

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

DATE: September 1, 2016

BOARD MEMBERS:     Bob Campbell, Chrmn.                     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. Meeting opens at 5:30 PM

Dennis made motion to accept minutes of July 7, 2016 seconded by Tony All in favor.

**Public Hearing - Form J Plan – Waiver of frontage – for the re-configuration of 4 lots into 6 lots - for property located on Hoover Street, known as Property I.D. 91-286, 91-297, 91-298 and 91-301.**

Roll Call: Spencer, Carr, Smith, Abreau,Lopes, Fiore and Campbell. Hearing opens at 5:31  
Clerk Spencer reads public hearing notice and dept. comments from City Planner, B.O.H and Conservation Commission into the record. Also e-mail from Ann Marie& Chris Brock, opposed.  
Dennis made motion to invite petitioner into the enclosure. Seconded by Tony. All in favor.  
Atty. William Round and Marcelino Leite were invited into the enclosure. Atty. Rounds gave background of project. Mr. Leite received ZBA and Planning Board approval (roadway improvement plans) for 4 lots and did the roadway and then was ill. He then went back to the ZBA for an additional 2 lots, resulting in 6 lots but when he came for the Form J with this board the improvements were only for 4 lots. He was then informed he needed to do file a Modificaiton to the Roadway Improvement Plan. He did that but never got approved for the “Waiver of frontage” Form J. So now he is here tonight for that. Chairman Campbell sated the Board need to determine if the improvements are sufficient for access for these lots.  
Tony made motion to open public input, seconded by Dennis. All in favor.  
No one in favor or opposed.  
Tony made motion to close public input, seconded by Dennis. All in favor.  
Jody made motion to grant the Form J for Hoover Street with the dept. comments. Seconded by Tony.  
6 members in favor. 1 member opposed.  
Hearing closed at 5:42 P.M.

**Public Hearing - Form J Plan – Waiver of frontage – for the re-configuration of 7 lots into 3 lots - for property located on Oaklawn Avenue known as Property I.D.47, lots 218-223. Submitted by John Artesani**

Hearing opens at 5:42 PM Roll Call: Carr, Smith, Abreau, Fiore, Lopes, Spencer and Campbell. Clerk Spencer read the public hearing notice and Dept comments from City Planner, B.O.H., Water/DPW and Conservation Commission which were mad part of the record.

Dennis made motion to invite the petitioners into the enclosure. Seconded by Brian. All in favor.

John Artesani, owner, stated he went to ZBA and received approval for 2 additional lots. Tony remembers this because the sewer was just put in on School and there is a 5 year moratorium. Tony said he would have to pave curb to curb when extending sewer to these lots. Manny asked about if he would be required to bring sewer all the way through? The other houses on the street have sewer.

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

John Delisle, 238 School St. stated he's not opposed to 2 lots but had some concerns. He stated there is a telephone pole and wants to know if there would be delay during construction. Tony stated they would be required to hire police detail while doing work. He wanted to know the hours of construction hours and Tony said M-F 7 AM – 3 PM. Mr. Delisle stated there will be an increase in children so more buses? Will they be putting sidewalks, tie into water & sewer? Tony said there is water there now and they will be extending sewer. Opposed: Jean Silvia, 6 Whitsboro Street. She stated there are gas problems in the area and is concerned about tapping into the road.

Tony made motion to close public input, seconded by Dennis. All in favor.

The ZBA approved the lots so now the Board has to determine if there is adequate frontage for 2 lots. It was stated they should show sewer down middle of road and they will be required to pave curb to curb, edge to edge. City Engineer asked about the 3 ½ rim to invert and it may require insulation per DPW. Chairman Campbell stated in the City Planner's letter in regards to putting time frame on which to complete project. He stated we could put completion date on this. Mr. Artesani stated he would have to think about the project if he is forced to pave the whole street. It may not be feasible at this time to move forward. Manny stated he doesn't want approve something that might not get done. Chairman Campbell stated these are to be single family per the ZBA. After some more discussion Mr. Artesani misunderstood and thought he would be required to pave the entire street. Tony stated no just curb to curb (width of road instead of patch)

**Manny made motion to approve the Form J with the following conditions: seconded by Dennis. All in favor.**

- 1. The applicant must follow the City of Taunton DPW Sewer regulations relative to extending the sewer and providing stubs for tie-in.**
- 2. The location of the utilities subject to the approval of the DPW.**
- 3. Strict compliance of ZBA Case # 3288.**
- 4. This approval is valid for one (1) year.**

Hearing closed at 6:12 pm.

