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**Planning Board
Meeting Minutes
August 8, 2017**

7:15 P.M. Call to Order

The August 8, 2017 meeting of the Norton Planning Board was held in the Board of Selectman's Meeting Room and was called to order at 7:15 P.M., by Mr. Edward Beatty, Vice - Chairman. Member(s) present: Mr. Frank Durant, Mr. Timothy Griffin, Mr. Steven Hornsby and Mr. Stephen Jurczyk. Also present was Tabitha Harkin, Planning and Economic Development Director. Not in attendance: Mr. Joseph Fernandes and Mr. Kevin O'Neil

General Business

A. Planning Board Business & Policies

1. Discussion

A request from Campanelli was received for a release of the \$10K surety for completing their originally agreed upon items. These items included extending the soundwall, adequate pond drainage and completion of landscape plantings. These plantings were shown on the handout distributed.

MOTION by Mr. Durant to release the surety in the amount of \$10,000 to Campanelli. Seconded by Mr. Hornby. Vote: unanimous MOTION CARRIES

B. Bills and Warrants

Mr. Beatty presented the accounting sheet. The total is \$3,669.68 which included reimbursements, construction inspections and supplies.

MOVED by Mr. Hornsby to approve the Bills and Warrants of August 8, 2017 in the amount of \$3,669.68. Seconded by Mr. Durant. Vote: Unanimous. MOTION CARRIES

A. Planning Board Business & Policies Continued

Mr. Yunitz came before the Board and gave a brief background for the reasoning behind the proposed draft article on Non-Conforming Residential Structures. He stated the Town would like to reduce the number of applicants that go to the Zoning Board of Appeals for variances. Mr. Yunitz stated a building inspector should be able to issue this permit in most instances. Ms. Carolyn Murray, KP Law, came before the Board. Ms. Harkin distributed the document titled "*Proposed Zoning Amendment –Non-Conforming*

Residential Structures – Fall Town Meeting 2017” which included revisions recommended by the department. Ms. Murray is in agreement with these revisions and gave a brief description of said changes. The suggested amendments are in section 1.5F, respective to paragraphs 1 and 2. These are specific to pre-existing non-conforming houses that are sitting on non-conforming lots. Most of the suggested edits emphasize to deem something not to be increased to the structure if it pertains to the existing structure or as the alterations propose. This only applies to single or two family structures. If this is the case, the building inspector could then issue the permit.

Ms. Murray discussed the change in the language to Paragraph 1.5G that states: “A special permit may be granted by the Board of Appeals only if there is a finding by the Board of Appeals that the reconstruction, extension or alteration shall not be substantially more detrimental to the neighborhood in which the structure is located than the existing nonconforming structure.”. Mr. Hornsby inquired about the 100% increase stated in the documents. Ms. Murray replied she is unsure of the reasoning for this verbiage or why it was reduced to 25%. Ms. Murray then confirmed that this verbiage guarantees that any permit would need to be approved through the Zoning Board of Appeals. Ms. Harkin stated she will set a date and time for this to be presented at Town Meeting.

MOTION made by Mr. Hornsby to approve the language proposed in the document “Proposed Zoning Amendment Non-Conforming Residential Structures – Fall Town Meeting 2017” and to propose this article at the Town Meeting on August 8, 2017 at 7:31 p.m. Seconded by Mr. Griffin. Vote: Unanimous. MOTION CARRIES

2. Public Hearing – Special Permit #473: Keeping of Horse in R-40 Zone

Ms. Harkin presented the public hearing request materials. Ms. Lynda Bartley came before the Board and described her request for a special permit. She has many years’ experience taking care of horses and would like to keep her pony on her property, an R40 zone. She has spoken to neighbors about her fences and privacy. Ms. Bartley uses small Rubbermaid tubs to remove waste weekly and delivers it to nurseries or other multiple places who request it. Ms. Bartley described her land as high and dry with no drainage problems. She has owned this property for almost 20 years. Mr. Beatty inquired about the size of the corral and its location to which Ms. Bartley replied her land is a little over half an acre with a large clearing on the right side of property. The barn has one stall (10 feet x 16 feet). Mr. Beatty requested to make a weekly removal of waste a condition.

Motion made by Mr. Durant to approve the special permit with the conditions noted. Seconded by Mr. Hornsby. Vote: Unanimous. MOTION CARRIES

Ms. Harkin informed Ms. Bartley the decision will be sent to her within 2 weeks, with a copy to the abutters. This includes a twenty-day appeal period.

3. Public Hearing – Special Permit #474: Special Permit for Hazardous Materials/Site Plan Review in Industrial Zone

Ms. Harkin provided the Special Permit/Site Plan Review for 3 Lopes Drive. The applicant is requesting to renew the special permit and site plan to build a new auto repair and warehouse building in an industrial zoning district.

Mr. Walter Hermenau came before the Board. Mr. Hermenau represents the applicant, JLW, LLC.

