

Norton Planning Board Minutes of Meeting  
For  
January 20, 2015

**Call to Order**

The January 20, 2015, 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; Mr. Joseph Fernandes; and Mr. David Miller. Absent: Mr. Scott Nichols. Also present was Mr. Charles Gabriel, Town Planner.

**Report of the Planning Board**

Nothing was discussed.

**Approval of Minutes**

December 16, 2014:

**MOTION was made by Mr. Beatty to approve the Planning Board Minutes of Meeting, dated December 16, 2014, as written. Second by Mr. Miller. Vote: Unanimous. MOTION CARRIES.**

**Planning Board Business and Policies**

Planning Board meetings for March will be planned for March 3 and March 17, 2015.

Mr. Daly noted he will not be present for the February 17 meeting.

**Report of the Town Planner**

Mr. Gabriel stated the next scheduled Planning Board meeting on February 3, 2015, will have the solar project for landfill on agenda.

**Bills and Warrants**

Jay Zola re: surety for Autumn Lane

Mr. Zola of 12 Colonial Drive, Mansfield, MA, spoke of the lenders agreement.

Mr. Gabriel stated he had a copy of security agreement. He explained it was three lots and modified special permit and the Board already approved the surety amount. A number of things need to be done before he gets building permit.

Mr. Fernandes spoke of an instance that he was aware of where the FDIC stepped in and said proceeds were from a loan and FDIC could not insure the surety.

Mr. Zola stated this was a small project.

Review draft decision for Norton Solar I (Wheaton/Clapp Street) proposed solar facility

It was noted the Public Hearing was closed, therefore no more information could be taken. This is for the Special Permit and Site Plan approval for proposed facility on Clapp Street; final info from applicant.

Plan entitled, "Site Plans: date issued 7/10/14-VHB: owner; Wheaton College: applicant : Norton Solar latest issue 12/12/14.

It was noted members of the Board who were not present for the December 2 and 16 meeting reviewed the video tape.

Mr. Fernandes asked about the fencing color and insertion of vinyl slots in plan?

Mr. Gabriel responded they were not on plan. On C-4- is chain link fence detail.

Mrs. Haracz asked for clarification on fence.

Mr. Chapman, applicant, said they had fence per Mass Electric, so had not planned on slats because of screening.

Color was discussed and it was noted the color black was the ideal color.

Mr. Chapman said he had no problem with color being black.

Mr. Fernandes noted in language of draft Decision it stated "30% reduction in bill"; it needs to be corrected as it would be rate not bill.

Discussion on reduction on rate. The concern of Board was if house changes hands within one year, homeowner would not receive the reduction in rate.

Mr. Chapman responded per National Grid, whoever lives in those houses gets a 30% discount and if someone moves in they may have to wait a couple of months.

Mrs. Haracz said this language needs to be edited stating "those residents or successor residents during life of solar farm" receives rate reduction.

Mr. Chapman spoke of an opt-in as allowed by National Grid per their requirements.

Mrs. Haracz said "in accordance with National Grid account" phrase needs to be added in.

Mr. Chapman said he will need something regarding this from National Grid.

Mr. Gabriel said he will try to call National Grid and work on it.

#4- Cutting down of trees prior to getting building permit. Trees to be in first and having a bond discussed. Planning Board consensus was plantings should take place prior to installing solar panels, etc.

Mr. Gabriel said the Planning Board can make determination of it if it should be seen at all.

Mr. Fernandes said they need to literally be reasonable and should insert word "reasonably" at outset at 5b he recommended. "Showing trees. . . for the reasonably blocked views."

#4 – Discussion on planting of trees prior to installing solar array of panels and maintain them for ten years. Prior to commencing operation, a bond will be posted (\$25,000 or 10% the cost of such plantings). The cost to plant will be provided to the Board.

Mr. Chapman responded the plants were \$221,000. It was decided \$25,000 or 10% to add in "whichever is greater".

#6 – Times of construction discussed. It was decided Monday through Friday 7 a.m. to 6 p.m.; 7 a.m. to 12 noon on Saturday.

Prior to operating there needs to be something definitive, "Certificate of Completion" from Town electrical inspector.

Language should read: "Prior to commercial operation, the Town will issue a Certificate of Completion and the applicant shall post the bond."

Mrs. Haracz communicated to Mr. Gabriel the other item to add was the black vinyl chain link fence.

Mr. Daly asked if anyone checked with Conservation Commission regarding gap at bottom of fence?

VHB engineer said they did request that of Conservation Commission and it is before them but have not made decision yet.

Mrs. Haracz suggested to add in language of "black vinyl fence and bottom elevation as determined by Conservation Commission".

