

\*\*\*\*\*  
TAUNTON PLANNING BOARD MINUTES  
Meeting held at Maxham School, 141 Oak St,  
\*\*\*\*\*

DATE: October 6, 2016

BOARD MEMBERS:     Bob Campbell, Chairman                     Dennis Smith  
                          Anthony Abreau, V.C.                     Arthur Lopes  
                          Manuel Spencer, Clerk                     Brian Carr  
                          Jody Fiore

ADVISORS:

Mark Slusarz, City Engineer  
Kevin Scanlon, City Planner

---

Roll Call: Carr, Smith, Abreau, Lopes, Fiore, Spencer and Campbell. Also present was City Engineer Mark Slusarz and City Planner Kevin Scanlon. Meeting opens at 5:32 PM

Arthur made motion to accept minutes of September 1, 2016 seconded by Tony All in favor.

**Cont'd. Pubic Meeting – Site Plan Review – 70 Weir St. - for the operation of a 30 foot food trailer submitted by Robert Asack, Trustee of Matthew Realty Trust.**

Robert Asack was invited into the enclosure. Clerk Spencer read a letter from the City Planner and Fire Dept. relative to the lot and the fire lane. They submitted new plan showing fire lane, switched the placement of the trailer and parking spaces. Mr. Asack stated he had the fire lane re-painted. It was noted the Fire Dept. letter states it should be 8 feet wide. He has no problem with making it 8 feet wide. He was just going by what was there by the previous owner. Brian asked Mr. Asack what are his plans for the site on Weir Street. Mr. Asack answered he may open restaurant. Chairman Campbell stated about the stability of that site? Mr. Asack stated he had letter from structural engineer dated 5- 2015. Chairman Campbell asked about signage? Mr. Asack answers he will use billboard and word of mouth. Chairman Campbell was concerned with the fire lane and the width of the roadway if a fire truck would be able to maneuver? Mr. Asack answers he had fire trucks out there do trial run and they can swing it.

Tony made motion, seconded by Manny to approve the site plan review with the following conditions:

**Condition #1) That the plans dated July 26, 2016 and revised through September 9, 2016 shall govern with the following additional conditions;**

**Condition #2) The dumpsters shall be located at 62 Weir Street and be located on a concrete pad, be enclosed with a stockade fence, be kept closed at all times and be emptied regularly. There shall be a recorded easement for the dumpster to be located at 62 Weir Street for the operation of food trailer at 70 Weir Street.**

**Condition #3) Lighting shall not illuminate any portion of abutting properties**

**Condition #4) The site shall be kept clean and clear of debris**

**Condition #5) Two set of as-builts shall be submitted upon completion of all work on site and shall include design engineer and land surveyor certification notes stating the development has been built according to the approved plans. Plans will show all construction of buildings, utilities, grades, setbacks etc.**

**Condition #6) two sets of updated plans shall be submitted that conforms to all of the requirements of this decision before any building permits will be issued. Two sets are required**

**Condition #7) No sewer connection is proposed. However; a water connection is proposed and shall meet Water Division Specifications.**

**Condition #8) The site must comply with the Mobile Food Establishment Plan Review and requirements.**

**Condition #9) The handicapped space shall be the one closest to the trailer and the access aisle shall be about the trailer.**

**Condition #10) There shall be no seating. This is a take-out food establishment.**

**Condition #11) The site is proposing to connect to electric.**

**Condition #12) A Fire Lane is required along 62 Weir Street for fire department access and is to be installed and maintained by building owner, Robert Asack. The Fire Lane starts at the back edge of the sidewalk on Weir Street and extends 134 feet to end beyond the rear of the building. The Fire Lane is to be a minimum of 8 feet in width and requires signage on the building to ensure visibility and compliance.**

**4 in favor, 2 opposed.**

**Cont'd. Special Permit – 377-379 Bay St. – 58 Unit Residential Development – Need to forward a recommendation to Municipal Council**

