



PLANNING BOARD
NORTON, MASSACHUSETTS
Norton Planning Board Minutes of Meeting
For
AUGUST 6, 2013

Call to Order

The August 6, 2013, meeting of the Norton Planning Board, held in the first floor Selectmen's Conference Room, 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. Edward Beatty; Mr. George Burgess; Mr. Patrick Daly; and Mr. Joseph Fernandes. Absent: Mr. Scott Nichols. Also present was Mr. Charles Gabriel, Town Planner.

Report of the Planning Board

It was noted by Mr. Burgess that Waste Management was progressing and it was very impressive.

Approval of Minutes

June 18, 2013:

MOTION was made by Mr. Burgess to approve the Planning Board Minutes of Meeting, dated June 18, 2013, as written. Second by Mr. Daly. Vote: All members voted In Favor of Motion, except for Mr. Nichols voting "present". MOTION CARRIES.

Report of the Town Planner

Mr. Gabriel explained that Mr. Clemmey was present in audience this evening, and asked if Board would be opposed to hearing Mr. Clemmey. The consensus of Planning Board was to hear Mr. Clemmey this evening.

Future scheduled Planning Board meetings to be held: September 3 and 17; and October 1 and 15, 2013.

Planning Board Business and Policies

Bills and Warrants

MOTION was made by Mr. Beatty to approve Planning Board Bills and Warrants in the amount of \$4,700.02. Second by Mr. Burgess. Vote: Unanimous. MOTION CARRIES.

Mr. Clemmey-East Main Street Property

Mrs. Haracz said since they had about five minutes before the scheduled public hearing, if it was agreeable with Planning Board members, they could hear Mr. Clemmey at this time.

Mr. Clemmey stated he had hoped to move forward with some plans for Route 123 property, however, it is now August 6th and he was concerned with warrant closing on 19th, and not yet on Board of Selectmen's agenda. He said it appeared there has been no movement forward and wanted to be advised of what status was.

Mrs. Haracz said the Planning Board has not yet had a chance to have a full discussion with Board of Selectmen, and not certain if it would be placed on Fall Warrant.

Mr. Clemmey stated he was disappointed and said it needed further discussion.

Mrs. Haracz said at this stage, it appeared they cannot move forward due to time issue.

Mr. Fernandes noted the last meeting of the Planning Board was cancelled, and questioned if they could submit an Article?

Mr. Gabriel explained Town Manager felt Board of Selectmen would not support this. He understood that the initial proposal of Mr. Clemmey was a gas station. It was zoned residential.

Mr. Clemmey said he bought this property in 2003 and it was advertised to him as zoned village commercial; even the former Norton building inspector, at that time, thought it was. He said it was zoned residential with business use (predated zoning). He said he needs to move forward; possibly a retail establishment.

Mr. Gabriel said, it was his understanding, initially the plans were for a gas station to be placed at this location, and subsequently some talk of a convenience store. A change in zoning opens it up to many different uses. Some uses are appropriate and some are inappropriate. A gas station could not be built there.

Mr. Clemmey responded he understood a gas station could not be put in that location.

Mr. Gabriel said he believed Board of Selectmen have concerns with it.

Mr. Clemmey said there is no review of what proposal will be; no opportunity. He was not asking for use changes. He felt they have not been given due process and he has not seen process move forward. No progress.

Mr. Fernandes said Mr. Clemmey had option to petition the Board of Selectmen directly. He noted Village Commercial is nearby. It appears a response to request is needed; either Planning Board sponsors an article or Mr. Clemmey does it directly.

Mr. Daly said this made sense to him at a previous meeting; why not move forward now? Discussion ensued.

Mr. Gabriel wanted to clarify that this cannot be spot zoned and discussed the possibility of opening it up to "any" use.

Mr. Clemmey asked that the Planning Board put it forward at least, and he thanked the Board.

Mr. Fernandes said it could possibly be specified it would be a certain distance back from a certain point.

At 7:30 p.m., this discussion was Tabled to later in meeting since there was a scheduled public hearing on agenda this evening.

7:30 P.M. Public Hearing: continued from July 9, 2013, South Shore Millwork to construct a 15,000 square foot addition at 7 Maple Street, Norton, MA South Shore Millwork has previously been approved for a 30,000 square foot addition which, to date, has not been constructed. The proposed 15,000 square foot addition will enlarge the perimeter of the previously approved building thus creating a 45,000 square foot addition

An engineer from RIM Engineering was present along with Mr. Maloon of RIM Engineering.

It was noted the size of boulders was added to detail sheet (3200 lbs. and other notation of depth of crushed stone). General overview provided.

Mr. Gabriel referenced a letter dated August 2, 2013 from Amory Engineering expressing concern and a letter dated August 5, 2013 from Mr. Maloon of RIM Engineering in response, and letter dated August 6, 2013 from Amory indicating they were satisfied with response.

RIM Engineering said lighting in back been changed to two; not one wall pack and is dark-sky compliant.

Mrs. Haracz said vertical 10' wall was addressed with description provided by engineer. Discussion ensued on changes, etc.

Mr. Maloon stated it will be necessary to excavate to ensure proper draining.

