
TAUNTON PLANNING BOARD MINUTES
Meeting held at 15 Summer Street

DATE: August 4, 2022

BOARD MEMBERS:	Anthony Abreau, Chairman	Michael Monteiro
	Bob Campbell	John Reardon
	Manuel Spencer, Clerk	Dennis I. Ackerman, Vice Chairman
	Brian Carr	
ADVISORS:	Kevin Scanlon, City Planner	
	Michael Patneau, City Engineer	

Roll Call: Ackerman, Reardon, Spencer, Monteiro, Campbell, Abreau present. Carr absent.

Meeting opens at 5:31 PM

Manny made motion to accept minutes of July 7, 2022 seconded by Mike. All in favor.

Public Hearing – 562 Winthrop St. - Special Permit & Site Plan Review - from Section 440 Attachment #2 of the Zoning Ordinance to allow 17,360 sq. ft. of outdoor storage for portable restrooms units & 3,900 sq. ft. equipment storage for a rental business portable restrooms in conjunction with the existing single family house, submitted by Moose Pond LLC

Roll Call: Campbell, Ackerman, Campbell, Spencer, Monteiro, and Abreau present. Hearing opens at 5:31 PM Dept. comments were read into the record from Conservation Commission, Engineer, Water and DIRB. Atty. Brianna Correira, Dylan Callen, Moose Pond, LLC and Richard Hayes, Pee Palace Portable Potties and Josh Borden, Project Engineer, Arthur Borden & Associates, Inc., were invited into the enclosure.

Atty. Correira states the ordinance allows for Special Permits to be granted as long as they are in harmony with the neighborhood. This property is located in the Highway Business District and there are a variety of business uses around. Some are auto repair, car wash, recycling co. and 4 parcels away there are a variety of business surrounded by residences. The storage part of the proposal requires a Special Permit from this Board. The tenant will be Pee Palace Porta Potties which has been in existence since June 2020. They have 3 employees and hours of operation are: M-S 7-5 and Sunday 10-3. They won't have a typical office or any building on site. Their clientele consists of restaurants, parties and construction sites. This will be less traffic with no customers coming to the site. There is a single family house in front and this will be in the rear of the property. It was asked how many units will be stored and Josh answers the plans shows 311 units with a 12 foot wide travel way with turning radius. There will be gravel base with no change to the grade but will construct swale to ensure drainage remains per the City Engineer. They will be keeping all buffers.

Manny asked will there be any odor with 311 units? Atty. Correira answers all units are cleaned before they are left at this site. The only cleaning they will do is wipe down and put sanitizer in. Manny asked how do customers know how to order one? They have website and they secure contracts over the phone. There will be no walk ins. Bob asks what's the propane tank for? Mr. Hayes it's for the blue fluid they put in unit. Bob stated the site is all vegetated and it was stated they will keep that and he asked how would they keep it from migrating off? Josh answers they will have a maintenance plan and re-grade site as needed. Bob asked if they planned for any dust control like a water truck with chloride. John asked if the only time they would doing cleaning is by power washing and putting treatment in. The cleaning is done off site and

they will be cleaned when stored at this site. Mike asked if the units will be on a slab to prevent them from falling or blowing over or tied down? Mr. Hayes answers no they don't tie down. They weight about 120 lbs. Tony asked about buffer and it was answered about 40 feet to the closest house. They are closer to Craven Court properties. John asked if they had any other business or was this their first? Mr. Hayes answers they have one in Norfolk, Attleboro and a few other places and never had any complaints. Public Input: Fernando Albergaria, 556 Winthrop St. opposed owns JR's Auto body next door. He stated the applicant is lying there is a terrible odor and they were washing some units yesterday. The truck comes in with back up beeper and they have been there the past few months. He has been there for over 30 years and he will fight this. Letter from Joanne Albergaria, 556 Winthrop St. also opposed. Atty. Correira stated the property is in the Highway Business District and they will abide by the conditions that were given by the Bd.of Health. Atty. Correira stated she spoke with Bob Pirozzi, Building Commissioner, he stated he went out a few times and never smelled anything when he was on the property. Tony asked about putting a fence along that side and it was stated the propane tank is there with 6 foot wooden fence and vegetation then a chain link fence. Dennis asked Mr. Hayes if there has been any units on site since Sunday and Mr. Hayes answers he's not sure. He stated he hasn't been to the site but his partner could have been? Dennis asked why would they be there and he answered they have stuff stored in the garage. John stated maybe the odor is from the truck itself? Atty. Correira stated there were several complaints made to the City and they removed the units and now are here trying to rectify it. John stated he passed one of their trucks on Winthrop Street. Bob asked what equipment will be stored on site? Mr. Hayes answers just trucks and as we grow there will be trailers sitting outside. Dennis asked if the trucks or trailers would be registered in Taunton and he answered no. John asked if there would be any repair done on site? Mr. Hayes answers all the units are new but the trucks have tools & equipment if they need to fix one. Tony asked if they had septic system or sewer? Dylan answers septic system. Tony said he should be tied into sewer. Manny asked where is the dumping station they use? Mr. Hayes answers they use Fall River, Cranston, Wareham, Brockton. Bob also agreed they should tie into sewer. Dylan said he would do that but asked for some time? It was suggested within a year of approval. Bob made motion, seconded by Dennis, to approve the Special Permit/Site Plan Review including dept. comments and conditions:

