
TAUNTON PLANNING BOARD MINUTES
Meeting held at 15 Summer Street

DATE: September 1, 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, Carr, and Abreau present. Meeting opens at 5:30 PM. Campbell present at 5:48 PM

Brian made motion to accept minutes of August 4, 2022 seconded by John. All in favor.

Titus Way – Request to release lot #5 – holding 3 lots & \$48,406

Letter from City Planner, City Engineer and Greenman Pedersen was read into the record.

Dennis made motion to release lot 5 upon receipt of \$33,403 of acceptable surety, seconded by John. All in favor.

Public Hearing – 1685R Bay St. - A Special Permit from Section 440-201 for a common driveway to access 3 lots, submitted by David Amaral

Roll call: Ackerman, Reardon, Abreau, Spencer, Monteiro and Carr present. Hearing opens at 5:35 PM Atty. William Rounds and Mr. & Mrs. Amaral were invited into the enclosure. Letters from City Planner, Water Dept., Conservation Commission, and City Engineer were read into the record. Atty. Rounds stated they received Form J approval and ZBA approval for this lot. This lot will be the 3rd lot using the existing driveway which requires a Special Permit for common driveway. The property is located off Bay Street and branches off from Goward Road. The driveway has been in existence for many years is currently 12 feet wide in general. They will have a 20 foot wide access and utility easement and the driveway will remain gravel. They will have a recorded access easement. Petition signed by neighbors in favor. They would prefer no paving and not widen too much. Atty. Rounds states he has no issues with the dept. comments. Manny asked who will maintain the driveway and Atty. Rounds answers it will be maintained by all who use it. The City will not plow or pave or maintain it. Atty. Rounds stated a new easement will be recorded. Dennis suggests having a formal agreement with all 3 owners indicating who is responsible for maintenance, plowing, etc. Manny asked if there will be an emergency turnaround and it was answered yes. Manny would like it approved by City Engineer. Brian asked it it’s a gravel driveway? Atty. Rounds answers yes it was gravel and Mr. Amaral improved it with gravel. Tony stated the plans show an emergency turnaround with a 25 foot radius. Public Input: No one in opposition.

Dennis made motion, seconded by Manny, to approve the Special Permit with dept. comments and the following conditions:

1. Provide a copy of the recorded access easement to the Planning Board Office.
2. Provide a turnaround for emergency vehicles to be approved by City Engineer and Fire Dept.
3. The existing 12 foot wide gravel driveway shall remain gravel and the easement area will be 20 feet wide as presented.
4. Provide a recorded copy of the maintenance agreement of driveway (including plowing, upkeep of driveway) between the 3 property owners to the Planning Board.

Vote: 6 In Favor

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

Hearing closed at 5:47 PM

Bob Campbell present at 5:48 PM

Public Hearing - A Special Permit/ Site Plan Review - 223 & 231 Broadway (Prop. I.D 47-73, 47-74 & 47-99) for the construction of a new 4,500 sq. ft. convenience store with 6 gasoline dispenser islands with an overhead canopy and 20 seats (8 interior seats & 12 exterior seasonable seats) submitted by 231 Broadway Series of PB & C Series, LLC, & 223 Broadway Street Series of S&P Realty Series, LLC

Roll call: Campbell, Ackerman, Reardon, Abreau, Spencer, Monteiro, and Carr present. Hearing opens at 5:48 PM - Dept. comments from DIRB, Conservation Commission, Water Dept., B.O.H., and City Engineer were read and made part of the record. Atty. William Rosa, Wynn & Wynn, Peter Garrett, owner, Nicole Duquet, Project Engineer, Greenman Pedersen, Heather Monticup, Traffic Engineer, Greenman Pedersen was invited into the enclosure. The property has been operating since the late 1960's. They are proposing to construct a 4,500 sq. ft. convenience store with 6 gasoline dispenser islands. The site itself will have big changes. The adjacent piece of property has been purchased so now they are proposing to re-develop the entire site. The circulation will change dramatically. Nicole stated currently there are 4 driveways entrances with a very large curb cut. The 2 on Broadway are very close to the intersection. There is drainage on site but no pre-treatment. The drainages flows onto Washington from Broadway. They are proposing grab & go foods items and will be removing the high speed diesel pumps and replacing with 6 islands which will have 25 parking spaces (21 in front) and 4 in back for employee parking. They tried different options in laying out the site and they this is the best one because it takes most of the circulation off Broadway. They are taking away the traffic away from the residences. They have been talking with Mass DOT and they have an application in for curb cuts. The dumpster will be on a concrete pad with fencing around. They are well above 80% allowed for pre-treatment. They will be installing a new closed drainage system consisting of deep-sump hooded catch basins, first defense hydrodynamic separators, an oil/water separator, two -slotted drains, an underground detention system, an underground infiltration system, and an above-ground infiltration basin will be constructed. Runoff from paved areas surrounding the fueling area will be captured in catch basins with deep sumps and hooded outlets or slotted drain, and directed through a first-defense hydrodynamic separator unit and an oil/water separator to remove floatables, fine particles, and provide storage for fuels /oils in the event of a spill. There is no definite transition of a sidewalk and they will be

