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TAUNTON PLANNING BOARD MINUTES  
Meeting held at Maxham School, 141 Oak St,  
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DATE: November 3, 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

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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 5:30 PM

Jody made motion to accept minutes of October 6, 2016 seconded by Arthur. All in favor.

**Public Hearing - Proposed Zoning Map Amendment - To re-zone 1925 Bay Street (Map 14-Lot 19) from Suburban Residential to Business District. Submitted by James Tonry, 1925 Bay Street, Taunton, Ma.**

Roll Call: Carr, Smith, Lopes, Fiore, Spencer and Campbell present. Meeting opens at 5:30 PM  
Atty. Edmund Brenna representing petitioner James Tonry and Jamie Bissonette, Engineer was invited into the enclosure. Atty. Brenna stated the site is on the east side of Bay Street and abuts the Business District. Currently the property is in the Suburban Residential District. The proposal is to combine this lot with the lot to the north which is located in the Business District. Atty. Brennan stated the developer has plans to put a gas station convenience store which will required ZBA & Site Plan Review approval. He stated the Municipal Council will hold a public hearing on this proposal. This parcel consists of 49,000 sq ft. to be included with the Business District that abuts it. They stated the concept plans is to have typical gas pumps in front and building in middle. He showed picture of a typical brick building with hip roof. He pointed out there are no gas stations in the immediate area. There is a medical facility, residences and the Industrial Park to the west. This will be the perfect spot because it's close to Route 495. They have done some initial traffic analysis and some adjustments to the lights are needed. City Planner stated they are asking for it to be rezoned and if they don't re-zone it they can request a special permit from ZBA for use. Jody said it makes sense in terms of convenience. In 2007 BJ's was approved for gasoline station but it was never built. Jody stated the concept of the zoning change makes sense and it will need much review. Chairman Campbell any of the uses such as retail, office are allowed by right and some require a special permit from ZBA which are discretionary. Atty. Brennan stated the owner as a contract to develop as a gas station.

Arthur made motion to open public input, seconded by Dennis. All in favor.

Scott Handren, 1939 Bay St. stated he's in favor. Opposed: Dorothy Morrissey, 14 Field St., stated there the traffic is crazy and she is concerned with property depreciation. Opposed: Paula Calhoun, 10 Field Street stated the traffic is very bad and crime will increase due to the proposed use. She lives next door. Opposed: Lisa Luiz, 24B Dublin Dr. stated they are back again for another zoning change. Opposed: Carol Palmer, 1916 Bay St.. lives across the street. She had serious concerns about traffic, crime, accidents, and

toxins going into the wells. She has a submersible pump for 38 years ago. Her home was building in 1775 and is on the National Registry of Historic. There are 2 cemeteries in the area. A few years ago they were concerned when BJ 's wanted to put gas station in an what affect would it have on them. She stated there are heavy trucks traveling this road which shakes houses, and the sewer manhole is being destroyed. Brian asked Ms. Palmer if she would like a light here and she answers it would be a small step. Opposed: Bill Ferreira, 38 Dublin Dr. who abuts this property to the rear. He stated there was supposed to be a buffer zone when BJ went in and there has been a traffic counter put down. He wanted to reminder everyone that the church is very busy during election because it's a polling place. He thought traffic lights would be good. Will they be putting sidewalk in because it's ends at the cemetery. He also doesn't want the lights to interfere with this property. He asked about hours of operation, outside speaker, pollution, and resale valued of their homes. Opposed: Myra Taylor, 24A Dublin Dr. stated she is not comfortable with the proposal and will move. Atty. Brennan stated they did an initial traffic study and it would be recommended to put sidewalk in area and address the traffic by sequence the lights. This property is off of Field Street and about 300 feet west of the rear of the property which is Dublin Drive. The business zone is there they are just including this property. He understands the neighbor's concerns and he thinks they can address them. Mr. Ferreira stated he can see back door of exiting house from his house so he would want buffer. Chairman Campbell stated they can send a recommendation to the Council but they cannot make it a condition. He stated when it comes before us as a SPR then we can put conditions. Dennis made motion to close public input, seconded by Brian. All in favor. Brian asked Atty. Brennan if he would be combining lots and where would the building go. Nick pointed out on the plans the building would be in the middle. City Planner Kevin Scanlon said the gas component must go before the ZBA. Manny stated he would like to support more business in the City but he has concerns about the residents who have been there for a long time. Jody stated leaving it as residential is no desirable and if they re-zone now they go for SPR and we can deal with neighbors' concerns then. Chairman Campbell stated this is the main street and a good location for gas/retail store with the highway access closeby. He thinks its appropriate to change the zoning to the abutting properties. Arthur had concerns with the historical area, church, cemetery and the use will add more traffic and he doesn't think it's feasible. Brian is torn because the general area is nice and his issue is it's close to a residential neighborhood. Jody stated his concern is if we vote it down it hurts the ability to plan and place conditions. He stated the zoning change allows them to put something there and then we can look at it through the Site Plan Review process and address abutters concerns. Dennis stated this is Step 1 in the process and agrees with Jody. Brian stated he's in favor of zoning change but opposed to the proposed gas station use. Atty. Brennan stated city wide retail use is good for the City. He stated the Board is not approving the gas use just to include this parcel in the Business District. City Planner stated they could go to the ZBA for variance for use if they don't get zoning change. It was noted BJ's was approved for gasoline but that approval has expired. Atty. Brennan said the initial traffic study showed the lights might need to be sequenced. He stated he's aware to the rear of the property, about 300 feet west is Dublin Drive, a residential subdivision. They have given great consideration and understand the neighbors' concerns.

