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**Town of Norton Planning Board
Meeting Minutes
October 13, 2015**

Call to Order/General Business

The October 13, 2015, meeting of the Norton Planning Board, was held in the first floor Selectmen's Conference Room, of the Norton Town Hall and was called to order at 7:15 P.M., by Joanne Haracz, Chairman. Members Present: Joanne Haracz, Chairman; Mr. David Miller, Vice-Chair; Mr. Edward Beatty; Mr. George Burgess; Mr. Pat Daly; and Ms. Cheryll-Ann Senior. Mr. Joseph Fernandes arrived at 7:19 P.M. Also present: Beth A. Wierling, Director of Planning & Economic Development and Janet Sweeney, Recording Secretary.

Mrs. Haracz respectfully requested Planning Board's permission to entertain Planning Board business items after the agenda items; and members agreed.

Mrs. Haracz introduced Beth Wierling, the new Director of Planning & Economic Development, and said they were happy to have her on board.

7:15 P.M. Public Hearing: MFN Wastewater Facility (Edward C. Sanderson, CDM Smith)

Special Permit and Site Plan Approval to allow the construction of infiltration basins in R80 and Industrial Zoning Districts; Pine Street, Hill Street and Crane Street (cont. from the September 29, 2015 mtg.)

Documents Presented to Planning Board:

1. *"MFN District Water Pollution Central Facility Upgrade & Expansion" Plan re: Special Permit and Site Plan Approval to allow the construction of infiltration basins in R80 and Industrial zoning districts (Pine Street, Hill Street and Crane Street)]*

Mrs. Haracz said there were not too many questions regarding this at the September 29, 2015 Planning Board meeting. There appears to be a lot of earth moving taking place at this site.

Mr. Fernandes arrived at 7:19 P.M.

Conditions 1 through 7 were discussed, with specific concern raised regarding the hours of intended construction.

The applicant indicated they intended to work Monday through Friday with limited Saturday hours. Mr. Daly suggested later Saturday construction hours with the Board unanimously agreeing to add the condition that all construction shall be between the hours of 7:00 A.M. to 7:00 P.M. Monday through Friday and 8:00 A.M. to 5:00 P.M. on Saturday. No construction shall occur on Sunday.

The Planning Board noted a Traffic Management plan was submitted as requested and agreed to an additional condition of approval to require coordination of the Traffic Management Plan with the Norton Police Department.

The Planning Board inquired about the culvert that is on site. The applicant noted there was an archeology survey done on the old culvert only but they will not be working or going near it.

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

MOTION was made by Mr. Beatty and second by Mr. Daly to approve a Special Permit (#460) and Site Plan to allow the construction of infiltration basins in R80 and Industrial Zoning Districts, Pine Street, Hill Street and Crane Street with the following conditions:

1. The Applicant shall provide Planning Board with an “as built” plan showing compliance with the approved Site Plan.
2. All construction shall be between the hours of 7:00 A.M. to 7:00 P.M. Monday through Friday and 8 A.M. to 5 P.M. on Saturday. No construction shall occur on Sunday.
3. All trucks arriving and leaving will follow the trucking route outlined in Figure 7 of the Application for Site Plan Approval and Special Permit, using Crane Street, Hill Street, Robert F. Boyden Road, Myles Standish Boulevard, Industrial Park Road, and Bay Street to I-495.
4. The applicant shall provide a traffic management plan to the Planning Board prior to starting construction indicating measures to manage traffic during the construction period at the intersection of Crane Street and Hill Street.
5. The Traffic Management Plan shall be completed in coordination with the Norton Police Department.
6. All new lighting installed shall meet the requirements of Article XX-Lighting of the Norton Zoning Bylaw.
7. This Special Permit shall not take effect until it is recorded in the Bristol County Registry of Deeds, and no construction shall take place until the Applicant has provided proof of such recording to the Planning Board.
8. Except for good cause, this Special Permit expires two years from the date this decision is filed with the Town Clerk if use has not commenced.

