

\*\*\*\*\*

TAUNTON PLANNING BOARD MINUTES  
Meeting held at 15 Summer Street

\*\*\*\*\*

DATE: January 5, 2023

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 Patneaude, City Engineer	

---

Roll Call: Ackerman, Campbell, Reardon, Spencer, Carr, Monteiro and Abreau present. Meeting opens at 5:33 PM

**Bob made motion to approve minutes of Dec. 1, 2022 seconded by Mike. All in favor.**

**Election of Chairman, Vice Chairman and Clerk**

Manny nominates Tony Abreau for Chairman, seconded by Brian. All in favor.  
Tony was elected chairman.

Manny nominates Dennis Ackerman for Vice Chairman, Seconded by Brian. All in favor.  
Dennis Ackerman was elected.

Dennis nominates Manny Spencer for Clerk, Seconded by Bob,. All in favor.  
Manny was elected Clerk.

**Dennis made motion to revert out of the regular order of business, seconded by Bob. All in favor.**

**Bella Rose Subdivision – potential compaction issues.**

John DeSousa, NorthCounty Group and Sid Kashi, P.E. Greenman Pedersen Inc., were invited into the enclosure. Discussion took place relative to the most recent paving (after Nov.15<sup>th</sup> ) and using cascade drains for 4 catch basins because it’s over 3%. Sid stated he has not been out there since they put them in and it was mentioned the City Engineer out there last week since paving on Dec. 2<sup>nd</sup> anything over 3% will need to have cascade drains. Bob said that was ok but not to use them anywhere else. The Board was ok with the update and excuses gentlemen.

**Executive Session with Law Dept. relative to pending litigation-**

Bob made motion to go into executive session, seconded by Dennis  
Roll call: Campbell, Ackerman, Reardon, Abreau, Spencer, Monteiro and Carr..... Yes  
6:11 PM - Chairman Abreau stated no votes were taken in executive session.

**Cont'd Public Meeting - Site Plan Review- 397 Winthrop St - to modify existing approval by adding vehicle transportation service with 28 spaces (4,032 sq. ft.) of outdoor storage vehicle/equipment storage , a reduction to 66 vehicle display spaces, 8 customer parking space for an auto sales use. Submitted by Astor Transportation LLC, owned by 397 Winthrop St., LLC**

Atty. Brianna Correira and Jeff Tallman, Northeast Eng. were invited into the enclosure. Atty. Correira stated they were here last month and asked the Board for a continuance because they were going to the Council for a special permit which they had on Tuesday and was approved. During last month's discussion the planning board member Campbell suggested changing DIRB condition # 8 and they wanted to eliminate condition #7 relative to the entrance. They are also asking for a 50% landscaping buffer waiver. They will be planting arborvitaes between the gas station lot. Jeff stated they have had discussion with land owner in back to have landscaping on their property and they will have to grant easement. The sewer runs along this strip of land for the condo development in back. Atty. Correira stated they were asked to keep the landscaping low to not impede visibility to the neighboring business. Manny asked if the easement would be granted to the City for the sewer and Chairman Abreau stated the city only handles what on the roadway and anything on private land is their responsibility. It was asked if the company going in here is out of Revere and it was answered yes. Atty. Correira states Astro will run the transport business and they will have a tenant for the auto sales. It was asked if they would be registered their vehicles in Taunton and Atty. Correira answers yes they already have one vehicle registered in Taunton. She re-iterated the camper on site is for storage purposes only and no one will live in it. They are planning on re-locating it down south. Public Input; No one in favor or opposed. Chairman Abreau excused from voting as he was not present last month.

