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

DATE: September 5, 2013

BOARD MEMBERS: Daniel Dermody, Chrmn. Anthony Abreau
Bob Campbell V.C. Arthur Lopes
Manuel Spencer, Clerk Joshua Borden
Michael Ritz

ADVISORS: Mark Slusarz, City Engineer
Kevin Scanlon, City Planner

Roll Call: Borden, Ritz, Spencer, Abreau, Lopes and Dermody present. Meeting opens at 5:33 PM. Also present was City Engineer Mark Slusarz and City Planner Kevin Scanlon. Campbell present at 5:35 PM

Arthur made motion to accept minutes of July 25, 2013 seconded by Mike. All in favor.

Public Meeting – Site Plan Review – 255 Cape Highway – for the expansion of the existing business including a 2,828 sq. ft. addition, 1,166 sq. ft. cooler, a compactor, 29 new parking spaces and a secondary exit from site. Submitted by Fariborz Motamedi o fMarmar Real Esate Group LLC

The City Planner stated the DIRB has continued their meeting so this will have to be continued until next month.

Motion made and seconded to continue to October 3, 2013. All in favor.

Public Meeting - SITE PLAN REVIEW - 336 Weir Street for the existing building containing 202,000 square feet – subject of a recent zoning change from Industrial District to Business District.

The City Planner stated the DIRB is waiting for additional calculations so they continued their meeting .

Motion made and seconded to continue to October 3, 2013. All in favor.

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

Atty. David Gay, Atty. Thomas Gay and Carlos Melo, Solo Realty were invited into the enclosure. Atty. Gay stated they were here last month and they continued to meet with abutters to discuss their issues. Josh asked what the Affordable Trust Fund was for and if it goes in the general fund. Kevin answers no, it's money paid by the developer in lieu of building affordable units. Atty. Gay stated they met with neighbors on Tuesday, (he wasn't there) There was good discussion about the Master Deed of what it covers. Atty. Gay stated they will go down list of items. 1. They agree with the City Planner's proposal of reducing the monetary obligation from \$20,000 to \$15,000 per unit. 2. The City Planner wants payment at building permit and we suggest payment at time of closing. They propose to record notice stating such condition and the closing attorney will be aware of it. 3. The paving of Goward Road did not specify that it must be completed prior to the issuance of 15th building permit. 4. Master Deed at this time does not require the developer to take care of the common areas. The development is responsible for buildings on property. 5.

They propose installing gate at front entrance will be completed at the same time as the first building to be constructed at the site, including the landscaping along Bay Street and thru the entrance way. Petitioner has agreed to cut down any vegetation along the main road to a height 4 inches. 6. Petitioner has agreed to have fences checked and replace if necessary to insure their safety & appearance. 7. The petitioner will leave it up to the residents on whether or not sidewalk should be eliminated. Bruce MacDonald, 1601 Bay St. Unit 501 spoke on behalf of residents. He stated the items as presented were ok but he would want the entrance gate as soon as possible. They would want the sidewalk as originally approved. It was asked if approved tonight how long would before starting? Mr. Melo answers 6-8 weeks. Kevin stated Goward Road needs to be done and he suggests establishing when? He suggests when the 30th unit is built? Kevin stressed the importance of payment at the building permit to avoid any litigation. He stated what happens when it's a cash deal and it slips through? He stated the maintenance of roadways and common areas should not be the responsibility of the homeowners. He stated the Planning Board can impose a condition. Atty. Gay stated the Master Deed covers that. Kevin stated if units are approved developer should be responsible for them. Bob asked if the units are under construction Kevin stated the sidewalks should be left up to the residents. Kevin went over the list again and re-iterated that the monies must be paid at the time of a building permit. Atty. Gay stated the whole idea is to get approval to start the project within 6-8 weeks. Atty. Gay suggests "payment must be done before another building permit is issued". Kevin asked to keep payment at building permit. Mr. Melo suggests paving Goward Road at the 30th unit. Chairman Dermody stated he has been informed by the Law Dept. that he and Tony cannot vote because they weren't here last month so you need 4 out of 5 votes. Atty. Gay asked stated he reviewed the condo documents and the snow removal costs is spread over the 9 units built and no other units unless built. He stated as soon as a building permit is issued then those units will be participating in the paying of snow removal. Atty. Gay suggests pay at closing of first unit and if not working pay up front.

Motion made and seconded to close public input. All in favor.

Arthur made motion to install gate and clear sidewalks as soon as possible. Seconded by Tony. All in favor.

On Discussion: Kevin stated in regards to item #6 relative to certain things being done prior to a building permit is issued.

Arthur amended his motion to put gate in when first building is constructed and must be completed prior to occupancy of any units in the first building. Seconded by Tony.