Atty. William Rounds, Bob Meisterman and Brian Dunn, P.E. were invited into the enclosure. Clerk Spencer read new dept. comments based on the new plans. Letters from the Fire Dept. and Conservation Commission which were placed on file. Atty. Rounds stated they met with Mark & Kevin to go over new plans. As a result they have 54 units with a play area, more than 2 parking spaces per unit and deleted 2<sup>nd</sup> access to back. Manny asked Atty. Rounds the width of Alger Avenue? Alger Avenue is about 30 feet wide. The setback from Alger Avenue is 36'2" and 55' from Bay Street. Brian Dunn stated they made substantial changes after meeting and removed parking lot, added 2 way traffic for fire access. They will create an easement for water line. The removed curb cut, they will be renovating sidewalk and do land taking for larger radii. They did all that was asked of them. They have 116 parking spaces and are required to have 108. Chairman Campbell agrees with the City Planner in regards to having access around with grass pavers. Tony stated he would like to see new ADA compliant sidewalk and have ramp at all crossings and provide ramp across street. Brian asked about the traffic and the closest intersection? He was suggesting putting monies aside for future design of lights if one is warranted like they did for CVS on Hart St. Atty. Rounds said the water lines, new sidewalks and land taking on Alger for wider radii is mitigation. Jody thought it would be good idea to do design for Whittenton & Bay Street. Chairman Campbell stated there are streets on 3 sides of the building and turning out they should tighten radius to reduce speed. Brian said they are increasing activity even though they reduced the number of units. City Engineer stated there is a drainage issue Bradley Avenue because there is no outlet. Brian stated he wants there to be an on-site manager on duty Monday – Friday.

**Public input:** Bob Riendeau, 7 Waverly St., stated this will be positive for area. Elaine Morin, 600 Whittenton Street stated a few years ago condos went in and she got sewer and no increase in traffic. She stated there is a need for houses. Mary Powers, 8 Alger Ave. lived there for 52 years and she is concerned about traffic. She is not opposed to change but it's terrible now. It just needs to be reasonable. Opposed: Anne Zrebiec, 8 Smith St. stated she feels it too much for this area. Audrey & Joseph Zrebiec, 31 Pine St. stated they are not against multifamily but she thinks it's too huge. They referenced the zoning ordinance in regards to the URD and BD and how did they come up with the density. Joe states it's a grave injustice to the zoning ordinance. He stated the revised plans don't show the Urban Residential District. The footprint of the building is 60 x 14 according to the plans in the City Clerk's office. City Planner stated there is no conflict in the zoning ordinance. The property is in both the Urban Residential District and Business District and the special permit applies to both districts. He stated the plans are architectural and are permitted (they are conceptual). Kevin stated the zoning line is still there. Atty. Rounds explained how they determined the density for the project. The City Planner said there are dual districts and everything complies. Mrs.

Zrebiec asked where was it written in the zoning ordinance of how they interpret the zoning relative to density? In favor: Jean Connon stated Whittenton needs a face lift and this will bring families and they will be supporting local businesses. She thinks this area needs something viable. Brian suggesting asking for mitigation and go thru the Engineer & developer for escrow for future design of lights at Bay & Whittenton St.

1. That the number of units not be greater than **54**;
2. That the driveway rounding the southeasterly end of the building (between the Jenny Lind Street access way and the Bradley Avenue access way) be eliminated to dissuade cut through traffic. It should be replaced with grass, plus a grass-pave system wide enough to provide stable access for firefighting equipment to pass around that end of the building.
3. That the permittees provide new ADA sidewalks along Bay Street for the full frontage of the site plus wheel chair ramps at both ends of each street crossing.
4. That the permittees will have an on-site management office and also full time on-site manager Monday through Friday.
5. That the permittee will construct drainage facilities as necessary toward the end of Bradley Avenue to resolve the existing drainage issue there, and include rights for the city to discharge that drainage to the permittee's drainage system.
6. That the permittee agree to provide funds in escrow for the design and (at least partial) implementation of traffic mitigation for the Whittenton Street and Bay Street intersection to resolve issues resulting from project related traffic changes along with existing deficiencies at the intersection. It is suggested that The City Engineer could assist in identifying the scope of the mitigation effort and thus a potential dollar amount to be placed in escrow.

**Public Meeting – Site Plan Review – 101 Prince Henry Drive – for the construction of a solid waste transfer station, submitted by Gil Lopes, New England Recycling (NER)**

