

5-2-13 mins.

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

DATE: May 2, 2013

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

ADVISORS: Mark Slusarz, City Engineer
Kevin Scanlon, City Planner

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

Josh made motion to accept minutes of April 4, 2013 meeting, seconded by Arthur. All in favor.

Public Meeting - Site Plan Review- 57 Winthrop Street and 119 High Street for the construction of a pharmacy establishment with drive-thru facility, parking areas and related improvements, submitted by Arista Development., LLC

Letter from Atty. Gay requesting a continuance until next month. They are working with DPW on peer view of intersection. Josh made motion to grant continuance, seconded by Arthur. All in favor.

Sabbatia Landing Condos – letter from Atty. Gay requesting review of original agreement.

Atty. David Gay and Carlos Melo, Solo Realty were invited into the enclosure. Atty. Gay stated they would like to discuss the P.B. approval for Sabbatia Landing Condos located on Bay Street. Atty. Gay states the approval requires the developer to post a certain amount of money into the affordable trust fund (instead of building affordable units) He wanted to ask the Board if they would entertain possibly going before the Board to review the payment and how it was determined. The payments were based on DHC in 2005 and the house prices have dropped significantly. Atty. Gay stated the sales ranged from 2007 (3BR selling for \$525,000 to 2009- 02011 a 3BR selling for \$275.00) but the applicants payments are still the same. Atty. Gay said there has been a drastic reduction in the market and his client, Carlos Melo purchased the property and has tried to get started but can't. Atty. Gay wanted the Board's feelings on possibly having a public hearing to amend the payment plan. He stated economically it doesn't make sense to sell units at this time. Atty. Gay stated he spoke briefly with the City Planner back and they used the DHC prices. Manny asked how many units have sold? Atty. Gay answers 11 units since 2005. Manny asked the infrastructure. Mr. Melo answers all utilities are in and foundations are in. Manny reminded Mr. Melo that this Board asked him to do some improvements to the entrance and nothing has been done. Manny wanted to re-assurance and possibly a time table on when things will be completed. He didn't think it has been fair to the residents who live there. Manny stated you would think they would make an effort to clean up the entrance to make it appealing. Manny reminded him that he asked for some minor changes a few years back and was promised things would get done and they were never done. Manny stated if you make the site more presentable people might want to buy units. Arthur agrees with Manny the place is a disaster and we had to have him cover the foundations for safety purposes. Bob suggested perhaps marketing it as a special sale to try to get them sold. Kevin stated this Board has asked the applicant to do certain things and he wasn't willing to work with the Board. Kevin's opinion is the project has sat too long and the residents has been dealing with the applicant far too long with no cooperation. Atty. Gay thanked the Board for their time

Public Hearing – Form J Plan – 218R Hart St. – Waiver of frontage Requirements – to split one lot into 2 lots – submitted by Louis Loura

Hearing opens at 5:54 PM. Roll Call: Spencer, Borden, Lopes, Ritz, Campbell present. City Planner read dept. letters from himself and Bd. Of Health. Louis Loura, 220A Hart St. was invited into the enclosure. He is requesting to split one lot into 2 lots on. The

property has received ZBA approval. There will be a shared driveway but there is substantial lot area. He intends on building a duplex on new lot. He will keep natural buffer along Rte 24. He met with abutters and explained everything and they have no issues. Manny asked about emergency turnaround? He stated he would have one and recorded easements at Reg. of Deeds. It was asked if it would be serviced by sewer and he said no septic system. Manny suggesting posting some kind of sign identifying houses for emergency purposes. Mr. Loura stated the mail boxes are at entrance. Josh asked about previous variance if it restricted to no further subdivision. He also noted the plans needs to have Mass. State Plane Coordinate Systems. Bob asked about existing driveway to 218R? He suggesting including driveway and turnaround in easement. Public input, No one appearing in favor or against. Public input closed.

Josh made motion to approve the Form J for 218R Hart St. with the following conditions.

- Plans must show Mass. State Plane Coordinate Systems.
- Applicant to post sign identifying all addresses (location to be approved by the City Engineer)
- Extend 18 foot wide utility and access easement to include driveway and emergency turnaround on lot 4-3.

