
TAUNTON PLANNING BOARD MINUTES
Meeting held at 15 Summer Street

DATE: March 3, 2022

BOARD MEMBERS: Anthony Abreau, Chairman Michael Monteiro
Bob Campbell, Vice Chairman John Reardon
Manuel Spencer, Clerk Dennis I. Ackerman
Brian Carr

ADVISORS:
Michael Patneau, City Engineer
Kevin Scanlon, City Planner

Roll Call: Ackerman, Campbell, Reardon, Spencer, Monteiro, Carr and Abreau present.
Meeting at 5:31 PM Kevin Scanlon, City Planner present.

Public Hearing - Proposed Zoning Change to the City of Taunton Zoning Ordinance dated Jan. 11, 2022

Section 440-201 – Definitions – Buildings, Marijuana Establishment & Marijuana Retailer, Section 440-305 - Special Permits, Section 440-306 Building Permit review process, Section 440-602 – Bulk and Dimensional Requirements, Section 440 Attachment 1 – Table of Use Regulations Residential Section 440 Attachment 3 – Intensity of Use Regulations, Section 440-704 – Off Street Parking, Section 440-709 – Dwelling Conversions, Section 440-714 – Retreat Lots
Section 440-1509 – Environmental Impact Standards

Hearing opens at 5:33 PM. Roll call: Campbell, Ackerman, Reardon, Abreau, Spencer, Monteiro, and Carr. Dept. comments were read from City Engineer, B.O.H. and Conservation Commission which were made part of the record. City Planner Kevin Scanlon gave a summary of the proposed changes.

- Fences- Bringing definition in line with Building Code, don't have to meet setbacks
- Marijuana – allowing delivery in conjunction with retail operations
- eliminating the recommendation from the Planning Board to the City Council for City Council Special permits
- Eliminating the waiver clause since the Council passed a separate comprehensive Ordinance last year
- Cleaning up the fee schedule since there is no major of minor changes for site plan review
- Requiring that the as-built for each Building Permit is signed off by all the Departments that signed off on the issuance
- Allowing sign offs on permits in any Departmental Order, not a specific order as now specified
- Reducing lot width for lot width in Urban from 100 to 75 ft,
- Use Table- moving small residential Special Permits to the ZBA since they don't need a site plan review
- Use Table --Moving large multi family and mixed use multi family to the City Council (16 units plus)
- Use Table- Moving smaller multi family out of Municipal Council
- Intensity of use, reducing Urban lot size to 10,000 sf and min dry to 8,000sf and frontage to 75 feet

- Intensity of use, reducing Suburban min lot size from 30,000 sf to 25,000 sf and in dry area
- Intensity of Use, eliminating doubling the lot size for non sewer lots in Urban
- Trailers, eliminating the size limitations, specifying personal use only and restricting to the side and rear yards
- Dwelling conversions reducing lot size, this is only needed if the Urban min lot size changes and should match
- Retreat lots, adding this to allow certain large back lots with limited frontage to be developed without the need for variances and Form J hearings
- Environmental Impact Standards, cleaning up stormwater management language

