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NORTON PLANNING BOARD MEETING
MINUTES OF MARCH 22, 2022

The Planning Board Meeting of March 22, 2022 was called to order at the Norton Public Library Community Room via Hybrid Participation pursuant to Chapter 20 of the Acts of 2021 on ZOOM at 7:15 p.m. by Mr. Timothy Griffin, Chairman. Members present were Mr. Wayne Graf and Mr. Allen Bouley. Mrs. Julie Oakley, Mr. Steve Hornsby, and Mr. Kevin O'Neil participated remotely via ZOOM. Also, in attendance was Planning Director Paul DiGiuseppe and Administrative Assistant Bryan Carmichael.

Mr. Griffin explained that the meeting is hybrid and how they work.

Due to the public attendance Mr. Griffin moved 0 Dean Street and 280 South Washington Street to the front as both applications were seeking a continuance.

SP-13681 and DEF 13680: 0 Dean Street. Application for a subdivision of five lots and two roads and a duplex unit on four lots. Owner: Katherine MacEachern. Applicant: Sawk, LLC

Applicant is seeking a continuance.

Mr. Bouley motions to continue the application to April 5, 2022 and is seconded by Mr. Graf. Roll Call; Mr. Graf Yes, Mr. Bouley Yes, Mrs. Oakley Yes, Mr. O'Neil Yes, Mr. Hornsby Yes, and Mr. Griffin Yes.

SP-12737: 280 South Washington Street. Application for the construction of a 75' foot tall by 48' feet wide digital billboard. Owner: ESA P Properties, LLC. Applicant: Carroll Advertising LLC

Applicant is seeking a continuance.

Mr. Bouley motions to continue the application to April 5, 2022 and is seconded by Mr. Graf. Roll Call; Mr. Graf Yes, Mr. Bouley Yes, Mrs. Oakley Yes, Mr. O'Neil Yes, Mr. Hornsby Yes, and Mr. Griffin Yes.

Executive Session

Executive Session pursuant to G.L. c. 30A, §21(a)(3) to discuss strategy relating to pending litigation known as, NextSun Energy, LLC v. Fernandes, et al. (Town of Norton and Planning Board), Land Court, Case No. 19 MISC 000230-RBF; Joseph Cogliano, et al. v. Town of Norton, et al., Land Court, Case No. 19 MISC 000322-RBF; and Joseph Cogliano, et al. v. Town of Norton Planning Board et al., Land Court No. 19 MISC 000564-RBF. Votes may be taken. Board to return to open session.

Motion to go into executive session was made by Mr. Bouley and seconded by Mr. Graf. Roll Call; Mr. Graf Yes, Mr. Bouley Yes, Mrs. Oakley Yes, Mr. O'Neil Yes, Mr. Hornsby Yes, and Mr. Griffin Yes. The Planning Board left the meeting at 7:22 pm and returned at 8:12pm.

Motion to reopen the Public Hearing is made. Roll Call; Mr. Graf. Roll Call; Mr. Graf Yes, Mr. Bouley Yes, Mrs. Oakley Yes, Mr. O'Neil Yes, Mr. Hornsby Yes, and Mr. Griffin Yes.

General Business

Bills – W.B. Mason and Verizon bills are presented and approved.

Minutes – The minutes presented were from January 18, 2022, May 11, 2021, and May 25, 2021.

Motion to approve the January 18, 2022 minutes was made by Mrs. Oakley and seconded by Mr. Graf. Roll Call; Mr. Graf Yes, Mr. Bouley Yes, Mr. O'Neil Yes, Mr. Hornsby Yes, Mrs. Oakley Yes, and Mr. Griffin Yes.

Motion to approve the May 11, 2021 meeting minutes was made by Mr. Graf and seconded by Mr. Bouley. Roll Call; Mr. Graf Yes, Mr. Bouley Yes, Mr. O'Neil Yes, Mr. Hornsby Yes, Mrs. Oakley Yes, and Mr. Griffin Yes.

Motion to approve the May 25, 2021 meeting minutes was made by Mr. Graf and seconded by Mr. Bouley. Roll Call; Mr. Graf Yes, Mr. Bouley Yes, Mr. O'Neil Yes, Mr. Hornsby Yes, Mrs. Oakley Yes, and Mr. Griffin Yes.

