

1-16-14 mins.

TAUNTON PLANNING BOARD MINUTES
CITY HALL, TAUNTON, MA 02780
Meeting held at Maxham School, 141 Oak St,

DATE: January 16, 2014

BOARD MEMBERS: Daniel Dermody, Chrmn. Anthony Abreau
Bob Campbell V.C. Arthur Lopes
Manuel Spencer, Clerk Joshua Borden
John Reardon

ADVISORS:

Mark Slusarz, City Engineer
Kevin Scanlon, City Planner

Roll Call: Borden, Campbell, Abreau, Lopes, Spencer, Reardon and Dermody present. Meeting opens at 5:30 PM.

Election of Officers: Chairman, Vice Chairman & Clerk

Arthur made motion to keep the same slate as last year Seconded by Tony. All in favor.

Daniel Dermody for Chairman,
Bob Campbell for Vice Chairman
Manuel Spencer for Clerk.

Cont'd. Public Hearing – Proposed Zoning Map Amendment – DEAN STREET (40, 44 Dean Street) (Property I.D. 55-758, 55-756 & 55-757 submitted by Steven Koss, Koss Realty Trust. To Re-Zone the following parcels located in the Urban Residential District to be part of the Transit Oriented Development Overlay District

Atty. David Gay, Atty. Matt Costa and Steve Koss were invited into the enclosure. John Reardon cannot vote on this since he wasn't on the Board last month. Atty. Gay stated they submitted a traffic study for the purpose of analyzing the anticipated re-zoning and development. He stated it's not a complete traffic study but it's preliminary. They received report today from Mass. Dept. of Transportation and this is supported by the DOT. Atty. Gay did point out the City did designate the west side which is owned by the City. Atty. Gay stated on the westerly side there are residential houses and on the easterly side is the former Industrial District with a couple of houses. There will be no adverse affect on neighborhood. He asks for a favorable recommendation to Council and see what happens when the train comes. Manny asked about the traffic study and it was stated the traffic study wasn't specific on a use. The site distance, traffic volumes and trip generation were done. According to the study there will be an 1-2% increase in traffic between 7:00 – AM – 9:00AM and 4-6pm. They did not do detailed anaylsis and all the signals appear to be working properly. Manny asked if they added number of units should the roadway be re-designed? The study was conducted with the trip generation assumed land use and that's factored into the study. There will be minimal impact and they do not anticipate having to re-design road. Manny asked if there is a home that needs to be demolished and if there will be an exit further down Dean Street. Kevin stated the proposed zoning is pre-mature and they did just increase density. They could make it work with what is there and when and if the train comes they can ask for change then. Atty. Gay stated the City is not process of developing their land for houses. They picked their own land to include in this zone. Atty. Gay stated they just want the opportunity to develop land. Bob asked did the traffic study anticipate when the rail goes in? Traffic engineer answered no but he doesn't anticipate any needed modifications. Bob stated his concern is not that there is a lot of residences here but there are a lot of people who pass thru this area. He goes thru twice a day and there is always a cue in front of that lot. There is significant traffic coming from Rte. 44 and if someone coming East on Rte. 44 they will have to stop for cue in a long line. The traffic engineer stated there is no level of service now. Bob stated the crash rate is higher than normal and the traffic engineer acknowledged that. Atty. Gay said if the train station goes in the development will result in funds to improve the traffic flow. Bob stated the thing that is missing there is no evaluation for retail and the traffic study is based on the apartment complex. Bob 's biggest concern is managing the traffic, proper zoning in place

and cueing. He asked why exasperate it? Bob stated without knowing when train is coming it's pre-mature to enlarge the district at this time.

Arthur made motion to open public input, Seconded by Josh. No one in favor or opposed.

Bob made motion to close public input, Seconded by Josh. All in favor.

Bob made motion to forward a Negative recommendation to the Municipal Council on this proposal. Seconded by Josh. All in favor.

Hearing closed at 5:55 pm.

Public Hearing - Proposed Zoning Change - Section 5.3.5 – Re-Construction - Need to forward a recommendation to Municipal Council

Roll Call: Borden, Campell, Abreau, Reardon, Spencer, Dermody and Lopes present. Hearing opens at 5:55 PM . City Planner Kevin Scanlon explains this change is for all the buildings that if destroyed by fire or other means. Could not be re-built. Currently the Ordinance says you can only re-build what's allowed in the district. This affects a number of 2 and 3 families in the Suburban & Rural Residential Districts. For example, if you have duplex or condex and it burns you can only re-build one single family so that leaves one owner without house. Kevin has seen some issues with these types of housing when doing re-finance letter for banks.

