Bouley No, Mr. Graf Yes, Mr. O'Neil Yes, and Mr. Griffin No. (2-3) The motion fails.

Motion to approve with conditions as written is made by Mr. Bouley and seconded by Mr. Hornsby. Roll Call; Mr. Hornsby Yes, Mr. Bouley Yes, Mr. Graf Yes, Mr. O'Neil Yes, and Mr. Griffin Yes. The motion passes.

Mr. Griffin asks if there are any more actions. Mr. DiGiuseppe informs the board they still have to vote on the waivers.

Motion to approve waiver 175-15.7A which requires the scale of a site plan by 1 inch equaling 20 feet or such scale as may be approved by the Planning Board is made by Mr. O'Neil and seconded by Mr. Bouley. Roll Call; Mr. Hornsby Yes, Mr. Bouley Yes, Mr. Graf Yes, Mr. O'Neil Yes, and Mr. Griffin Yes.

Motion to approve 175-15.7A which requires the scale of the locus plan of the site plan to be 1 inch equaling 400 feet waiver is made by Mr. Hornsby and seconded by Mr. Bouley. Roll Call; Mr. Hornsby Yes, Mr. Bouley Yes, Mr. Graf Yes, Mr. O'Neil Yes, and Mr. Griffin Yes.

Motion to approve waiver 175-18.5 which requires one tree per thirty feet of street footage is made by Mr. Hornsby and seconded by Mr. Bouley. Roll Call; Mr. Hornsby Yes, Mr. Bouley Yes, Mr. Graf Yes, Mr. O'Neil Yes, and Mr. Griffin Yes.

Motion to approve waiver 175-18.6 which requires one deciduous tree every thirty feet on at least three sides of the perimeter of an outdoor parking lot for twenty or more is made by Mr. Hornsby and seconded by Mr. Bouley. Roll Call; Mr. Hornsby Yes, Mr. Bouley Yes, Mr. Graf Yes, Mr. O'Neil Yes, and Mr. Griffin Yes.

Mr. DiGiuseppe informs the board that for the decision Mr. Griffin has to sign to approve the decision and Mr. Bouley has to sign as he is the Planning Clerk.

SP-12587: 0 South Washington Street. Application for the construction of a billboard that is 90 feet tall and 48 feet wide. Owner: Luigi Musto. Applicant: American Outdoor Advertising Company.

Mr. David Manoogian, the attorney of the applicant, Mr. Steve Ross, the applicant, and Richard Reed from Lighthouse Engineering are present to talk on the project. The application is for a digital billboard on 0 South Washington Street which is owned by Luigi Musto and is on accessor's map 25 lot 8-11. The property has 332,000 square feet which is more than the required 10,000 square feet. The property is in the Industrial zoning district. The sign will not exceed 14 feet by 48 feet and the height will not go above 90 feet. They are not within 1,000 feet of any residents and not within 1000 feet of another digital billboard structure. The first approval needed is subject to mass highway approval of granting their permit for the sign also however it is tradition to seek the local approval first. Mr. Manoogian is aware of a letter of opposition from Stay America who owns and operate the Extended Stay Hotel and the sign is approximately 10 feet away from their property on the Musto property. Two things are noted by Mr. Manoogian is that they are using some of the Musto property as a dog walking area and has a picnic table. The other is that the Extended Stay Hotel is currently working with a competitor, Carol Advertising for placement of a billboard on their property which Extended Stay states in their letter that it wouldn't have the same interference with their guests. The hotel is thirty feet or forty feet high and the sign is ninety feet which should not interfere with guests based on their studies. The amended Lighting Plan shows that there are louvers on the billboard and the louvers based on the report from the Lighting Plan indicates that area of the Extended Stay Property will see an almost undetectable difference in ambient light after the installation of the digital billboard sign. Mr. Manoogian state the billboard that Mr. Carol is working on will most likely have the louvers as well. They filed the Special Permit with the Select Board with for a mitigation agreement that calls for approximately 450,000 dollars in mitigation fees which was signed and submitted to the elect board prior to applying for a special permit. The lease from the Musto property has a condition in place that the permits for the construction of the billboard.

Mr. Griffin asks Mr. DiGiuseppe if there is anymore background needed. Mr. DiGiuseppe states the town staff had met with the applicant a few weeks prior and have ben working with Select Board and Conservation Commission as previously mentioned. Mr. Manoogian adds that among the papers is an estimate with a quotation for restoration bond amounts. Mr. Griffin asks for an