Condition #1) That the plans dated July 11, 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 the start of any work associated with the business

Condition #6) Dumpster shall be shown on the plans, located on a concrete pad, be enclosed with a six foot stockade fence, be kept closed at all times and be emptied regularly

Condition #7) The ADA aisle width shall be a min of 8 feet

Condition #8) Show all the doors and egress points from the buildings

Condition #9) There shall be no sanitation of units on site. Cosmetic cleaning and stocking only

Condition #10) A swale shall be constructed along the southeasterly corner to control runoff

Condition #11) Storage area to remain gravel surface

Condition #12) The landscaped buffer areas shall be clearly noted to remain undisturbed and fully vegetated with the extent of vegetation clearly shown on the plans

- Condition #13) DPW specifications applies including any backflow devices must be inspected b the Plumbing Inspector or City Inspector.**
- Condition #14) Prior notice is hereby required before any city water work is to be performed.**
- Condition #15) Hours of operation: Monday – Saturday 7 AM – 7PM, Sunday 10AM -3 PM**
- Condition #16) No storage of full or uncleaned units allowed on site.**
- Condition #17) No non-rentable units allowed on site.**
- Condition #18) Provide dust control by either a water truck or calcium chloride in the gravel storage area.**
- Condition #19) Property must be tied into municipal sewer within one year of approval.**

Vote:	6 In Favor
Anthony Abreau	YES
Dennis Ackerman	YES
Manuel Spencer	YES
John Reardon	YES
Michael Monteiro	YES
Robert Campbell	YES
Brian Carr	Absent

Hearing closed at 6:09 PM

Public Hearing - Willis Pond Estates – Inclusionary Cluster Definitive Subdivision - for the creation of 14 residential lots - to be located off Willis Pond Rd. property I.D. Map 37, Lot 47 containing 21.1 acres, submitted by Aspen Properties Dev. LLC

Hearing opens at 6:10 PM. Roll call: Ackerman, Campbell, Spencer, Monteiro, Reardon, Abreau present. Dept. comments were read into the record from Water Dept., B.O.H., Conservation Commission, City Planner and Engineer. Atty. Brianna Correira, Chris Moniz, Aspen Prop. Dev. LLC and Tracy Duarte, Civil Engineer, and Michael Keegan, Land Surveyor. Atty. Correira stated they are proposing a cluster development and the benefits are increased open space and less impervious area. They have 14.2 of open space and they are committing to \$250,000 - \$300,000 improvements. They will provide emergency turnaround and fire hydrants. They have spent over \$100,000 in filings and the developer provides quality construction. The preliminary plan was approved a few months ago and they filed with the Conservation Commission. They are asking for a few waivers, pavement width from 30 feet to 24 feet, one 6 foot sidewalk, and 40 feet ROW layout instead of 50 Feet and roadway length from max 1,000 feet t 1,244 feet. Tracy says the plans show 14 lots with the smallest lot 10,435 which is larger than they showed in April. The setbacks are 15 feet front, 10 side and 15 feet rear. In the rear is 14.2 acres and that will be deeded open space with a 20 foot wide access easement. The roadway length is 1,244 feet and they will have 2 discharge areas. They will have a 6 foot fence around the detention basin and will tie sewer into Willis Pond Road. They will have underground electric and each lot will have a light post and street trees. A house rendering was shown having a 2 car garage and room for 2 more cars. The closest house to 330 feet, 542 feet from Powderhorn Dr, 600 feet from Norton Ave, and 411 feet from Barry Dr. There is no natural buffer that exists. Manny asked about the light pole and if the electric would be underground. Tracy said the light pole is ornamental and the utilities will be underground. There will be 2 parking spaces for each house. Chris stated they are proposing 3-4 bedrooms and the driveway can accommodate 4 cars plus garage. Manny went to different towns and saw subdivisions with underground utilities and it looks nice. Manny asked who

