

Norton Planning Board Minutes of Meeting
For
June 3, 2014

Call to Order

The June 3, 2014, 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; and Mr. George Burgess; Mr. Patrick Daly; and Mr. Scott Nichols. Mr. Joseph Fernandes and Mr. David Miller arrived at 7:18 P.M. Also present was Mr. Charles Gabriel, Town Planner.

Report of the Planning Board

Mr. Burgess indicated his concerns with South Shore Millwork and questioned if there was any "Conservation" issue?

At 7:18 P.M., both Mr. Fernandes and Mr. Miller arrived to meeting.

Mr. Gabriel responded there was no building permit and he indicated he had a conversation with the Building Inspector.

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Mr. Miller stated there was minor activity at storage units facility on Route 123 (near the former Gold's Gym).

Approval of Minutes

April 15, 2014:

MOTION was made by Mr. Miller to approve the Planning Board Minutes of Meeting, dated April 15, 2014, as amended. Second by Mr. Fernandes. Vote: All members voted In Favor of Motion, except for Mr. Nichols, Mr. Burgess, and Mr. Daly who voted "present".

Report of the Town Planner

Mr. Gabriel said the Special Permit for Penske Trucking is planned to be on the next Planning Board meeting agenda.

Planning Board Business and Policies

Future Planning Board meetings to be held July 8 and 22; and August 12 and 26, 2014.

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Mr. Gabriel stated there was someone in audience, Mr. Maron, hoping to be heard this evening, but was not officially on agenda. It was discussed they would hear Mr. Maron later in meeting.

Bills and Warrants

MOTION was made by Mr. Beatty to approve Planning Board Bills and Warrants, dated June 3, 2014, in the amount of \$4,556.29. Second by Mr. Burgess. Vote: Unanimous. MOTION CARRIES.

Approval Not Required Plan:

<u>Applicant Name</u>	<u>Date Filed with Town Clerk</u>
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Francis J. Reilly	May 8, 2014
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It was noted this went through Conservation Commission and Land Preservation Society. This is along Crane Street and Three Mile River. It was conveyed through Land Preservation Society; not a buildable lot. Mylar was submitted previously.

MOTION was made by Mr. Burgess to approve Plan of land on Crane Street, dated 5/28/14, drawn by Outback Engineering, for Francis J. Reilly. Second by Mr. Beatty. Vote: Unanimous. MOTION CARRIES.

7:30 P.M. Public Hearing: Mary Jo Estate, a 4 lot subdivision located off East Hodges Street,
continued from May 6, 2014

Mr. Yarworth of Yarworth Engineering, was present on behalf of applicant and said he went back to 1997 in Conservation Department files and could not tell if cart path was approved. He distributed documents to Board.

Distributed to Planning Board: "Mass Dept. of Environmental Protection - WPA Form 8B – Certificate of Compliance" and "1994 Original Subdivision Plan - Salbee Farms, Norton, MA, Biltmore Realty Trust". Also distributed to Board was "Lot 4 – Shape Factor Square Foot Total" document.

Underground utilities were discussed.

Mr. Yarworth stated he heard back from Natural Heritage.

Mrs. Haracz said there was no request for waiver for utilities; so they should be underground.

Mr. Yarworth referenced well water with hydrant in front. He was looking for guidance from Planning Board; and needed to come back with a Form A.

It was noted without back land attached, Lot 4 does not meet requirements.

Mr. Yarworth said before the Board signs mylars, he will come back with an ANR. Discussion ensued.

Mr. Gabriel said the Planning Board has a right to ask for these lots to be combined.

Mrs. Haracz said she was personally not that comfortable with Lot 4. Discussion ensued.

Mr. Yarworth said he has provided density; not changing lot lines.

It was discussed the Board should take a "Straw Poll" of Lots 3 and 4:

Mr. Fernandes referenced area of cart path and said it is contiguous and dates back to 1994/1995; density not a problem.

Mr. Nichols said he did not attend the last meeting.

Mr. Miller said he was ok with Lot 4.