Gil Lopes, N.E.R., Whitney Hall, P.E. were invited into the enclosure. Clerk Spencer read DIRB and the City Planner's letter into the record which were placed on file. City Engineer's stated he is ok with the drainage. Whitney stated they have revised plans based on the DIRB comments. This is for the construction of a demo waste center. There will be no municipal waste at this time. They are aware of the City Planner's letter and are all ok with it. The site consists of 12.6 acres with an existing 100 x 50 building for boiler and fuel which will remain on site. They will be re-locating the mulch operations. They have their stormwater management in place. They will also have to comply with B.O.H., NEPA, Mass DEP and Conservation commission and TDC. This is a highly regulated use. They will be building a new railroad spur of the existing rail. They will have trucks coming up access road dump recyclables waste into rail cars. They have order of Condition with the Conservation Commission to cross channel and drainage line and will replicate wetlands. The Stormwater is confined to pavement and there will be no increase in impervious area. They will be constructing a 250 x 130 metal building with truck doors, and it will have a peak height of 46 feet. Arthur asked hours of operation? The hours are regulated by the B.O.H. Monday – Friday 7 -5pm. Saturday 1/2 day. Closed Sunday. Chairman Campbell asked if they will be using John Hancock Road and he answers no. He asked about the rain mist program per the B.O.H. and he answers yes. Chairman Campbell asked about the existing operation and noise? Gil Lopes stated the existing mulching business has more noise than the proposed use because it's outside. There will be no stockpiling outside. Tony asked what's the average trips for the railroad? Gil Lopes answers they are allowed to move 1,000 ton (combined) but he thinks they will average 500 -700 ton. Chairman Campbell says if they have any dampness they have misting system inside. The trailers will be covered. Gill stated perhaps down the road

they may want to do solid waste. Right now they do 125 – 150 tons a day and they have lease 300 tons to someone else. Chairman Campbell stated not clearing trees at the current location. He wanted to make sure the buffer stays. No one in favor or opposed. Tony made motion to approve the site plan review with the following conditions:

**Condition #1) That the plans dated April 6, 2015 and revised through September 18, 2016 shall govern with the following additional conditions;**

**Condition #2) No municipal solid waste or other waste meeting the definition of biodegradable recycling shall be accepted on site without a Special Permit from the Municipal Council as require in the use table.**

**Condition #3) Lighting shall not illuminate any portion of abutting properties**

**Condition #4) The site shall be kept clean and clear of debris**

**Condition #5) Two set of as-builts shall be submitted upon completion of all work on site and shall include design engineer and land surveyor certification notes stating the development has been built according to the approved plans. Plans will show all construction of buildings, utilities, grades, setbacks etc.**

**Condition #6) Two sets of updated plans shall be submitted that conforms to all of the requirements of this decision before any building permits will be issued. Two sets are required**

**Condition #7) 24 additional parking spaces shall be added along the northerly edge of the paved area to meet the minimum parking requirements.**

**Condition #8) The directionality of traffic flow on the site shall be shown.**

**Condition #9) The drainage plan shall be approved by the City Engineer prior to building permit.**

**Condition #10) The site shall conform to the Conservation Commission RDA #2658.**

**Condition #11) Add one additional handicap parking space.**

**Condition #12) Comply with the Board of Health site assessment.**

All in favor.

City Planner Kevin Scanlon excused at 7:04 pm.

**Public Meeting - Site Plan Review - 397 Winthrop Street - for the expansion of the existing auto sales business to include 109 display spaces and 8 employees/customer spaces (for a total of 117 spaces) submitted by the applicant Jean Chedid, owned by Cullen 138 North Walker Street LLC.**

John Barbour representing petitioner Jean Chedid, Top Quality Auto Sales were invited into the enclosure. Clerk Spencer read the DIRB and Veolia comments into the record which were placed on file.

John stated there is an on-going business there now and they want to add more vehicles for sale. The lot size was increased allowing more vehicles to be displayed. Jody stated they have been a good neighbor. The only issue he sees when exiting he suggests them to use the east side of the lot. Discussion took place possibly changing the entrance. Brian asked the site would be paved and they answers no it's gravel. It was stated the trailer out back is not theirs. Tony asked about the curb cut? Chairman Campbell stated the sewer was connected and the water is supplied by abutting property water line. Public Input: Peter Cullen, owner of premises had some concerns with close off the entrance. After more detailed discussion it was the Boards' wishes to leave as is.

Manny made motion, seconded by Dennis. To approve with the following conditions:

**Condition #1) That the plans dated July 13, 2016 and revised through August 23, 2016 shall govern with the following additional conditions;**

**Condition #2) The site shall have a maximum limit of 109 vehicles for sale, display or storage at any one time and all vehicles shall be limited to the defined display spaces only at all times.**

**Condition #3) Lighting shall not illuminate any portion of abutting properties**

**Condition #4) The site shall be kept clean and clear of debris**

**Condition #5) Two set of as-builts shall be submitted upon completion of all work on site and shall include design engineer and land surveyor certification notes stating the development has been built according to the approved plans. Plans will show all construction of buildings, utilities, grades, setbacks etc.**

**Condition #6) Two sets of updated plans shall be submitted that conforms to all of the requirements of this decision before any building permits will be issued. Two sets are required**

