

8-6-15 mins.

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

DATE: August 6, 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, Reardon, Dermody, Campbell, Spencer, Lopes, and Borden present. Meetings opens at 5:35 PM

Josh made motion to accept minutes of July 2, 2015, seconded by Tony. All in favor.

Public Hearing – Form J Plan – Waiver of frontage –9 Woodlawn Street - (Property I.D. 109-103 & 109-104) submitted by Wm. Stevenson

Roll Call: Borden, Reardon, Abreau, Lopes, Dermody, Spencer and Campbell present. Hearing opens at 5:35 PM. Clerk Spencer read the public hearing notice and dept. comments from the DPW, City Planner, B.O.H., and Conservation Commission. Josh made motion to place dept. comments on file, seconded by Arthur. All in favor. Atty. Matthew Costa was invited into the enclosure. He stated they received ZBA approval and now need waiver of frontage for one single family house. Each lot has 90 feet of frontage which is sufficient for access. Atty. Costa stated these 2 parcels are similar in size to the neighborhood. Bob asked where is the driveway on new lot going? Bob pointed out on the plans there is an open area which states no structures or driveway. Bob stated this Board determines if there is adequate access/frontage and the driveway should be on plans. Mike also asked where is driveway going? Atty. Costa stated probably on the left of proposed house. He noted the ZBA restricted the house to a single story single family house. Tony stated he would like to see them tie into sewer. It was noted they would if it's available. Atty. Costa noted the proposed house size on plans is conceptional. But the house will be a single story single family house. Public input: No one in favor or opposed. Dan made motion to close public input, seconded by Josh. All in favor.

Josh made motion, seconded by John to approve the Form J for 9 Woodlawn Street with the following conditions:

- Driveway on Lot 2 to be on the north side of the house (left side of house).
- New house must tie into municipal sewer if available.

All in favor. Hearing closes at 5:50 pm.

Site Plan Review – Modification of a Site Plan Review for property located at Pioneer Way, Charles Colton Road and Dever Drive. Modifications include smaller building footprint (680,305 sq. ft.) moving the loading and parking areas away from the wetland resources, and a shift of the building 80 feet to the east, minor parking layout changes and driveway changes are also associated with this plan.. Submitted by Martignetti Companies.

Clerk Spencer read dept. comments from the DIRB, Engineer, Conservation Commission and abutter Scott Tolan which were placed on file. Atty. David Gay, Hank Suominen, and Taylor Dowdy, Eng., BSC Group were invited into the enclosure. Atty. Gay stated this proposal is for minor changes which included slightly smaller building, moved building to east about 80 feet and re-arranged driveways. At the DIRB meeting they wanted the earth berm extended and they will do that. They don't have any issues with any conditions from the DIRB except one, the double yellow line they wanted on driveway. Atty. Gay stated Martignetti is very particular with their landscaping and design of their building and they would prefer not to put double yellow line down the middle of the driveway. They would consider white. The City Engineer in his updated letter suggested eliminated the "reverse curve" on the curbline at the entry drive from the roundabout. Atty. Gay stated they can't do that because then that puts them closer to the wetlands. Bob suggested replacing with a straight transition. They also do not want to pave the island, they will landscape and they will be responsible for maintenance of that landscaping. Taylor stated they moved building pulling it away from the wetlands and also pulled truck parking away too. They shifted the driveway south and swapped dock door. Atty. Gay stated they have no problem with sign. Bob suggested they comply with the Manual of Uniform Traffic Control Devices (MUTCD) relative to the double yellow lines. Bob stated the only encroachment into the 300 foot wetlands is the berm and the exiting Harvey Cemetery. Bob stated there was nothing moved closer to South Boundary Road. Dan asked Hank how is construction going?

Hank answered the steel is scheduled for Aug. 17th and pre-cast is scheduled for 8-24-15 and they expect to be fully enclosed by Dec. 2015. They anticipate commencing the interior office by January 2016 and being operational by Aug. 2016. John asked if they addressed the letter from the abutter? Hank stated the Mr. Tolan called him and they spoke about the issue which was a legitimate concern. They had concrete poured and after Hank called hem they stopped. Manny asked about the dumpster location and Hank said they have on North end and South end but he will review with operations manager to have the dumpster on the South Boundary Road NOT be serviced at night. Public Input: No one appearing in favor or opposed. Josh made motion to approve the Modification of the Site Plan Review with the following conditions:

Condition #1) That the plans date June 24, 2015 shall govern with the following additional conditions:

Note Conditions 2 through 18 are the conditions of the original approval dated March 10, 2015 and shall remain in full force and affect;

Condition #2) 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 #3) The ANR plan required to establish the project parcel shall be recorded prior to any building permits.

