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NORTON PLANNING BOARD MEETING MINUTES OF May 24, 2022

The Planning Board Meeting of May 24, 2022 was called to order at the Norton Public Library via Hybrid means over ZOOM at 7:15 p.m. by Mr. Timothy Griffin, Chairman. Members present were Mr. Jim Artz, Mr. Bill Marr, Mrs. Laura Parker, Mr. Wayne Graf, and Mr. Allen Bouley. Also, in attendance was Planning Director Paul DiGiuseppe and Administrative Assistant Bryan Carmichael.

Mr. Griffin explains how hybrid meetings work and they will affect this meeting.

General Business

Mr. Griffin welcomes Mr. Artz and Mr. Marr to the Planning Board. Due to not having all seven members Carroll Advertising and the Pine Street Cluster asked for a continuance. Mr. DiGiuseppe explains to the rest of the Planning Board how the joint meeting the following night at the Norton Library with the Select Board will work. Both groups will decide if they would appoint Mr. Eric Norris to the Planning Board. Mr. DiGiuseppe states that ZBA also needs two more members.

Mr. Bouley asks if the Select Board will all be there. Mr. DiGiuseppe states that they will be and the time posted is 7:15 but that does not mean the Planning Board matter will happen then. Mr. DiGiuseppe states that he is working with Town Counsel, Amy Kwesell for a meeting date to train the new Planning Board members.

Bills & Warrants – Payroll and 2 Horsley Witten peer review bills are presented to the Planning Board and accepted. The two Horsley Witten bills are for 324 East Main Street and Blue Star Business Parks buildings one through five and building seven. Mr. DiGiuseppe states they are for inspection review.

Minutes – The minutes from April 5, 2022 are presented to the Planning Board.

Mr. Graf motions to approve the April 5, 2022 minutes and is seconded by Mr. Bouley. Roll Call; Mr. Artz Abstain, Mr. Graf Yes, Mrs. Parker Abstain, Mr. Bouley Yes, Mr. Marr Abstain, and Mr. Griffin Yes. Motion passes; 3 Yes, 3 Abstain, 0 No.

Future Meeting Dates – Mr. Griffin lists the 5, 12, 19, and 26 as potentially meeting date in July. Having it on the July 5, 2022 would have three meetings in a row. July 12, 2022 is a conflict with Mr. Marr who has something else on the second Tuesday of each month. Mr.

Bouley and Mrs. Parker state they would prefer to not meet on the 5th of July. The Planning Board decide to meet on July 19, 2022 and July 26, 2022.

Elections – Mr. Griffin explains the positions the responsibilities of the Chair and Vice Chair. Mr. Bouley explains the Clerk and SERPEDD representative roles are. Mr. Griffin states that the SERPEDD representative is independent of the Chairs and Clerk positions.

Mrs. Parker motions to nominate Mr. Griffin as the chair of the Planning Board and is seconded by Mr. Graf. Roll Call; Mr. Artz Yes, Mr. Graf Yes, Mrs. Parker Yes, Mr. Bouley Yes, Mr. Marr Yes, and Mr. Griffin Yes. Mr. Griffin accepts the nomination and remains the Planning Board President.

Mrs. Parker motions to nominate Mr. Bouley as the vice chair of the Planning Board and is seconded by Mr. Graf. Roll Call; Mr. Artz Yes, Mr. Graf Yes, Mrs. Parker Yes, Mr. Bouley Yes, Mr. Marr Yes, and Mr. Griffin Yes. Mr. Bouley accepts the nomination and becomes the Planning Board Vice Chair.

Mr. Bouley nominates Mrs. Parker as the Planning Board clerk and is seconded by Mr. Graf. Roll Call; Mr. Artz Yes, Mr. Graf Yes, Mrs. Parker Yes, Mr. Bouley Yes, Mr. Marr Yes, and Mr. Griffin Yes. Mrs. Parker accepts the nomination and becomes the Planning Board Clerk.

Mr. Artz nominates himself to be the SRPEDD representative and is seconded by Mr. Griffin. Roll Call; Mr. Artz Yes, Mr. Graf Yes, Mrs. Parker Yes, Mr. Bouley Yes, Mr. Marr Yes, and Mr. Griffin Yes. Mr. Artz is the new SERPEDD representative.