**Dennis made motion to approve with the dept. comments and following conditions:**

- Condition #1) That the plans dated November 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) No repair of vehicles on site is permissible**
- Condition #7) Construct a water quality swale to accept run off before it gets to the river.**
- Condition #8) Show the doors on the plans on the plans**
- Condition #9) Display spaces shall be shifted from the rear of the site to the closed access point in front and the concrete pad area near the sales office to open up easier truck maneuvering in the rear**
- Condition #10) Storage and display of vehicles for the used car lot shall occur in the defined storage spaces only**
- Condition #11) Transportation storage activities shall occur in the defined area shown on the plan only**
- Condition #12) Any gating of access shall be approved by the City Engineer and Planning and Conservation Director**
- Condition # 13) 50% waiver of front, rear and east side landscaping buffer requirements and allow vegetation to be on the abutting property with their permission (as shown on plans)**

<b>Vote:</b>	<b>6 In Favor</b>
<b>Robert Campbell</b>	<b>YES</b>
<b>Manuel Spencer</b>	<b>YES</b>
<b>John Reardon</b>	<b>YES</b>
<b>Dennis Ackerman</b>	<b>YES</b>
<b>Brian Carr</b>	<b>YES</b>

Michael Monteiro  
Anthony Abreau

YES  
excused

**Public Hearing – Special Permit - from Section 440 Attachment #2 of the Zoning Ordinance for a drive-thru for a new 30 seat restaurant in conjunction with an existing commercial shopping plaza, on premises situated at 2089 & 2101 Bay St., Taunton, Ma. (Prop. I.D. 14-14, 14-108 and 14-109) submitted by G & J Realty LLC & Blue Sky Donuts, Inc.**

Hearing opens at 6:20 PM - Roll call: Carr, Monteiro, Spencer, Abreau, Reardon, Ackerman, Campbell present. Dept. comments were read into the record from: City Planner, City Engineer, Water Dept., B.O.H., Conservation Commission, and Commission for Individual with Disabilities. Atty. William Rounds, Dan Ellen, Civil Engineer and Christopher Cahoon, owner. Was invited into the enclosure. Atty. Rounds stated they are here tonight for the Special Permit for drive-thru. The proposal is for the existing Dunkin Donuts across the street in the plaza to re-locate here. The site where they are now is not ideal. The traffic has increased and they need a better location. The restaurant is an allowed use so they need Special Permit for the drive-thru. They will be moving all their customers to this site. The plaza has a tractor supply, BJ's, dollar tree, smoke shop, and sub shop. The building will be 2,500 square feet with drive-thru having full access with pay board and pull up window. There will be parking along the west side with 34 spaces and around the building. Gas, sewer and utility pole for electric will be from the main connection. The overall development will reduce the impervious area by 4,000 sq. ft. and a reduction in stormwater flows. They will be connect to the plaza's stormwater system. Dennis stated he has major concerns with this because over the past years development has increased. He pointed out Dunkin is busy all day and now with Bracks Restaurant between 11 –noon that place is packed. Wendy's has a drive-thru too and that's very busy. He stated more important what about dunkin deliveries? He has major concerns and he would be in 100% in support this without a drive-thru at this location. He stated there is a No left Turn sign but no one obeys it. He can't see tractor trailers making a left turn. B.J.s is packed from 9 AM till closing and there may be some of hours. He has major concerns with this proposal. It was stated once they move the old site will still have a drive-thru and someone can go in there. Atty. Rounds wasn't sure if that was 100% true without reviewing the approval. Mike stated he thinks it's a good location but the traffic patterns will be tricky. Mike asked what is the distance to the window to entrance. It's about 245 feet and there could be 13 -15 cars in line but Christopher says they very rarely have that many. Brian stated he thinks it's a good move because the new site has traffic controls. The tractor trailer place should have enforcement by police if anyone is not obeying the rules. He likes this because it's a business going into a commercial development. Someone can go there and get a lot done in one stop. He asked if 7-Eleven owns and it rents. There was discussion on whether or not another donut shop with a drive-thru can go in there? Dennis stated that the approval goes with the property not the owner. Atty. Rounds wasn't sure until he reviews the previous approvals. Atty. Rounds stated Wendy's across the street is not anywhere near where we are going. John R. asked about the tractor trailers park and they park on Bay St. for deliveries? That is not allowed and it's congested in the parking lot when they do deliveries John thinks this is a good move and very rarely is the entire parking lot full of cars. Tony stated the area is underutilized and he thinks the move is a great spot. The existing site has had a lot of accidents and this will be a good location with control because of the lights. Bob agree it's a better location for Dunkin, better circulation and he asked if they considered changing the driveway location? He suggests following the recommendation of the City Planner relative the driveway. He pointed out the pedestrian access from the perimeter doesn't work too well, they should consider moving that. He suggests placing trash receptacle near the order board and window. Dennis asked about any signage and Christopher answers they are not planning on putting any signage along road. Public Input: Elizabeth Carter, 1794 Bay St. is thrilled it's moving across the street. She was under the impression it was going somewhere else. Brenda Heber, 47 Crane Ave North was under the impression it was going in another spot on Bay Street