**Condition #7) The rear property contours shall be added.**

**Condition #8) The dumpster shall be located on a concrete pad, be enclosed with a 6 foot stockade fence, be kept closed at all times and be emptied regularly.**

**Condition #9) The landscaping shall be plated in accordance with Section 440-702 of the Zoning Ordinance and shall be completed prior to the revision of the Class II License.**

**Condition #10) The site shall conform to the Conservation Commission RDA #968.**

**Condition #11) No vehicle parts of inoperable motor vehicles shall be stored on site.**

**Condition #12) The minus notations shall be removed from the plan.**

**Condition #13) The abutter property line shall be corrected.**

**Condition #14) The free-standing sign shall be shown on the plans.**

**Condition #15) The chain link fence on the westerly access shall be removed.**

**Condition #16) The handicap space and access aisle shall had a ADA approved surface.**

**Condition #17) The wooden platform shall be checked with the building inspector for ADA/AAB compliance.**

**Condition #18) The water service shall be relocated to Winthrop Street and not be through the abutting lot. Show the new line on the plan.**

All in favor.

**Public Meeting - Site Plan Review – 580 Myles Standish Blvd.,- for the Construction of a new curb cut entrance and additional parking spaces to services an existing building, submitted by Rex Ventures, LLC**

Rich Riccio, P.E. Field Engineering Co. was invited into the enclosure. Clerk Spencer read letters from the DIRB and Veolia which were placed on file. Rich stated the property is located next to Pepsi. They are adding a 2<sup>nd</sup> egress to improve circulation. It will be a Right Turn Only out of Myles Standish Industrial Blvd. and 2 DO Not Enter Signs. They will also be adding 3 more parking spaces. They will replace sign per the ordinance. Public Input: No one in favor or opposed.

Dennis made motion to approve with DIRB conditions, seconded by Tony. All in favor:

**Condition #1) That the plans dated September 2, 2016 shall govern with the following additional conditions;**

**Condition #2) Do no enter and one way access signs shall be installed on both sides of the entrances.**

**Condition #3) Lighting shall not illuminate any portion of abutting properties**

**Condition #4) The site shall be kept clean and clear of debris**

**Condition #5) Two set of as-builts shall be submitted upon completion of all work on site and shall include design engineer and land surveyor certification notes stating the development has been built according to the approved plans. Plans will show all construction of buildings, utilities, grades, setbacks etc.**

**Condition #6) Two sets of updated plans shall be submitted that conforms to all of the requirements of this decision before any building permits will be issued. Two sets are required**

**Condition #7) The rear property line dimension shall be corrected.**

**Condition #8) The dumpster shall be located on a concrete pad, be enclosed with a 6 foot stockade fence, be kept closed at all times and be emptied regularly.**

**Special Permit – 123 Hart St. – for a multi-family development containing 8 units – submitted by Louis Borges Jr. Need to forward a recommendation to Municipal Council.**

Atty. Williams Rounds and Joshua Borden, Arthur Borden Associates were invited into the enclosure. Clerk Spencer read the comments from the Conservation Commission, Veolia Water, B.O.H., and City Planner

which were placed on file. Atty. Rounds stated this site is 1 ½ acres and was recently subdivided . They are proposing an 8 unit condo development. There will be 4 buildings with 2 units with garage. The Board needs to send a recommendation to the Municipal Council for their public hearing. Josh stated the plans shows 4 duplex styles buildings (they reduced it was 5 bldgs.) and meeting with the City Planner. He stated there is no real high water table and they will have underground storage for their drainage. Chairman Campbell asked how close is the building to the abutting (Mastera property) Josh didn't know. It was suggested putting walk ways and Josh said they can look into that. Jody stated he was amazed it wasn't done years ago and thought this is a tasteful design and it will fit in nice. No one in favor or opposed. Dennis made motion to forward a positive recommendation for the proposed 8 unit residential development, seconded by Brian. All in favor.

**Grove Avenue – Request for street acceptance – Need to send recommendation to Municipal Council.**  
Already sent recommendation to Municipal council.

**River Pines – Update on completion –**

Letter from Richard Feodoroff updating the Board on the situation at River Pines relative to sidewalks. Manny made motion to rescind Planning Board's vote of 2-4-16 of releasing lot #3 (upon receipt of \$47,200) seconded by Brian. All in favor. The developer must come back to the Board for release of lot #3. The Board is very frustrated and wants to explore the option of calling in monies to finish. Jody made motion to send letter to the City Solicitor stating the Board wants to start a file on starting the process of calling in the bond/surety, seconded by Arthur. All in favor.

Meeting adjourned at 8:04 PM