Manny asked if they would be eliminating the Form J process? Kevin stated if they met the retreat lot requirements then you would not need a Form J. Dennis suggests having retreat lots allowed by right instead of by a P.B. special permit. He thinks if you comply with all the conditions it should be allowed by right instead of having the petitioner go before a board. Kevin stated there was a lot of discussion initially about this and some surrounding towns have them by right and some by Special Permit. Bob asked if there is any maximum length of driveway and why can't you cross over into another district? For example you could have property in the HBS and then it crosses into a residential district. He also asked if there was a size limit on trailers? Kevin stated as long as the trailer is not used commercially and not parked in front yard. Bob asked about the parking for a 3 family and not allowing the parking in front of the building because it's hazardous. If you have a multifamily there shall be no parking in front of house. Brian asked who was part of these discussions that resulted in these proposed changes? Kevin answers himself, Chris Coute, Ed Correira, Atty. Matt Costa and Phil Duarte. Brian thought the planning board should have been involved. He thinks these changes makes it easier for a developer not necessarily the homeowner. He's aware of the Master Plan and those recommended changes but he thinks these make it easier to put houses anywhere. He disagrees with the housing part of the master plan. He stated the Council has made changes to allow developers to get waiver of building permit fees but a homeowner does not get the same waiver which is in opinion is not fair. He believes very strongly these proposed changes make it easier for developers and he's against reducing lot sizes. He asked Kevin about retreat lots and Kevin explains the process now in place. Now you need to have in RRD a 60,000 sq. ft. lot, 150 feet of frontage and go to ZBA then the P.B. for a Form J – waiver of frontage. In this case if you have 35 feet of frontage and 2.5 times the lot area you would just need to come to P.B for special permit. Kevin stated he disagrees with Dennis about allowing them by right. In order to protect the neighbors they need to come for special permit. Manny has major concerns when people come to the Board and the board does their best to listen to the neighborhoods' concerns and then if they deny it goes to court and we lose. He stated some elderly have been in their houses for a very long time and it costs too much to appeal so they give up. Manny stated he feels likes he's here to make a difference. Kevin stated they didn't necessarily have a committee they sat down with certain people and a lot of thought went into the proposed changes. He stated we may not implement everything but the Planning Board can recommend anything to the council. Manny stated not one P.B. or ZBA member were included in the discussions. He stated this board tends to agree 99% of the time. Bob stated the retreat lot has pretty stringent requirements. He suggests removing "for a fire trucks' because they most likely won't go down there and it doesn't make sure to make someone put an emergency turnaround in. He also asked about the language that the lot shall be entirely within a residential district. Tony stated the retreat lot is for one home only and it has a lot of restrictions. He's not in favor of reducing the lot size from 15,000 to 10,000 in URD. Motion made and seconded to open public input: Patricia Richardson, 225 Craven Ct., opposed to the reducing lot size from 15,000 sq. ft. or 10,000 sq. ft. opposed: Julie Codling, 24 Craven Ct., Jeff Tallman, Northeast Engineers had a few questions. He asked if the retreat lots could have a common driveway and he thinks the retreat lots should be by right. Kevin answers a common driveway should be looked at more

carefully. Dennis stated the retreat lots allowed by right will allow residents not necessarily developers to take advantage of it. If you need a variance it gives more power to the neighbors. He agrees with Bob relative to allowing it in two districts but having the development in the residential part. Public input closed. The Board voted on each change as follows:

The Planning Board voted in favor (7 members in favor) to forward a positive recommendation on Section 440 – 201 Definitions.

The Planning Board voted in favor (6 members in favor, Carr opposed) to forward a **positive** recommendation to the Municipal Council for Section 440-305 – Special Permits – to eliminate the requirement that the Planning Board forward a recommendation to the Municipal Council Special Permits

The Planning Board voted (7 members in favor) to forward a **positive** recommendation on Section 440-305 Special Permit/and or Site Plan Review to eliminate the language “minor or major” modification. (cleaning up the fee schedule since there is no major or minor changes for site plan review)

The Planning Board voted (7 members in favor) to forward a **positive** recommendation to the Municipal Council on Section 440-306 Building Permit Review process – (requiring that the As-Built for each building permit is signed off by all the department that signed off on the issuance) remove the “City Engineer” as he is on the list already.

The Planning Board voted (5 members opposed, Campbell & Abreau in favor) to forward a **positive** recommendation on Section 440-602 Bulk & Dimensional Requirements. (reducing lot width in URD from 100 feet to 75 feet **Motion did not pass**)

The Planning Board voted (5 in favor, Carr opposed and Ackerman abstained) to forward a **positive** recommendation to the Municipal Council on Section 440 Attachment #1 – Table of Use Regulations Residential. (Moving small residential special permits from P.B to the ZBA)

The Planning Board voted (6 members in favor, Carr opposed) to forward a **negative** recommendation the Municipal Council on Section 440 Attachment #1 – Table of Use regulations residential (3 family use allowed by right in the URD)

The Planning Board voted (4 members in favor, Carr, Campbell & Spencer opposed) to forward a **positive** recommendation to the Municipal Council on Section 440 – Attachment #1 – Table of Use Regulations Residential – moving smaller (4 - 15 units) multi-family out of the Municipal Council to ZBA.

The Planning Board voted (6 members in favor, Monteiro opposed) to forward a **positive** recommendation to the Municipal Council on Section 440 –Attachment #1 Table of Use Regulation Residential – Mixed Use – Commercial Use and 4-15 residential units in a mixed use structure – moving from Municipal Council Special Permit to P.B Special Permit

The Planning Board voted to (2 members in favor, Reardon, Abreau, Monteiro, Carr, Spencer opposed) to forward a **positive** recommendation to the Municipal Council on Section 440 Attachment #3 Intensity of Use Regulations – reducing Urban Residential Lot size to 10,000 sq. ft. and min. dry area to 8,000 sq. ft. and frontage to 75 feet. **Motion did not pass.**

The Planning Board voted (5 members in favor, Carr & Reardon opposed) to forward a **positive** recommendation to the Municipal Council on Section 440 Attachment #3 – Intensity of Use Regulations – reducing the lot size to 30,000 in the SRD

The Planning Board voted (5 members in favor, Ackerman & Carr opposed) to forward a **negative** recommendation on Section 440 Attachment #3 – Intensive of use Regulations – #5 note- eliminating doubling lot size for non-sewer lots in URD.