Josh asked if we should add any more that 1,2 3 families. Kevin thought this would be ok.

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

No one in favor or opposed.

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

Josh made motion to forward a positive recommendation to Municipal Council, seconded by Tony. All in favor. Hearing closed at 5:59 pm.

Public Hearing - Proposed Zoning Map Amendment - for property located on Assessor's Map 93, Lot 138 known as 777 County Street - To Change from Highway Business District to Urban Residential District

Roll Call: Borden, Campell, Abreau, Lopes, Reardon, Spencer, and Dermody. Hearing opens at 5:59 pm.

Letter from the City Planner was read into the record. He stated the reason why they are requesting a change is for because this housing development is HUD approved. During the re-certifying process they discovered the change in zoning affected them. This property was changed from Urban Residential to Highway Business a few years back. The proposal tonight is to go back to Urban Residential District. Atty. Gay, and Atty. Costa were invited into the enclosure. Atty. Gay stated this is the Taunton Gardens site which housing apartments and at some point it was zoned both and a few year go when the re-zoned that side of County Street this was included. They need to correct and change to residential to get re-certified. Bob asked if it's the same ownership as when the zoning was changed a few years back? Atty. Gay stated they didn't know it and this housing complex has been there for 40 years.

Bob asked what number of units qualifies towards affordable? Atty. Gay guessed at 38 out of 122 units. Manny asked this particular area is the only one being changed back to Urban Residential. Atty. Gay answers yes, this will continue with the residential use behind it and it will be more appropriate.

Manny made motion to open public input, seconded by Bob. No one in favor or opposed.

Manny made motion to forward a Positive Recommendation to the Municipal Council, seconded by Tony. All in favor. Hearing closed at 6:15 pm.

Site Plan Review - Myles Standish Blvd., Map 13-Lot 7 – construction of overflow parking (53 spaces) with assoc. stormwater management & landscaping on an adjacent lot to service an existing office use. Submitted by Belridge Corp., owned by TDC.

Rich Ricchio, Field Engineering was invited into the enclosure. Manny read department letters from the TMLP, Fire Dept., and DIRB which were placed on file.

Rich stated they are proposing to construct 53 parking spaces for overflow parking. This is the old water tower lot which will be taken down. The TDC has contract in place to take down tower. They will maintain the existing access to weather service. Josh asked about Lot 7 and the TDC has a lease agreement with proposed owner. Bob asked during the building permit process that they submit design plans stamped by engineer.

Chairman Dermody opened public input. No one in favor or opposed.

Bob made motion to approve including the DIRB comments and the following conditions:

Condition #1) That the plans dated December 16, 2013 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) The entirety of both lots shall be shown on the plans.

Condition #7) The drainage plan shall be approved by the City Engineer prior to construction.

Condition #8) Parking calculations shall be provided for lot 13-8.

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

Condition #10) A copy of the easements shall be provided for the file with recording information.

Condition #11) A guard rail shall be installed at the top of the easterly retaining wall.

Condition #12) A double gate catch basin shall be installed at the bottom of the driveway.

Condition #13) The existing water tower shall be shown on the plans.

Condition #14) Parking aisles shall be 22 feet wide and the driveway shall be 24 feet wide.

Condition #15) The fence and gate across the existing drive shall be removed.

Condition #16) The southerly most corner of the parking lot shall be regarded to eliminate the low point.

Condition #17) A berm shall be installed on the easterly side of the driveway.

Condition #18) A "STOP" sign shall be installed at the driveway intersection, facing the motorists exiting the radar site.

Condition #19) Prior to commencement of work, the applicant shall submit the retaining wall design by a Massachusetts Registered Professional Structural Engineer.

Special Permit - 44-47 Taunton Green – Entertainment Use in conjunction with a restaurant – Need to forward a recommendation to Municipal Council

Jose Lopes and Mahommad Mabrouk was invited into the enclosure. Clerk Spencer read the department letters from the Board of Health, Conservation Commission and Fire Dept. were read into the record.