Mr. DiGiuseppe states he will have Mr. Artz fill out a SERPEDD form at a later date and will have it signed by Mr. Griffin.

Mr. Griffin explains what a sole signature is and asks if the Planning Board would like to continue this to have one person sign the bills and plans.

Mr. Graf motions to table the sole signature discussion to a later date.

Mr. DiGiuseppe states that there is also payroll that the Planning Board has to vote on as part of their annual elections. Mr. Griffin asks if payroll is tied to sole signature. Mr. DiGiuseppe states it is not and the Planning Board is required to vote on the signer by the Accounting Department and gives the Town Manager authorization to sign the time sheet of Mr. DiGiuseppe and Mr. Carmichael. Mr. Griffin volunteers himself to be nominated.

Mr. Bouley motions to let Mr. Griffin continue signing payroll and is seconded by Mr. Graf. Roll Call; Mr. Artz Yes, Mr. Graf Yes, Mrs. Parker Yes, Mr. Bouley Yes, Mr. Marr Yes, and Mr. Griffin Yes.

ANR ENDORSEMENT-(14970) 68 Leonard Street. Applicant/Owner: Ruhan General Contracting LLC.

Mr. Griffin explains the standards the Planning Board is looking for in an ANR. That the Planning Board is not looking to see if they meet the zoning by-laws but approving the lines on the map.

Ms. Rachel Smith from Mr. Otis Dyer's office is present to speak about the ANR representing Mr. Brendan Ruhan from Ruhan General Contracting. Mr. Ruhan has a piece of land with an existing house at 68 Leonard Street. The property has almost nine acres of land on it with about 578 feet of frontage. The property is challenged by the substantial amount of wetland areas. The wetlands come in from the back line in a swale and then opens up into a large bowl shape and flows out in the front. Ms. Smith states that Mr. Ruhan would like to split the property in two and make one buildable lot in addition to the existing single-family home. The existing family home would be Lot Two, which would have 5.619 acres of land in an R-80 zone. Continuous upland area would be 82475 square feet and it does meet the shape factor at 21.70. The new Lot One would have 3.365 acres of land with a continuous upland of 10646 square feet with a shape factor of 16.81. The property is separated already in two pieces of upland bisected by the wetlands surrounding it. One new lot can be created and the rest of the property is wetlands.

Mrs. Parker asks if frontage is only taking in account the portion of the property that is north of the driveway and if it is because of how the house is situated. Ms. Smith states that there is one course right near the house which is 188 feet and another course that is 174.96 feet and gives a total frontage of 362.96 feet.

Mr. Bouley motions to endorse the ANR and is seconded by Mrs. Parker. Roll Call; Mr. Artz Yes, Mr. Graf Yes, Mrs. Parker Yes, Mr. Bouley Yes, Mr. Marr Yes, and Mr. Griffin Yes.

ANR ENDORSEMENT-(15084) 475 South Worcester Street, Applicant: E. Otis Dyer, Owner: Nancy and Barry Close

Ms. Smith from Otis Dyer's office is present to speak on the ANR. There are two lots 475 South Worcester and 0 South Worcester Street. There are two different property owners involved. Barry and Nancy Close own 475 South Worcester Street which has an existing single-family home on it and then on 0 South Worcester what was a large landlocked parcel that is owned by Perry and Sons Construction. The two landowners would like to work together to create one buildable lot. The closest would be putting forth Parcel A which has the frontage of 150 feet and that would connect through to the land which is owned by Perry and Sons Construction. Parcel A would be the closed Parcel and Parcel B would be the perry parcel and they would be combined to create Lot 1. The lot would have a total of 7.37 acres with 150 feet of frontage, contiguous upland of 202668 square feet in a R-60 zone, and the shape factor would be 16.33. This would leave the closest with Lot 2 which is 13.083 acres, a continuous upland of 4.65 feet and 225.53 frontage. The shape factor would be 16.3. With the new lot the house will have to be in the back because of the wetlands in the front of the property just as the closest house is towards the back.