The Planning Board voted (7 members in favor) to forward a **positive** recommendation to the Municipal Council for Section 440 -704 Off Street Parking- Trailers – eliminating the size limitations, specifying personal use only and restricting to the side and rear yards.

The Planning Board voted (6 members in favor, Ackerman abstained) to forward a **negative** recommendation on Section 440 -709 Dwelling Conversions – reducing the lot size to 10,000 sq. ft. in URD.

The Planning Board voted (7 members in favor) to **forward** a positive recommendation on Section 440-1509 – Environmental Impact Statements – cleaning up stormwater management language.

The Planning Board voted to forward a positive recommendation (6 members in favor, Carr opposed) on Section 440-714 to allow Retreat Lots by right as long as they comply with all conditions. The P.B recommends the following changes:
added to the plan

- A. The required minimum buildable area shall be located entirely within a residential zoning district.
- E. Frontage on said lot shall be entirely on a public street.
- F. Add: dwelling shall be set back a minimum of 150 feet from the street.
- M. Correct the spelling of note on "The following note shall be placed on the plan".

Hearing closed at 6:53 PM

Kevin Scanlon excused.

**Cont'd. Public Hearing – Special Permit – 175 South Walker St –
A Special Permit/Site Plan Review from Section 440 Attachment #1 of the Zoning Ordinance for the
construction of 4 mixed use buildings - Each building to have 5 residential units with one
commercial/office space (Totalling 20 residential units with 4 commercial/office space) submitted by
175 South Walker Street, LLC -**

Request for a continuance

Motion made and seconded to grant continuance to April 7, 2022 All in favor.

**Cont'd Public Meeting - Site Plan Review for property -Fremont Street - Map 30, Lot 97 – for the
construction of a 8,000 square foot warehouse building with 11 parking spaces – Revision is the
proposed 24 foot wide access drive has been added on Fremont Street with associated grading, and the
re-location of 2 Leyland Cypress plantings to accommodate access, submitted by Future Fuel, LLC -**

Request for Continuance

Motion made and seconded to grant continuance to April 7, 2022, All in favor.

Con'd. Public Meeting – Site Plan Review - 655 West Water Street - to allow a recycling company in the Industrial District with a 15' x 50' scale house and 6,500 square feet of outdoor storage, submitted by One Way Recycling Inc. –

Request for a continuance.

Motion made and seconded to continue to April 7, 2022 All in favor.

Public Meeting – Preliminary Cluster/ Inclusionary Development – Willis Pond Rd., Map 37, lot 47 and a portion of Map 37, Lot 48 – showing 8 lots submitted by Aspen Prop Holdings, LLC -

Request for a continuance .

Motion made and seconded to grant continuance to April 7, 2022

Public Hearing - Willis Pond Rd. on Lot 2 and part of lot 4 (parcel I.D. 37-47and 37-48) for Special Permit for a Cluster/Inclusionary Development under Section 440-1402 of the Zoning Ordinance to allow 14 units - submitted by Aspen Prop. Holdings LLC (Public hearing for Definitive Subdivision will be at a later date

Request for a continuance

Motion made and seconded to continue to April 7, 2022 All in favor.

Cont'd. Public Meeting - A Site Plan Review Modification - 36 Allison Avenue - to allow the replacement of the existing loading dock area at the rear of the existing building with a 15,500 sq. ft. addition and the addition of 4,900 sq. ft. of pavement to facilitate site maneuvering, submitted by DW Clark/Burek LLC –

Josh Borden was invited into the enclosure. Dept. comments from DIRB, Engineer, and Water Dept were read into the record and made part of the record. Josh states in April 2020 the Board approved a 50 x 50 addition and since then the business has grown and need bigger addition. They are now proposing a 15,500 sq. ft. addition on the existing pavement. They re-designed the drainage calculations and have been before conservation. Josh asked about 2 condition on the DIRB report. He stated the dumpster they have is a rollaway one and it would be difficult to fence it in which would prevent dumpster company from emptying it. And condition #12 relative to showing all structures on the existing concrete pad along the building. He shows the concrete pad on the plans. He passed out pictures showing what has been existing on the concrete pad. Mike agree it would be difficult to empty the roll away dumper if it was fenced in. Public Input: no one in favor or against. Public Input closed.