explanation as to how the louvers block the light without blocking the digital billboard. Mr. Ross explains that plastic movers are placed on the digital sign by each of the LED lights and it deflects the light so it's only seen from the roadway traveling public and there is no ambient light that spread out and around. There was a study done by Watchfire showed that no light would affect the Extended Stay Hotel which is among the Planning Board's belongings. Mr. Griffin asks if it is similar to blinds on a window. Mr. Ross agrees it is a good analogy or a street light having a cover which prevents the unintended drivers to see it. Mr. O'Neil wants to see the location on a map where the sign will be put up for the general public. Mr. Griffin pulls up the Radius and Light Study. Mr. Manoogian points out on the Light study the radius of the light impact and shows the side facing the highway will have weaker louvers as it doesn't have the impact as it would on the Extended Stay Hotel. Mr. O'Neil notes the closeness of the billboard to the property line and the size of the lot. Mr. O'Neil asks what the purpose of a second billboard overlooking the highway. Mr. Ross answers that billboard advertising is great for local business to reach a local audience, advertisers are able to change their ads more frequently, work well for all advertisers, there are dedicated hours for Norton which are 15 hours a month per face, a dedicated time for the state of Massachusetts, the FBI for amber alerts, or any emergency whether it be weather or road. Mr. O'Neil feels having a second billboard is redundant. Mr. Ross states the distance between the billboards are about 2600 feet apart, the State mandate is 1000 feet and other towns have put up several billboards which are used. Mr. O'Neil would like to have some examples of communities that do have more than one billboard. Mr. Ross lists Boston, Medford, Stoneham, Lawrence, Lowell, Peabody, Malden, Westborough, Wareham, Methuen, Quincy, Canton, West Bridgewater, Brockton, and Fall River as examples. Mr. O'Neil asks the location of the billboards if they are on highways or a mix. Mr. Griffin states there are many billboards on Route 24, Route 124, Route 3, and Route 4. Mr. Manoogian adds that most of the digital signs are on federal highways that are controlled by the Massachusetts Department of Transportation. The Town of Norton shares the State's law on the distance between two billboards so there is no proliferation of signs close together and with the current by-law and spacing Mr. Manoogian believes the billboard doesn't pose a risk to the traveling public. Mr. Manoogian notes that the mitigation agreement agreed upon had share them the same amount of PSA time for the Town as the State would normally have and a provision that allows all local businesses to a 15 percent discount on the cost of advertising on the billboard.

Mrs. Judi Bikulege is representing the Extended Stay America Hotel. Mr. Griffin states the board had received the letter of opposition and that Mr. Griffin has read it. Mrs. Bikulege is asked if she could summarize the letter of opposition. The owners of the hotel are BRE/ESA Properties LLC have owned and operated the business since 2003. The hotel caters to more/extended guests who are in the area for longer than seven nights with an average of 18 – 20 nights for visitors that are local and are there on business. All the documents were reviewed but the amended Lighting Plan which was passed in later than the rest of the documents. They haven't gotten the chance to perform their own light study yet but experience with the over 600 hotels they own throughout the United States is that anytime there is a billboard within 100 feet there are guest complaints about lighting. Mrs. Bikulege reiterates that the billboard is ten feet away from the property line and that they are working with Carol Advertising on getting a billboard onto their property. They are cautious with working on a location to place it with Carol Advertising trying to get it between the hotel and the highway on the side where there are no guests. The guest rooms are along the long sides of the hotel and the shorter sides have stairwells and emergency exits. Mr.

Griffin states that the Planning Board had received the Lighting Plan the day prior to the meeting so they have not had time to all look at it. Carol Advertising's plan is not in front of the Planning Board to act on but it would not be able to be built if this application was approved as it is well within the 1000 feet radius of another sign. Mr. Bouley asks if a peer review of the lighting study would be appropriate. Mr. Griffin states that Watchfire is the company that will be installing it and had done the Lighting Plan and is unsure who it would go to if the Planning Board would pursue it. Mr. DiGiuseppe thinks that the board would look into having a similar third party look at the Lighting Plan and determine whether or not there is an adverse impact to the adjacent properties. Mr. Bouley was thinking a lighting engineer. Mr. DiGiuseppe agrees that it would be an engineering firm. Mr. Griffin states it would be something that the Planning Board would have to discuss with the applicant as it is normally funded by the applicant. Mr. Manoogian asks if there was a peer review on the last billboard that was approved. Mr. Griffin believes there wasn't and Mr. DiGiuseppe confirms there wasn't a peer review. Mr. Manoogian states he understands the what the Extended Stay Hotel is saying but feels that they have conflict of interest as they are working with Carol Advertising. Mr. Manoogian is against the peer review based on the conflict of interest stated. Mrs. Bikulege notes that she would also be against the billboard even if they weren't currently working with Carol Advertising based on location.