**MOTION was made by Mr. Fernandes to approve Special Permit for Norton Solar I (Wheaton/Clapp Street) proposed solar facility, subject to conditions listed and amended as a result of this evening's Planning Board meeting. Second by Mr. Miller. Vote: Roll Call:**

**Mr. Daly voted Not In Favor of Motion**

**Mr. Fernandes voted In Favor of Motion**

**Mr. Miller voted In Favor of Motion**

**Mr. Burgess voted Not In Favor of Motion**

**Mr. Beatty voted In Favor of Motion**

**Mrs. Haracz voted In Favor of Motion**

**MOTION DOES NOT CARRY (Vote: 4:2)**

MOTION was made by Mr. Miller to approve Site Plan for Norton Solar I (Wheaton/Clapp Street) proposed solar facility Second by Mr. Fernandes. Vote: Roll Call:

**Mr. Daly voted Not In Favor of Motion**

**Mr. Fernandes voted In Favor of Motion**

**Mr. Miller voted In Favor of Motion**

**Mr. Burgess voted Not In Favor of Motion**

**Mr. Beatty voted In Favor of Motion**

**Mrs. Haracz voted In Favor of Motion**

**MOTION DOES NOT CARRY (Vote: 4:2)**

Mr. Fernandes said he was respectful of the "not in favor" votes, but where they have come this far, he asked if any portion of this is problematic that can be corrected.

Mr. Burgess stated his feeling is it is in a residential area and putting industrial in it is not a good idea.

Mr. Daly agreed with Mr. Burgess.

Mrs. Haracz asked if there was any modification of plan to change views?

Mr. Douglas of Wheaton College asked if the non-present Planning Board member was eligible to vote?

Mrs. Haracz responded, no, that member missed too many meetings.

Mr. Fernandes said then the Board needs to revisit the solar bylaw.

Mr. Gabriel said the upcoming proposed landfill solar project is also in a residential district. There may be instances possible where it is not a problem and instances where it is a problem.

VHB engineer asked if it was the use which was the issue?

Mr. Daly said it was the screenings and objection of neighbors, etc. He did not see it working for this site/location. He said as a member of the Planning Board he was elected to work for the people of this Town.

Mr. Burgess agreed and said the Board is here to work for the residents of Town. He said he also felt the project could have been moved back further.

Mr. Chapman said for clarification, could he ask for a full Board vote? It is a huge disadvantage to him by missing one vote and he has spent a lot of money. He was wondering if he could request that particular member to vote.

Mrs. Haracz said the other Board member has missed too many meetings. This is structured by law and the other member would only be able to vote "present".

Approval Not Required Plan:

<u>Applicant Name</u>	<u>Date Filed with Town Clerk</u>
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<b>Thomas and Alice Upton</b>	<b>January 12, 2015</b>
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It was noted this Plan of Land was on North Worcester Street .

Mr. Gabriel noted it has frontage, etc.

**MOTION was made by Mr. Miller to approve Plan of Land for Thomas and Alice Upton, dated January 12, 2015. Second by Mr. Beatty. Vote: Unanimous. MOTION CARRIES.**

Applicant Name                      Date Filed with Town Clerk

**Philip Stepanek                      December 19, 2014**

This plan was drawn by RIM Engineering. They appear to be changing straight line to a crooked line to get frontage. It was noted it has frontage/bounds, etc. This location is just before Route 495.

**MOTION was made by Mr. Fernandes to approve Plan of Land for Philip Stepanek, drawn by RIM Engineering, dated December 19, 2014. Second by Mr. Beatty. Vote: Unanimous. MOTION CARRIES.**

Applicant Name                      Date Filed with Town Clerk

**Marjorie Devlin                      December 18, 2014**

This is the former nursing home on Old Colony Road.

Mr. Gabriel said it was zoned commercial and needs 120'. It was noted it was pretty straightforward.

**MOTION was made by Mr. Fernandes to approve ANR drawn by RIM Engineering, dated December 15, 2014 for Marjorie Devlin. Second by Mr. Beatty. Vote: Unanimous. MOTION CARRIES.**

**Adjournment**

**MOTION was made by Mr. Fernandes to Adjourn at 8:55 P.M. Second by Mr. Beatty. Vote: Unanimous. MOTION CARRIES.**

Respectfully Submitted by:

Janet A. Sweeney  
Planning Board – Recording Secretary

Minutes Approved by Committee on: \_\_\_\_\_  
(Date)

Signature: \_\_\_\_\_

Chairman: \_\_\_\_\_

Documents Reviewed/Distributed at Planning Board Meeting of January 20, 2015

- . Draft Planning Board Minutes of Meeting dated December 16, 2014
  
- . Draft Decision for Norton Solar I (Wheaton/Clapp Street) proposed solar facility
  
- . ANR (Approval Not Required) Plan of Land for Thomas and Alice Upton on North Worcester Street, dated January 12, 2015
  
- . ANR (Approval Not Required) Plan of Land for Philip Stepanek, drawn by RIM Engineering, dated December 19, 2014
  
- . ANR (Approval Not Required) Plan of Land on Old Colony Road, drawn by RIM Engineering, dated December 15, 2014 for Marjorie Devlin