

7-25-13 mins.

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

DATE: July 25, 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, Campbell, Lopes, and Borden present. Meeting opens at 5:30 PM.
Also present was Mark Slusarz, City Engineer.

Vice Chairman Campbell congratulated Mike Ritz on the birth of his daughter.

Josh made motion to accept minutes of June 6, 2013 meeting, seconded by Mike. All in favor.

Public Hearing - Definitive Subdivision entitled "Hoover Street Extension - located to the rear of 120 Highland Street – to create 2 residential lots. Submitted by Hawthorne Dev. Corp.

Roll Call: Borden, Lopes, Ritz, Spencer, and Campbell. Hearing opens at 5:32 PM

Clerk Spencer read the public hearing notice and Dept. comments from B.O.H., City Planner, Conservation Commission, TMLP and City Engineer.

Josh made motion to place dept. comments on file, seconded by Arthur. All in favor.

Paul Patneau and John Garanito were invited into the enclosure. Paul stated this is a 2 lot subdivision. The cul-de-sac will be 68' away from the existing roadway. The road was recently accepted and there is water & sewer available. Paul stated they are asking for a number of waivers. Paul states the subdivision rules really apply to normal subdivisions and they are requested relief from them because this is a 2 lot subdivision. Paul stated he agrees to put swale for drainage with easement referring to the City Engineer's letter. The City Planner's letter is requiring the new road to have 12 inch gravel base with 2.5 inch binder and 1.5 inch top road to ensure it lasts. Bob asked if there are any bounds set out there and City Engineer answered no. Paul states there are some bounds because he set them. There are 2 concrete bounds at end of 2 radiis. Paul stated there are monuments (iron pipes) on paper street side. Bob asked if the water service shut off is on the property line and Paul answers yes. Josh asked if they were going to clear some brush? Paul stated the applicant can clear the brush to the width of the layout. Josh stated the plans need to have the Mass. State Plane Coordinate on it. No one in favor or opposed.

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

Josh made motion to approve the subdivision, include department comments and the additional conditions

1.Plans must have Mass. State Plane Coordinate Systems, show locus map, . Seconded by Arthur All in favor.

Josh made motion to grant the requested waivers (except waiving field inspection fee) seconded by Arthur. All in favor. Hearing closes at 5:49 PM

Public Hearing - Modification of a Special Permit/Definitive Cluster Inclusionary Development – "Sabbatia Landing" - located off Goward Road, Off Bay Street – 44 Multi-Family Inclusionary Development. Modification is for the change of Condition #25 relative to Cash Contribution Calculation & Minor Site Plan Change to location of Sidewalks. Submitted By Solo Realty LLC

Roll Call: Borden, Lopes, Ritz, Spencer and Campbell present. Hearing opens at 5:50 pm.

Clerk Spencer read department comments from Conservation Commission, TMLP, B.O H. and City Engineer and City Planner. He also read letter from residents of Sabbatia Landing.

Arthur made motion to place comments on file, seconded by Josh. All in favor.

Atty. David Gay, Carlo Melo and Atty. Thomas Gay were invited into the enclosure. Atty. Gay stated it's difficult to address the department comments because he wasn't aware of all of them. He stated he met with the City Planner on the condition change relative to the monies and they went over that. He requests a continuance which would allow him to meet with the residents about their concerns. He would like to hear what they have to say. The Board thought since the abutters came to hearing they would let them speak. Atty. Gay again asked to continue and invite the abutters (or a representative for the abutters) and Planner to a meeting to address their concerns. Bob stated since a lot of abutters came out tonight it would be nice to let them speak. Atty. Gay stated he would prefer to deal with them through the association. Manny stated last time the applicant was here asking for relief he didn't do anything he said he was going to do. The Board is in agreement with the City Planner's letter relative to the applicant being responsible for some of the snow removal for the units he owns. The Board asked Mr. Melo if he is responsible for the snow removal. The Board asked him when he purchased the property and he answered 2009. He was asked if he did anything since he purchased property and he answered he put up temp fencing around foundation per the P.B & Bldg. department. Atty. Gay stated he didn't draft the condo documents so he can't comment on who is responsible for snow removal. He stated usually it's like what the City Planner referenced in his letter. Josh wanted to ask the abutters whether they would prefer the sidewalk as is or moved? He thought we should at least ask them that.

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

Opposition: Bruce MacDonald, 1601 Bay St. Unit 501 stated the letter stated the residents' concerns. Mr. Melo put up 2 x 4 chicken wire around foundations. Mr. MacDonald stated they have security issues and infrastructure issues. He just wants what they were promised. He is in favor of sidewalk staying where it was approved. He said when they purchase property they were told certain things and they haven't been done. The Board recognizes that Mr. Melo isn't the original owner. Angela Santos, 1601 Bay St. Unit 401, stated the letter states all our issues. The Board asked her about the sidewalk and she states she would prefer the sidewalk as approved. Josh made motion to continue to September 5, 2013, seconded by Arthur. All in favor. Keep public input open.

