

4-2-15 mins

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

DATE: April 2, 2015

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

ADVISORS:

Mark Slusarz, City Engineer
Kevin Scanlon, City Planner

Roll Call: Abreau, Spencer, Reardon, Dermody, Lopes, Campbell and Borden present.

Josh made motion to accept minutes of March 5, 2015 meeting, seconded by Arthur. All in favor.

Public Meeting - Site Plan Review for property for property on Revolutionary Drive (Property I.D. 65-119) for a registered medical marijuana dispensary in an Industrial District.

Atty. Matt Costa, Gay & Gay, Rich Riccio, Field Engineering, Philip Silverman, and Brian Anderson, Architec were invited into the enclosure. Rich stated this is the former site of an office building for IBEW (2,800 sq.ft. bldg..) Now they wish to put a medical marijuana dispensary in with 24 hr. security. They will have 29 parking spaces with 8 employees in front. Rich stated the stormwater was previously approved and they will keep same. There is water and sewer available. The landscaping plan has been cleared by Dept of public health. They required 40 foot clearing around building for security issues. Atty. Costa stated they are only going to be a dispensary. There will be no cultivation at this site. Mr. Anderson stated they submitted plans to the Police Chief for review for security and the DIRB had made condition that it be approved by the Police Chief. Arthur asked about hours of operation. The intention is 9:00 AM – 7:00 PM 7 days a week. This is not for the general public you have to have recommendation from doctor and take it to DPH and get certification and you can only get in if you have a card. They stated there will be an individual security guard in Holbrook facility overseeing this facility after hours. If broke in, they will call Taunton Police. They talked to the Police Chief and they will go over his comments and create system that will work. There is security cameras everywhere per DPH and they will comply. Dan asked is this was accessible via the bus route? No not yet but they will look into shuttle. They do deliveries also. Tony pointed out this is new to the industry. The CEO is a doctor at Mass.General Hospital specializing in Cancer and there will pharmacy on site. They stated the head of security has 20 years experience with the Dept. of Correction (they mentioned his name and Manny knew him.) Tony asked about the site in Holbrook is being designed now. It was asked why the Taunton site would not have 24 – 7 days a week surveillance? They didn't deem it necessary compared to the Holbrook site in that they have more value there. Tony asked about the utilities in road and the sewer stub is way down and they will tie into it and the water is on. John asked if the DPG has approved the Holbrook Site? Mr. Silverman answers not done we have to get our approval for dispensary per the DPH. There will be no other dispensary. John asked if they could buy wholesale under certain circumstances? Mr. Silverman answers Holbrook wants them there. John asked about the type of building and Mr. Silverman answers its of modular construction but per the TDC they will create masonry façade. The made arrangement with bank for deposits. Arthur asked when transporting will they be using inconspicuous vehicles. Mr.Silverman stated they will not be using marked vehicles, they will transport at random times and routes and will have tail cars. The Police Chief suggested some good ideas. The DPH does not recommend armored vehicles. Arthur asked about buying will that mean you have cash on premises. Mr. Silverman stated the banks need to come around but they will try to do cashless, (ATM). Patients will be required to sign manifest, the project is weighted and protocol is 2 people on site. Manny stated the Federal Statue recognizes this as illegal so technically the feds can come in and seize it all. Mr. Silverman stated he is deferring to the State regs. Manny stated if a pizza delivery man can get robbed numerous times it shows you they were watching his route. Mr. Silverman stated they have done studies regarding robberies. Manny thinks sooner or later it will be legal. Mr. Silverman no question the money is going to be transferred by armored vehicle. He is not thrilled about delivery but that will be smaller amounts so small money collected. Manny asked how they will verify if they are delivery to the correct person? Mr.

Silverman answers they will be in database and will verify person. Clerk Spencer read dept. comments from DIRB, Police Dept., Conservation Commission, Eng., B.O.H., which were placed on file. City Engineer asked Tony about the sewer connection and if they would need to trench? Tony said they will have address that through the permit process. Tony asked when will the Holbrook site be up and running? Mr. Silverman stated they can't plant seed until Taunton is built. They anticipate it will be built in Nov 2015 and open in March 2016. Arthur said they need to go to Council for Special Permit. Bob stated the DIRB says no processing but what about baking and they answered no. Bob suggests if Taunton opens before Holbrook then they would need 24 hour 7 days a week security. Mr. Silverman states that won't happen. It was asked forms of doses are distributed? There are several different ways, pill, lozenges, vaporized sprays.