is responsible for the light post and it was answered the homeowner. Tracy said the electrical will be all connected and she can update that on plans. Bob asked about access easement to drainage basin between lots 13 & 14? He suggests putting on one side of the property line. Dennis agrees with Bob about the easement. Bob says the access easement isn't graded and needs to be walkable and ADA compliant. Chris says they can put a post and rail fence to identify it and make it feel comfortable. Bob suggests putting gravel/stonedust to have clear access. Bob pointed out the cul-de-sac is missing a curb ramp. He asked about the street trees and Tracy answers they are on the private side of the ROW. Tony would prefer the road to be public. The detention basins and open space would be the responsibility of the association. Public Input: Steve Orcutt, 135 Malibu Drive asked why at the previous meetings they included lot 2 and a portion of lot 4 and now they only showing using Lot 2. They included both lots when they showed the conventional subdivision to determine the multiplier. It's looks deceiving and if they knew they didn't need a portion of Lot 4 why did they show it? He wondered if they even qualified for 14 lots? Now they want the street to be an accepted street. Tracy addressed Steve's concern with showing both lots in the preliminary. She said in April they shows a 6 lot conventional subdivision and they didn't need to use a portion of lot 4 because they were 40,000 sq. ft. over the minimum. Bob stated if it was included on the preliminary then it should be consistent with the preliminary plan and include it to avoid a possible appeal. Chris said we could but we would need a new Form A. Bob feels they should include it. Charles Fitzsimmons, 50 Powderhorn Dr., asked about the open space and if it can be developed in the future. He reference the open space parcel in or near the industrial park that was supposed to be a field and now they wanted to develop it. He stated there is an issue with the culvert. His concerns were overcrowding school systems, snow removal and houses on postage stamp lots. It was stated the open space is part of the cluster subdivision and will stay open space forever. The taxes are paid by all tax payers in the development. Mr. Fitzsimons asked about construction hours of operation? The Board thought the ordinance is 7 am – 7 pm? He asked who is responsible for plowing street and it was answered the contractor is until the roadway is accepted. Jill Brown, 115 Willis Pond Rd. stated there will be 14 houses on a 20 foot wide road. She asked if they could do any improvement to Stetson Street? They are going right past and it would be nice if they could pave that street? It was stated that it is not part of this project and perhaps the City could look at doing someone. Chris M. stated they were asked to extend water to Barry Drive so they will pave to a certain point. Steve asked if the open space would be deeded open space and no construction allowed? Dennis stated there is a neighbor here from Norton Ave. that has had some concerns with the roadway improvement plan which will be discussed later.

Bob made motion, seconded by Dennis to approve the Inclusionary Cluster Definitive Subdivision grant the waivers including dept. comments and following conditions:

WAIVERS:

- 1. Reduction of the pavement width from 30 feet to 24 feet.**
- 2. Allow a 6 foot wide sidewalk on one side instead of sidewalks on both sides.**
- 3. Reduction of the proposed Right of Way width from 50 feet to 40 feet.**
- 4. Increase of the maximum roadway length from 1,000 feet to 1,244.**

CONDITIONS:

- 1. DPW permits are required including, City licensed contractor, road opening, and or trench.**
- 2. DPW specifications apply including, Pressure testing, materials, installation, new water meter with an updated radio frequency unit, inspection, and approval.**

3. DPW specification apply including any backflow devices must be inspected by the Plumbing Inspector or City Inspector.
4. Prior notice is required before any City water work is to be performed and inspections will be required before backfilling.
5. The property must be serviced by municipal water and sewer. All dwellings must comply with the Minimum Standards of Fitness for Human Habitation, State Sanitary Code, Chapter II.
6. Work with the City Engineer to choose a new street name.
7. Retaining walls greater than 4' high need stamped structural design plans.
8. If roadway is to become public, work with the City Engineer to move snow easement to a more suitable location.
9. Show table indicating the actual distances from the front, side and rear setbacks on plans.
10. Additional manholes may be required and a sewer manhole detail for a forced sewer main needs to be added to the detail sheets.
11. The proposed drainage pipe from CB-3 to DMH-2 should be 12" and the double catch basins (CB-2 and CB-4) may require larger than 48" diameter basins.
12. Manholes where possible should be located in the middle of the travel lane (offset 6' from baseline)
13. Construct catch basins so that the hoods will not be damaged during routine maintenance.
14. Identify width of the berm around the detention basins (15' minimum)
15. Vertical curbing will need to be installed before and after the proposed Rain Guardian Foxhole.
16. The subdivision will follow the outside consultant guidelines for inspections which shall include the sewer and water extensions and all other work offsite competed in conjunction with this project. The initial escrow deposit for paying for inspections shall be set at \$5,000 and should be replenished back to a \$2,500 balance anytime it dips below \$750. The Board should select a consultant once the subdivision is approved.
17. Centralized mailboxes may be required by the USPS.
18. Move the access easements to drainage basins such that they are not straddling two lots.
19. Add curb ramp at the cul-de-sac reverse-curve area. That curve must also be constructed using vertical granite curbing.
20. Install a post & rail fence within the access easement to the open space and grade access to be walkable, 5% slope or flatter to beyond the house lots.
21. Add the portion of Lot 4 (Map 37-48) that was included in the preliminary plan to the overall parcel
22. Deed restriction of "No further development within the Open Space".
23. Underground utilities are required, as presented
24. Roadway Improvement to Willis Pond Rd. must be done prior or concurrently with the development of this project.
25. Total number of lots in the subdivision is 14 lots.

