



**PLANNING BOARD**  
**NORTON, MASSACHUSETTS**

**Norton Planning Board Minutes of Meeting**  
**For**  
**December 6, 2011**

**Call to Order**

The December 6, 2011 meeting of the Norton Planning Board held in the first floor Selectmen's Conference Room in the Municipal Center, was called to order at 7:15 p.m., by Mrs. Haracz, Chairman. Members Present: Mrs. Joanne Haracz, Chairman; Mr. David Miller, Vice-Chair; Mr. George Burgess; Mr. Alec Rich; and Mr. Patrick Daly. Mr. Joseph Fernandes arrived at 7:17 p.m. Mrs. Marilyn Benaski was absent. Mr. Charles Gabriel, Town Planner, was also present.

**Report of Planning Board**

Mr. Miller referenced High Tech Auto's EMC board/static images and moving images may be stretching the requirements.

At 7:17 p.m. Mr. Fernandes arrived.  
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Mr. Burgess referenced South Washington Street; John Waitkus property.

Mr. Gabriel said three wells were installed. A cease and desist letter was sent and taking an effort to get things moving forward again.

Mr. Gabriel said term he would use is it is an "encumbrance". If special permit is not recorded then it should not be in effect; will wait to see what letter from town counsel states.

Mr. Gabriel stated he told applicant he did not think well should be installed unless Norfolk Ram (Town's engineering company) was present. He believed Water Superintendent, Mr. Knapp, Town Manager, and Building Inspector were on-site. Applicant is not intending to record special permit. He is in violation as he also is with certain materials he has on-site.

Mr. Gabriel said he asked Building Inspector to give him and Board a copy of letter once it is sent out. Attorney Ilana Quirk, of Kopelman and Paige is Town's contact and he spoke to her about this. Building is up without a permit also. Apparently a surveyor was out at site.

Mr. Fernandes said it did not make sense to him. Discussion ensued.

Mr. Burgess said it appears no one follows through and there is a lack of communication.

Mr. Gabriel said this project was in and up and running, then applicant applied for a special permit after all was done.

Mr. Gabriel indicated to Board that an ANR did come in to his office, however, it is not on agenda. Applicant is here in audience and Planning Board may consider dealing with it this evening or not.

Mrs. Haracz said it would not be a problem to hear it this evening. but will need to place it after the 7:30 public hearing.

**Approval of Minutes**

There were no Minutes reviewed/approved.

**Planning Board Business and Policies**

Schedule of future Planning Board meetings to be held January 3 and 17; and February 7 and 21, 2012.

**Bills and Warrants**

**MOTION was made by Mr. Miller to approve Planning Board Bills and Warrants, dated December 6, 2011, in the amount of \$3923.31. Second by Mr. Burgess. Vote: Unanimous. MOTION CARRIES.**

**7:30 public hearing – Mr. David Azanow – 55+ Project**

Mr. Azanow said his project was approved when it was a commercial zone and zoning subsequently changed to Village Commercial. He said he has been released from consideration regarding Southcoast Rail (rail is to now run parallel on Route 138-Taunton).

Mr. Azanow said he would like the over 55 provision removed from special permit and he spoke to Mr. Gabriel about this and research has been done. There are 26 planned units.

Mr. Gabriel referenced old zoning; a certain density calculated one way and new zoning calculated another way. Village Commercial has some requirements with duplexes, and Mr. Azanow has planned duplexes and two or three tri-plexes. Mr. Gabriel would like to have Town's engineer see changes, etc. Over 55 designation is simply decision of the Planning Board.

Mr. Azanow said he had discussions with Mr. Yarworth of Yarworth Engineering.

Mrs. Haracz stated there was nothing on the plan that states it conforms to the new zoning.

Mr. Azanow responded it was a change to pre-existing permit.

Mrs. Haracz said Planning Board could require a revised plan.

Mr. Azanow said if they do “go down that road”, he could possibly require more density. There were some neighbors in audience this evening and they have no problems with it.

Mrs. Haracz said it is necessary to have everything “spelled out” on plan.