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) Buildings already razed shall not be shown on the plans.

Condition #7) Pipe sizes shall be shown on the plans.

Condition #8) The drainage plan shall be approved by the City Engineer prior to the issuance of any building permits.

Condition #9) The Hazardous Materials permit shall be obtained from the Board of Health.

Condition #10) The portions of Pioneer Way and Charles Colton Road that are being discontinued shall be approved and recorded as discontinued prior to the issuance of any building permits. The configuration at the Charles Colton Road modification will be revised to a modern roundabout, with the landscaping maintenance the responsibility of the owner of this site.

Condition #11) Crosswalks shall be 8 feet on the details.

Condition #12) Construction on Pioneer Way shall maintain or replace the geotextile fabric in the areas where peat is present.

Condition #13) Sewer manholes shall not exceed 300 feet in separation and the project shall comply with the Taunton City Sanitary Sewer Standards and Specifications.

Condition #14) In the by-pass road, either a second gate shall be added or a tee-turn around added at the gate.

Condition #15) Vertical curbing with a 5 foot sidewalk exclusive of curbing is required.

Condition #16) Dumpsters under 16 yards shall be located on a concrete pad, be enclosed with a 6 foot stockade fence, kept closed at all times and be emptied regularly. Dumpsters on the South Boundary side of the building shall only be emptied during the daytime.

Condition #17) A food plan review from the Board of Health is required for the kitchen.

Condition #18) An Order of Conditions from the Conservation Commission is required.

New Conditions:

Condition #19) Street name signs shall be added at the roundabout.

Condition #20) KEEP RIGHT signs shall be placed at the noses of the splitter islands.

Condition #21) The earthen berm south of the cemetery shall be extended to blend in with the existing topography.

Condition #22) Oil water separators shall be shown on the plans.

Condition #23) Driveways and the by-pass road shall have double yellow centerlines for traffic control with added stop lines and stop signs unless not required by the “Manuel of Uniform Traffic Control Devices” (MUTCD).

Condition #24) Proper signing shall be added to denote the counter clockwise one way circulations at the main entrance.

Conditions #25) The reverse curve at the driveway entrance off the roundabout must be replaced with a straight transition.

Hoover Street Extension – E-5 circulated – release of all surety.

Clerk Spencer read dept. comments from the City Planner, Conservation Commission and City Engineer which were placed on file.

John Garanito was invited into the enclosure. He stated the roadway is complete and he is requesting all monies to be released.

There was some discussion as to whether he would be required to petition for the entire street for road acceptance. John only developed the end another developer did a roadway Improvement Plan. John stated he will petition for street acceptance for the whole roadway but after he was told what was required the Board did not think it was his responsibility and he agreed. Bob suggested John work with the City Engineer about inquiring about the whole street being accepted.

Dan made motion to release \$8,000 and after a public hearing for street acceptance release mylar deposit. Seconded by Manny. All in favor. All in favor. It was found out later that Hoover Street is an accepted street so John can do his part.

Letter from residents of Sabbatia Landing Condos – relative to unfinished items

Clerk Spencer read letter from Bruce MacDonald and others into the record. There was an e-mail sent also.

Josh made motion, second by John to read the e-mail into the record. The e-mails were from Global Services, Management Company and abutters. Tony stated the Board did waive some things but not the sidewalks. Chairman Campbell stated the developer is required to build as approved unless he asks for waivers and he doesn't have any request for such. The site plans has been done and it has to be built according to the plans approved. Josh asked even though he bought at auction he still needs to comply and build as approved. If he wants to modify it he has to come to the P.B. for approval through a public hearing. So he stated whatever is on the original approved plans has to be built. He stated the pictures submitted show water services because there is NO final top coat. Josh stated he should have taken that into account when he purchase property that it was to be constructed as approved. Manny stated there are 2 issues. The driveway and the sidewalks. Only the P.B. can waive conditions. Mr. Melo spoke and said he is of the legal opinion that is not responsible for the 2 buildings that were already built when he bought. Chairman Campbell stated that is different, the approved site plans is what the P.B. has jurisdiction over which includes driveways, sidewalks, how the site is laid out. Chairman Campbell stated we are holding monies and if it isn't completed we will use that money to finish.