SP-13540 and SPR-13479: 196 Mansfield Avenue. Application for the construction of a 100,000 square foot flex warehouse. Owner: John Cuming/ John Cuming Trustee. Applicant: Elias Patoucheas/ Norton Land Ventures LLC. Continued from March 8, 2022.

Mr. Casey Birch, Civil Engineer with Solli Engineering and Mr. Elias Patoucheas are present to speak on the application. Mr. Birch recaps that the project will be a 100,000 square foot warehouse with 140 parking spaces, 20 loading spaces, 2 smaller truck loading spaces, and with the design to be able to hold two tenants including parking and loading spaces. Mr. Birch states there have been modifications made from comments by Mr. Pat Brennan from Amory Engineering, the Conservation Commission, Mr. DiGiuseppe. On the site plan the wall adjacent to the front employee parking area got larger to provide more capacity in the front surface detention basin. Guard rails are also added to the retaining wall along the northern site drive to

deter vehicles from driving from the driving into the service station. Also provided is additional traffic signage to further direct employees and visitor parking to the prospective parking areas as well as caution traffic signs along both access lanes cautioning vehicles of truck traffic and loading their operations in in the area where they enter. Truck turning had to be demonstrated throughout the site which were added to the project narrative. A part of the truck turning shows the circulation entering and exiting through the loading area exiting to the eastern end. This shows that all spaces are able to maneuver the loading area. The fire department wanted to see the circulation of the fire truck around without any impairment to the curb which Mr. Birch states can be easily done. The draining plan modification which included the surface detention and underground detention in the area have been revised to satisfy the comments and requirements supported by the Norton stormwater management regulations. Additional testing was performed on March 11 by Solli Engineering, the data the generation system was testing that was there before but the direction of the basins were able to be modified according to the recent data. There were also modifications to the drainage pipe networking in some areas regarding covering and material. The outlook control structure was modified to include basins to satisfy the capacity and the Conservation Commission had requested the perimeter soil erosion and settlement control measures be provided of the tilt sensing straw water to the gradient drainage plane. The surface infiltration system has been increased in size and with drop foot to provide required recharge capacity as well as provide more capacity to satisfy the Norton requirements to retain the one inch of the total impervious area for the contributing drainage. The one inch was retained but separately with the contributing drainage area the basin did not satisfy that the last time the underground infiltration basin was also modified from the concrete chain to a pipe system encased in stone. The Razor system was used in the area due to the seasonal high ground order was determined to be higher than what was originally served and was changed to a low-profile system after additional testing. The system is designed to retain the recharge volume and the one inch of the impervious area contributing to it. The revised stormwater management plan has been reviewed by Amory Engineering and all comments have been addressed. The plan meets the requirements of the Massachusetts Stormwater handbook and the Massachusetts stormwater management policy. Besides the slight modification of the drainage conveyance system and the modifications to the two infiltration basins everything else remains the same for the grading plan. The Conservation Commission had asked for the SCP plan to provide a sediment trap for additional erosion control protection which is in the northeast corner just above the proposed infiltration. The perimeter was revised as there had been some crossing over the 25 foot no build so it was pulled back and showed the Conservation Commission that it could be done. The utility plans have been revised to modify the waterloo to have two hot taps in the main and the previous one that had been coming in was removed along with excessive valves. Mr. Birch states that they had been going back and forth with the Water Superintendent Mr. Frank Fournier and thinks they have made a satisfactory plan. The Landscape plan had only the basin change, the surface space into the east did get bigger for the wetlands seed mix at the bottom of the basin. The lighting plan stayed the same. The waivers that are being requested remain the same.

Mrs. Oakley asks what were the changes to the street layout and MassDOT that was written in the peer review comments. Mr. Birch explains that there could be future projects in the area and they could modify the pavement striking and will be working with MassDOT for the office

occupant process so if there are any modifications to the project that needs to be done still but doesn't expect much change to the drive essence.