Mr. Griffin asks to clarify which parcels are going to switch ownership. Ms. Smith states up near the street Parcel A is owned by Barry and Nancy Close and they will be combining their property with Parcel B which is owned by Perry and Sons Construction which will provide the frontage

and the access. There will be a driveway easement as Oak Hill Engineering will be bring in a plan for a common driveway to take care of that. If it didn't go through it would need to go to the Conservation Commission to look at a wetland crossing but will be going forward with a common driveway as that would be the best way to access both properties without impacting wetlands. Mr. Griffin asks if the common driveway special permit has been submitted yet. Ms. Smith states that it has not been filed yet.

Mrs. Parker asks if the easement has to be seen to determine if vital access to the buildable portion of the lot is available. Mr. Griffin states there already is an easement. Mrs. Parker asks if the easement has already been granted. Ms. Smith states that none of the legal documents have been done yet and is waiting for the ANR to be endorsed. Mrs. Parker states she had asked as lot one currently has no vital access. Ms. Smith explains that they would have to file with the Conservation Commission for a crossing if there was no easement. Mr. Griffin states the easement is shown on the plan and it is the Planning Board's discretion whether to view that as access. Mrs. Parker asks if a common driveway would need a special permit. Mr. Griffin confirms it would be needed.

Mr. Bouley motion to endorse the ANR and is seconded by Mrs. Parker. Roll Call; Mr. Artz Yes, Mr. Graf Yes, Mrs. Parker Yes, Mr. Bouley Yes, Mr. Marr Yes, and Mr. Griffin Yes.

ANR ENDORSEMENT-(15150) 192 Taunton Avenue, Applicant Craig Cygawnoski,
Owner: Delvin Marjorie Trustee

Mr. Craig Cygawnoski of RIM engineering is present to speak on the ANR representing the owner, Marjorie Delvin. The house at 192 Taunton Avenue is shown to be built in 1812. The house is close to the road and is a pre-existing non-conforming structure prior to zoning. There will be four lots, one that will have the house on it which is set to conform to the zoning side yard setbacks but not the front yard setback. All four lots have a minimum of 150 feet of frontage. All the lots are in the R60 zone so there is a minimum of eighty thousand square feet of continuous upland so they can build duplexes if they choose to. All four lots can be accessed through the frontage. Lot 1 is closest to the Wading River so the state highway has a guardrail along the street as it drops off but there is 80 – 90 feet of unobstructed access off of route 140 which gives access to that area. The wetlands have been flagged by a wetland consultant but has not been approved by the Conservation Director. There is a minimum 80000 square feet of contiguous upland in R60 and the shape factor is made on all four lots. The remaining land going back and connects to the Wading River a thousand feet past the end of the lots but because of a maximum dead-end road of 1000 feet rule that would leave the applicant in the middle of the wetlands this became the best way to divide the land. The remaining land as shown as 15.13 acres contains a lot of wetlands and does not have any frontage so it is being shown as a non-building lot. The owner plans to follow the process of the Land Preservation Society of Norton takes over Conservation land.

Mr. Griffin states that the lot goes almost to South Washington Street. Mr. Cygawnoski states that the lot goes to the center of the Wading River. There is no other access with the 1000-foot dead end street regulation than the way done on the ANR.

Mr. Bouley asks why the side yard setback couldn't be made. Mr. Cygawnoski states that the house has a stipulation from Marge Devlin where a forty-foot-long garage behind the existing house that was added on after the house was built. 25 feet of the garage will be taken off or the entire structure could be removed. 25 feet need to be removed to make the side yard setback but will not be able to make the frontage due to being built prior to the zoning bylaws.

Mr. Bouley motions to endorse the ANR and is seconded by Mr. Graf. Roll Call; Mr. Artz Yes, Mr. Graf Yes, Mrs. Parker Yes, Mr. Bouley Yes, Mr. Marr Yes, and Mr. Griffin Yes.