Public Input: Maurice Hardy, who sent e-mail. He stated Mr. Melo made it clear that if we came to the P.B. meeting the deal he made about paving or sidewalks is off. He stated Mr. Melo is the only one on the Board of Trustee for the condo association. They need help from the P.B. Chairman Campbell stated we don't have any input on the Trustee/association issues. The Board has jurisdiction as the whole project as approved must be completed. We hold surety and if he doesn't do it then we will use the surety to complete. Manny stated this is the only way, per the P.B. rules that we can help. We can make him uphold the approval. Bruce MacDonald, 1601 Bay St., Unit 501 thanked the Board for listening. He stated according to the condo documents it will be turned over when 75% occupied. So now Mr. Melo is the only one on the Board. It was asked what was the change in 2013. The secretary informed them that the Board at that time asked the residents if they wanted the sidewalks and they said yes so that was NOT waived. Mr. MacDonald stated the pictures shows the safety fence is falling down, foundations starting to deteriorate. Carlos Melo spoke at this time. He stated he plans on completing all sidewalks per plans. He stated the finish coat on driveways for Buildings 4 & 5 has nothing to do with him because he did not build those units. He stated the issues about the Trustees and Association is a private matter and not for the P.B. Chairman Campbell stated the sidewalks and driveways are his responsibility because they are on approved plans. Mr. Melo disagrees. Arthur asked Mr. Melo he bought it at auction? Mr. Melo stated no he bought it from back and he bought the rights to develop the rest of the units. John asked if he isn't do the work then are they obligated to pay their condo fees? Mr. Melo answers yes because they are getting the services, ie. Plowing, landscaping, trash service, etc. Tony complimented Mr. Melo on how nice it looks and it would benefit him to finish it all as a developer to make it more marketable. Mr. Melo stated the issue of putting the final coat did not come up in 2013 when he asked for some minor changes. He stated he will be paving Goward Road next week per his approval. Manny stated as a developer it would be less expensive to just get it done as approved than litigate it. Chairman Campbell stated if he is looking for relief from paving and the elimination of sidewalks then the decision needs to be modified. Mr. Hardy stated it is unfortunate that he has made it personal. They will end up with unfinished driveways and he thinks, in his opinions, he is isolating them. Alex Bakarian, Unit 402 stated there are safety issues. The alarms are not working correctly. Chairman Campbell stated those are building code issues.

Tony made motion to make it clear that all the conditions remain in effect and unless there is a request and vote to change all have to be completed. Seconded by Josh. All in favor.

Meadowland Estates - Letter from Atty. Gay – relative to final review and release of mylar deposit.

Letter from Atty. David Gay was read into the record. The Board is aware who is entitled to the Mylar deposit after receiving Judgement. Will keep Atty. Gay informed when the developer, G. Lopes completes the subdivision.

Josh made motion to request an update on completion of subdivision, seconded by Manny. All in Favor.

Manny asked if there was an update on Winthrop Heights subdivision. The secretary explained to him Mr. Feodoroff brought in

letter for update (he thought he was on this agenda) and he submitted letter explaining update (because he was unable to attend meeting due to family emergency). He submitted letter of update for all subdivisions (Winthrop Heights, Roundtable Lane, & River Pines) He stated he would be present at the September meeting.

Chairman Campbell stated in our rules it states that after the last lot is released they have 2 years to finish subdivision. He suggests re-visiting that and perhaps changing the rules. It was suggested referring that to the City Planner and City Engineer to re-visit the rules and time frame on when to complete subdivisions.

Josh made motion to invite Mr. Steve Perry, developer of Ashleigh Estates & Steve Drive to September meeting for update. Seconded by John. All in Favor.

John had question about who is responsible for payment of light poles in a subdivision if street is not an accepted street?

Tony made motion to request updated list of accepted and not accepted streets from the City Engineer, seconded by Arthur. All in favor.

Meeting adjourned at 7:26 PM .

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