**Public Hearing – Definitive Subdivision - “Highland Heights Subdivision” -proposed 33 lot subdivision located southerly of Briggs Street and northerly of Highland Street, known as Assessor’s Reference Property I.D. 91-62 and 91-61. Submitted by Mathew St. Germain**

Roll Call: Carr, Smith, Lopes, Abreau, Fiore, Spencer, and Campbell. Hearing opens at 6:12 PM

Clerk Spencer read dept. comments from City Planner, Conservation Commission, DPW/Water, TMLP and B.O.H. which were made part of the record. Letter from Karen Price, 68 Highland St.in favor.

Dennis made motion to invite petitioner into the enclosure, seconded by Jody. All in favor.

Atty. Rob Frederick, Karen Patneau, P.E. and Mike Patneau, P.E. were invited into the enclosure. Atty. Fredericks stated the property has been in St. Germain family since 1959 and it was passed to Matthew St. Germain 25 years ago. The area was used to haul materials (known as the Pits). The owner is trying to make the area more habitable and the best use is residential use. They are asking for 2 waivers, reduction of pavement width from 30 feet to 24 feet, and one sidewalk instead of 2 sidewalks. Earth Services Corp. prepared the plans and the property is of significant size. The stormwater was reviewed and referring to the

City Engineer's comments. They have marked the easement (#6) and 70 feet wide easement does taper down to 25 feet wide. He deferred to Earth Services to go over the City Engineer's letter. Karen stated in City Engineer' letter #2 drain pipe, they can do that. #3 stubs, they will fix location of stubs, #4 the depth of sewer at the low point is 3.4 and 3.9 and if they have to insulate they will ask DPW. Karen stated the City Planner's letter indicated the wheelchair ramps were not on the plans but they are. She stated she talked to Veoila about the sewer manholes and they will move in the roadway. Tony asked if they comments on the capacity of the pump station and Karen said they only said add dog house detail on plans. Tony asked about the applicant connecting sidewalk to where the City left off on Briggs Street. Chairman Campbell stated that would be a good idea. City Engineer suggests razing the intersection and bring intersection to sidewalk level to prevent speeding. Brian asked what is the estimated value of proposed houses? It was stated it will be similar to the end of Briggs Street (\$350,000). Chairman Campbell stated the detention basins straddles 2 lots and asked if that could be corrected?

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

Susan Barr, 94 Briggs St. stated houses would be nice and it will be an improvement to the neighborhood. It will prevent trucks from up and down from pits. E-mail from: Karen Price, 86 Highland St. In favor.

Opposed: none.

Arthur made motion to close public input, seconded by Tony. All in favor.

There was discussion about traffic and speed table. City Engineer suggests elevation of whole intersection about 6 inches for a distance of 15 -20 feet. Discussion about the detention basin as to whether or not they can put on one lot and it doesn't appear they can. There is a hill and they can't remove it for drainage because they don't own it. Chairman Campbell suggests having the 2 lots have a homeowner's association for the basin. Atty. Fredericks said they could do that.

**Manny made motion to grant waiver for pavement width of 24 feet (instead of 30 feet) and 1 sidewalk (instead of 2) seconded by Tony. All in favor.**

**Jody made motion, seconded by Tony to approve Highland Heights Subdivision with the following conditions:**

- 1. The subdivision shall follow the outside consultant guidelines for inspections which shall include the sewer and water extensions and any work offsite completed in conjunction with this project. The initial escrow deposit for paying for inspections should be set at \$10,000 and should be replenished back to a \$6,000 balance anytime the balances dips below \$1,500.00. The Board selected Field Engineering Company P. O. Box 1178, Mattapoissett, Ma. as the outside consultant for this subdivision.**
- 2. The applicant will be required to file with the Taunton Conservation Commission for the drainage as a portion of the swale will be within the 100-foot buffer zone to a bordering vegetated wetland (BVW) in the area to the southeast marked as "drainage easement".**
- 3. A note must be added to the plans to show the requirement for an 18" vertical clearance between water and sewer lines where they must cross.**
- 4. The depth of the sewer must be a minimum of 4 feet below the surface. If that depth cannot be met insulation may be required with the approval of the DPW.**
- 5. The roadway shall be striped with a double yellow centerline and one-foot offset white edge lines. Stop lines and stop signs and crosswalks should be located at all intersections.**
- 6. Bound locations must be shown on the plans with a note that they must be installed.**
- 7. Drain pipes must be annotated such that they match crowns instead of matching inverts at manholes where the pipe sizes change.**