John made motion to approve the SPR with dept. comments (with the changes to dumpster & update plans)

Condition #1) That the plans dated December 20, 2021 and revised through February 9, 2022 shall govern with the following additional conditions;

Condition #2) Lighting shall not illuminate any portion of abutting properties

Condition #3) The site shall be kept clean and clear of debris

Condition #4) Two sets of as-builts shall be submitted upon occupancy for all work on site and shall include design engineer and land surveyor certification notes stating the development has been built according to the approved plans. Plans will show all construction of buildings, utilities, grades, setbacks etc

Condition #5) Two sets of updated plans shall be provided that conforms to this decision prior to Building permit

Condition #6) An updated hazardous materials permit is required

Condition #7) A landscaped buffer plan for he disturbed areas shall be provided prior to building permit

Condition #8) Dumpster shall be located on a concrete pad and be closed at all times and emptied regularly.

Condition #9) DPW permits are required including city licensed contractor, road opening and trench permits

Condition #10) DPW specifications shall apply including backflow devices, pressure testing, materials, installation, a new water meter with an updated radio frequency unit, inspection and approval and prior notice is required before any city water work is to be performed and inspections are required prior to backfilling
Condition #11) A confirmatory deed reflecting the combined lots shall be recorded and provided prior to any building permits

Vote:	5 In Favor
Anthony Abreau	YES
Dennis Ackerman	YES
Robert Campbell	YES
John Reardon	YES
Manuel Spencer	YES
Brian Carr	YES
Michael Monteiro	YES

Cont'd Anslow Estates –Preliminary Subdivision – to create 3 residential lots at 198 Fremont St – property I.D. 37-23-0

Scott Faria was invited into the enclosure. Dept. comments were read into the record from City Engineer, Fire Dept., Conservation Commission, Water Dept., B.O.H., and City Planner. Scott stated this is a preliminary for 3 lots from 198 Fremont Street. If approved he will submit a more detailed Definitive plan He just wanted to the Board and dept. comments. John asked if they were going to tie into sewer and Scott answers yes. John asked about snow removal and it was asked to put location of house and driveway on Definitive Plan. It was asked if they would be doing underground utilities and Scott answered most likely it would be overhead . They will be doing one sidewalk with curbing per the P.B. Rules & regs. Many likes the lot sizes and the sidewalk all the way around. He suggests doing underground utilities. Mike asked about any lighting and it was answered there will be one at end of cul-de-sac and one probably at the beginning. Bob suggests setting back curbing and transition it to Fremont St. Scott stated he had a petition before the ZBA and they withdrew it. Brian asked if any neighbors had questions and Scott answers they were not in favor of petition before ZBA.

Bob made motion to approve the preliminary plans with dept. comments, seconded by Manny All in favor.

1. Mass. State Plane Coordinates System needs to be provided to existing or proposed monuments.
2. Proof of closure for the perimeter and the individual lots need to be provided.
3. Water table needs to be established for the proposed detention basin.
4. The applicant is required to file a Notice of Intent with the Conservation Commission. A comprehensive plan showing the wetland lines and corresponding delineation flag numbers as well as details of the detention basin will be required. The buffer zones will also need to be accurately depicted on the plans.
5. Plans are required and need to be submitted to DPW for water services, hydrants, gate vales and curb stops.
6. DPW permits are required including: City licensed contractor, road opening, and or trench.
7. DPW specifications apply including, Pressure testing, hydrant flow tests, materials, installation, new water meter with an updated radio frequency unit, inspection and approval.
8. DPW specifications apply including: any backflow devices must be inspected by the plumber inspector and City Inspector.
9. Prior notice is required before any city water work is to be performed, and inspections will be required before backfilling.

10. City Water is available for the proposed 8” domestic water main on Anslow Way from the existing 8” city water main on Fremont St.
11. If municipal water and sewer is not available, the new lot would need to be able to construct an on-site septic system, with appropriate setback requirements and buffers in accordance with Title 5 regulations, and private well. All dwellings must comply with the Minimum Standards of Fitness for Human Habitation, State Sanitary Code, Chapter II.