They would probably use vaporized sprays which has certain dose. Manny stated some cancer patients can get something like this at a pharmacy and Mr. Silverman was aware of it. Public input: David Fenton, owner is in support. No one in opposition. Many made motion to approve the Site Plan Review to include DIRB & dept comments: seconded by Josh. All in favor.

Condition #1) That the plans dated March 7, 2015 shall govern with the following additional conditions:

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

Condition #3) The required landscaping along the front property line shall be corrected according to Section 7.1 of the Zoning Ordinance.

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 dumpster shall be located on a concrete pad, enclosed with a stockade fence, be kept closed at all times and emptied regularly.

Condition #7) Lighting shall be zero lumens at the property lines.

Condition #8) A hazardous materials permit from the Board of Health is required.

Condition #9) All of the doors shall be shown on the plan.

Condition #10) An oil water separator is required for the garage area.

Condition #11) There shall be no processing or cultivation on this site.

Condition #12) A food permit is required from the Board of Health.

Condition #13) The plans shall show a datum.

Condition #14) The 5 foot walkway shall not include the curb.

Condition #15) Dimensions shall be added to the rear parking lot.

Condition #16) Test pit data, with groundwater elevations, shall be included.

Condition #17) The proposed fence are is required for the employees access area.

Condition #18) The petitioner shall meet with and work out agreements with the Police Department on the "dual alarm system" and how that will interact with the Taunton Police Department. The petitioner shall also provide details on the provisions and proposed alternatives to the security provisions provided.

Condition #19) The Incident Response Plan, the Inventory Management Plan, Anti Diversion Plan and Waste Disposal Plan shall be reviewed and approved by the Police Chief.

Condition #20) The type of doors utilized and the lining of the wall separating the reception area from the rest of the facility shall be approved by the Police Chief.

Condition #21) The building shall be placed on a foundation with a slab, not piers, for maximum security and protection.

Condition #22) The project shall comply with all Department of Public Health requirements regarding Medical Marijuana Dispensaries.

Special Permit – Revolutionary Drive – Medical Marijuana – Lot 65-119 – for a medical marijuana dispensary – Need to forward a recommendation to Municipal Council.

Josh made motion to forward a positive recommendation to the Municipal council including all department and DIRB comments. Seconded by Tony. All in favor.

Public Meeting - Site Plan Review for property for property at 30 Mozzone Boulevard for the use of 46,000 square feet of the easterly portion of the existing building together with parking of vehicles outside of building by 2 tenants. Wind River Environmental to occupy 10,400 sq. ft. for parking, storage & small office and We Care Environmental to occupy 35,600 sq. ft. for additional storage. LETTER REQUESTING CO NTINUANCE TO NEXT MONTH (due to the DIRB continuing their meeting)

Motion made and seconded to grant continuance until next month. All in favor.

Special Permit – 15 School Street – for a multi-family structure consisting of 4 units in the Central Business District. – Need to forward a recommendation to Municipal Council.

Dean Harrison, Exec. Dir., Neighborhood Corp and Jay Dorsey, B.I.D were invited into the enclosure. Clerk Spencer read comments from the City Planner, Board of Health and Conservation Commission which were placed on file.

Dean stated they are creating 2 additional units on first floor which will be 100% handicapped accessible. They purchased this at foreclosure and they have completed the top 2 units on second floor. They tried to put commercial on first floor but wasn't successful. They have been working and realized there is a need for 2 additional units. They recently did Barton Lofts on Trescott Street and they are fully occupied. They will be taking 500 square feet of the back of the building and putting in 2 handicapped parking spaces. Manny asked if this was next door to the Dragon Lady Chinese Restaurant and they answered yes. Tony said right now there is no parking and they are putting 2 for 2 units. Josh asked if they had deeded access or easement for proposed parking? Chairman Campbell stated if you had legal rights it would be on your deed? He stated you never had parking on your property and now you will as a result of taking down a portion of the building? You will be adding more impervious area and they will need to make sure the drainage isn't affected. Chairman Campbell also told him to fix the handicapped spaces on plans (the hash marks should be between the 2 spaces). Josh stated there will be 4 units with 2 parking spaces. Jay answers yes they are putting 2 additional units (one bedroom) and adding 2 parking spaces where this is none. Jay noted the parking garage is across the street and there is an elderly complex building with not enough parking but they use parking deck. He stated on Trescott Street at Barons Lofts they have about half. But there is free parking at Trescott Street parking lot. Jay stated they will starting to re-build parking garage (120 day end of August.)