Mr. Fernandes said a 55 and over community is desirable to the Town as there would be no school aged children. Discussion followed.

Mrs. Haracz said she personally has no problem with it.

Planning Board perused plans by Yarworth Engineering.

Mr. Gabriel said they are probably looking at a minor modification. Calculations on plan all reference commercial.

Mrs. Haracz asked Mr. Azanow to resubmit the sheet that shows information. The Planning Board is not asking him to reapply; just to attach plan sheet(s).

Mr. Dan Mahoney of 215 South Worcester Street said he would be happy with 26 units and he preferred to keep density down.

Mrs. Haracz said it makes sense for plan to be updated; not asking for a major redesign (density of 26 and will also save Mr. Azanow money).

Mrs. Haracz said it appears Planning Board generally agrees and applicant to come back to Planning Board with correct zoning and calculations.

Discussion ensued on "55+". Mrs. Haracz said special permit had conditions in it, so because of that public hearing needed.

Mrs. Haracz suggested to approve modification with special permit and applicant revise sheet 2 and sheet 3 and reattach them to recorded plans and that should address issue.

**MOTION was made by Mr. Fernandes to approve modification to special permit, to remove age restrictive community and to allow 26 units on plan and applicant to revise sheet 2 and sheet 3 and reattach them to recorded plans. Second by Mr. Miller. Vote: Unanimous. MOTION CARRIES.**

**ANR (Approval Not Required)**

Mr. Mark Allen of Allen Engineering was present on behalf of potential purchaser of land, and described a 60 acre property that government auctioned off. This is Hill Street/Crane Street area and as part of sale of property a contingency (Lot 1 cut out of 60 acres). He would like to have ANR signed and government retain Lot 1 and his client to retain Lot 2.

Distributed to Planning Board was plan drawn by Cullinan Engineering-plan of land South Washington Street and Hill Street prepared for Commonwealth of Massachusetts, Executive Office for Administrative and Finance Division of Capital Asset Management.

**MOTION was made by Mr. Burgess to approve plan of land for South Washington Street/Hill Street for Commonwealth of Massachusetts, dated 4/27/11. Second by Mr. Rich. Vote: Unanimous. MOTION CARRIES.**

Planning Board signed mylar.

**Documents Reviewed/Distributed at Planning Board Meeting of December 6, 2011**

. Plan presented to Planning Board on 12/6/11, prepared by Yarworth Engineering for David Azanow (26-unit duplex and tri-plex project)

. Plan drawn by Cullinan Engineering-plan of land - South Washington Street and Hill Street prepared for Commonwealth of Massachusetts, Executive Office for Administrative and Finance Division of Capital Asset Management.

Mr. Gabriel asked Board if any member was able to visit DiMascio development?

Mr. Miller said he has been by DiMascio property and resident that made original complaint has now sold his house.

**MOTION was made by Mr. Fernandes to release surety in the amount of \$6,000 to Perry & Feck. Second by Mr. Miller. Vote: Unanimous. MOTION CARRIES.**

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Mr. Gabriel said Mr. Pasqualino is moving forward on self-storage facility. Mr. Gabriel heard one dwelling is facing the rear. Drainage is under control by Town's consultant, Norfolk Ram and he will find out more info about building. Mr. Gabriel said he met Mrs. Benaski at site and all trees had to be taken down and berm to be put in to connect with existing berm. It will not be open for business until berm is completed.  
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Mr. Fernandes commented that Hi-Tech Auto has a new awning. Discussion ensued on the mezzanine issue at High-Tech Auto; is it blocked off or not existing? Discussion ensued.  
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Mrs. Haracz referenced the next Planning Board meeting of December 20<sup>th</sup>, if nothing is on agenda, it may be canceled.

**Adjournment**

**MOTION was made by Mr. Fernandes to Adjourn at 8:12 p.m. Second by Mr. Burgess. Vote: Unanimous. MOTION CARRIES.**

Minutes Approved by Committee on: 1/17/12  
(Date)

Signature: Janet A. Sweeney

Chairman: Thomas Haracz

Respectfully Submitted,

Janet A. Sweeney  
Planning Board – Recording Secretary