8. A Homeowner's Association shall be created for Lots 21 & 22 to provide for the perpetual maintenance of the detention pond & outlet swale (and associated easement). This must be done prior to any lots being released and must meet the approval of the City Planner.
9. The lots are restricted to construction of single family dwellings only.
10. A "speed table" is to be constructed at each of the 2 internal intersections, with the design subject to the approval of the City Engineer..
11. Since the Planning Board agreed to waive construction of half of the required sidewalks within the subdivision and to provide for a connection to existing sidewalks outside of the subdivision, the applicant will construct a sidewalk along Highland Street (approx. 400 feet) continuing from where the recently constructed City sidewalk ends connecting to the sidewalk on Saints Way.
12. The dwellings must comply with the Minimum Standards of Fitness for Human Habitation, State Sanitary Code, Chapter II.
13. The total number of lots in the subdivision is 33.
14. The design of the sewer main must be revised such the manholes will be within the street pavement.
15. The developers of the subdivision will work with Veolia, operators of the City's sewer pumping stations, and do what the City may require to ensure that the Briggs Street sewer pumping station can accommodate the addition of the proposed subdivision sewage flow and still function within accepted operational parameters.

All in favor. Hearing closed at 6:53 PM

**Public Hearing – 851 Cohannet St.- Waiver of frontage – the division of one lot into two lots , submitted by Antonio DeSousa**

Hearing opens at 6:53 PM. Clerk Spencer read the public hearing notice and dept. comments from Conservation Commission, City Planner and B.O.H. which were placed on file.

Tony made motion to invite petitioner into the enclosure, seconded by Arthur. All in favor.

Clerk Spencer read dept. comments from the City Planner, Conservation Commission, and B.O.H. which were made part of the record. Roll Call: Carr, Smith, Abreau, Lopes, Fiore, Spencer and Campbell. Nick Dufresne , Farland Engineer Corp., was invited into the enclosure. He stated the applicant lives at the existing dwelling and wishes to move in new house in back and have his son live in existing house. The ZBA approved it with conditions. Chairman Campbell asked if each lot will have their own driveway on own lot and they answered yes. Brian asked if each person will responsible for their own driveway and it was answered yes. Chairman Campbell stated he would like to see the ZBAs conditions relative to spruce trees on plans before endorsement

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

**No one in favor or opposed. Close public input.**

**Dennis made motion to approve the Form J with the following conditions:**

1. Each lot is to have their own driveway located on their own lot and it be reflected in the recorded deed.
2. Show placement of trees on the plans (see ZBA Case # 3325) prior to endorsement.

Hearing closed at 7:07 PM

**Public Hearing – Form J Plan – 80 Woodbine St.- Waiver of frontage – to divide one lot into two lots, submitted by Kathy Rose-Nixon, Bev DeMoranville & Donald Rose**

**Roll Call: Carr, Smith, Abreau, Lopes, Fiore, Spencer and Campbell. Hearing opens at 7:07 PM**

Clerk Spencer read dept. comments from B.O.H., and City Planner which were made part of the record.

Atty. Matthew Costa, Gay & Gay, 73 Washington St., Taunton, Ma. was invited into the enclosure. Atty. Costa states they are just separating 80 Woodbine Street from the remaining land. They received ZBA approval and now just need the waiver of frontage. This parcel has been utilizing Vinson Street at their access which will continue. But because they don't have the required 100 feet of frontage they needed to go to ZBA and Planning Board for Form J. They have frontage on Woodbine but's it not developed due to wetlands. Lot 11A consists of 2 parcels but they are held in common ownership.

Tony made motion to open public input, seconded by Brian. All in favor.

No one in favor or opposed.

Tony made motion to close public input, seconded by Dennis. All in favor.

**Dennis made motion to approve the Form J seconded by Manny. All in favor.**

**Hearing closed at 7:14 PM**

**Public Meeting – Site Plan Review – 207Hart St – Bristol Plymouth Technical School - For the construction of 2 proposed parking lots (113 spaces & 56 spaces) with all drainage appurtenances.**

Clerk Spencer read the DIRB comments into the record. Steve Poelant, Bristol Plymouth and Zachary Gless, Engineer was invited into the enclosure. They are here tonight because they are proposing 2 parking lots for a total of 153 parking spaces. They met with the DIRB and the only thing they like changed is condition #8 relative to reducing the aisle and one way. They would prefer 24 feet wide (wider for kids driving) and City Engineer said they would be ok. The Board stated they would remove that condition. Zachary said they have no issues with the other DIRB comments. No one in favor or opposed.