Dan made to forward a positive recommendation to the Municipal Council for this proposal, seconded by Arthur. All in favor. The Board informed the applicant that to ensure that the two parking spaces being created could be accessed he should pursue an easement for that purpose. The proponents were also reminded that they are not to change the runoff patterns or flow rates off the site, as the reduction of the footprint of the structure plus the addition of the proposed parking may increase the impervious area at this site.

Proposed Zoning Changes – Floodplains & Administrative Changes – Need to refer to the public hearing process.

Josh made motion to refer to the public hearing process which requires a public hearing by the Planning Board and Municipal Council. Planning Board public hearing will be May 7, 2015.

Mvles Standish Ind. Park – Phase V - Dever Drive – Request to release all lots –

Russ Burke and Mike Mitchell was invited into the enclosure. He is requesting release of lots but wants to post performance bond like last time.

Letter from the City Planner was read into the record.

The amount of surety was based on estimate of work. The Bond has MassDevelopment and the City of Taunton as dual obligees. Mark wanted to make sure there was money allocated for police detail and they answered yes. Chairman Campbell said normally the bond is put into place in place of covenant. Russ stated they put covenant on lots and now ready to go out to bid and start construction. There is a provision through bond that the road will be constructed. Josh asked if this was the Martignetti project and Mike Mitchell answers yes.

Josh made motion to approve the lot release and approve performance bond in place of monies upon approval from the City Solicitor, seconded by Arthur. All in favor.

Road Discontinuance/Modification – a portion of Pioneer Way , Charles F. Colton Road & Dever Drive - Need to forward a recommendation to the Municipal Council

Atty. Matt Costa, Gay & Gay and Hank Suominen, Project Mgr. and Taylor Dowdy, Architect. Clerk Spencer read the City Planner's letter into the record. They are proposing to discontinue a portion of Pioneer Way and Charles F. Colton Rd and modify Dever Drive. This is a result of the Martignetti project. A portion of Pioneer way will be discontinued from a point as shown on plans to the turnaround on the easterly portion as shown on plans. On Pioneer Way the utility easement on the northerly side which was intended to serve as a detention basin will be extinguished. Atty. Costa stated the discontinuance of Charles Colton is less extensive in that is a minor modification at the intersection. Taylor Dowding, Eng. BSC Group stated they will be removing stormwater pond and building new drainage easement. Josh stated the existing runoff from Pioneer Way will be handled with new easement. Chairman Campbell stated during the SPR process they talked about a portion of the roundabout and the plans shows new Pioneer Way cul-de-sac. Atty. Costa stated the new cul-de-sac is on paper and not an actual entrance.

Manny asked if not an actual turnaround? They said that's correct it will be inside circulation. They would maintain if they have to construct it. The City Engineer suggest show truck movement on the conceptional plan. He stated the roundabout will keep speed down. Josh asked who is responsible for the plantings & maintenance and it was answered Martiginetti would be it's part of their landscaping plan.

The Planning Board voted to forward a positive recommendation to discontinue and modify the layout of Pioneer Way in accordance with the plan submitted and abandon the appurtenant utility easement, both with the condition that if the new turn-around has to be constructed it will be

constructed to Planning Board standards by Martignetti Corp. or its heirs or assigns at no cost to the City. The Planning Board voted to forward a positive recommendation to discontinue and modify the layout of Charles F. Colton Road in general conformity with the plan submitted except that the layout lines for Dever Drive shall not be modified but retained, and the Charles F. Colton Road modification shall wrap around the westerly end of Dever Drive. The legal descriptions submitted would have to be modified. We recommend this approval with the condition that Martignetti Corp. or their heirs or assigns be responsible for all construction of the proposed roundabout and for all future maintenance of the landscaping within the islands created at no cost to the City. The Planning Board voted to forward a recommendation that the layout of Dever Drive not be modified but be retained as approved in its Certificate of Final Action. The reconfiguration of two of the Dever Drive lots can be approved on an "Approval Under the Subdivision Control Law Not Required" (ANR) plan upon submission, and the modification of the roadway to match the reconfigured Charles F. Colton Drive can be accomplished as a construction change.

SRPEDD – 2015-2016 – Appointment of Planning Board Representative –

Chairman Campbell stated they meet once a month on Wednesdays. If anyone is interested he would let someone else take over. Manny made motion to appoint Robert Campbell as the Delegate, seconded by Josh. All in favor.

Meeting adjourned at 7: 13 PM