The Conditions in the Amended Certificate of Final Action decision dated October 31, 2005 remain in full force and effect with the following modifications:

1. The payment for the Affordable Housing Trust shall be amended as follows: The total amount of cash contribution for the remaining 35 units shall be \$15,000 per unit. This amount is in addition to the \$180,000 collected for the first 9 units. For Building 1 ONLY the petitioner shall pay \$12,000 per unit at the time the building permit is requested and the remaining \$3,000 paid at the time of the occupancy permit is issued. All other units shall be paid prior to a request of a building permit.
2. Prior to a request of the 30th building permit Goward Road shall be paved.
3. The gate and front entrance shall be completed when first building is constructed and MUST be completed prior to occupancy of any units in the first building.
4. Prior to a request of a building permit the petitioner must clean all the detention basins and all potholes on the main road will be fixed.
5. Prior to a request of a building permit the landscaping along Bay Street and the entrance area shall be completed.

6. Prior to a request of a building permit all vegetation in the areas designated to be lawn, driveways, or sidewalks in the approved plans shall be cut down and maintained at no more than 4 inches in height from the access drive up to the foundation.
7. Prior to the request of a building permit the fencing around the foundations shall be updated and fixed as necessary.
8. Any potholes shall be corrected and any ponding/puddling issues eliminated in the entrance drive.
9. The sidewalk will be constructed as originally approved.
10. Snow removal expenses shall be divided by the number of units completed and under construction at the time of the expense is incurred.

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

Chairman Dermody and member Abreau cannot vote on this case because they were absent last month. Atty. Rounds stated they continued last month for a number of reasons. The Board wanted us to show the width and turnaround for the driveways. Second they wanted to see draft language of the easement and third they wanted plans showing parcel B combined with abutting lot. They have complied with 2 of the 3 requests. They do not want to combine the remaining land ("Parcel B) which is 14 + acres. However they do label it as Non buildable. Atty. Rounds stated who knows in the future they may want to use that parcel via the easement. He stated they have the right to access the large parcel in back. If combined they take away that right. Atty. Rounds stated they want to keep the possibility open. Kevin stated if the purpose is to access it they you will need a Special Permit for a common driveway. Kevin stated it's been the Board's position to not allow unbuildable lots, parcels, etc. They can combine now and cut out at later time. Atty. Rounds stated he showed the access like the Board wanted. Kevin stated you can't have it both ways, if you are going to access parcel B then you need Special Permit for common driveway (for 3 lots or more) or you combined with abutting land. Atty. Rounds stated it has potential access and they want to keep that possibility open. Bob stated the variance is for lots 3 & 4 and not for parcel B. The Form J is for the approval for the access to lots 3 & 4. Manny asked about the driveway on plans and it's goes thru the wetlands.? It was stated yes they would need conservation commission approval. Bob states for these 2 lots they got variance and if they moved the access to the narrow point in wetlands they might get approval. Manny asked about the turnaround on Lot 4 and if it's crossing wetlands? It was noted it wasn't but there are wetlands closeby. Public input: Paul Whiffen, 79 Short St. is opposed. His big question is if there is going to be a bridge and who is going to make sure it will hold emergency vehicles? He has been following this case for years and in 2004 there was a verbal agreement and if within a certain time nothing was done it reverts back. He asked if a verbal agreement can be that long and who are the owners of this property? Atty. Rounds stated the petitioners hold the title to this property and the verbal agreement is still in effect because the people who are involved in the verbal agreement are not contesting it. He stated there was a deal with an abutter but it hasn't been formalized but it's a non-issue. He stated it's not the purview of the Planning Board. Paul stated certain things needed to be on plans and are not, like the houses, and he referred to the GIS maps. City Planner Kevin Scanlon informed him the GIS can be used as a tool but a stamped plan is more accurate. He did inform Mr. Whiffen his concerns are more for the Conservation Commission. Kevin stated the plan was approved by the ZBA and they need Conservation Commission approval and now they need Planning Board approval for frontage (access) to lots. Manny stated he went out and walked around to house in back. Manny stated he understands Mr. Whiffen's concerns and he even sees a problem with the wetlands but that is up to the Conservation Commission. Paul stated this is project segmentation and that is not allowed per DEP. Josh asked if we can condition approval? It was noted if the access is for 3 or more

lots they need Special Permit. Atty. Rounds argues that parcel B is not a lot and Josh asked if there is a separate definition for Lot and parcel? Atty. Rounds answers no. Josh stated he would assume a parcel is a lot. Atty. Rounds re-iterates they are creating 2 lots and one unbuildable parcel. Kevin stated that if approved as is something can go in there, there are things exempt from zoning like churches or daycare. Atty. Rounds states they want to keep their possibilities open and fully anticipate they will need to come back for anything on that parcel. Mr. Whiffen remaindered them that this is a State Highway, Rte. 140 Mike made motion to close public input, seconded by Josh. All in favor.

Josh stated since this is on an S curve have they done site distances? Atty. Rounds said he didn't think the Engineer has looked at it.

Motion made and seconded to approve the Form J for lots 3 & 4 as presented with any future development of parcel B requires a Special Permit for common driveway. 3 in favor, 2 opposed. Motion did not pass.

After some discussion about re-designing plans a new motion was made.