Public Hearing - Special Permit – Winthrop Heights Drive, Lot B - property I.D. 102-2 and 102-98 - for a two-family use in Highway Business District, submitted by Dora Estates LLC

Hearing opens at 7:22 PM –Roll Call: Campbell, Ackerman, Reardon, Abreau, Spencer, Monteiro and Carr. Dept. comments were read into the record from City Planner, Fire Dept., Veolia Water, B.O.H., Conservation Commission, Water Dept, and City Engineer. Atty. Brianna Correira and Chris Moniz were invited into the enclosure. Atty. Correira stated this lot was a result of a Form A and Lot C was approved for a single family dwelling. Atty. Correira quotes the purpose of Section 440-305 Special permits. She stated this property is located in the Highway Business District and surrounded by small area of Suburban residential district. There are several multi-family dwellings in the area. In 2018 a 2 family on 4 lots within a mile away was approved and a 3 family less than a mile away was approved. Lot B is surrounded by an auto repair shop, plumbing company, car wash and multi-families. Atty. Correira there are several uses allowed by right in the HBS which would be more of an impact on the neighborhood. Petitioner wishes to construct a duplex dwelling which would be more conforming to the neighborhood than a commercial use. She thinks there is a negative stigma that comes with a duplex house. She stated the design of this will be compatible to what is in Winthrop Heights. Chris Moniz, stated they will build this duplex house using the same design as a single family house. The duplex will have architectural shingles, pvc decks, custom moldings, custom design kitchen, hardwood floors. They will use the same materials they use to do their single family houses. Mike asked how many bedrooms. Chris answers 3 bedrooms with 2.5 stores about 1,640 sq. t. with a slab foundation. Dennis asked what’s the house prices and it was answered about \$469,000 per side. Manny was very concerned with this because this is the main entrance to a high end subdivision. There will also be slab made out of pavers. At this time it was asked if there would be sewer and it was answered yes. John asked where is the sewer coming from Winthrop St. or Winthrop heights Dr. and it was answered Winthrop Heights Drive. John stated he needed to excuses himself because of a conflict. He gave sewer easement long time ago for houses in Winthrop Heights Drive. Bob asked about the drainage and Chris stated they will have roof drains and it will be contained on site. Brian asked John if he had an agreement relative to the sewer easement and John stated yes he was compensated by Dick Feodoroff for easement.

Motion made and seconded to open public input: Letter from Patricia Richardson, was read into the record. Atty. John Coutinho, representing the trustees. He stated the letter send out by Atty. Correira listed many undesired able uses that could go in here as a matter of right of which was took as a very thinly threat. The trustees took offense to it. Her letter neglected to mention some desirable uses that could go in there. Atty. Coutinho stated the trustees have no objection to a single family going in there. He stated when you turn off Winthrop Street to Winthrop Heights Drive you get a different feel. He stated he’s not a realtor but doesn’t think the duplex on a slab will go for \$500,000. This will lower the value with no garage and no basement. The trustees feel like the applicant was disingenuous when it was portrayed to them. He stated in his opinion \$469,000 is not affordable. Atty. Coutinho stated the trustees are ok with a single family. He stated one of trustee went around the neighborhood and obtained the following, 36 objected and 20 no responses. Dennis stated he’s the ZBA Chairman and he encourages petitioners to reach out to neighbors. Atty. Coutinho stated he wasn’t objecting to the letter just how it was done. Patricia Richardson, 224 Craven Court representing 2 of the trustees. She understands the zoning and the developer called her personally to say he would be

building high end colonials. She has known the developer for quite some time and she believed him. She stated there is a high water table out there and less than a week ago there was a lot of water there. Karen Pemberton, 86 Craven Court she's not opposed to any residential use and they have lived there for 14 years and never has any issues with any homes. She read off a list of conditions that would be compatible to the Winthrop Heights Drive restrictions that she would like made part of the approval. She did have issue with the car wash and she called the B.O.H and they got them to clean up property or they would be fined. They put up fence which was appreciated. Manny asked if all houses have garage and it was answered yes a 2 car garage. Tom Pemberton stated the house will actually be a condex and they can put a document in deed. Mike asked if it they need a master insurance policy and it was answered there would be no association. Carlos Fernandes, 87 Alanita Dr. said the only thing with this proposal it's on Winthrop Heights Drive the roadway into the subdivision, so it should be consistent with the subdivision which are single family homes. Donna DiCorpo, 10 Craven Ct., also is against a duplex. She have lived there 16 years and this property in along the roadway into the subdivision so it should be consistent with the single family in Winthrop Heights. She stated it would be different if the duplex was along Route 44. John Libertine, 203 Craven Ct., asked that no agency or approved living be allowed. Michael & Natasha Mitrano, 131 Alanita Dr agrees it's not part of the association but it doesn't fit in unless it's a single family. She asked to include, No above ground pool. Mr. Mitrno states the utilities will be coming from Winthrop Heights Drive and his personal opinion he doesn't like the lot size or duplex. He asks to put all the restrictions if approved. Tony stated it would be crazy to run the utilities from Winthrop Street. Natasha Mitrano asked who enforces the conditions if they are not followed Dennis stated if it's listed as a condition of the Special Permit then the Zoning Enforcement office would.