**Brian made motion to forward a positive recommendation to the Municipal Council to change the zoning at 1925 Bay Street from "Suburban Residential" to "Business" as petitioned. Seconded by Dennis. 4 members in favor, 2 members opposed, 1 member absent.**

The Board was against the possible subsequent use of the site as a gasoline filling station, noting that a pad on the nearby site where BJ's, Tractor Sales and others are located would be a more appropriate location, provided that it is designed and operated in compliance with Aquafer Protection Overlay District "Zone 2" requirements

**Public Hearing- Form J – 4 Prospect Hill Street – Waiver of frontage Requirements – submitted by John Slater**

Roll Call: Carr, Smith, Lopes, Fiore, Spencer and Campbell. Atty. Brianna Correira and Nick Dufrense were invited into the enclosure. City Planner read the dept. comments from himself, Water, B.O.H. and Conservation Commission. Atty. Correira stated they went before the ZBA and Conservation Commission. They have 21.55 feet of frontage and Atty. Correira stated they talked to abutter who is in favor Parcel A is a large 80,855 sq. ft. undeveloped piece of land. Jordy disclosed that he did the closing for Carpenter but has no conflict. Nick stated the land is hilly and it's lower where the house is. The only access 15 foot wide driveway and turnaround. There is be city water and septic system but Nick stated they may put well in. Manny asked who will maintain driveway? Nick answers it will be a private driveway just like any other driveway in the City. Chairman Campbell stated the hydrant should be shown on plans. Manny asked what is the distance to the abutting home and it was answers about 500 feet.

Jody made motion to open public input, seconded by Arthur. All in favor

Kevin Harpen, 15 Hillside Ave., asked if it was just one house and they answers yes. He stated there are wetlands swamp and they put equalizer pipes under his driveway. Ann Levesque, 35 Scadding St. was concerned with drainage and change to water table and a well being constructed. She doesn't want any impact on her property. Nick stated there will be no change in the water table from a single family house.

**Manny made motion, seconded by Dennis to approve the Form J with following conditions:**

- 1. Once the ponding area limits from the 100 year flood are determined utilizing drainage calculations a Drainage Easement to the City shall be established around its perimeter to assure that it is never displaced.**
- 2. The Drainage Easement shall be established, conveyed and recorded prior to a building permit being requested.**

All in favor.

City Planner Kevin Scanlon excused at 6:38 PM.

**Site Plan Review – 30 Mozzone Blvd. - for a Registered Medicinal Marijuana Dispensary and Cultivation Facility in an Industrial District, submitted by Commonwealth Alternative Care Inc., owned by Daniel DaRosa, Trustee of 30 Mozzone Boulevard 2013 Realty Trust.**

Clerk Spencer read letter from DIRB and TMLP which were placed on file.

The Board stated they would discuss the SPR and SP together. Atty. David gay, John Greene, Bob Field, Field Engineering were invited into the enclosure. Atty. Gay stated they went over the issues at the DIRB meeting. Atty. Gay stated the Board may recall this site received approval a few years ago but unfortunately the Commonwealth has some problems with permits. They have rectified it and now they are here tonight, same petitioner, but now they want to distribution and cultivation. Bob F. stated the security has been modified a little and has been reviewed by the Police Dept. Some changes were at the egress /access points, and secured employee parking. He stated essentially it's the same proposal as a few years ago. They are here tonight seeking a Special Permit and adding distribution. The last proposal distribution was off site. Manny stated they only distribute with prescription. He thinks it's a great location because it will not interfere with traffic. Brian asked what the impact would be? He stated one call to the police is impacting the police. There have been problems with these types of establishments. He asked a few questions relative

to security and they told him it's regulated by the State and they have submitted their plans to the Police dept. He asked other than taxes what will the City gain from this? John answers they have host agreement and they also donate to Boys & Girls Club and sponsor Drug prevention program. The changes from last proposal is door in different locations, size of the building is same. It was asked if they could sell marijuana and he answered they are focused on the medical component. He stated there is a need for it in the City. Atty. Gay stated there was one approved about 2 miles away but no permits have been pulled? It looks like they abandoned the site. Brian asked if the laws changed? John answers under Gov. Baker's administration law allowing any community to cultivate and dispense. He stated 11 permits were granted and the first year 35 licenses were given and Dept. of Public Health has discretion. He thinks by the end of 2017 there will be about 90-110 dispensaries across the commonwealth. They want to supply patient demand. Chairman Campbell asked if he had any issues with the DIRB conditions and he answered no.