Motion seconded by Arthur. All in favor. Hearing closes at 6:08 pm.

Public Meeting - Site Plan Review 101 Industrial Park Road for a Change of Use to a College/University in an existing office building requiring additional paved parking spaces with associated stormwater management facilities submitted by William Shamon, Myles Standish Medical Center, LLC.

Rich Ricchi and Bill Shamon were invited into the enclosure. City Planner read the DIRB & TMLP comments into the record. Rich stated they are proposing to change the use from office to educational use on first floor of building. They will be constructing additional parking. The parking requirement is 214 spaces. The circulation and the stormwater management will remain the same.

They will install some steel guard rail to replace the wooden ones. They will add landscaping and re-locate sidewalk and handicapped parking space closer to door. Arthur asked if there would be any picnic table for students? Rich stated this is mainly a night use, Bay State College is relocating from Middleboro to here. They will use whole first floor for school. Arthur asked hours of operation? Rich states Monday – Thursday, 4 PM – 9:30 pm. Bob asked about the existing detention basin and Rich stated that is manmade not considered wetlands. Rich stated they will be placing haybales and silt fencing during summer for erosion control.

Bob asks how is the slope stabilized? After some discussion Rich stated he would update and Bob suggest tying filter into GEO grid.

Rich stated the DIRB asked that the unsuitable material be removed from site.

Josh made motion to approve Site Plan Review to include department comments. Seconded by Arthur. All in favor.

Condition #1) That the plans dated March 27, 2013 shall govern with the following additional conditions:

Condition #2) A rubbish permit is required for all containers of 6 cubic yards or more.

Condition #3) Lighting shall not illuminate any portion of abutting properties and a lighting plan shall be approved prior to building permit.

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) Landscaped buffer Class 3, 10 foot front, 15 foot side and rear buffers required. Planting schedule must be shown on plans approved prior to building permit.

Condition #7) Trench permits, road opening permit, water and sewer connection permits are required prior to construction.

Condition #8) Maintenance plan for drainage system shall be approved by the City Engineer prior to building permit.

Condition #9) Dumpster shall be kept closed at all times, emptied regularly, be placed on a concrete pad and enclosed with a 60 foot stockade fence.

Condition #10) A set 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 #11) ADA compliance ramps shall be provided at the end of all sidewalks.

Condition #12) Unsuitable materials shall be removed from the area to be filled.

Condition #13) The directional sign at the intersection shall comply with City Sign Requirements.

Condition #14) A copy of the amended recorded easements for the access and drainage shall be provided prior to building permit.

Condition #15) A traffic sign plan shall be approved for egress and access for this site prior to building permit.

Condition #16) A haz mat permit from the Board of Health is required.

Condition #17) A rumble strip shall be installed between the drop off area and the traffic aisle.

Condition #18) Crosswalks shall be striped from the handicap access aisles to the entrance.

Condition # 19) Filter fabric shall be tied into Geo grid.

Condition #19) A stamped drainage report shall be approved by the City Engineer prior to building permit.

Special Permit – 101 Industrial Park Dr – Educational Use – Need to send recommendation to Municipal Council.

Josh made motion to forward a positive recommendation to Council for education use, seconded by Arthur. All in favor.

Cont'd. Public Meeting - Site Plan Review - 316 Broadway - for the demolition of the existing bar/restaurant and replace it with a bank, submitted by Joseph Baptista, President, Mechanic's Co-Operative Bank, 308 Bay St., Taunton, Ma.

Brad Fitzgerald, P.E. and John McMann, Mechanic's Co-Operative Bank was invited into the enclosure. Brad stated the last time they here they presented their proposal and ask for a continuance so the ZBA could hold hearing for drive-thru and landscaping reductions which were approved. They are proposing to take down bar and re-build as bank with drive-thru window. Josh made motion to approve the Site Plan Review and include department comments, seconded by Arthur. All in favor.

Condition #1) That the plans dated March 8, 2013 and revised through March 18, 2013 shall govern with the following additional conditions:

Condition #2) Compliance with ZBA Case # 3169 is required.

Condition #3) Lighting shall not illuminate any portion of abutting properties and non-security lighting shall be turned off at closing.