Dennis made motion to close public input, seconded by Bob. All in favor.

Brian asked the applicant if they can put a garage and Brian stated unfortunately there is a stigma with duplexes. Chris Moniz stated he's not aware of the discussion with the Mrs. Richardson and the petitioner. He's the contractor and he believes people who build duplexes don't have any less pride in them. Mike suggests turning house to look like a single family? Atty. Correira she oftens Boards encourage them to reach out to neighbors to let them know what's going on. She respectfully disagrees regarding her letter that she wrote. She stated she would never threaten anyone. She does have a pleasing architect plans and she showed the Board. She stated it looks like someone had an above ground pool in the subdivision. Someone in the audience stated the plans shows is not the same architect and no landscaping. Dennis suggested having no garage or pools. Chris stated this would generate less traffic than a business use. He stated a residential use would be more confirming to the neighborhood than a business. Bob suggests placing a garage on side. Mike stated he went on google earth to see pics of houses in the subdivision and what they are proposing is the same as what's in there. Brian asked if they could put a garage and Chris answered he would need to check with the engineer to look at it.

Dennis made motion to grant the Special Permit to include dept comments and list from abutter with all conditions:

Condition #1) This project will be subject the City Sanitary Sewer Standards and Specifications.

Condition #2) The property must be serviced by municipal sewer or water. All dwellings must comply with the Minimum Standards of Fitness for Human Habitation, State Sanitary Code, Chapter II.

Condition #3) DPW permits are required including, City licensed contractor, road opening, and or trench.

Condition #4) DPW specifications shall apply including, Pressure testing, hydrant flow test, materials, installation, new water meter with an updated radio frequency unit, inspection and approval.

- Condition #5) Prior notice is required before any city water work is to be performed, and inspections will be required before backfilling.
- Condition #6) Plans are required and need to be submitted to DPW for water services, gate valves and curb stops.
- Condition #7) No commercial enterprise be conducted or operated on the property.
- Condition #8) No livestock animals, or poultry of any kind may be raised , bred or kept on the property.
- Condition #9) No unregistered vehicles or disabled passenger vehicles shall be parked in a driveway or yard.
- Condition #10) No boats or recreation vehicles must be parked in garage or in the backyard.
- Condition #11) No vehicles other than those designed for carriage of passenger shall be parked in the open, in any driveway or yard. All other vehicles shall be kept in garage.
- Condition #12) No lot shall be used or maintained as dumping ground for rubbish.
- Condition #13) Garbage or trash cans may not be stored outside, visible from the street except on trash days.
- Condition #14) No pools allowed
- Condition 15) Garage allowed and must meet setback requirements.
- Condition #16) House to be constructed to be of similar architecture to those in Winthrop Heights Subdivision.
- Condition #17) Air B&B not allowed
- Condition #18) No Community Agency type living /group homes allowed unless allowed by right under the Law.

Vote: Campbell, Abreau, Ackerman, Monteiro.....Yes
Spencer, Carr.no

Special Permit Denied

Hearing closed at 8:46 PM

Public Meeting - Site Plan Review Modification - 163 Oak Street - to allow a 30' x 60' concrete pad with two 20' x 20' sheds, a 20' x 48' overhang for outdoor storage, and an additional 18,700 square feet of outdoor gravel storage area for a previously approved landscape/construction use, submitted by 163 Oak Street LLC.

Atty. Brianna Correira and Chris Moniz were invited into the enclosure. Dept. comments were read from the DIRB, Veola Water, and Engineer which were made part of the record. Atty Correira stated they added more storage space and shed to the plans. They received zba approval for waiver of landscaping. The use will still be a low impact with it being used for a contractor office and storage. There will be no changes to the parking layout and there are no conservation issues. Chris stated they will use it for his business to store equipment and construction materials. The proposed sheds will be of similar construction to the existing 3 bay building. Public input: no one in favor of against. Public input closed.

Manny made motion, seconded by Brian, to approve the Site Plan Review with dept. comments & conditions. All in favor.