Public Hearing – Form J Plan - To divide one parcel into 3 parcels (Parcel B Not a buildable parcel) – Waiver of Frontage Requirements – for land located at on the east side of Short St., known as Property I.D. 28-62, Taunton, Ma.- submitted by Liberty & Union Realty Trust.

Roll Call: Borden, Lopes, Ritz, Spencer and Campbell present. Hearing opens at 6:30 pm. Clerk Spencer read department comments from City Planner, Conservation Commission, B.O H. which were placed on file.

Atty. William Rounds was invited into the enclosure. Atty. Rounds stated this property consists of 16 acres and they are trying to divide into 2 lots with one unbuildable lot. It's accessed via 50 foot wide easement which will be part of Lot 3. They received ZBA approval and now just need to come here for waiver of frontage. Josh asked if the two front lots were subject to a Form A approval and Atty. Rounds answered yes. He asked what will happen to Parcel B which is being land locked? Atty. Rounds stated it may be donated. Josh pointed out the plans must have the Mass. State Plane Coordinates System on it. It was asked what the cross section would be on the driveway? Atty. Rounds stated they haven't figured that out yet. He stated the driveway will have to be approved by Conservation Commission. It was asked if they would be agreeable to no further subdivision and Atty. Rounds answers yes.

Manny asked about the easement and Atty. Rounds pointed out it goes with Lot 3 but the other lot will have a right to access over it. It was asked if there is sewer and water and Atty. Rounds answers yes it does have water doesn't think there is sewer. The City Engineer suggests the easement should clearly state who maintains the easement. Bob stated we can put conditions on the width of driveway and maintenance. It shows 18 feet wide and there will be no parking within easement.

Josh made motion to open public input, seconded by Arthur. All in favor. No one in favor.

Paul Whiffen, 79 Short Street, stated he has been here numerous times for different plans. He stated he doesn't understand how this got thru the DEP because it's a protected area. He stated there is no one in support of this petition. He stated the Conservation Commission voted for this when they did not get all the information from the NHPED. He asked how could that happen? He also brought up the land swap and the 5 year restriction and if it didn't happen within 5 years it would be turned back to original owners.

He stated the area is very dangerous with a S curve. Acting Chairman Campbell stated he had valid points and they can be addressed at a later date at the various boards. Mr. Whiffen cited some different filings and Acting Chairman stated he was mixing up the filings. Manny asked about the appeal of the variance. Atty. Rounds explains the sequence of the appeal and why it was dismissed.

Manny stated he has some safety concerns with the roadway. Mr. Whiffen was citing different filings and approvals and was again asked to keep the comments within the P.B. purview. Josh asked if the current configuration is a result of a Form A. and a future land swap and Atty. Rounds answers yes. Opposed: Charles Bartholomew, 49 Short St., lives directly across the street and wants to know why they are here tonight/. Atty. Rounds explains the Form J - waiver of frontage - process to Mr. Bartholomew.

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

Manny asked who owns the access and Atty. Rounds states that goes with Lot 3. The Board wanted the emergency turnaround on plans. The Board also does not create land locked lots and suggests combining parcel B with one or both of the lots. Bob stated that access to Lot 4 looks like it will be crossing some wetlands.

Josh made motion to continue to September 5, 2013 requesting updated plans showing driveway & emergency turnaround, submit

draft of deed and maintenance agreement clearly identifying who is responsible for maintenance of driveway and re-design plans to combine Parcel B with abutting lots. Seconded by Arthur. All in favor. Hearing closed at 7:16 PM

Public Meeting – Site Plan Review – 289 Broadway – for a 1,120 sq. ft. additional building and the addition of 28 additional display spaces for auto sales, auto repair/gas station use with auto detailing, submitted by NHS Investments.

Clerk Spencer read the DIRB comments which were placed on file. Josh disclosed that he worked with the Engineer who prepared these plans but has no conflict.

Atty. Matt Costa and John DeLano, P.E. and a principal of N.H. Investments were invited into the enclosure. Atty. Costa stated the applicant utilizes 289 Broadway for a convenience store with gas station and Class II license. They also own the abutting property at 287 Broadway and wish to combine lots and use the southerly portion of the lot in connection with auto sales. They are proposing to raze dwelling and put new building with a 2 bay detail shop(812 sq. ft.) with a 264 sq. ft. office with a bathroom and storage area.

Atty. Costa stated they will eliminate 2 of the 4 dealer spaces along the front property line along the curb cut. Atty. Costa stated they will file a plan of land (81X) combining lots with the Reg. of Deeds. Bob asked if they would be closing curb cut in front of 287 Broadway and Atty. Costa stated they could because they won't be using it. There is a high retaining wall on the easterly property line and they may put fence up. Public input: Cynthia Correia, 80 Jackson Street stated she purchased her house about a year ago and it's difficult for her to get out of her driveway. She lives directly next to the auto dealership on the corner of Broadway and Jackson Street. She had to ask them to move cars so she could see when backing out. Her main concern is traffic and Manny pointed out she will see more traffic when Walmart goes in down the road in Raynham. She stated the gas station across the street has trash blowing in her yard. She just wanted them to know that she wasn't aware of all the car dealerships that were going to be around her.