adding a raised bituminous concrete sidewalk with ADA ramps. It was stated they may be replaced when DOT does their work and will be replaced. There will be no lighting illuminate to the neighboring properties. They are showing a 50% reduction of landscaping buffer. They won't be using any deciduous plantings. They are proposing karpick red maple, street keeper honey locust and dark American arborvitae trees and arctic fire redbud dogwood, shamrock inkberry and magic carpet spirea shrubs and dwarf yellow daylily. Heather explains the traffic. The increase in trips will per hour will be between 3-12 trips and one additional trip during peak hours. They have been in the preliminary stages with MassDOT for an access permit. MassDOT is taking long and they are looking at spring 2024. The site line from an abutter from the two abutters on Washington Street will not be obstructed because they are proposing a chain link fence of which you can see through and it doesn't go all the way to the street. Manny stated he's familiar with this site and he has concern for neighbors with the re-fueling and entrance next to a residence. There will be no entrance from Washington Street for the fueling trucks. Peter Garret, owner stated the operators of the trucks will know what entrance to use. They will be coming from Rte. 495 and Rte. 138. They are going to have a larger gasoline storage tank so there will be less delivery trips. Manny asked if they met with neighbors? Atty. Rosa stated there was a miscommunication on his part and they tried to follow up with neighbors but the timing didn't work out. They did meet with one abutter. Manny asked what are the hours of operation? Peter said they have 20 stores and most are 24 hours a day and currently this location is 24 hours a day. This will be a very nice upgraded site and they want to be a good neighbor. This will be a 6 million dollar investment which will create jobs and they support the community. He stated the last few years they have had some issues and have done a decent job in controlling the site relative to noise and nuisances. Mike asked if there will be security cameras and it was answered yes and it will be monitored by manager and tapes can be viewed remotely. They have provided handicapped parking with bollards. Brian asked about the letter that was submitted about no illicit discharge? Nicole stated that is a requirement of the checklist for Stormwater. She explained the tanks are double walled with fiberglass with sensor. If there is a leak it will essentially be a leak and it will be contained within. Brian asked why the upgrade? Peter answers he has owned it since the 1980's and it's time for a renovation. The industry has change to pure convenience, food related to grab & go items. They have also provided provisions for electric charging stations. Brian stated over the years there has been problems at this site and he asked if they would consider restricting hours? Peter answers that would be a detriment. Atty. Rosa states this pre-dates the 24 hours permit of which they apply for every year. Peter stated they can control deliveries. Dennis stated during the ZBA hearing neighbors wanted some changes and they addressed some. There was some discussion if the ZBA placed restriction on all deliveries and Dennis remembers that would be brought up during SPR process. John asked how many employees? There are a minimum of 2 employees at all times and they will staff up to maybe 3 employees. There will be no food prep. Bob stated there are no grades shown along the property line abutting 221 Broadway? He pointed out the snow storage is there and he doesn't want it to melt and drain onto the abutters property. Bob states it's not that convenient without any internal sidewalks? There is no connection from Broadway to the store? Nicole stated they could see if a flush walkway can go along the property line of 221 Broadway which will prevent water running into abutter's driveway. Bob asked how will the infiltration basin be maintained? Nicole stated it is above water table and will be little weedy. Peter said they have weekly routine maintenance done by the landscapers. There will be vacuum and air compressor machine which will be self contained. It was pointed out the sidewalk needs to be ADA and can't be over 2%. Chairman Abreau point out there is a 5 year moratorium on Washington Street. Public Input: No one in favor. Paul Poirier, 286 Washington Street thanked the Engineer for updated plans and he's happy about the drainage. His concerns were the tanks too close to residence. Currently the building acts as a buffer and this new proposal has the fuel tank and parking. He asked about the ROW which will be under the new building. Atty. Rosa stated the petitioner's father granted the easement for the ROW and they will be seeking release of that and will need council approval. Mr. Poirier stated they are proposing a big facility and he