Mr. Burgess said he did not attend the last meeting.

Mr. Beatty said he was ok with Lot 4.

MOTION was made by Mr. Beatty to Close the Public Hearing. Second by Mr. Burgess. Vote: Unanimous. MOTION CARRIES.

Preliminary subdivision plan: "Countryside Estates" a four lot subdivision submitted by Craig Cygawnoski to be located off of South Worcester Street on land located between South Worcester Street and the MBTA railroad and identified on Assessor's Map 27 as parcel 193

It appeared the applicant was not present/not in audience. Plan, drawn by RIM Engineering, was distributed.

Mrs. Haracz said it appeared wetlands were flagged in 2002 and were outdated. She said this area looks marginal/low.

Mr. Gabriel said it needs two special permits.

Mrs. Haracz said more info was needed on this. Also, there is no grading shown and has high ground water with no sewer shown.

Mrs. Haracz said it was important to have RIM Engineering (Mr. Maloon) in before the Planning Board.

MOTION was made by Mr. Burgess to continue this to June 17, 2014. Second by Mr. Beatty. Vote: Unanimous. MOTION CARRIES.

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Mr. Maron-restrictive covenant on land off Cobb Lane:

Board unanimously agreed to add Mr. Thomas Maron to this evening's agenda.

Mr. Maron explained a restrictive covenant release on Cobb Street extension; approximately 20,000 square foot lots (wanted to release the restrictive covenant).

It was noted it was a small lot and the "Paper road" was discussed.

Mrs. Haracz said paper roads do not exist as a road. More info on this property was needed and also need to obtain more details. Discussion ensued.

Discussion by Mr. Maron explaining in 2002 there was a restrictive covenant placed on this. Covenant enacted to not build more houses.

Distributed document: "Norton Grove Annex, Norton, MA" showing lots and was reviewed by Planning Board.

Mr. Gabriel explained property is in a 40,000 square foot zoning district. Mr. Maron still needed to seek a variance by ZBA.

Mrs. Haracz said no decision can be made this evening.

Mr. Fernandes commented that 40,000 square foot zoning, even with restriction lifted, still did not meet frontage and area.

Mr. Maron said he now resides in a Norton mobile park and wanted to provide his wife a home next to her mother.

Mrs. Haracz reiterated they need to further research this issue.

Mr. Gabriel discussed the possibility of lifting covenant and ZBA can review as a hardship. Discussion ensued.

Mrs. Haracz asked Mr. Gabriel to look into history and research this.

It was discussed this will be continued to June 17, 2014.

Adjournment

MOTION was made by Mr. Burgess to Adjourn at 8:38 p.m. Second by Mr. Beatty. Vote: Unanimous. MOTION CARRIES.

Respectfully Submitted by:

Janet Sweeney

Planning Board - Recording Secretary

Minutes Approved by Committee on: _____
(Date)

Signature: _____

Chairman: _____

Documents Reviewed/Distributed at Planning Board Meeting of June 3, 2014

- . Draft Planning Board Minutes, dated April 15, 2014

- . Planning Board Bills and Warrants/Payables, dated June 3, 2014, in the amount of \$4,556.29

- . ANR (Approval Not Required) - Plan of land on Crane Street, dated 5/28/14, drawn by Outback Engineering, for Francis J. Reilly

- . "Mass Dept. of Environmental Protection - WPA Form 8B – Certificate of Compliance"; "1994 Original Subdivision Plan - Salbee Farms, Norton, MA, Biltmore Realty Trust"; and "Lot 4 – Shape Factor Square Foot Total" document in reference to Mary Jo Estate, a 4 lot subdivision located off East Hodges Street

- . Preliminary subdivision plan: "Countryside Estates" a four lot subdivision submitted by Craig Cygawnoski to be located off of South Worcester Street on land located between South Worcester Street and the MBTA railroad and identified on Assessor's Map 27 as parcel 193, drawn by RIM Engineering

- . "Norton Grove Annex, Norton, MA" document regarding Mr. Maron/restrictive covenant on land off Cobb Lane