Board asked what happens with excavated material?

Mr. Jeff Burton, owner, responded it gets sold from excavation to local developments in area.

Mrs. Haracz noted fire lane was not shown on last plan.

RIM Engineering responded it is not shown; it is paved. Discussion on sprinklers/fire hydrants.

Mr. Burton responded he discussed fire lane only with Deputy of Fire dept.

Mrs. Haracz stated any plans for sprinklering should be made through Fire Dept.

MOTION was made by Mr. Burgess to close Public Hearing-South Shore Millwork. Second by Mr. Beatty. Vote: Unanimous. MOTION CARRIES.

Mrs. Haracz said orders of conditions and vote to occur at next meeting.

Continuance of discussion with Mr. Clemmey, which was Tabled earlier in meeting:

Zoning was discussed (extending west from Elm Street, but keeping Miller Terrace residential home out of that zone). Village Commercial depth of 550' from East Main Street and continue to lot.

MOTION was made by Mr. Fernandes to extend village commercial zone westerly for depth of 425' on East Main Street until it meets Lot 98 on Miller Terrace and zone line then to follow southerly line of lots 98, 49-01, and lot 49 on Miller Terrace (lot 48 or 144 on Elm Street and follow respective property line)

Discussion: Mr. Fernandes noted in zoning book it clearly states 550'. Should this be changed on this zoning map and continue line westerly to Miller Terrace? Discussion ensued.

Clarification that "beginning at that point, village commercial 425' perpendicular to East Main Street that village commercial be extended to that point westerly of lots 98 until it hits Elm Street." Second by Mr. Beatty. Vote: Unanimous. MOTION CARRIES

Mr. Clemmey thanked the Board for their consideration, and said he could assist with any costs with engineering, etc.

Medical Marijuana bylaw discussion

Mrs. Haracz said they are awaiting on draft from Kopelman & Paige.

Mr. Gabriel provided an overview, and referenced some correspondence from Kopelman & Paige. Mr. Gabriel focused on draft bylaw. He stated an adult book store is allowed in industrial district. Sketch provided by Mr. Gabriel; a copy of existing industrial district to scale of 1000'. He said they can include or exclude cemeteries. It can be treated similar to an adult book store and insert "medical marijuana dispensary". He said he had a discussion with town counsel and it is ok to include cemeteries too. The Planning Board would review it and tweak it. Public hearing would be scheduled in future.

Mr. Gabriel suggested to eliminate paragraph of "Overlay District" and start with "Purpose". Mr. Gabriel further explained/reviewed.

Mrs. Haracz suggested to eliminate "cemeteries".

Mr. Gabriel said to include 1000' from any other zoning district.

Mr. Fernandes spoke of childcare facilities being a concern if in close proximity. Discussion ensued.

It was discussed if zoning can be applied to another town like Taunton? Mr. Gabriel said he would need to check into it with town counsel.

Mrs. Haracz suggested to leave nine items in. Instead of calling it an "overlay"; it is allowed in industrial zone within 1000'.

Mr. Fernandes asked why there is a hurry to do this as there is a year moratorium?

Straw vote consensus was 1000' from another zoning district and 1000' from another use within that 1000'.

Discussion ensued on limitations on size of building?

It was noted the town of Dennis, Massachusetts is not to exceed 2500 square feet regarding building size.

Mr. Gabriel communicated he can ask town counsel about restricting size of building; and possibly restricted under terms of special permit. Discussion followed.

Mr. Beatty spoke of growing inside building. Mr. Gabriel said it can be outside too (agricultural use).

Mr. Gabriel said an Article would be typed up from this document with changes, etc. then public hearing to occur, and then to Town Meeting. It was reiterated to clarify the zoning issue with other neighboring towns.

MOTION was made by Mr. Burgess to place this medical marijuana bylaw on Town Warrant and recommend draft to Board of Selectmen to be placed on Warrant with Public Hearing to occur before Town Meeting. Second by Mr. Beatty. Vote: Unanimous. MOTION CARRIES.

Adjournment

MOTION was made by Mr. Miller to Adjourn at 9:05 p.m. Second by Mr. Burgess. Vote: Unanimous. MOTION CARRIES.

Respectfully Submitted by:

Janet A. Sweeney, Planning Board – Recording Secretary

Minutes Approved by Committee on: _____

9/17/13
(Date)

Signature: _____

Joanne Haracz

Chairman: _____

JOANNE HARACZ

Documents Reviewed/Distributed at Planning Board Meeting of August 6, 2013

- . Draft Planning Board Minutes dated 6/18/13
- . Letter August 2, 2013, from Amory Engineers re: comments/concerns re: South Shore Millwork
- . Letter dated 8/5/13 from Mr. Ralph Maloon of RIM Engineering in response to Amory Engineers August 2, 2013 letter re: South Shore Millwork
- . Letter dated 8/6/13 from Amory Engineers in response to RIM Engineers/Mr. Maloon's letter dated August 2, 2013, regarding their satisfaction to prior concerns re: South Shore Millwork
- . Document entitled: "General Requirements and Conditions for all Medical Marijuana Facilities"