A Roll Call Vote was Taken:

Joanne Haracz	Yes
David Miller	Yes
Edward Beatty	Yes
George F. Burgess	Yes
Joseph E. Fernandes	Yes
Patrick Daly	Yes
Cheryll-Ann Senior	Yes

Vote: Unanimous. MOTION CARRIES.

**7:30 P.M. Approval Not Required (ANR): Newcomb Street - Lots X, Y and Z.
Applicant: Henry B. Reiley, III, Daggett-Crandall-Newcomb Home, Inc.**

The property address for the lot being reviewed is 55 Newland Street, Norton, MA; A plan entitled “Plan of Land – Newland Street, Norton, MA”. Was presented to the Planning Board by David Humphry, Schofield Bros.

Mr. Humphry indicated there are 40-acres proposed to be divided into three building lots; no wetlands on property.

Ms. Wierling indicated all lot conform with the requirements for ANR endorsement.

MOTION was made by Mr. Beatty to approve ANR for Daggett-Crandall Home. Second by Mr. Burgess. Vote: Unanimous. MOTION CARRIES.

7:30 P.M. Public Hearing - Proposed Zoning Change: Proposal to re-zone land located at 133 South Worcester Street

Attorney Matthew Cost, of Gay and Gay was present and stated their office represents the Diocese of Fall River. It was noted half the lot is in the R-40 district and half in industrial zone. The Diocese would like to classify it as a residential area; minor change to zoning map. Requesting the property in its entirety be included in the Residential 40 Zoning District.

No one from audience spoke for or against this when asked by Chairman.

Mrs. Haracz noted this was straightforward.

Mr. Yunits, Town Manager, asked how would zone change be described? Mrs. Haracz responded it would be clarification of language.

MOTION was made by Mr. Miller to recommend this Article to Town Meeting. Second by Mr. Beatty. Vote: Unanimous. MOTION CARRIES.

Mr. Yunits asked if he could have a letter regarding this decision tomorrow so he can provide information to the Finance Committee.

Mrs. Haracz asked Ms. Wierling to provide this letter to Mr. Yunits.

7:40 P.M. Public Hearing - Proposed Zoning Change: Proposal changes to Digital/Electronic Billboards/Signs

Mr. Yunits noted changes were outlined in red in industrial zoning district within 500 feet of Route 495; to allow for digital billboards. This is one industrial area near Route 495. He explained two companies have come before the Board of Selectmen. A study was done and a person is here to answer questions, etc.

Mr. Yunits said he looked at street lights this evening and noticed they emit more light than these digital signs. Mr. Yunits said also these digital signs can have Town advertising on them for Town fundraisers, etc.

Mr. Dave Gannon, of Independent Outdoor Network, explained there are six flips on each side of sign and Town would have one flip for fundraisers/charities, etc.

Mrs. Haracz said she had some concerns about these signs regarding Town’s character. This is a 90’ sign proposal. Wrentham Village sign is 100’; 90’ is above tree height. A sketch of

Wrentham Village sign and some photos of what the height would look like were distributed to Board. Discussion ensued.

Discussion ensued on the special permit. Mrs. Haracz said it was not clear as to who special permit granting authority is.

Mr. Fernandes said the Board of Appeals can issue a special permit.

Mr. Yunits recommended to remove “Board of Appeals” and replaced it with “Planning Board”.

Mrs. Haracz said she was not comfortable with the 90’ height.

Mr. Yunits said height of 70’ was original proposal. Town Counsel thought 90’ would be above tree height and they would not be opposed to lowering it.

Mrs. Haracz said a major concern was changes of character of Town of Norton and also there was not much public discussion on this issue.

Mr. Beatty said he agreed but he thought to bring this to Town Meeting to let residents decide would be best.

Mr. Burgess said he had no problem with the billboards.