MODIFICATION TO SPECIAL PERMIT AND SITE PLAN

Elias Patoucheas / Norton Land Ventures LLC, 196 Mansfield Avenue (Assessor's Map 9, Lot 278-17). Applicant seeks determination to proceed with a minor modification to the Special Permit and Site Plan #13540 and #13479

Mr. Griffin explains that the vote is to decide if the applicate is making a minor change or major change to the plan. Mr. Casey Birch, from Solli Engineering who worked on this project is present to speak about the application on behalf of Norton Land Ventures LLC. Mr. Birch explains the Flex Warehouse to the Planning Board as half of the members present were not there when the Site Plan and Special Permit were approved in April, 2022. Mr. Birch had to coordinate with DOT for the proper permitting as it is off of Route 140. The approved site drive at the time was commented on by DOT and has pushed the limit to the north by eight feet as well as provide a mountable curve along the southern portion of the site drive. It will be roughly tied back into where the curb cut was in the approved plan. Which will be tied back into the 40-foot-wide drive that was approved in that location. It is about 36 feet which is a six-foot-wide and then it tapers back down to zero into where the approved location was. Mr. Birch states that the modification is minor to the site drive.

Mr. Griffin asks if an island will be going in the middle of the driveway. Mr. Birch states that it will be dual yellow striping as putting an island in would probably get it destroyed in the future. Mr. Griffin asks to confirm that the northern driveway was intended to be green space. Mr. Birch confirms it was and states it was a flat area that goes down into the detention basin but the area was landscaping and is maintaining the same number of shrubs in the area to go around the proposed monument sign. The monument sign will get pushed back along with everything else to give space to the driveway.

Mr. Bouley motions to determine the modification of the Special Permit and Site Plan as a minor modification and is seconded by Mr. Graf. Roll Call; Mr. Artz Yes, Mr. Graf Yes, Mrs. Parker Yes, Mr. Bouley, Mr. Marr Yes, and Mr. Griffin Yes.

Mr. Bouley motions to approve the modification to Special Permit 13540 and Site Plan 13479 and is seconded by Mr. Graf. Roll Call; Mr. Artz Yes, Mr. Graf Yes, Mrs. Parker Yes, Mr. Bouley, Mr. Marr Yes, and Mr. Griffin Yes.

Public Hearing

SP 12737: 280 South Washington Street. Owner ESA P Properties LLC. Applicant Carroll Advertising LLC. Application for a Special Permit for the construction of a 75' foot tall by 48' feet wide digital billboard. Owner: ESA P Properties, LLC. Applicant: Carroll Advertising LLC. Continued from March 22, 2022 and April 5, 2022.

Mr. Bouley motions to approve a continuance to June 21, 2022 and is seconded by Mr. Graf. Roll Call; Mr. Artz Yes, Mr. Graf Yes, Mrs. Parker Yes, Mr. Bouley, Mr. Marr Yes, and Mr. Griffin Yes.

DEF 13932 & SP 14704: 0, 126, 128 & 154 Street and 0 Wood Road. Owner/Applicant: Norton Land Company, LLC. Application for the creation of 44 lots into a residential cluster subdivision. Continued from May 10. Applicant is seeking to continue to June 21, 2022.

Mr. Bouley motions to approve a continuance to June 21, 2022 and is seconded by Mr. Graf. Roll Call; Mr. Artz Yes, Mr. Graf Yes, Mrs. Parker Yes, Mr. Bouley, Mr. Marr Yes, and Mr. Griffin Yes.

SP 13760: 156 W. Main Street. Owner/Applicant: John Orlando. Applicant seeks to convert a salon into a third unit. Continued from May 10.

The applicant John Orlando is present. Mr. Orlando is looking to convert the hair salon into a third residential unit. There are already two existing residential units on the property. Mr. DiGiuseppe states that Mr. Orlando had gotten a special permit for a duplex back in 2014 and this would be a multi-family special permit in a Village Commercial zone.

Mr. Griffin asks if there are any plans to change the exterior of the building. Mr. Orlando states that there are no plans to alter the exterior of the building.

Mr. Bouley asks if the property has adequate parking for three units. Mr. Orlando states that there are nineteen spots at the property.

Mr. Griffin asks to confirm that the area behind the whole building is used for parking space and there is also parking in the front.

Mrs. Parker asks if there is any intention to modify the front driveway. Mr. Orlando states that he will keep it the same. Mr. Griffin asks if the driveway connects to the back lot. Mr. Orlando states that the front doesn't connect to the back parking lot and states that it goes to the side of the house.

Mr. Artz asks if that was parking for clients of the salon. Mr. Orlando states that the parking spots in the back were for the salon.

