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Planning Board Meeting Minutes June 27, 2017

7:15 P.M. Call to Order

The June 27, 2017 meeting of the Norton Planning Board was held in the Board of Selectman's Meeting Room and was called to order at 7:16 P.M., by Joseph Fernandes, Chairman. Member(s) present: Mr. Edward Beatty; Mr. Frank Durant; Mr. Joseph Fernandes; Mr. Timothy Griffin, Mr. Kevin O'Neil, and Mr. Stephen Jurczyk. Also present was Tabitha Harkin, Planning and Economic Development Director.

General Business

Mr. Fernandes reviewed the agenda.

A. Planning Board Business & Policies

1. Discussion – Release of Surety - South Shore MillWork, Inc., Maple Street

Ms. Harkin provided a memo addressed to the Planning Board for the release of the Surety in the amount of \$22,500 for South Shore MillWork, Inc. Ms. Harkin provided an email from Mr. Jeff Burton, President, in regards to the earth piles that are still on the property. Mr. Burton came before the Board. Mr. Burton commented that he may grind the earth that is currently on the property. It is currently out of the way and does not affect the drainage. It is mostly heavy rock and very difficult to move. It is located in the rear of the building, halfway up the solar field and on the left hand side. It is only visible from behind the building. Mr. Fernandes asked if wind is a concern with kicking up any dust from the pile to which Mr. Burton replied no, since it has been there a long time (three years).

Mr. Fernandes asked the Board if there were any concerns. Ms. Harkin commented there may be four to five dump trucks full of rock pile. Mr. Jurczyk asked what the purpose of the rock pile was for when originally placed. Mr. Burton replied he originally removed the soil and the rocks were leftover. If Mr. Burton wants to remove this pile, he would need a special permit.

**MOTION was made by Mr. Beatty to release the surety on South Shore MillWork, Inc. in the amount of \$22,500. Second by Mr. O'Neil. Vote: unanimous
MOTION CARRIES**

2. Modification Request (SP#457): 60 W. Main St. – O'Reilly Auto Parts

Ms. Harkin provided an original permit titled "Notice of Decision, Special Permit#457/Site Plan #15-16. 60 West Main Street, Garrett's Shoppes on Main", as well as a new site plan. David Cohen, owner, is requesting modifications to the original permit. Mr. Cohen stated there have been limitations

with finding tenants as the drive-thru permitted requires two windows, rather than a traditional microphone system. Mr. Cohen would like to change the building to accommodate O'Reilly Auto Parts, who have an interest in signing a lease for this building and would not be looking for a drive-thru. Mr. Cohen requested to scale back the special permit from 10,000 sf to 7,200 sf and also would be requesting a parking waiver.

Mr. Cohen stated the building would have 39 parking spaces. O'Reilly Auto Parts is a retail business, selling auto parts. Mr. Cohen stated the fencing and drainage would remain the same with the exception of having the sound barrier fence being replaced with an 8-foot high solid PVC fence.

Mr. Cohen presented the previous plan of the building and used it to show the adjustments he would like to make to the site. He commented that the sides of the building, the drive-through, the abutters, and the traffic patterns would remain the same with the modification. Mr. Fernandes commented that he may want to consider a minor modification, given the first permit was heavily involved.. Mr. Fernandes commented the drive-through window should be removed from the permit. Mr. Fernandes also commented he would like to see a lighting plan and some type of fencing in the rear to block driver's headlights. Mr. Cohen replied he planned the fencing would be 6-foot-high. He also commented the septic and drainage system would be scaled back.

Mr. Fernandes confirmed this would be treated as a modification to the existing Special Permit. Mr. Cohen would have a decision on Monday, July 3, 2017 from O'Reilly Auto Parts confirming the lease or not. Mr. Cohen will contact Ms. Harkin with this information and discuss next steps at this time.

3. Discussion – Clapp Street Solar

Ms. Harkin provided a memo titled "*Site Plan & Special Permit: Wheaton/Clapp Street Solar/File #:448*" She also provided hard copy documents of: SP 448 Remand Decision; Site Plans/Landscape Plans; Operations and Maintenance Agreement; Planting Conditions Letter from Planning Board; and correspondence from abutters.

Mr. Brett Chapman, Manager, Maximum Solar, came before the Board. Mr. Jeff Morgan, a representative from Wheaton College, was also in attendance. Mr. Fernandes stated not all provisions have been adhered to and conditions have deteriorated. The areas of concern are trees eaten by wildlife and maintenance of the shrubs and overall landscaping. There is also concern about the sum of money that was supposed to be set aside for maintenance. A discussion ensued regarding prior unknown wells that have been uncovered and raise safety concerns.