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) "do not enter" and "one way" pavement markings and signs shall be placed at the entrance and exits.

Condition #7) Two sets of updated plans that conforms to this decision shall be submitted prior to building permit.

Condition #8) The grease trap shall be abandoned

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

Condition #10) The dumpster shall be located on a concrete pad, kept closed at all times, emptied regularly and enclosed with a 6 foot stockade fence.

Condition #11) A stamped drainage plan shall be provided for the file.

Condition #12) The ATM shall be shown on the plans.

Condition #13) Show the free-standing sign on the plans as close to the entrance as possible.

Condition #14) Remove one handicap space, only one is required.

Condition #15) Add 3 parallel parking spaces on the loam and seed area over the existing leaching field on the plans.

Condition #16) Drive-thru for a Bank Only.

Condition #17) The Conservation Commission Agent recommends a wetland mix to used around the retention basin and that reed canary grass (*Phalaris arundinacea*) NOT be used on the site. This grass is prohibited by the State of Massachusetts (USDA PLANTS database)

Con't. Profile Plans submitted by Tibbetts Eng. - Constitution Drive, Independence Dr. & John Quincy Adams Rd. – Update from City Engineer relative to unaccepted street in Myles Standish Ind. Park.

Bob Field was invited into the enclosure. He submitted a memo the Board stating the completion of the pavement cores is anticipated by the end of next week. Compilation of field data is underway in preparation of as-built drawings for John Hancock Rd and Prince Henry Drive. He also states in his memo that estimates for roadway upgrades per the City Engineer's recommendations are in progress.

CONTINUE UNTIL NEXT MONTH.

Letter from City Engineer – relative to Pioneer Way – (Peat Layer)

City Engineer Mark Slusarz read his letter into the record. He has reviewed the geotechnical report provided by GEI and has some concerns relative to their recommendations in dealing with the peat layer under the proposed Pioneer Way alignment. Motion made and seconded to endorse what the City Engineer is suggesting. All in favor.

Public Hearing – Zoning Change - To Re-zone the following parcels on County Street from Urban Residential District to Highway Business District. Property I.D. 93-175 thru 93-183, 93-203 thru 93-205, 79-82 & 79-84.

City Planner read the legal notice into the record. Roll Call: Borden, Lopes, Ritz, Spencer and Campbell. Hearing opens at 6:49 pm.

Josh disclosed that a former client of his work is one of the properties in the proposal but has no conflict of interest. City Planner stated these properties are along Trucchi's supermarket on County Street and the other side. All the current uses there needed variance because of the zoning. They are trying to re-zone to the current uses. There will be no changes in taxes and any business that may want to go in may have easier time. (some still may require zoning but not all) The dimensions requirements are the same.

The City Planner stated there will be no changes to the residences currently there.

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

The City planner spoke with some abutters explaining the zoning changes.

Ernest Henshaw, 55 Johnson St. & Shirley 577 County Street was in favor.

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

Arthur made motion to forward a positive recommendation to the Municipal Council on these proposed changes, seconded by Josh. All in favor. Hearing closed at 7:02 pm.

Public Hearing – Zoning Change – Proposal is for Weir Street requesting to rezone from Industrial to Urban Residential District and Industrial to Business District . The parcels to be re-zoned from Industrial to Urban Residential District are: Property I.D. 78-252 thru 78-259, 78-262 and a portion of 78-519. The parcels to be re-zoned from Industrial to Business District are: Property I.D. 78-240 thru 78-251 and a portion of 78-519.

The City Planner read the legal notice into the record. Roll Call: Borden, Lopes, Ritz, Spencer and Campbell. Hearing opens at 7:02 pm.

The City Planner stated this proposal is along Weir Street, along the former Haskons. He stated they are proposing the proper district with the uses that are there now.

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

No one in favor or opposed.

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

Josh made motion to forward a positive recommendation to the Municipal Council on these proposed zoning changes, seconded by Arthur. All in favor.

Hearing closed at 7:06 pm.

Meeting adjourned at 7:06 pm.

NEXT MEETING : JUNE 6, 2013 AT 5:30 PM.