

**Norton Planning Board Minutes of Meeting
For
February 15, 2011**

Call to Order

The February 15, 2011 meeting of the Norton Planning Board was called to order at 7:15 P.M., by Mrs. Haracz, Chairman. Members Present: Mrs. Joanne Haracz, Chairman; Mrs. Marilyn Benaski; Mr. George Burgess; Mr. Joseph Fernandes; and Mrs. Cheryll-Ann Senior. Absent Members: Messrs. David Miller and Alec Rich.

Report of the Planning Board

Nothing was discussed.

Bills and Warrants

MOTION was made by Mr. Fernandes to approve Bills and Warrants in the amount of \$13,397.94, dated February 15, 2011. Second by Mrs. Benaski. Vote: Unanimous. MOTION CARRIES.

7:30 P.M. Public Hearing: Paul and Jean Lucier, pursuant to the Norton Zoning Bylaw, Article IV Use Regulations, for a Special Permit to allowing the keeping of two miniature horses on a lot of less than five acres. The lot is located at 16 Plain Street and is identified on Assessor's Map 17 as lot 76-01

Mr. Lucier said if the horse is above 34" in height it cannot be considered a miniature horse.

Mrs. Haracz said the Planning Board could put in clause as to the specific type of horse, etc.

Mrs. Benaski believed a stable permit was needed.. Animal Control Officer to inspect one time per year and a stable permit if a special permit.

Mr. Lucier should copy Planning Board on all documents to be part of special permit.

Mr. Fernandes spoke of some concern with the Lucier's original proposed shed. It appears new shed is closer to neighbor to right.

Mr. Lucier said new location of shed is about 500 feet from both homes/neighbors and one was house that had horses previously. A building permit/plot plan was discussed. It was decided Mr. Lucier should plan for new shed in new location.

MOTION was made by Mrs Senior to approve special permit for no more than two miniature horses; storage of waste in approved storage container and waste to be picked up and disposed of daily off-site, and copies of all corresponding documentation along with Board of Health involvement; and plot plan showing location of new shed (stable) to Planning Board, and a condition that animal control officer inspections to occur at least one time per year as required by law. Second by Mrs. Benaski. Vote: Unanimous. MOTION CARRIES.

7:30 P.M. Public Hearing: John Waitkus, for a Special Permit to allow the keeping of toxic and/or hazardous materials in quantities greater than those associated with normal household use on a lot located within the Water Resource Protection District and for Site Plan Review for a proposed building in excess of 2500 square feet with associated parking for commercial vehicles

Mr. Todd Pilling, owner of Pilling Engineering, was present on behalf of applicant, Mr. Waitkus. Mr. Pilling referenced a letter dated January 19, 2011 and plan dated January 18, 2011.

Mr. Pilling discussed item #1. Mr. Gabriel clarified DEP I.D. Number.

Mr. Gabriel said Norfolk RAM did not review plan that was now in front of Planning Board; they reviewed a different version. Mr. Gabriel spoke of three plans given to Board by Mr. Pilling and Norfolk RAMS comments on second plan. This is version 3 in response to Norfolk RAM'S comments, etc. and it is up to Planning Board's discretion to have it reviewed. They provided initial review and no money left in Town's account.

Mr. Fernandes said it appeared Norfolk RAM has not seen Mr. Pilling's responses.

Mr. Pilling said, no, he did not send to Norfolk RAM.

Mr. Gabriel said a hazardous liquid storage area inside building.

Mr. Pilling said diesel outside only; everything else inside.

Mr. Gabriel said a drain and berming around it. No specs on building.

Mr. Pilling said cement wall is to be secondary containment. Drain is in middle of building/floor. Discussion ensued.

Mr. Gabriel noted sediment forebay on plan with no spec for it and it was noted Mr. Pilling will provide spec.

Elevations discussed. Mr. Gabriel said 105 is elevation; probably need spot grades.

Mr. Pilling responded 105.5 in middle of it and he should use that. Mr. Pilling said he will revise plan since other things need to be added in.

Runoff discussed.

Mr. Gabriel said runoff prior to construction of stripping of land....processed gravel put in.

Mr. Pilling said now there is zero. Norfolk RAM did review and 40% zero runoff voids was too high and should have used 35%. Mr. Pilling said they used 4% void line; Norfolk RAM misinterpreted.

Mr. Gabriel asked what is being placed on pervious pavement?

Mr. Pilling responded they are driving vehicles on it; won't be parked on.

Mr. Pilling referenced moving containers; one is diving equipment; one was buoys; scaffolding; orange-construction barrels.

Mrs. Haracz said it appeared the moving containers hold materials to be used for jobs and are non-hazardous.

Mr. Pilling said Norfolk RAM identified hazardous items and they moved those materials inside building or sold.

Mr. Gabriel referenced buffer strip; section 6.6 zoning bylaws; should be 100' wide. Plan shows 20' and dotted line shows 100' buffer strip and line veers off to corner.

Mr. Gabriel said buffer strip is 100' parallel to I-80 district. Applicant is following a parcel line not a zone line. Discussion on zoning.