Mr. Richard Reed of Lighthouse Land Surveying wanted to show the board where the billboard would be positioned. Mr. Reed shows the billboard is 132 feet away from the physical building. The billboard is more north than the building of the resident's rooms and wouldn't see it unless they were looking for it. The current position of the billboard would only hit the side that doesn't have any residents with a short amount of light based on the Lighting Plan. Mr. Griffin notes that this is based off of the light reducing louvers that will be on the billboard which will be an enhancement on the standard billboard. Mr. Griffin asks to confirm that Mr. Reed is just the surveyor and not a light expert which Mr. Reed confirms. Mr. Bouley asks if the billboard could be moved or if it is dictated by the 1000-foot residential buffer. Mr. Reed states the wetlands are preventing it from moving further West. Mr. Manoogian adds that the billboard is within the 100-foot buffer zone which they are with the Conservation Commission about. Mr. O'Neil asks if the evaluation does go through that the peer reviewer also look at wetlands to see if they could go further west. Mr. Reed states that they have had their wetland scientists walk the property and the only other part that doesn't fall within the 100-foot buffer zone for wetlands is within the 1000-foot residential buffer. Mr. Manoogian does not wish to go to the Zoning Board of Appeals to request relief from the 1000-foot bylaw of the Town which Mr. Manoogian states may still not be allowed by the State of Massachusetts as they have a separate set of regulations they follow. Mr. O'Neil suggests notifying the abutter across the way as it could impact them since the first billboard didn't have abutters and even move it west a few more feet to completely avoid the Extended Stay America. Mr. Reed shows the closest abutter which is within the 1000-foot buffer and the house itself is 1500 feet away on Lake Winnecunnet with plenty of vegetation and trees to buffer the light from the billboard. Mr. O'Neil wants this home owner notified even though they are not an abutter. Mr. DiGiuseppe notes that the abutters list didn't go over the highway. Mr. Griffin states that given the Lighting Study there shouldn't be too much impact but it would certainly be in their field of view. Mr. Manoogian objects to the letter to the family on King Philip as they are not on the abutter's list they had filed. Mr. Griffin states that if the board is not intending to impose an additional notice requirement on the applicant and will be more of an informal note sent to the resident.

Mr. Hornsby motion to approve the application, there is no second. The motion fails.

Mr. Manoogian suggests continuing the application to gather information the board would like to see and asks when it would be continued to. Mr. DiGiuseppe states the next meeting will be on January 18, 2022. Mr. Manoogian states it should be enough time to get a revised site plan superimposing the lighting survey on it. Mr. DiGiuseppe notes that if they were to get a peer review it would probably take longer than two weeks. Mr. Bouley states that a peer review might not be necessary as the board has received the lighting study and if it was put on the plan and see how it lays out that it might be necessary. Mr. Manoogian suggests a request to continue the Special Permit in two weeks which will give them time to superimpose the lighting study on the site plan and get some quotes for engineers if needed. Mr. Griffin agrees with the suggestion and asks for Mr. DiGiuseppe's thoughts. Mr. DiGiuseppe states that it would take time to get an estimate together but there is a possibility the firms won't be used and will tell them that they might not be used. Mr. Hornsby states he is okay without having a peer review. Mr. O'Neil is not partial to a peer review and would like to see what the sign looks like from the ground up and what the louvers would look like to the side and notify the residents living on 92 King Philip Road. Mr. Manoogian still objects to the notification. Mr. Griffin asks if Mr. Bouley or Mr. Graf would like to have the peer review. Mr. Bouley and Mr. Graf state that they don't need the peer review. Mr. Bouley adds that if the lighting study could be on the site plan and locate the areas on the Extended Stay that would be affected. Mr. Griffin asks if the louver system is proprietary to Watchfire. Mr. Ross states that he can get a more detailed description of what they are and bring in someone who works there. Mr. Griffin would like to have someone brought in to explain the louver further.

Motion to continue SP-12587 to January 18, 2021 was made by Mr. Bouley and seconded by Mr. Hornsby. Roll Call; Mr. Graf Yes, Mr. Bouley Yes, Mr. O'Neil Yes, Mr. Hornsby Yes, and Mr. Griffin Yes.

Business and Policies

Mr. DiGiuseppe states that there is no current interest in replacing Mr. Scott Bichan's place on the Planning Board. The other Planning Board members up for election are Mrs. Oakley and Mr. O'Neil. Mr. Griffin asks to confirm the Town Hall allows people to walk in. Mr. DiGiuseppe confirms it is and predicts the next Planning Board meeting will also be virtual only. Mr. DiGiuseppe reminds the board that booster shots are available at the Town Hall January 5, 2022 at 10am to 3pm. Mr. Griffin states he had received his shot in December at the Town Hall. Mr. Peter Wiggins of 157 Mansfield Avenue, comments he has been given the booster already at Walgreens. Mr. O'Neil requests that the abutter on King Philips Road be notified about the billboard.

Adjournment

The motion to adjourn the January 4, 2022 meeting was done by Mr. Hornsby and seconded by Mr. Graf. Roll Call; Mr. Graf Yes, Mr. Bouley Yes, Mr. O'Neil Yes, Mr.

Hornsby, and Mr. Griffin Yes. Motion passes. The Planning Board Meeting from January 4, 2022 was adjourned at 9:29pm.

Minutes prepared and submitted by Bryan Carmichael, Department of Planning and Economic Development Administrative Assistant.

Minutes Approved on: JANUARY 18, 2022

Signature Paul D. Furgg