stated the parking is based on the wrong district? He asked they increase the landscaping and not reduce it. Dennis stated the City Planner reviews this and makes sure all the requirements are met and since he didn't mention anything in his letter about parking he's sure it meets zoning requirements. Donna Poirier, 286 Washington St. States this will be a big eyesore and she is sad there was no meeting between neighbors & applicant. Zubah & Jessica Akol, 221 Broadway had concerns with the close proximity of the gasoline tanks to their property line. They would prefer it being 25 feet from property line. Deborah Tokarz- Cordeiro, One Thrasher St. stated the Washington Street abutter's driveway will be obstructed by the building & landscaping. It was stated the employee parking is over there and it's a right turn only. Antone Cordeiro, One Thrasher St. asked about the outdoor seating and it was stated it would be fenced and locked at night. Tammy Witkowski, 302 Washington St. opposed. Nicole stated they need the loading dock. They can move vents from the residences. Discussion took place about restriction all deliveries. Some suggestions were 8 am -6 pm and some said 6 am – 8 pm. It was stated the neighbors don't want any late night deliveries. Peter said the deliveries are done by box trucks and typically to the front door. Atty. Rosa wanted to address the police reports - There were 3 calls in 2022 during the 4 hours window, 2021- 8 calls, 2020 14 calls. He stated they have a permit from City to operate between 1 -4 AM. Pete stated he thought the abutters didn't want any deliveries late night or during early morning hours.

Dennis made motion, seconded by Manny, to approve the SP/SPR with dept. comments and following conditions:

Condition #1) That the plans dated August 5, 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 any building permit

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 sidewalk easement must be extinguished prior to any building permits

Condition #8) The parcels shall be combined via and 81X plan prior to any building permits

Condition #9) The assessors lot labeling shall be corrected on the plan

Condition #10) A retaining wall greater than four feet shall have a stamped structural plan prior to any building permit

Condition #11) All deliveries shall be between 6 AM – 8 PM

Condition #12) Employee parking shall be right turn only while exiting from Washington St.

Condition #13) Outdoor seating shall be secured & locked between 9 PM – 7 AM

Condition #14) Move the venting tank

Condition #15) Provide flush concrete sidewalk along the southerly side of the parking lot to connect between the Broadway sidewalk and the building entrance

Condition #16) Provide adequate drainage for snow storage so as to not impact abutter's property.

Condition #17) Provide weekly maintenance of the detention basin

Condition #18) No D.E.F. allowed at pumps.

Condition #19) A 50% reduction of the landscaping buffer is granted as shown on plans.

Condition #20) Allow a change in species (arborvitaes) for landscaping buffer requirements.

Condition #21) All applicable Board of Health permits must be obtained prior to operation.

Notes

Note 1) DPW permits are required including city licensed contractor, road opening and trench permits. Plans shall be submitted to DPW for water services, fire service line, gate valves and curb stops

Note 2) 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

Vote:	7 In Favor
Anthony Abreau	YES
Dennis Ackerman	YES
Manuel Spencer	YES
John Reardon	YES
Michael Monteiro	YES
Robert Campbell	YES
Brian Carr	YES

Hearing closed at 7:46 PM

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

Atty. William Rounds and Zachary Tucan was invited into the enclosure. Dept. comments were read into the record from DIRB, Conservation Commission, Water Dept. and City Engineer. Atty. Rounds stated this parcel was granted a SPR approval in 2020 along with the lot in front. They carved out lot in front for marijuana business and during that process it was mistakenly presented that existing uses will be discontinued. This was brought to the Mr. Tucan's attention while he was trying to renew his livery license. The intention was to remove the tattoo parlor and the taxi & livery and auto repair will be now be on back lot. So they are here tonight to essentially get approval for what has been in existence for many years. They have no problem with the DIRB conditions. It was simply a mix up on the previous approval. Brian asked about the sewer line? They are going to make a new connection because they didn't get an easement from abutting property. Atty. Rounds stated they are still going to do something with Lot 1 (marijuana place) with the sewer. Mass. DOT is taking a long time. The sewer will not come from 289 Broadway. Public Input: Atty. Brianna Correia , 123 Broadway, representing Walt's Gas next door. She asked that the owner keep them update with the sewer connection through Broadway.

Bob made motion to approve the SPR with the DIRB comments, seconded by Mike.

Condition #1) That the plans dated July 30, 2020 and revised through February 7, 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) 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 sanitary sewer connection service crosses 289 Broadway. A copy of the recorded easement shall be provided for said crossing. In the event this cannot be provided, this service shall be abandoned and new services installed from Broadway.

Condition #8) Access and utility easements for utility services and vehicular access shared with the abutting lots shall be shown on the plans. Recorded easements shall be provided to the Planning Board prior to any building permits

Condition #9) The used car lot and tattoo parlor uses shall be discontinued and the previous zoning approvals for said uses are superseded by this decision

Condition #10) Order of conditions #2358 shall be closed out prior to Building Permit

Condition #11) The plan shall be updated to show six storage spaces for the auto repair use, and a maximum of 20 spaces for the livery. The livery use shall be restricted to a maximum of 20 vehicles.