Josh made motion to approve the Site Plan Review, including all DIRB comments and also the following:

- Applicant to file a 81X plan (combing lots) with the Reg. of Deeds.
- Remove curb cut at 287 Broadway.

Seconded by Arthur. All in favor

Cont'd. Public Meeting - Site Plan Review – 212 Broadway – To allow a used car sales (7-12 cars) submitted by Kenneth Yelle.

Clerk Spencer read the DIRB comments recommending denial.

Josh made motion to DENY the Site Plan Review because the submitted plan did NOT conform to the requirements of Sec. 15 of the Zoning Ordinance. Seconded by Arthur. All in favor.

Cont'd. 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

Atty. David Gay ,Doug Benoit, Arista Dev. LLC, Ron Muller, P.E., Ron Muller & Assoc. , Andrew Manning, P.E., Bohler Engineering and Steven Moeser, Architect, Moeser & Associates were invited into the enclosure. Clerk Spencer read the DIRB comments which were placed on file Atty. Gay stated they met with the City Planner, DPW and Engineer about 3 times and have been before the Historic District commission. They received ZBA approval for the drive-thru. The ZBA had 2 conditions, one is the drive-thru for Pharmacy Only and the other is to work with the DPW for off -site improvements. Atty. Gay stated they have agreed to a list of off-site improvement and they have been included in the DIRB conditions. The departments wanted more but they reached an agreement. They conducted traffic study also. They will be purchasing 4 individual lots. Walgreens site = 2 acres, church = .33 acres and Elks Lodge which has a 6,500 sq. ft. 2 store bldg. on it totaling 12,000 sq. ft. and the apartment complex on High Street having 3,500 sq. ft. 2 story bldg. totaling 7,000 sq. ft. The proposed Walgreens building will consist of 14,550 sq. ft. with a drive-thru with access from Cohannet Street. They will have 58 parking (ordinance requires 50) and there will be an additional 29 parking spaces for the church to use on adjacent lot. They also put a bike rack and a walk way access from Cohannet Street. The drainage will drain to lot and over flows to street. All utilities to support the store will be new and they have new transformer from TMLP. The loading/receiving will be in the rear of the building along with the trash and recycling area. They are a Class III Landscaping requirements and they will also have fence plus a reduced buffer. They will be adding 45 trees and 133 shrubs. Ron Muller, P.E., Traffic explained the traffic. Atty. Gay pointed out the Form A plan creating the lot for church parking lot is here tonight for signatures. The Church will not be ready right away to pave that lot. Ron stated there will be 60 additional car trips during peak hours which is 1 hour between 4-6 pm on a weekday and 1 hour between 11-2 on Saturday. The majority of the traffic will come from south on Winthrop Street. He stated the impact is fairly benign and it's a level A-B. The loop detectors on Winthrop Street are not functioning properly and they will correct them. They met with Engineer & DPW and Beta study confirmed that. They will be re-striping, replacing signal head, replace pedestrian signals, upgrade sidewalks in front, install new wheelchair ramps, and install video detectors. Bob asked Ron if they use the MEPA standards? Bob had some questions to Ron about the MEPA standards and why he doesn't reference them? Bob has concerns with the left lane he would rather see 2 lanes. Ron explains is rationale for the left lane. Steve Moeser, Architect, shows plans showing layout of building. The building will consist of steel & mason and will be fully sprinkled. There will be PVC trim and clapboard with a brick material for the New England style. He stated they have employee parking in back and the church parking lot will be deeded to them and they will construct it. They have shown a walk way on church

property but they have their own access. Public Input: John Treacy, President, Taunton Lodge of Elks in support. Josh made motion to approve the Site Plan Review to include DIRB conditions and all department comments from Beta & DPW. Seconded by Arthur. All in favor.

Prospect Hill Preserve – Request for Lot Release – holding lots 3, 8, 10 & 13, & \$15,000) request is to release lots 4, 10 & 13.

-
Clerk Spencer read the City Planner's letter into the record.

Josh made motion to release Lots 4, 10& 13 upon receipt of \$5,000 of surety, seconded by Arthur. All in favor.

Charles F. Colton Road – Final completion & release of Surety – Holding \$18,000 mylar deposit & performance bond) located in Myles Standish Ind. Park. – submitted by Taunton Development/MassDevelopment Corp.

Clerk Spencer read comments from the City Planner, Fire Dept., Conservation Commission, B.O.H. which were placed on file. Bob Field was invited into the enclosure. City Engineer stated the As-Builts look fine and he has some issues but thought they were taken care of. He met with BSC Group and they re-set 4 bounds that needed adjustments. He also noted there was a rotation error on plans.

Josh made motion to release mylar deposit upon confirmation from the City Engineer relative to the approval of the As-Built Plans, release all surety upon confirmation from the Water, Sewer and City Engineer indicating all utilities and road construction are fully complete and inspected, and once all the above is completed to forward a positive recommendation for street acceptance. Seconded by Mike. All in favor.

CONT.D 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.

The City Engineer stated he is waiting for Field Engineering to submit plans and will schedule meeting with DPW to go over it. Continue to September meeting.

Meeting adjourned at 9:15 pm.