Mr. Yunits referenced the character of Town issue; this zone is practically in Taunton and is limited to this one zone, and is a financial benefit to Town. It would only be on Route 495 not on a main street.

Mrs. Haracz asked how many proposals were there to Town?

Mr. Yunits responded there were two proposals. There is also \$5,000 to pay for any legal work and permitting, etc., and each sign would provide the Town with \$300,000; therefore, it would be \$600,000 to Town for a total of two “billboards”.

It was discussed that Route 495 probably would allow only three billboards at a maximum.

It was noted it was a substantially wooded area in relation to a residential house; nearest house would be at least 1,500 feet away.

Ms. Ross of South Washington Street said billboards are visual pollution and this would not be with keeping the character of Norton.

Mr. Gannon said there was a study conducted by the State of Massachusetts and crash data was accumulated after digital sign was erected and there was not a higher rate of accidents.

Mrs. Haracz listed the major issues: 1) Section 1.8 is not clear whether Planning Board is granting authority; 2) Height of is excessive; 70’ is what has been proposed in past; 3) 120’ frontage issue and most buildable lots need 150’; and 4) 500’ from any residential structure issue.

Attorney Pellegrini said originally there was 150’ of frontage; a non-conforming lot, and important to note with state regulations in place; theoretically there could be three billboards there.

Attorney Pellegrini said the state heavily regulates billboards. Once message changes it must be instant. DOT determined the average person make look at this in .03 seconds.

Mr. Gannon said he could submit to the Planning Board the Mass DOT document regarding safety and traffic accidents. He also noted these structures have a fairly large life expectancy as they are made from steel. Usually once they are up, they do not come down, and do not require a tremendous amount of maintenance.

It was noted 14' x 48' is the standard screen for a billboard.

Attorney Pellegrini said most people probably see this area as state land anyhow. He did not think it reflects negatively on the Town of Norton.

Mr. Yunits spoke of the heights of 90 feet to 70 feet they could change and also change "Board of Appeals" to "Planning Board".

Mrs. Haracz said they need to clarify if Planning Board is granting authority. Also 70 feet not 90 feet would be best.

Mr. Fernandes referenced setback and asked where it was from? Minimum distance should be 500 feet from any residential structure. He suggested to eliminate the word "setback". Also should add the language "one per lot" for digital signs.

**MOTION was made by Mr. Miller to recommend changes to proposed amendment.
Second by Mr. Burgess. Vote: Unanimous. MOTION CARRIES.**

**MOTION was made by Mr. Miller to recommend proposed article to Town Meeting.
Second by Mr. Burgess. Vote (please see below)**

IN FAVOR OF MOTION:

**Mr. Fernandes
Mr. Miller
Mr. Burgess**

NOT IN FAVOR OF MOTION:

**Ms. Senior
Mr. Daly
Mr. Beatty
Mrs. Haracz**

MOTION DOES NOT CARRY.

8:00 P.M. Public Hearing: GAC Development

Special Permit and Site Plan Approval to construct a retail and restaurant shopping plaza (13,562+ sq. ft.) (continued from the September 29, 2015 meeting)

Documents Provided to Planning Board:

1. *"Traffic Impact and Access Study-Proposed Garrett's Shoppes on Main, Norton, MA", prepared for: GAC Development, LLC, North Easton, Massachusetts; Plan/Drawing: Draft - West Main Street"- GAC Development, drawn by Jacobs-Driscoll Engineering for GAC Development, LLC]*

Mr. David Cohen of GAC Development was present, along with Mr. Craig Driscoll of Jacobs-Driscoll Engineering.

"Traffic Study" was distributed by Mr. Cohen.

Mrs. Haracz noticed this Traffic Study Report stated 4 to 6 p.m. was peak. A lot of traffic is in this area earlier than that (especially with two schools next door, the high school and H.A. Yelle). Also, no appendix was attached with ATR with detail.