Condition #1) That the plans dated December 21, 2021 shall govern with the following additional conditions;

Condition #2) Lighting shall not illuminate any portion of abutting properties

Condition #3) The site shall be kept clean and clear of debris

Condition #4) Two sets of as-builts shall be submitted upon occupancy for all work on site and shall include design engineer and land surveyor certification notes stating the development has been built according to the approved plans. Plans will show all construction of buildings, utilities, grades, setbacks etc

Condition #5) Two sets of updated plans shall be provided that conforms to this decision prior to Building permit

Condition #6) Compliance with the decisions for ZBA cases 3505 and 3661 and the conditions contained therein

Condition #7) Compliance with the conditions of the original site plan review except as modified specifically in this decision

Condition #8) Dumpster shall be located on a concrete pad, be enclosed with a 6 ft stockade fence, be kept closed at all times and be emptied regularly

Condition #9) DPW permits are required including city licensed contractor, road opening and trench permits

Condition #10) DPW specifications shall apply including backflow devices, pressure testing, materials, installation, a new water meter with an updated radio frequency unit, inspection and approval and prior notice is required before any city water work is to be performed and inspections are required prior to backfilling

Condition #11) that missing information shall be added to the plan including but not limited to door locations, utilities, contours and grading, and property line information. Much of which is available on the as built plan

Vote: 7 In Favor

Anthony Abreau	YES
Dennis Ackerman	YES
John Reardon	YES
Manuel Spencer	YES
Robert Campbell	YES
Brian Carr	YES
Michael Monteiro	YES

Public Hearing - Special Permit - Hodges St. – Map 42 Lot 46 - for a Cluster Development under Section 440-1401 of the Zoning Ordinance to allow 14 lots - . Submitted by Hawthorne Dev. Co. (Public hearing for Definitive Subdivision will be at a later date)

Roll call: Campbell, Ackerman, Reardon, Abreau, Spencer, Monteiro and Carr. Hearing opens at 8:55 PM Jeff Tallman, Northeast Engineers and John Garanito was invited into the enclosure. Dept. comments from the City Planner, Veolia Water, B.O.H., Water Dept., Conservation Commission, and Engineer which were made part of the record. Jeff says they are proposing a 14 lot subdivision on the south side of Hodges Street. They are required to have a 100 foot buffer and because there are eastern box turtles they need to file with Natural Heritage and Endangered species. Jeff said they received notification from Natural Heritage & endangered species strongly urging the P.B. to grant waiver of buffer to avoid the corridor which will best serve the turtles. They filed a special permit to go over layout and then they will file a more detailed definitive subdivision plans with soil testing. They have 2 roads servicing 14 lots. They have protected the Joel Harvey grave site by labeling it parcel A and will have it enclosed. There will be no improvements made to parcel A. Lot 1 and lot 14 will have their access from the new subdivision road. Parcel B is big and it does leave some frontage but it's for a recreation area and will never be developed and will be maintained as is. Denis asked if the open spaces will be specified an Open Space restricted area. Bob asked if there is any way they can provide any no cut buffer along the western side, along lots 9-14? Jeff stated they could do a 20 foot side vegetated buffer. Brian asked if all will be single family homes and it was answered yes. Brian stated since you have to go to Natural Heritage will that be a separate conservation restriction plan? Jeff stated they have to provide restriction from Lot 3 all the way around to Lot 9 to satisfy the Division of Fisheries & wildlife with a 25 foot deed restriction. Brian stated if we approve the final approval has to be approved by Natural Heritage. Jeff stated they started with them and we will file formally with them and Conservation Commission. He thinks those filings will run rather smoothly. Brian asked will the houses be in harmony with the neighborhood? John stated he is proposing colonial with garage, hip roof ranches. They will be similar to Crowley Estates. Mike asked what the intent of tree clearing? Jeff stated John tries to maintain as many trees as possible. Public input: Mike Lucas, 430 Hodges St. Says there

is a 10 year deed. He talked to the Veteran's grave manager and they will like to keep the maintenance of the path to the cemetery clean. Debra Michaud, 379 Hodges St. is again the project. She thinks there are too many houses proposed and she has water in cellar. She is worried about all the wildlife. The fact that they have to do so much work makes the road not safe. Neil Clinch, 393 Hodge St. asked about Lot 14 and where the driveway would be? It was answered it would be on the new street. John explains the concept of a cluster subdivision by having smaller lot sizes, less road and more open space. There will be a homeowner's association.

Brian made motion to close public input, seconded by Dennis. All in favor.