Mr. Morgan presented and spoke about the unearthed wells. He stated there has been a granite block placed over one and the other well has been filled in with gravel. He is unsure if the covered well has water in it. Mr. Fernandes questioned the reasoning why one well was not filled in. and stated he is concerned, from a liability standpoint, about the cement cover. Mr. Morgan commented that they may have it filled in. Ms. Heayden, an abutter, came before the Board. She discussed how the cement cover has handles on it and there is a chance that some person(s) could move it. Ms. Heayden also stated the contractor's confirmed there is also uncovered wells in the field behind the fence and were discovered when they were erecting the solar panels. Ms. Heayden commented she thinks it would be best if it was filled in, especially with the amount of traffic passing by. Mr. Fernandes agreed that it should be filled in, unless there is to be a use for the uncovered well. Mr. Jurczyk requested that Mr. Morgan communicate to Ms. Harkin about the status of the well, including if there are any others that need to be addressed.

Mr. Wolford (a representative from C2 Solar, who is taking over Operations for the project) came before the Board and commented that if anything is found in regards to more open wells to let him know. Mr. Chapman said he would contact the contractors in regards to the wells. He believes the wells have been addressed but he will confirm.

Mr. Chapman came before the Board and discussed the planting. He reported that there are five dead trees from nature that were replaced Monday and there are 10 more that were eaten by the deer. Mr. Chapman told the Board he would get these replaced if they felt it was necessary. Mr. Chapman had misconceptions around the obligations agreed upon. Due to some confusion, Mr. Fernandes described the item listed in the previously distributed memo that outlined the agreed upon conditions. In essence, these are: (i) Additional tree planting will be performed by Garth Dixon; (ii) The applicant will plant eight (8) additional trees along the entrance driveway; (iii) The Applicant will make three (3) trees available to be planted at the discretion of Dean and Patricia Zwicker; (iv) The Applicant will make three (3) trees available to be planted at the discretion of Bruce Cummings; and (v) The Applicant shall establish an escrow account with the Town Treasurer for \$20,000 in cash. Mr. Fernandes described that Items i, ii, iii, and iv are plantings that are part of the commitment in addition to the \$20,000 escrow account. Mr. Chapman will speak with Henry about getting these obligations fulfilled. Mr. Chapman will not commit to anything tonight but will get back to Ms. Harkin tomorrow.

Mr. Fernandes commented that the agreed upon items need to be completed to allow the Building Inspector to issue any certificates of occupancy or allow for connection to the grid. Mr. Chapman re-confirmed the four items that were agreed upon and stated that these will be completed. He will confirm with the Board the types of trees he will plant to replace the ones eaten by wildlife.

Mr. Chapman confirmed he will complete the previously agreed upon items, call the appropriate abutters, submit a plan to them, get their approval and schedule the maintenance. Mr. Jurczyk commented that this needs to be completed immediately since it was originally supposed to be complete by November, 2016.

Mr. Cummings, resident of 37 Clapp Street, came before the Board. Mr. Cummings stated he is concerned about the communication and requested a more specific outline. He also requested a copy of the letter. Mr. Chapman replied that Mr. Dixon, Mr. Cummings, Mr. & Mrs. ZwickerZwicker and Ms. Harkin will be copied on all emails moving forward. Mr. Fernandes confirmed there will be two communications: (i) an email describing what trees will be planted and where and (ii) an email from Mr. Chapman outlining when it should be completed. Mr. Cummings and Mr. Chapman confirmed this will be done in the next few weeks. This will be the same for the ZwickerZwickers.

Mr. Fernandes summarized the items discussed. It was agreed that Mr. Morgan will contact Ms. Harkin regarding the wells. It was also agreed upon that Mr. Morgan will become the point of contact for any concerns and will provide his contact information to the abutters. Mr. Fernandes asked Mr. Chapman about his plans in making sure the weeds don't overtake the plants. Mr. Chapman responded that this is not his obligation since he does not own the project and David would have to answer. He is responsible for anything within the fence, not on the outside. Mr. Wolford commented that he will address it and said most likely Mr. Chapman will own it. Mr. Chapman and Mr. Wolford will discuss and will report back to Ms. Harkin about maintenance of the shrubs, status of the wells, timeframe and completion of the previously agreed upon items.

In regards to the \$20,000 held in surety for the Heayden property, Ms. Heayden came before the Board. Her suggestion is to remove the dead plants and plant more shrubs. Mr. Jurczyk asked the current status of the project. Mr. Chapman gave an update. The electric work should be done by January 2017.

The next step is requesting an inspection. Besides the open items from tonight, Mr. Chapman commented that he is currently waiting on National Grid to finish their work. Mr. Fernandes commented that he will not vote to release this until the open items are complete. Mr. Beatty asked about the unfinished racks and Mr. Chapman confirmed they will be removed.