Mr. Cohen responded he will seek clarification regarding timeframe (peak hours) regarding Report.

Mrs. Haracz said it appeared there were no pedestrian or bicycle counts either.

Mrs. Haracz said it is important to see how they treated existing site. It appears there is a disconnect; site not occupied now but for future occupied use. The impact of this site as proposed is needed to be seen. Mrs. Haracz said it is not an “apples to apples” comparison.

Mrs. Haracz referenced Table 7: West Main Street works ok, but need to account for people leaving driveway and questioned if there were enough gaps in Route 123 traffic?

Mrs. Haracz suggested it would be safer one way in and one way out.

Plan shown on easel: “W. Main St. – JD Engineering”.

Mr. Burgess commented that the Superintendent of Schools nor the School Committee were even aware of this project nor the School. It appears it will be a traffic jam for most of the day with the proximity of the schools and this proposal.

Mrs. Haracz said a gap study should have also been conducted by engineer.

Mrs. Haracz clarified what was needed:

1. ATR showing counts and confirm the evening peak (school times);
2. Clarification of existing condition; no counts and bank appears; there is “no apples to apples” comparison;
3. A Gap Study needed;
4. Consider one driveway in and one driveway out.

Parking was discussed. Mr. Cohen said he was seeking a parking waiver for a reduction in amount of required spaces. Calculations were being based on 84 seats (coffee shop) but that is high; will have a total of 20 seats. Parking demand daily will be eleven Mr. Cohen explained.

Mrs. Haracz asked if he has confirmed uses of site yet?

Mr. Cohen responded, no, he had not confirmed uses of the site.

The landscape plan was explained by Mr. Driscoll.

Mrs. Haracz noted the drive-thru is still an issue with neighbors. Also, there are still issues with parking, driveways and being in a Village Commercial district.

Mrs. Haracz asked Mr. Cohen to provide the Board info prior to the next meeting.

Mr. Cohen asked if he could have a written list of what is being required and Ms. Wierling said she would provide that to Mr. Cohen. Also, it was noted if Mr. Cohen had any questions during the week, he could contact Ms. Wierling.

MOTION was made by Mr. Beatty to continue this Public Hearing to 10/27/15 at 7:30 P.M. Second by Mr. Burgess. Vote: Unanimous. MOTION CARRIES.

8:15 P.M. Remand Public Hearing: Norton Solar I, LLC

Clapp Street/Parcels 52, 53 & 70 (Assessor's Map 23) For two independent 650 kw solar projects (continued from the September 29, 2015 meeting)

Documents Provided to Planning Board:

1. "Proposed Solar Farm, Norton, MA - Aerial Exhibit"

Attorney Ilana Quirk was also present for this Hearing.

Mr. Brian Douglas of Wheaton College was present and said they were not making any additional changes this time.

There was a question if they could reduce size of solar arrays.

It was noted that they could not reduce it and stated an extensive amount of screening is present.

It was noted \$100,000 would be available in the property value agreement to abutters (capped \$100,000 to fund); with approximately nine houses. \$100,000 in perpetuity (for approximately two years).

Mrs. Haracz thought there were more abutters; possibly eleven abutters.

It was noted electric discount goes with utility meter.

Attorney Quirk said since there was no Town Planner present at the last meeting, therefore, she had a list of items they had discussed. Visual aspect of two facilities is biggest contention and probably needs some peer review. Possibly this could be explored with Applicant regarding visualization materials. Attorney referenced some other items and discussed, including but not limited to, the following:

- When would Bowser House be removed?
- Recommendation for the Applicant's expert to come forward regarding fence specs
- Assuming there will be "No Trespassing" signs
- Trees 18' to 20' in height (need specifics as to what type of tree)
- Berm specs to raise trees up and landscaping plan for regularly watered and cared for trees
- No lighting
- No defoliants
- Schedule Z form needed if submitted
- Construction hours to be 7 a.m. to 7 p.m.
- Possible ability to landscape further if peer review conducted

Mrs. Haracz agreed that peer review would be beneficial.