Mr. Lopes states he is asking for entertainment at his establishment, El Martriciachi , Mexican Restaurant and Cantina. He stated he is just asking for permission for a 1-2 man band to play. This is a family restaurant and there will not be "rock bands" . Manny wanted them to be aware of the Fire Dept. letter with regards to their regulations. He asked if they have sprinklers and they answers yes and fire escape. Manny asked what time you close and Mr. Lopes answers 1:00AM. Mr. Mabrouk stated the kitchen on weekdays closes at 10 pm and 11pm on weekends.. The Board wondered if they could restrict the type of entertainment and some didn't think so, it's up to the license commission and City Council.

Bob made motion to forward a positive recommendation to the Council for entertainment as described at meeting, seconded by Arthur. All in favor.

Ashleigh Estates Phase I (Ashleigh Terr & Bryan Dr.) Release of Last lot – E-5 Circulated (holding \$33,000)

City Planner read his letter into the record as well as the City Engineer's letter. The request is to release last lot in this phase. Now we are holding \$33,000. Many stated he took look at roadway and needs some work with manholes, driveway and sidewalks. A portion of sidewalks are not handicapped accessible. Steve Perry, 82 Bryan Drive was invited into the enclosure. John stated what he observed he didn't like. He cannot believe all the work that is needed. Kevin explained to John (new member) of how the P.B. procedure works with lot releases and holding money. John stated as a new member he didn't like the process. Manny asked Kevin if lot should be released. Kevin stated this lot is not actually going to have house on it, it's being used in conjunction with house next

door, right now it has a tennis court on it. They have a Purchase & Sales agreement on both lots. Josh asked Mr. Perry when does he plan on completing subdivision. Mr. Perry stated he's in charge now that his Dad passed away last year. This is all new to him and he wants to get it all done the right way. Mark, City Engineer stated the work is mostly the ADA sidewalks and berms and manholes. Mark suggested posting an additional \$7,000. Kevin thought Mark's letter said no more monies required. Mark stated he requests a total of \$40,000. John asked if this street was an approved street and Steve answers no. Sometimes the City plows and he does also. It all depends who does it first. He is planning on finishing Manken Road next. Mr. Perry didn't know the streets were not accepted streets.

Tony made motion to release lot 14 upon receipt of an additional \$7,000. Seconded by Arthur. John voting no. motion passed.

Ashleigh Estates Phase II – Release of lot 26 (holding 3 lots & \$81,000)

Cont'd. to next month FOR COMPLETION SCHEDULE.

Trimount Avenue – Roadway Improvemtn Plan - Request from John & Kelly Powers – requesting waiver of filing fees. – for Roadway Improvement Plan

Manny read the letter from the City Planner recommending no waiver of filing fees. He explained what the fees were used for and the Mylar Deposit is not a Fee but a deposit of which he will get back once the project is done. John Powers, 29 Bayview Ave. was invited to speak. He stated he recently went to the ZBA and now needs to file a Form J & Roadway Improvement Plan. He was unaware of the Mylar Deposit. He is a contractor and he will be doing all the work. He was unaware of the fees and it has cost about \$7,000 so far. He needs to improve about 120' of roadway and turnaround. He is asking the Board to waive the \$3,000 mylar fee. John stated he would be putting in gravel road and he needs help with the fees. Bob asked if he would be doing house also and he said they would be getting construction loan. His son is selling his house and paying off student loan and will be living here. Bob stated the fees could come out of the construction loan. Manny understands his concerns. Arthur also is very sorry but they cannot set precedent and the fees are there for a reason. Kevin stated the P.B. hasn't approved any plans yet so he doesn't know when the applicant is saying he knows what there is to build. The Board may impose more work that he is anticipating. The reason for the Mylar Deposit is to ensure the as-builts are done and if not then we have monies to hire engineer to complete them. The Board sympathizes with the contractor. Bob asked if the Board can accept a performance bond and Kevin looked in P.B. rules & regs. And he said it states cash mylar deposit.

Tony made motion to deny request, seconded by Bob. All in favor.

Increase in Pay

Chairman Dermody stated they have incurred more responsibilities since the P.B. is the Site Plan Review appointing authority now.

He suggests sending letter to Council asking them to increase the pay for all members. John stated being a first time member he would not feel comfortable asking for this. He did stated that the other Board members have been here for some time and a pay increase is warranted. He asked if the secretary was included and she answered no.

Josh made motion to forward a letter to Council asking them to increase (double) the pay for each board member. Seconded by Arthur. John Reardon voting no.

Meeting adjourned at: 6:53 PM.