Mr. DiGiuseppe asks if the remaining issue that Mr. Brennan had on his peer review which was about discharge onto the adjacent property to the north meets the Massachusetts stormwater regulations. Mr. Birch states they do meet the regulations. Mr. DiGiuseppe asks if there are not any expectations having to change the site plan when going through the Conservation Commission. Mr. Birch states they do not have expectations in having to change the site plan. Mr. Birch continues that the concern would be the outlet of the detention basin in a hundred-year storm where there is an increase in volume. Otherwise, the site decreases the volume of stored runoff in all storm events and that the volume of runoff will have no detrimental impact on the neighboring wetlands and the wetland scientists working on the project can attest to that. Mr. DiGiuseppe asks if the project could handle the extra discharge with a modification to the stormwater system in that site that wouldn't result in a change to the site plan. Mr. Birch states that they can provide additional underground detention and it wouldn't change the site plan at all. The surface station in the front can't be increased it would have to be through the underground detention but no issue is seen with the increased flow in the 100-year storm event.

Mr. Griffin reads a comment from a member of the public in Zoom asking if there are any tenants for the site. Mr. Griffin recalls from the last meeting that the site was being built without any tenants but is being built to allow two independent tenants. Mr. Patoucheas confirms that the site is being constructed in that way.

Mr. DiGiuseppe reads another public comment from "Ellen" in the Zoom chat who asks if there are any restrictions to prevent truck idling there. Mr. Griffin doesn't believe Norton has any provisions against a truck idling and does not have a noise ordinance at a town level to prevent truck idling. Mr. Hornsby states that there is a state ordinance for idling any vehicle after a certain period of time.

Mr. O'Neil requests to review the waivers before closing the public hearing. Mr. Griffin reads there is a special permit for a building over 10000 square feet or 25 or more parking spaces, a special permit for a warehouse use and commercial zoning, a special permit for moving earth material, and a site plan for 2500 square feet or above non-residential use. Waivers are for off-street parking and loading regarding the width of the driveway, the bylaw says 50 feet and the current plan shows 40 feet. There is a waiver for landscaping from identifying individual trees because the site is wooded and the limits depicted on the survey as existing tree line. There's an additional landscaping waiver requested in terms of the buffer strips in terms of the depth of the buffer strips as well as the trees or shrubs in each buffer strip which is being requested given the constraints of the site drive and utilities. Mr. O'Neil asks if public safety had any issue with any of the waiver requests. Mr. DiGiuseppe states that there were no comments received against the waivers. Mr. Birch states that there is also a waiver regarding the perimeter in interior landscaping for the parking which they tried to fulfill but didn't meet the requirement of the tree quantities in those areas.

Mr. DiGiuseppe reads another comment off of Zoom that asks if all of the warehouse built off of 495 has been utilized in regards to Blue Star Business Park. Mr. Griffin responds that there are

tenants in the vast majority but is uncertain if it is completely full. There was a tenant already lined up to use a building and another did not have a tenant.

Mr. O'Neil asks if public safety has had the chance to review the waiver requests specifically the width of the driveway. Mr. DiGiuseppe states they did see the site plan which includes the driveway. Mr. O'Neil suggests that if the application will get continued the public safety heads should look through the waivers and sign off on them. Mr. Griffin recalls from the beginning of the presentation that the truck radius included fire trucks as part of the study. Which is confirmed by Mr. Birch. Mr. Griffin states that Mrs. Oakley thought it could get narrower than the asked for 40 feet. Mrs. Oakley confirms and is for a narrower driveway as long as it meets the safety standards. Mr. Birch states that 40 feet allows the trucks to come in without crossing lanes. Mr. O'Neil states that if the rest of the Planning Board is comfortable with the width he is.

Mrs. Oakley asks if water and sewer has been resolved or if any is left outstanding and addressed. Mr. Patoucheas states the Water and Sewer Commission were happy the plans were addressed and think they will review them again. Mr. Griffin states that Mr. DiGiuseppe included in his notes for the project that there will be a condition that the amount owed to the water and sewer department will be paid in full prior to receiving any building permits. Mr. DiGiuseppe states they could put that condition in or they could agree to put the condition in to support that agreement. Mr. Patoucheas states that the current owner or seller of the property had made an agreement with the Water and Sewer Commission that they've agreed to that covers the payment of 190000. Mr. Griffin and Mr. DiGiuseppe state that it may be redundant but will word the condition appropriately.

A member of the public through Zoom asks what the existing vegetation in the wetlands are. Mr. Griffin states that the project is also being discussed by the Conservation Commission and they have been identifying all the wetland buffers.