Mrs. Haracz said line should run parallel to zoning.

Mr. Pilling said he will move the line but he did not agree with it.

Mr. Fernandes said intent of bylaw discussed is to protect residential use from industrial use. He believed Mr. Pilling complied.

Mr. Gabriel said the storage trailers need to be out of that buffer zone because they do not conform. Discussion ensued.

Mrs. Senior referenced addendum of 40% issue (should be 4%) and important to advise Norfolk RAM of this.

Mr. Gabriel referenced infiltration basins and was not confident to say they are ok. He felt the Town's consultant should review.

Mr. Gabriel spoke of metal diesel tank with no roof on it.

Mr. Pilling responded it does not have a roof. It is basically a bathtub made out of fiberglass and Fire Dept. reviewed.

Mrs. Haracz had concerns with hazardous materials going into groundwater. Now a diesel gas tank is outside; need a spec on "bathtub"/containment.

Mr. Pilling said he could provide specs on "bathtub"/containment.

Mr. Fernandes asked about a pad for diesel tank?

Mr. Pilling said he could look into this.

Mr. Gabriel spoke of monitoring wells; he thought Mr. Pilling had agreed to install them.

Mr. Pilling said applicant's lawyer and town counsel discussed this through building inspector; it is off the table.

Mr. Gabriel spoke of the inspections/monitoring and Mr. Pilling's client's ability to maintain.

Mr. Pilling said they filed with Norton Emergency Management, Fire Dept., and Inspections.

Mrs. Senior referenced ACEC and asked if there was a "convention" to put in monitoring wells?

Mr. Gabriel said he needed to ask about Mrs. Senior's question.

Mr. Burgess asked if applicant ever appeared before the Planning Board?

Mr. Pilling responded, no, applicant felt Mr. Pilling could handle the meetings better than he could.

Mr. Fernandes said he felt dynamics is more instructional and Mr. Pilling has the expertise.

Mr. Gabriel referenced #7, earth removal, they should have gotten an earth removal permit. Far in excess of what would be allowed within an earth removal permit.

Mr. Pilling responded they did not take anything off-site.

Mr. Gabriel said, in his opinion, that language is so specific and person writing it states not taking it off lot; stripping it and stockpiling it, especially a concern in WRPD.

Mr. Pilling said he has aerial photos taken three weeks before they bought site; not sure what prior owner's actions were.

Mr. Pilling said they stripped off loam but did not do all of it and prior owner is now deceased.

Mr. Gabriel said if they did not do it then they do not need Permit.

Mr. Pilling said his client could not have moved all that earth around. Yes, they have stockpiled which is now existing. Loam to be spread.

Mrs. Haracz said it needs to be clear as to what they are storing/stockpiling.

Mr. Pilling said it is a 24' wide area of vegetation and white pines for vegetative screen.

Mrs. Haracz spoke of strip of trees and gravel on one-side.

Mr. Pilling said he can show what is vegetation area.

Discussion ensued on abutters.

Mr. Pilling discussed #10; 30-scale he did plans on and submitted waiver to Planning Board for site plan. He asked if Planning Board was ok with waiver? Planning Board was ok with this waiver.

Mrs. Haracz referenced specs on lighting and Board would like to confirm they do meet requirements.

#21-MEPA Permit- Planning Board recommended Mr. Pilling may want to look into this.

Mr. Gabriel said although the applicant "stripped and stockpiled loam" Mr. Pilling/applicant stated this in document.

Mr. Gabriel said the applicant stated he did not move 500 cubic yards of loam. Discussion ensued.

Test pit/elevations discussed.

#24-now they have cape cod berm.

Mrs. Haracz said it needs to be more clear on detail sheet.

Mrs. Haracz said to get special permit, the Planning Board needs to feel comfortable with the plans. Concern is stormwater system and issue of diesel fuel/concrete pad.

Mr. Gabriel said he would like to send this plan Board is reviewing tonight to Town's consultant engineer.

Planning Board decided to have Mr. Pilling make changes on plans and then send revised plan to Norfolk RAM.

MOTION was made by Mrs. Benaski to continue this Public Hearing to March 15, 2010 at 7:30 p.m. Second by Mrs. Senior. Vote: Unanimous. MOTION CARRIES.

Mr. Pilling said they are able to give Board members tours of site and asked them to advise him if they would like to do this.

MOTION was made by Mrs. Benaski to Adjourn at 9:48 p.m. Second by Mr. Burgess. Vote: Unanimous. MOTION CARRIES.

Respectfully Submitted by:

Janet Sweeney
Planning Board – Recording Secretary

Documentation Reviewed/Distributed – 2/15/11 Planning Board Meeting:

. Plan for John Waitkus (Version 3) – dated January 18, 2011, provided at February 15, 2011 Planning Board meeting by Mr. Todd Pilling, Engineer for applicant.

. Letter, dated January 19, 2011, from Mr. Todd Pilling, Engineer, in response to Norfolk RAM's comments/concerns.