The owner of JLW, LLC. is Mr. John Waitkus, who was not in attendance. Mr. Hermenau states there is no change to this permit except for the regulation of the size of the land. The square footage of the building remains the same, and will include an overhead crane to accommodate heavy equipment. Mr. Hermenau commented that Mr. Waitkus keeps his materials and equipment up to date, complies with requests from authorities, and disposes of waste in an appropriate matter. There are provisions for storm water to comply with storm water standards. The property has three parking spots, one of them being handicap. This property is not open to the public and Mr. Waitkus is well versed in requirements and remains up to code. Mr. Hermenau repeated that he is requesting this permit be renewed in order for him to complete his project.

Mr. Durant inquired about any setbacks that happened, to explain why Mr. Waitkus couldn't complete the project as planned. Mr. Hermenau stated he was unsure. Mr. Waitkus is repairing vehicles in the current building and would like a bigger area to work. Mr. Hermenau is unsure of how many employees work there.

Ms. Harkin mentioned concerns from other departments. The Fire department stated businesses must comply with safety codes, laws for combustible liquids, fuel dispensing and garages and wanted the applicant to confirm these permits were current. Mr. Hermenau replied Mr. Waitkus is current with all of his permits. If he is not current, he can fix it right away. Comments from the Norton Conservation agent asked if the applicant has relocated the trailers back onto the property and if the area been restored. Mr. Hermenau replied that this has been corrected. Ms. Harkin told the Board the detailed spill prevention plan that was previously submitted has not changed. Mr. Beatty inquired about the Business's hours of operation. Mr. Hermenau stated there are no trucks coming in and out at odd hours, the property is far from the street and there is no site lighting on the property.

Ms. Harkin pointed out the conditions listed on page three of the Site Plan Review are from the previous permit. Items B & C are new and should be considered. Ms. Harkin recommends using the previous conditions. There was no one in attendance at the meeting to speak for or against the applicant. Mr. Jurczyk reviewed the conditions and commented he would like to include the condition that all traffic driving from Route 495 through the industrial park should enter and/or exit towards Bay Street to avoid the center of town. This will be stated in the conditions that this complies with the fire departments requirement.

MOTION made by Mr. Jurczyk to close the public hearing #474 on August 8, 2017 at 8:02 p.m. Seconded by Mr. Durant. Vote: Unanimous. MOTION CARRIES

MOTION made by Mr. Hornsby to approve the Special Permit #433 as approved in 2013 with the conditions include on August 8, 2017 at 8:03 p.m. Seconded by Mr. Durant. Vote: Unanimous. MOTION CARRIES

MOTION made by Mr. Hornsby to approve the Site Plan for 3 Lopes Drive on August 8, 2017 at 8:03 p.m. Seconded by Mr. Griffin. Vote: Unanimous. MOTION CARRIES

4. Town Meeting Discussion

A discussion ensued regarding the timeline for articles to be presented at the Town Meeting in October. The Marijuana Moratorium and Non-Conforming Residential Structures are the items that will be included in the meeting. Further discussion will take place at the Planning Board Meeting in September.

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 August 8, 2017. Items discussed were the following:

Current Application in Process:

1. Special Permit: Keeping Horse in R40 Zone – This was previously discussed.
2. Special Permit/Site Plan Review: 3 Lopes Drive – This was previously discussed.

Active Construction Administration Items/Peer Review for Conditional Requirements:

1. Wheaton Solar – Ms. Harkin met with the Heayden family and put together a scope of work in regards to the landscaping and are currently waiting on proposals from three contractors. Once received, they will come to the Board for discussion. All other items have been completed.
2. Leonard Street/Houghton Land Development – This project is for a four-way signalized intersection that is currently awaiting a construction schedule.
3. Norton Self-Storage – The Rain Garden and swales are incomplete. Once completed, the surety will be released.
4. New England Ice Cream – This applicant has requested a release of a surety for completion of the sound wall, pond and landscaping.
5. Oak Street Multifamily – The landscaping on this property is near completion. There are no outstanding issues and the Building Inspector has approved.

Other Planning News:

- Wheaton Planning Intern – This position has been approved for winter break. More details to follow.
- Technology Update – New Laptops and TVs have been begun being installed. Soon all equipment will be in working order.
- Complete Streets Project – Ms. Harkin requested the Board to please review the draft article and get back any comments. The draft will also be distributed to the Town staff. Developing a working group for projects needs to be established and become a top priority. This item will be discussed at public meeting on September 12th.
- Ms. Harkin distributed an article from Planning Magazine American Association of Planners that discussed expectations and regulatory requirements regarding marijuana.

C. Approval of Minutes

Motion was made by Mr. Jurczyk to approve the Planning Board Minutes of Meeting dated July 25, 2017 as stated. Second by Mr. Hornsby Vote: (3-0-1). Mr. Durant abstained. MOTION CARRIES

Adjournment

MOTION was made by Mr. Griffin to Adjourn at 8:20p.m. Second by Mr. Durant Vote: Unanimous. MOTION CARRIES.

Respectfully Submitted by:

Kayleigh Correia
Recording Secretary

Minutes Approved by Committee

on: 9-12-17
(Date)

Signature: THC