Bob made motion to approve the Form J for access to lots 3 & 4 only on plans dated Feb. 78, 2012 revised August 22, 2013. Submit new plans showing the extension of the lot line from Lot 3 to Parcel B from the southeast corner to meet most southeast corner of Lot 4 with no portion of the access easement located on Parcel B. Any future development on Parcel B requires a Special Permit for a common driveway. Amend access easement to include lots 3 & 4 only. Seconded by Mike. All in favor. Hearing closes at 7:01 pm.

Public Hearing – Form J - 475 Crane Avenue South, - to split one parcel into 2 parcels submitted by Kelly Brophy, See ZBA Case # 3159-Mod.)

Roll Call: Borden, Campbell, Abreau, Lopes, Ritz, Spencer and Dermody present. Hearing opens at 7:01 PM. Clerk Spencer read the department letters from Board of Health, City Planner, Conservation Commission which were read and read on file. The City Engineer pointed out the existing driveway is on other property. Paul stated that is a drafting error. Paul stated the applicant went to the ZBA twice, once to get approval and the second time for a modification to move lot line so the driveway will be on her parcel that she will be living at. Josh asked how wide is the driveway? Paul answers pavement width is about 15 feet. Manny asked if she would be building home and it was answered she is converting exiting garage to house for her and her elderly mother to live. Paul stated the intent is for Ms. Brophy to control the driveway. Bob stated that the other lot has a right to use driveway. Paul stated that the original house will be sold and she will be living on new lot and she wanted the driveway on her lot along with the utilities. Kelly Brophy, 475 Crane Ave. South was invited into the enclosure. She stated she wanted control of the driveway along with the utility pole being on her property. She didn't want anybody preventing her from using the driveway. Manny asked who will be paying for maintenance and she answers both owners of lots. No one in favor or opposed.

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

Josh made motion to approve the Form J for 475 Crane Ave. South, seconded by Tony. All in favor.

Hearing closed at 7:15 pm.

Public Meeting - Site Plan Review - 30 Mozzone Boulevard for the construction of additional parking area, loading area, and related drainage improvements associated with the proposed renovation of a renovation building in an Industrial District for a proposed Recycling Facility, submitted by WeCare Holdings, LLC

Mike excused. Josh made disclosure that an abutter to this property was his client but has no conflict so he can vote on this project. Bob Field, Field Engineering, Rich Riccio, Field Engineering and Dan DaRosa were invited into the enclosure. Clerk Spencer read the DIRB comments and TMLP comments into the record. Rich stated they are representing WeCare Recycling for the property at 30 Mozzone Blvd., This is

the former nail factory and this will be an indoor facility. They are proposing to widen the area in back and they are in agreement with the DIRB comments. Rich stated the stormwater management is outside the Conservation Commission jurisdiction. Bob asked about any operations outside? Bob Field stated there might be a curb side truck dropping off but the majority will be inside. Bob asked about the air quality? We Care, Jeff LeBlanc, President stated there is no odor control. It was stated due to the railroad it will require new filing. Public input, Rich Costa, 16 Mozzone Blvd. reviewed the plans. He asked about any adverse affects this will have on the neighboring properties? It was stated this is a dry recycling center and they have to follows DEP rules and submit annual reports. This site is a quick transfer site and the contents will be kept here a day or two the most. It was stated they have to have the volume to make it a separation site. There will be no trash, it's a fairly clean operation. No one else in favor or opposed

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

It was asked about any liquids that may spill out and it was stated it's the responsibility of the hauler and they do police property. Bob asked what route will they be using for big trucks? They usually use box or van trailers. Bob asked if they start accepting outside recycling he suggest using Rte. 24.

Bob made motion to approve the Site Plan Review for 30 Mozzone Blvd to include the DIRB comments and the following:

1. All Out of Town Users must ACCESS facility from Route 24 & Route 140.

Seconded by Tony. All in favor.

Public Meeting – Site Plan Review - 700 Joseph Warner Blvd. for a expansion of the existing parking lot from 56 spaces to 98 spaces, submitted by Robert Post, Plante Manager, Saint-Gobain Performance Plastics Corp.

Matthew Bombaci, P.E., GPR and Rob Post, Plant Manager was invited into the enclosure. Clerk Spencer read the DIRB and TMLP comments into the record. Matt stated they are adding more parking to a site that really needs it. They have 53 and they are increasing to 98 spaces. The stormwater management is before the Conservation Commission and they are in agreement with all the DIRB comments. They are scheduled to go before Conservation Commission on Sept. 16th. Bob asked if there was sewer and they answered no. No one in favor or opposed.

Bob made motion to approve the Site Plan Review for 700 Jos. Warner Blvd, including all DIRB comments. Seconded by Tony. All in favor.

Westville Terrace – Request for release of lots 2, 3 & 4 (holding 0 surety

Clerk Spencer read the City Planner's letter into the record and the City Engineer agreed with his recommendations.

Josh made motion to release lots 2, 3& 4 upon receipt of an additional \$30,000 (or \$10,000 per lot) for Westville Terrace, seconded by Tony.

Meeting adjourned at 7:50 pm.