4. Discussion – Partial Release of Surety – Larson Farms Subdivision, Autumn Lane

Ms. Harkin provided a memo addressed to the Planning Board for the partial release of the Surety in the amount of \$8,494.35 for Larson Farms Subdivision. They still need to do the Cape Code berm top, emulsion and 1.5" wearing course for the roadway to be completed.

MOTION was made by Mr. Beatty to approve the partial release of the Surety in the amount of \$8,494.35 for Lardon Farms Subdivision on June 27, 2017 at 8:22p.m. Second by Mr. Durant. Vote: unanimous

MOTION CARRIES

B. Report of the Planning & Economic Development Director

Ms. Harkin presented the document she compiled for the board titled "*Report of the Department of Planning and Economic Development*" dated June 27, 2017. She gave an overview on the materials in each Planning Board members binders and noted the status of previously issued decisions and other planning news. Items discussed were the following:

Current Application in Process:

1. Upcoming – Special Permit/Site Plan Review: SP#457 – 60 W. Main St.

This item has previously been discussed.

2. Upcoming – Special Permit/Site Plan Review: Lopes Drive

This is a new Special permit for industrial uses and hazardous materials. Both Permits have expired and they are putting together a new application. It is currently too late for extensions. An application and Site Plan will be available soon. They will try to attend the July 27, 2017 meeting.

3. Upcoming – Special Permit/Site Plan Review: Commerce Way/S. Washington

The is for new construction for approximately 130K sf. There will be a pre-application meeting held on June 29, 2017. An application and Site Plan will be available soon.

Active Construction Administration Items/Peer Review for Conditional Requirements:

1. Surety Release Requests

These items have been previously discussed.

2. Wheaton Solar

This item has been previously discussed.

3. Leonard Street/Houghton Land Development

The Department heads met with Condyne this week regarding the potential to partner on State funding opportunities, like EDA or MassWorks, to improve the project and incentivize infrastructure improvement to benefit the town. Coordination is also required with MassDOT. There will be a design hearing for the MassDOT 123/495 roadway project on July 18, 2017. This

is a required hearing. Ms. Harkin provided a Notice of a Public Hearing "Project File Nos. 607531 and 608162".

4. Norton Self Storage

Ms. Harkin commented Norton Self Storage has received an occupancy permit and is currently finalizing the landscape construction.

5. New England Ice Cream

Ms. Harkin commented the modification plans have been delayed due to weather. Mr. Jurczyk asked about the open gap along Route 140 and what the long term plan is. Ms. Harkin commented that they have asked for an expansion and Site inspections are expected to finish soon.

Decisions:

1. Site #17-01 – 279 Colony Road: David Rossi

The twenty-day appeal period ends July 12, 2017.

Other Planning News:

- By-Laws – These have been approved at the Town Meeting and are currently being filed with the Secretary of State.
- Fiscal Year ends July 1, 2017
- Complete Streets Policy – Ms. Harkin commented the town is planning on scheduling a joint meeting with the Board of Selectman. A kick-off meeting will be scheduled to inform the public.
- Recreational Marijuana – The Board of selectman met and are considering holding a joint meeting. Ms. Harkin requested a window of time when this could be scheduled. Mr. Fernandes commented we should know what we want to do. The Planning Board will sponsor a moratorium since the state laws aren't in effect yet.
- Upcoming Workshops/Trainings/Seminars – These include the 495/123 Project on July 18, 2017 at the Norton Library at 6:30p.m. and the MassDOT annual conference to be held on September 28, 2017.

C. Approval of Minutes

Motion was made by Mr. Durant to approve the Planning Board Minutes of Meeting dated May 16, 2017. Second by Mr. O'Neill Vote: unanimous

MOTION CARRIES

Motion was made by Mr. Jurczyk to approve the Planning Board Minutes of Meeting dated June 13, 2017 as amended. Second by Mr. Durant Vote: unanimous

MOTION CARRIES

D. Bills and Warrants

Ms. Fernandes presented the accounting sheet. The total is \$ 4,421.14, of which \$656.25 is Peer Review Accounts and the budget items are \$3,764.89.

**MOVED by Mr. Beatty to approve the Bills and Warrants of June 27, 2017 in the amount of \$4,421.14
Second by Mr. Griffin. Vote: Unanimous.**

Mr. Fernandes and Mr. O'Neill will not be at the next meeting on July 11, 2017. In regards to vote, four members are required for a quorum. Three out of the four for positive action.

Adjournment

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

Respectfully Submitted by:

Kayleigh Correia
Recording Secretary

Minutes Approved by Committee

on: 7/25/2017
(Date)

Signature: 