Mr. Griffin asks if Mr. Birch or Mr. Patoucheas if they are comfortable with the Planning Board closing the Public Hearing. Mr. Patoucheas states that the wetlands consultant on the project spoke with the Conservation Commissioner and Mr. Brennan from Amory Engineering and they confirmed they were satisfied according to the wetlands consultant and doesn't see the Conservation making additional changes. Mr. Patoucheas asks if the public hearing would have to be reopened only if it was a major modification. Mr. DiGiuseppe states that yes, but the Planning Board would have to determine if the modification was minor then move forward. Mr. Birch states he is comfortable moving forward as is Mr. Patoucheas.

Mrs. Oakley motions to close the public hearing and is seconded by Mr. Bouley. Roll Call; Mr. Graf Yes, Mr. Bouley Yes, Mr. O'Neil Yes, Mr. Hornsby Yes, Mrs. Oakley Yes, and Mr. Griffin Yes.

Mrs. Oakley motions to approve a building over 10,00 square feet with conditions and is seconded by Mr. Bouley. Roll Call; Mr. Graf Yes, Mr. Bouley Yes, Mr. O'Neil Yes, Mr. Hornsby Yes, Mrs. Oakley Yes, and Mr. Griffin Yes.

Mrs. Oakley motions to approve a special permit for a warehouse in commercial zoning with conditions and is seconded by Mr. Graf. Roll Call; Mr. Graf Yes, Mr. Bouley Yes, Mr. O'Neil Yes, Mr. Hornsby Yes, Mrs. Oakley Yes, and Mr. Griffin Yes.

Mrs. Oakley motions to approve the movement of Earth material with conditions and is seconded by Mr. Bouley. Roll Call; Mr. Graf Yes, Mr. Bouley Yes, Mr. O'Neil Yes, Mr. Hornsby Yes, Mrs. Oakley Yes, and Mr. Griffin Yes.

Mrs. Oakley motions to approve the site plan with conditions and is seconded by Mr. Graf. Roll Call; Mr. Graf Yes, Mr. Bouley Yes, Mr. O'Neil Yes, Mr. Hornsby Yes, Mrs. Oakley Yes, and Mr. Griffin Yes.

Mrs. Oakley motions to approve the waiver to reduce the width of the driveway and is seconded by Mr. Bouley. Roll Call; Mr. Graf Yes, Mr. Bouley Yes, Mr. O'Neil Yes, Mr. Hornsby Yes, Mrs. Oakley Yes, and Mr. Griffin Yes.

Mrs. Oakley motions to approve the waiver for landscaping, identifying the trees and is seconded by Mr. Graf. Roll Call; Mr. Graf Yes, Mr. Bouley Yes, Mr. O'Neil Yes, Mr. Hornsby Yes, Mrs. Oakley Yes, and Mr. Griffin Yes.

Mrs. Oakley motions to approve the waiver for buffer area on the street and parking areas and is seconded by Mr. Bouley. Roll Call; Mr. Graf Yes, Mr. Bouley Yes, Mr. O'Neil Yes, Mrs. Oakley Yes, Mr. Hornsby Yes, and Mr. Griffin Yes.

Mr. Griffin asks Mr. DiGiuseppe if the board can look over the conditions in the following meeting before sending out the decision. Mr. DiGiuseppe agrees to show the Board the decision and conditions.

General Business

Mr. DiGiuseppe states that along with the two continuances from tonight, the April 5 meeting will include a site plan at 184 South Washington. The zoning bylaw and rezonings, 0 Reservoir Street and Reed and Barton which both are wanting to go Village Commercial for the June 7, 2022 Town Meeting. Mr. Griffin asks if one of the applicants may not continue with their special permit. Mr. DiGiuseppe states one of the applications may not go forward prior to the Planning Board election on April 30.

Mr. Carmichael suggests adding in May meeting dates. Mr. Griffin suggests May 10 and possibly May 24. The board agrees to the dates.

Adjournment

The motion to adjourn the March 22, 2022 meeting was done by Mr. Bouley and seconded by Mrs. Oakley. Roll Call; Mr. Graf Yes, Mr. Bouley Yes, Mr. O'Neil Yes, Mrs. Oakley Yes, Mr. Hornsby Yes, and Mr. Griffin Yes. The Planning Board Meeting from March 22, 2022 was adjourned at 9:08 pm.

Minutes prepared and submitted by Bryan Carmichael, Department of Planning and Economic Development Administrative Assistant.

Minutes Approved on: APRIL 12, 2021

Signature Paul D. Trusepp