Mr. Bouley motions to close the Public Hearing and is seconded by Mr. Graf. Roll Call; Mr. Artz Yes, Mr. Graf Yes, Mrs. Parker Yes, Mr. Bouley, Mr. Marr Yes, and Mr. Griffin Yes.

Mr. Bouley motions to approve the Special Permit and is seconded by Mr. Graf. Roll Call; Mr. Artz Yes, Mr. Graf Yes, Mrs. Parker Yes, Mr. Bouley, Mr. Marr Yes, and Mr. Griffin Yes.

SP 14100: 34 S. Worcester Street. Owner: Peter & Rhiannon Fernandes. Applicant: Honglei Dai. Applicant seeks to convert retail space into a third unit. Continued from May 10.

Ms. Dai is present to speak on the application. Ms. Dai explains that the property was purchased and the building had closed down in the mid 2019's and the before use was the Chartley Country Store. The first-floor storefront of the Chartley Country Store will be converted to a residential unit while the rest of the property is a residential space. Mr. Griffin asks if there are two lots in the front building. Mr. DiGiuseppe states that there is one on the second floor in the Country Store and the building in the back is the second residential unit. Mr. DiGiuseppe continues that only the first floor is non-residential and, in an R-40 zone Ms. Dai is allowed to ask for a special permit for multi-family.

Mr. Griffin asks if there are plans to modify the exterior of the building. Ms. Dai states that there will be no alteration to the exterior.

Mrs. Parker asks if the parking out front has handicap access and if there will be any landscaping done in the front to remove any of the blacktop to make the property conform with the other residential properties in the area. Ms. Dai believes they will.

Mr. Griffin asks if the landscaping is shown on any of the plans being resented to the Planning Board or is it something that is planned but hasn't been presented to the Planning Board yet. Ms. Dai states that she will apply for it later.

Mr. DiGiuseppe states that Ms. Dai has applied for a variance with the ZBA for lot size and will be appearing in front of the ZBA May 25th. Mr. Griffin states that it could be put in the decision as a condition that the application still requires approval from the ZBA among other conditions if needed.

Mr. Artz asks if the sidewalk walkway will remain. Mr. Griffin states the sidewalk continues all the way out to Route 123. Mr. Artz states there isn't much to add to it.

Mrs. Parker asks if the change is approved the property can no longer be used for commercial. Mr. Griffin states he believes it to be. Mr. DiGiuseppe states that in the by-laws the Charlety Country Store was a non-conforming use as it was legal use predating the Norton by-laws but, in the by-laws, if a non-conforming use is vacant for more than two years it can no longer have the right to be non-conforming. Mrs. Parker asks how long has the Country Store been closed. Mr. Peter Wiggins of 157 Mansfield Avenue states that the property closed in 2020, Ms. Dai adds on that the month was December when they closed. Mr. DiGiuseppe states that the applicant is still within that two-year window. Mr. Griffin asks if the lot in the back is continually being occupied. Ms. Dai states that it is being occupied.

Mr. Bouley motions to close public meeting for the Special Permit and is seconded by Mr. Graf. Roll Call; Mr. Artz Yes, Mr. Graf Yes, Mrs. Parker Yes, Mr. Bouley, Mr. Marr Yes, and Mr. Griffin Yes.

Mr. Artz asks if the property being non-conforming and the on a small lot if this would affect the ZBA approval process. Mr. Griffin states that the Planning Board is approving the conversion of the first floor from commercial to a residential unit. Mr. DiGiuseppe states that is why the applicant is going to the ZBA to get a variance for the lot being non-conforming.

Motion to approval the special permit with standard conditions and an added condition to be approved by the ZBA is made by Mr. Bouley and seconded by Mr. Graf. Roll Call; Mr. Artz Yes, Mr. Graf Yes, Mrs. Parker Yes, Mr. Bouley, Mr. Marr Yes, and Mr. Griffin Yes.

Adjournment

The motion to adjourn the May 24, 2022 meeting was done by Mr. Graf and seconded by Mr. Artz. Roll Call; Mr. Artz Yes, Mr. Graf Yes, Mrs. Parker Yes, Mr. Bouley, Mr. Marr Yes, and Mr. Griffin Yes. The Planning Board Meeting from May 24, 2022 was adjourned at 8:30 pm.

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

Minutes Approved on: 7/20/22

Signature