**Jody made motion to approve the Site Plan Review with DIRB comments. Seconded by Manny. All in favor.**

Condition #1) That the plans dated September 30, 2016 shall govern with the following additional conditions:

Condition #2) A set of updated plans shall be submitted that conform to all of the requirements of this decision before any building permit will be issued. Two sets are required.

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 sets of As-Builts shall be submitted upon completion of all work on site and shall include certification notes and stamps by a Design Engineer (PE) and Land Surveyor (PLS) stating that the development has been built according to the approved plans. Plans shall show at least all of the information shown on the proposed plans referenced in condition #1 above and all utility as-builts.

Condition #6) An oil water separator for the floor drains is required.

Condition #7) An external grease trap is required.

Condition #8) A food plan review from the Board of Health is required.

Condition #9) The landscape plan shall be approved prior to building permits.

Condition #10) A dumpster is required from the Fire Department.

Condition #11) A Hazardous Materials Plan is required by the Board of Health.

Condition #12) The cultivation area shall have a closed water system. The system will be flushed periodically to the sewer system.

Condition #13) Remove the plus /minus from the building square footage

Condition #14) No outdoor cultivation is permitted.

Condition #15) The missing dimensions from the rear property line shall be added.

Condition #16) The free-standing sign shall be shown on the plan. Only one is allowed per zoning for both businesses.

Condition #17) The project shall comply with all Department of Public Health requirements regarding medical marijuana cultivation and dispensaries. .

Condition #18) This decision does not in any way supersede the Site Plan Review dated September 4, 2015 that was issued for the other half of this site for the recycling operation. The restriction of both decisions shall remain in full force and effect.

Condition #19) Compliance with the Order of Conditions from the Conservation Commission #2569.

Condition #20) Show the water service on the plans and confirm the adequacy of the water supply.

Condition #21) The security gates shall be approved by the Fire Department for adequacy of emergency access.

Condition #22) Directional signs shall be added for deliveries and customer access.

**Special Permit – 30 Mozzone Blvd. - for a Registered Medicinal Marijuana Dispensary and Cultivation Facility in an Industrial District, submitted by Commonwealth Alternative Care Inc., owned by Daniel DaRosa, Trustee of 30 Mozzone Boulevard 2013 Realty Trust. Need to forward a recommendation to Municipal Council**

Dennis made motion, seconded by Jody, to forward a positive recommendation to the Municipal Council (5 members in favor, 1 member opposed, and 1 member absent) to send a positive recommendation to the Municipal Council for the Special Permit based on the anticipated benefits outlined in the development impact statement included in the application.

**Communication from Office of Economic and Community Dev. – informing that they are issuing an RPF on 10-17-16 – that will solicit proposals for comprehensive Master Plan.**

Placed on file.

**E-5 – Myles Standish Ind. Prk – Phase V – Dever Drive – Request to release All Surety (Holding 18,000 mylar deposit and performance bond in the amount of \$3,883,561.60 ) owned by TauntonDev/Corp.Mass.Dev.**

Clerk Spencer read dept. comments from B.O.H., Conservation Commission. The City Engineer said he had couple issues but nothing major.

Jody made motion to release the performance bond, seconded by Dennis. All in favor.

Jody made motion to return mylar deposit upon confirmation from City Engineer that he has received the layout plans and legal description. Seconded by Arthur. All in favor.

**Cont'd Public meeting – BEN Street Roadway Improvement Plan – proposal is to improve 191 feet of roadway at a width of 18 feet for 2 residential lot - Letter from Atty. Rounds requesting a continuance to January meeting. Motion made and seconded to grant continuance. All in favor.**

**River Pines – Update on completion –**

Letter from Richard Feodoroff stating he will be able to move forward once owner at 25 River Pines allow matches the ADA sidewalk/ramp.

Jody made motion to place this on next month's agenda, seconded by Dennis. All in Favor.

Brian stated he would like the Board of Health to include copies of site assessment when forwarding their comments to the Board on projects. He thinks it would be helpful to have in their packets.

Manny stated he has been asked to look at the auto dealership (Prestige Auto Sales) on the corner of Broadway & Jackson Street to make sure they did not pave the entire site. City Engineer will check into it.

Meeting adjourned at 7:16 PM