Manny made motion to approve the Site Plan Review with the DIRB comments (eliminate #8) seconded by Tony. All in favor.

**Condition #1) That the plans dated July 14, 2016 shall govern with the following additional conditions;**

**Condition #2) Previous site plan approvals shall remain in full force and effect except as specifically modified by this decision.**

**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) Compliance with Conservation Commission Order of Conditions SE -73-2669.**

**Condition #8) The site plan shall be updated to show accurate existing conditions.**

**Condition #9) There is no phasing for this proposal and both lots are proposed to be constructed.**

**Condition #10) Parking lot drainage flow line shall be at the back of the parking aisle and the berm in front of the paved swale leading to stormwater basin A shall be eliminated. Additional spot elevations shall be provided along the southerly edge of parking.**

**Condition #11) Stormceptor sizing calculations shall be provided.**

**Condition #12) Multiple inlet grates shall be provided.**

**Condition #13) Materials for the emergency spillway and outlet protection shall be shown.**

**Condition #14) Handicap parking calculations and distribution for the entire site shall be shown in compliance with ADA and AAB requirements.**

**Condition #15) A short fence shall be provided on all retaining walls proposed.**

**Condition #16) The two electrical lines shall be correctly depicted on the plan.**

**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.**

Clerk Spencer read the DIRB comments into the record. Letter from Gemini Realty Trust was read into the record. Scott Faria, Holgren Engineering, Atty. Greg Koldys, and owner Robert Asack were invited into the enclosure. Scott stated this property runs along Johnson Court and the former use was a gym and painting & decorating business. The proposal is to place a 30 foot food trailer along the river. They met with the DIRB and have no issues with the conditions. They thought about placing food truck on Weir Street but that is a heavily traveled area and it will be better suited on side street. The cars will be slowing down and notice it. They will keep area clean and clear of debris. Tony asked if the truck will be mobile? It will be stationary at the site but it will have wheels. They intend on keeping it at this one location. Arthur asked what type of foods will they have? Scott answers hot dogs, hamburgers, French fries, fast foods. Chairman Campbell had concerns with the trailer and thought it would be more visible if it were on Weir Street. Mr. Asack passed out flyer showing what showing similar type of trailer. It was asked if it will be registered and he answers no but it will be insured. It will state on this property. Chairman Campbell stated he doesn't think people would see where they are proposing it. Mr. Asack said he spoke to the Building Inspector and he prefers it being back off Weir Street. Mr. Asack stated people coming off Weir Street slow down to drive onto Johnson Court and will see it as they make the turn. He stated he has other plans for the building on Weir Street. He has been on Weir Street (Bobby's Place) for 26 years and he thinks this is a beautiful spot with the River in back. The trailer will be self-contained and will have to comply with the B.O.H. grey water rules. He stated the whole inside is stainless steel. He stated the City wants to revitalize the downtown and this will help. He stated the other piece of property on Weir Street is in Trust and he has others plans for that. Chairman Campbell asked if the two lots are merged for zoning purposes and if so they should be shown on plan as one big lot? Dennis asked about the handicapped spot and if it had to be paved. He was under the impression it did but it didn't state that in the DIRB comments? Mr. Asack stated Mr. Scanlon didn't say anything about that. Tony asked where do they put snow? Mr. Asack stated he could haul it away if needed. Chairman Campbell stated he went by there yesterday and the ambulance came right out. He thinks it's a busy little street and the food trailer will be better on concrete pad on Weir Street. Dennis asked Manny if he's familiar with the jersey barriers that were put up. Mr. Asack stated it's fire lane along his building and he had Hyde stripe it. There is also a fire lane along the blue space metal building and the ambulances park there any way. Chairman Campbell suggests putting trailer on pad and have easement for dumpster on other property? Jody suggests moving the foot trailer closer to stairs to concrete pad, approx.. 5 feet. Atty. Koldys states they could and it might create less traffic coming out of parking lot. Mr. Asack was ok with flipping it, meaning putting foot trailer closer to stair and putting parking on other side but he does not want to put it on concrete pad on Weir Street. Public input: Jay Dorsey, 147 Highland St. stated he could see it on the front lot, facing Weir Street. He presented petition signed by 11 people, not necessarily abutters. Bobby stated he put jersey barrier up when the Sandbar put their outdoor smoking area and took parking away.

**Dennis made motion to send letter to the Fire Dept. to see if there is a designated Fire Lane along Johnson Court and around Bobby's Place building. Seconded by Brian. All in favor.**

Dennis stated he would like to see the Fire Lane on the plan. Bobby stated he had 3 fire trucks come out when he painted the fire lane along his building a few years ago. The Board was concerned with pedestrians walking. It was asked what would be hours of operation and Bobby answered 11 AM– 1 AM.