Manny made motion to approve the Special permit for a Cluster Development with dept. comments and conditions:

1. A homeowner's Association shall be established, approved by the City and recorded prior to any lot releases.
2. The open space shall be placed under a Conservation Restriction in perpetuity. Said restriction shall be approved by the City and recorded prior to any building permits.
3. Setbacks from property lines shall be for all lots.25 foot front, 15 foot side, and 20 foot rear.
4. If municipal water and sewer is not available the new lots would need to be able to construct an on-site septic system, with appropriate setback requirements and buffers in accordance with Title 5 regulations, and private well. All dwellings must comply with the Minimum Standards of Fitness for Human Habitation, State Sanitary Code, Chapter. II.
5. City Water is available from the existing 8" city water main on Hodges Street.
6. DPW permits are required including, City licensed contractor, road opening, and or trench.
7. DPW specifications shall apply including, Pressure testing, hydrant flow test, materials, installation, new water meter with an updated radio frequency unit, inspection and approval.
8. DPW specifications apply including, any backflow devices must be inspected by the Plumber Inspector or City Inspector.
9. Prior notice is required before any city water work is to be performed, and inspections will be required before backfilling.
10. The applicant will be required to file a Notice of Intent with the Conservation Commission for the roadway and separately for any proposed lots within the 100 foot buffer zone to the Bordering Vegetated Wetlands.
11. Provide a 20 foot wide buffer along the western property line.
12. Driveway on lots 1 & lot 14 shall be from the new subdivision road.
13. Show house and driveways locations on Definitive Subdivision
14. Total Number of lots in the subdivision is 14
15. No future lot allowed

Vote:	7 In Favor
Anthony Abreau	YES
Robert Campbell	YES
John Reardon	YES
Manny Spencer, Jr.	YES
Brian Carr	YES
Dennis Ackerman	YES
Michael Monteiro	YES

Hearing closed at 9:32 PM

Special Permit – 445 Myles Standish Blvd. – Marijuana Cultivation & Manufacturing – need to forward a recommendation to Municipal Council

Atty. James Valeriani, and Jordan Shaw, Greater Good were invited into the enclosure. They are seeking a Special Permit from the Municipal Council for a marijuana cultivation & manufacturing facility. Dennis asked if they have any confirmation from the TDC relative to their covenants & restrictions to see if this issue would be allowed in the industrial park? Atty. Valeriani stated they researched all the covenant and restriction and they didn't see anything. He spoke to the TDC and they would prefer no marijuana there but they said it's ultimately up to the Municipal Council. They did receive their Host Community Agreement from Municipal Council. Dept .comments were read from Conservation Commission, Water Dept., B.O.H., Veolia Water, Engineer, Fire Dept and made part of the record. Atty. Valeriani stated since there are no changes to the site the City Planner said there would be no need for a Site Plan Review. It was built in 1992 and was used by the National Weather Center. There will be no changes to the building and parking. Atty. Valeriani stated he is grateful to the Building Dept. for helping him located the site utility plans. He stated the building may need some painting. All work will be inside . He stated the pads are in place for dumpster. The old weather antenna and old communications tower has been removed. They have one generator with a double wall diesel tank. The business will have approx.. 15 employees working regular business hours. The applicant has a recreational provisional license which qualifies you to build out. There will be no retail here and this site if perfect for the applicant because it's a small concept with using 5,000 sq.ft. It was asked if they make gummies and it was answered they do not make edible but do make pre-rolls. Dennis stated he thinks this is the perfect area for this and no one would even know they are there. John agree. It was asked if there would be any odor? Mr. Shaw explained that they have air infiltrations and exhausts and per law they are required to monitor and control it. John asked about security and it was answered they will have security cameras and fire alarms. Mike asked about the odor control and Mr. Shaw said they are required by State Law to monitor that. Brian stated he likes the location and wonders if the Council has any licenses available? He asked will the vehicles be licensed in Taunton and it was answered they would only have 1 van Public Input: no one in favor of opposed. Close public input. John made motion to forward a positive recommendation to the Municipal Council, Seconded by Mike. All in favor.

Segreganett Heights – lot releases – Signatures for recording at reg. of deeds –

Request from Atty. Edward Casey requesting the Board to lot release for lots in this subdivision. All lots have released and built on but apparently the lot releases were never recorded at the Reg. of Deeds. They discovered this while doing a title search for a closing.

Bob made motion to sign lot released for all lot, seconded by Manny all in favor.

Meeting adjourned at 9:56 PM