Condition #12) All the parking spaces shall be shown on the plan

Vote:	7 In Favor
Anthony Abreau	YES
Dennis Ackerman	YES
Manuel Spencer	YES
John Reardon	YES
Michael Monteiro	YES
Robert Campbell	YES
Brian Carr	YES

Public Meeting - A Site Plan Review modification --700 Richmond St. – modification is for the re-location of scale, remove a previously proposed entrance and construct an additional 3,356 sq. ft. of pavement, submitted by Timothy Burbank, Global Cycle, Inc.

Bob Forbes, Zennith Consulting Engineers was invited into the enclosure. Dept. comments were read from DIRB, Conservation Commission, Water Dept., and City Engineer. Bob said in October 2021 they were before the Board for SPR approval for an addition. Since then there a few changes they need approval for. They re-located the scale, remove the previously approved entrance and construct an additional 3,356 sq. ft of pavement and made drainage system larger. The gated entrance is not used and they have no intention to open it up. Public Input: Shawn Grenier, 697 Richmond St, stated they have been great neighbors. His concerns people driving down Richmond Street then realizing there is public access and they try to turn around. He suggests putting 6 ton limit sign along Richmond Street so people know not to go over the bridge. Tony stated he will look into having City clear brush to sign can be seen. It was also suggested putting signage out front on Rte.44 stating entrance is there. Bob F. stated he could ask for a sign but cannot guarantee because it's not his client's property.

Brian made motion to approve SPR with DIRB comments and the following conditions:

Condition #1) That the plans dated September 8, 2021 and revised through June 13, 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) Show all doors on the plans

Condition #7) Applicant to instruct all their trucks & clientele to continue to enter and exit from Route 44.

Condition #8) Applicant will look into the possibility of placing “enter & exit from Route 44” sign along Rte. 44.

Condition #9) The septic system shall remain as is. Any changes to the Septic system would require the applicant to file a new septic plan with the Board of Health for review. Once completed, an update site plan must be submitted to the Board of Health to comply with their current Hazardous Materials Control Permit.

Notes

Note 1) DPW permits are required including city licensed contractor, road opening and trench permits. Plans shall be submitted to DPW for water services, fire service line, gate valves and curb stops

Note 2) DPW specifications shall apply including backflow devices, pressure testing, materials, installation, inspection and approval and prior notice is required before any city water work is to be performed and inspections are required prior to backfilling

Vote:	7 In Favor
Anthony Abreau	YES
Dennis Ackerman	YES
Manuel Spencer	YES
John Reardon	YES
Michael Monteiro	YES
Robert Campbell	YES
Brian Carr	YES

Public Meeting - A Site Plan Review - 125 Dever Drive - for the construction of a 10,879 s. ft. building addition with associated off street parking area expansion to accommodate 37 new spaces and incidental loading dock improvements and sidewalk work, submitted by Maxton Precision Motors

Ken Motta, Sr. Project Engineer, Field Engineering was invited into the enclosure. Dept. comments from DIRB, Conservation Commission, City Engineer, B.O.H. and Water Dept. were read into the record. They originally got approval in 2017 for a 59,000 sq. ft. building with 88 parking spaces. They are now doing some exterior improvements and will be adding a 10,879 sq. ft. addition . They will be adding a 4 foot loading dock, expanding the parking and make new employee entrance and add 37 new parking spaces. They will lose some tree and will be planting some landscape islands. Brian asked why would they need to 4 foot loading dock? Ken answers it’s to provide trailer clearance Bob asked about the material staging area and what would be stored there? Ken answers it’s temporary to be used during construction for stockpiling stuff like curbing and fill. Brian asked about the waiver they are requesting relative to the impact statements? Ken answers that info was provided when they developed Dever Drive and it was already mitigated Bob suggests putting some protective bollards where the building is close to the driveway.

John made motion to approve the SPR with DIRB comments and the following conditions:

Condition #1) That the plans dated August 1, 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 any building permit

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) Remove the plus and minus notations from the area and building size

Condition #8) A retaining wall greater than four feet shall have a stamped structural plan prior to any building permit

Condition #9) Place protective bollards at the northwest corner of the building addition.

Condition #10) Materials staging area shall be used during construction only.

Vote:	7 In Favor
Anthony Abreau	YES
Dennis Ackerman	YES
Manuel Spencer	YES
John Reardon	YES
Michael Monteiro	YES
Robert Campbell	YES
Brian Carr	YES

Meeting adjourned at 8:24 PM