Vote:	6 In Favor
Anthony Abreau	YES
Dennis Ackerman	YES
Manuel Spencer	YES
John Reardon	YES
Michael Monteiro	YES
Robert Campbell	YES
Brian Carr	Absent

Hearing closed at 7:01 PM

Public Meeting - Roadway Improvement Plan - for Willis Pond Road –improvements consisting of 20 foot pavement width for a length of 1,040 feet, submitted by Aspen Properties Development LLC.

Dept. comments were read into the record from City Engineer, Water Dept., Conservation Commission, City planner, and BO.H. which were placed on file. Atty. Brianna Correia, Chris Moniz, Aspen Prop. Dev. LLC and Tracy Duarte, Civil Engineer, and Michael Keegan, Land Surveyor. Tracy stated currently Willis Pond Road is about 14-18 feet wide and they are proposing to re-pave to 20 feet wide for a length of 1,040 feet. They will provide two-way access with fire access and an emergency turnaround. They will provide hydrants every 300 feet and connect water to Barry Drive. All work will be done within the Right of Way and replace the culvert in-kind. Tracy said this was a re-development per the stormwater management regs. and they are only required to comply with certain regs. She stated they will submit metes and bounds so the street can be accepted by the City. Bob asked what is the hump on 5+35 profile? Tracy said they just matched the existing. Bob suggested showing it smooth on profile. The culvert replacement will be with a 24" RCP. Public Input: Sandra Kingsbury, 345 Norton Ave, stated she lives on the V intersection of Norton Ave & Willis Pond Rd. She stated the traffic is superfast and that is a bus stop and she has safety concerns. The berm has been broken. It was stated that portion of roadway is out of the scope of this project but the City can look into it? Dennis suggests putting guardrail at corner?

Dennis made motion to send letter to DPW and City Engineer to look into possibly putting some millings down on Stetson Street and look at the intersection of Norton Avenue and Willis Pond Rd (90 degree angle) Seconded by Mike

Motion made and seconded to grant the Roadway Improvement Plan including dept. comments and conditions:

1. Create a metes and bounds layout for Willis Pond Road from the intersection of "Old Norton Avenue" to the end of the 40 foot right of way off Barry Drive.
2. The existing culvert must be inspected and any deficiencies must be repaired as part of this Roadway Improvement Plan.
3. Roadway to be constructed in such a manner as to not change the flow of stormwater from present conditions.
4. Maintain a minimum separation of 10 feet from existing sewer main and proposed water main, where possible.
5. City water is available for the proposed 8" ductile pipe to the existing 8" city water main on Willis Pond Road.
6. Plans are required and need to be submitted to DPW for the proposed gate valves, hydrants and curb stops for each property.
7. DPW specifications are required including: City licensed contractor, road opening and or trench.
8. DPW specifications apply including: hydrant flow test, pressure testing, materials, installation, and approval.
9. Prior notice is required before any City water work is to be performed, and inspections will be required before backfilling.
10. The improvements shall be 20 feet in width for a length of 1,040 feet as shown on plans.
11. Provide 2 ½" bituminous surface course & 2 ½ " of bituminous binder course

Vote:	6 In Favor
Anthony Abreau	YES
Dennis Ackerman	YES
Manuel Spencer	YES
John Reardon	YES
Michael Monteiro	YES
Robert Campbell	YES
Brian Carr	Absent

Public Meeting- Site Plan Review Modification - 295 Broadway – Lot 2 - to allow a taxi and livery business in addition to the auto repair & associated offices, submitted by Zachary Tucan, Trustee Zachman Realty Trust

Request to continue to next month.

Motion made and seconded to grant continuance to September 1st meeting, All in favor.

Meeting adjourned at 7:20 PM