**Motion made and second to request a determination from the City Planner to see if the 2 lots merged for zoning purposes. All in favor.**

**Motion made and seconded to continue until next month.**

**E-5 – Pinehurst Street – Roadway Improvement Plan – Request to release last lot – holding \$21,334.00 submitted by Chris Coute**

Clerk Spencer read dept. comments from the Conservation Commission, B.O.H., and City Engineer into the record. Chris Moniz, representing Brownstone Realty was invited into the enclosure.

He stated the stabilization has started and they have placed tape around grass.

Jody made motion to release last lot upon receipt of \$29,866.00 of surety, seconded by Dennis. All in favor.

**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 the City Planner's letter into the record indicating the NEW plans just came and the city departments have not had a chance to review them, so he is recommending the Board to continue this until next month. Atty. Rounds stated they agree but will give a brief presentation tonight if the Board allows. Atty. Rounds stated the original proposal was to preserve the 2 rectory buildings and the Planning Board wanted them to move building and eliminate 2 rectory buildings. Atty. Rounds stated they needed to go back to the Diocese to work out the demo cost and now they have new plans showing one large building facing Bay Street. They have reduced it to 54 units. They heard the comments from the Board last time and they have kept entrance on Bay Street, Jenny Lind. They have 123 parking spaces and ample landscaping in front and back. The lanes are 20 feet wide with 25' turning radii. They have not provided a "play/recreation area" but have park benches and picnic tables. It was asked if they had any plans to fix the sidewalks? There will be new curb cuts on Bay Street but this is just the preliminary plans. Atty. Rounds stated they would need to get a Site Plan Review with this board and those details will be on plans. Tony asked about water service to Bradley Avenue to Bay Street? Brian asked if they were providing any mitigation for the intersections? Brian Dunn answered off site improvements are far away. Brian Carr was thinking about the intersection at Whittenton House of Pizza & Bay Street and further down the road where the Polish club and East Britannia Street intersection. City Engineer asked Brian Dunn about the traffic. Brian D. stated they will look at traffic data and see if there is a reason to upgrade intersections. Chairman Campbell asked about if the management company will monitor what goes on? Bob Meisterman answered there will be a permanent person on site from management company. Brian asked if the people will be vetted? Public Input: Anne Zrebiec, 8 Smith St. says new plans shows 54 units. She asked where the park benches & picnic tables would go, would there be smoking allowed on property? What about fencing around property? She suggests vinyl it will look better. She stated Whittenton is overcrowded and she is worried about 54 more families moving in the area. Bob Meisterman said there will be smoking allowed outside of building. Audrey & Joseph Zrebiec, 31 Pine St. stated they are not opposed to multifamily. She quoted the ordinance and Section 5 Permitted uses and she thought you have to have mixed use, commercial on first floor with residential on top floors. Joe stated that lots that are in two districts and the bigger district governs. He thinks there is a discrepancy in the zoning ordinance. Joe also said the building must meet front setbacks as opposed to sides because there are streets surrounding it.

**Cont'd Public Meeting – Roadway Improvement Plan-BEN Street – proposal is to improve 191 feet of roadway at a width of 18 feet for 2 residential lots –**

Letter from Atty. Rounds requesting a 2-month continuance.

**Tony made motion to grant 2-month continuance, seconded by Brian. All in favor.**

**River Pines – Update on completion –**

Letter from Richard Feodoroff updating the Board on the situation at River Pines relative to sidewalks. The Board is very frustrated and wants to explore the option of calling in monies to finish. There was discussion relative to the State Extension Law and if it applies to subdivisions? Chairman Campbell reference Article 5 Section 501 of the Planning Board Rules & Regs. Relative to work that has not been completed within 2 years of the bond/monies being posted the Board can use monies to finish the project.

**Brian made motion to refer to the City Planner & Law Dept. for a legal opinion regarding calling bond/monies and if the State Extension Law (tolling period ) applies to subdivision. Seconded by Tony All in favor.**

Lois Silvia, owner in River Pines presented the Board with a copy of the State Extension Law (Tolling period) The Board informed her they would request a legal opinion from Law Office to see if they are within their rights.

**Winthrop Heights – Letter from City Engineer**

Letter from Richard Feodoroff updating the Board on the progress. He had the City Engineer to conduct an inspection and he anticipates all remaining work will be completed by the October 6<sup>th</sup> meeting.

Meeting adjourned at 9:24 PM