The Applicant said he was comfortable with someone reviewing their plans.

Attorney Quirk discussed glare issue with solar panels and to possibly have some type of review of that.

Mrs. Haracz spoke of safety of facility (fencing, etc.). ConCom is requiring space underneath fence for animals to roam area.

Mr. Brett Chapman, one of proposed owners, said several hundred of these projects are built. A 7-foot-high fence is by Mass Electric Code and never had an incident of someone getting hurt.

Many people have an electrical box in a neighborhood which is easier to break into. He noted there is a 6" gap under fence.

Mrs. Haracz said most of abutters' concerns have been heard in past meetings, if anyone has not spoken, they can do so.

Mr. Bruce Cummings of 37 Clapp street spoke of the property value guarantee agreement which is not as straightforward as it has been presented. He recommended to have an attorney review it. Also, grantor has Right of First Refusal and after six months agreement is null and void once house put on market.

Mr. Chapman responded he spent \$10,000 on agreement preparation; he is not tricking anyone; just trying to come up with a fair way of doing this. He said he was willing to amend agreement if needed.

Mr. Fernandes inquired why this is only a two-year agreement (i.e., if someone decides to sell in five years, why is \$100,000 not in perpetuity)?

Mr. Chapman said it may be in case project got sold; however, he was not sure how they arrived at the two-year timeframe.

Mrs. Senior asked if that information was something Mr. Chapman could provide to the Board?

Mr. Chapman responded, yes, he could do so.

Mr. Chapman said 7 a.m. to 5 p.m. construction hours would be fine.

Attorney Quirk said amount in escrow should be discussed also, noting \$300,000 is probably enough money.

The Planning Board discussed peer review of the landscaping. Mr. Douglas asked if they could expedite the peer review process and assumed any unused funds would be reimbursed to them. Ms. Wierling indicated that any unused funds would be returned to the applicant upon completion of review.

Attorney Quirk indicated, the Applicant will need to fund the request for peer review, meaning, the Planning Board/Town would need to put the funds into an account for this purpose. The funds would be deposited into a 53G account and money needs to be in place in an escrow-type of account and she further explained process. Discussion ensued on specific amount.

Mrs. Haracz indicated per the applicant, that \$5,000 should be sufficient.

MOTION was made by Mr. Fernandes to have assistance of Town Planner, Ms. Wierling, to seek out peer review on site. Second by Mr. Beatty. Vote: Unanimous. MOTION CARRIES.

MOTION was made by Mr. Fernandes to continue this Public Hearing to November 10, 2015 at 7:30 P.M. Second by Mr. Burgess. Vote: Unanimous. MOTION CARRIES.

8:20 P.M. Jay Zola – Autumn Lane – partial bond release

MOTION was made by Mr. Beatty to approve surety release for Autumn Lane. Second by Mr. Fernandes. Vote: Unanimous. MOTION CARRIES.

Report of the Planning Board

Solar project on Hill Street started but cease and desist order was issued from ConCom.

Bills and Warrants

MOTION was made by Mr. Beatty to approve Planning Board Bills and Warrants in the amount of \$778.09. Second by Mr. Burgess. Vote: Unanimous. MOTION CARRIES.

Mr. Burgess asked Ms. Wierling to notify School Department on GAC Development/Mr. Cohen's project.

Adjournment

MOTION was made by Mr. Fernandes to Adjourn at 10 P.M. Second by Mr. Beatty. Vote: Unanimous. MOTION CARRIES.

Respectfully Submitted by:

Janet A. Sweeney

Planning Board – Recording Secretary

Minutes Approved by Planning Board on: 10/11/14
(Date)

Signature:

Joanne Horacy

Chairman: Joanne Horacy