which is currently under construction. The Board clarified that site was approved for a warehouse use a few months ago. She's glad about the move.

Mike made motion, seconded by Dennis to approve the Special Permit for the drive-thru with dept. comments and following conditions:

- Condition #1) All applicable Board of Health permits must be obtained prior to operation.**
- Condition #2) Plans are required and need to be submitted to the DPW for water services, fire service line, gate vales and curb stops.**
- Condition #3) DPW Permits are required including city licensed contractor, road opening, and or trench.**
- Condition #4) DPW specifications apply including, pressure testing, materials, installation, new water meter with an updated radio frequency unit, inspection and approval.**
- Condition #5) DPW specifications apply including any backflow devices must be inspected by the Plumber Inspector or City Inspector.**
- Condition #6) Prior notice is required before any city water work is to be performed and inspections will be required before backfilling.**
- Condition #7) All AAB/ADA regulations to be followed for both exterior and interior.**
- Condition #8) Accessible routes need to be provided to all areas (curb cuts, detectable warnings, etc.)**
- Condition #9) Outdoor dining/patio area needs to follow AAB/ADA requirements: Accessible Route, MAAB 20.4, Surface requirements MAAB 20.6, 20.9 and 29.2, Accessible tables/seating MAAB 17.0,17.5, Table height MAAB 17.2.5, Accessible aisles MAAB 17.2.2, 17.2.3,and 17.2.4, a and protruding objects MAAB 20.6**
- Condition #10) All previous zoning decisions associated with this site and conditions shall remain in full force and effect except as specifically altered in this proposal.**
- Condition #11) Make the easterly access point one way in and adding a two-way access in the middle lining up with the access aisle for the parking field on the easterly side of the building.**
- Condition #12) Place and maintain a trash receptacle facing the drive-thru line between the ordering kiosk and the pick-up window.**
- Condition #13) Provide a safe ADA compliance pedestrian access path from the existing sidewalk at the perimeter of the overall parking field to connect with the pedestrian paths within the proposed site improvements. The path will cross travel lanes and so must be constructed with signs, markings, raised walkways or other pedestrian protective treatments as appropriate.**

<b>Vote:</b>	<b>6 In Favor</b>
<b>Anthony Abreau</b>	<b>YES</b>
<b>Robert Campbell</b>	<b>YES</b>
<b>Manuel Spencer</b>	<b>YES</b>
<b>John Reardon</b>	<b>YES</b>
<b>Brian Carr</b>	<b>YES</b>
<b>Michael Monteiro</b>	<b>YES</b>
<b>Dennis Ackerman</b>	<b>NO</b>

**Hearing closed at 7:03 PM**

**Public Hearing - Special Permit/Site Plan Review - 255 Cape Road - to allow the addition of 4,023 sq. ft. of retail space to the existing 1,800 sq. ft. retail space , an 1,820 sq. ft. greenhouse, a 1,220 sq. ft. outdoor display area and 4,465 sq. ft. of storage space, an outdoor food trailer with 3 picnic tables with 12 seats, and 432 sq. ft. office space, submitted by Fariborz Motamedi.**

Hearing opens at 7:04 PM. Roll Call: Carr, Spencer, Monteiro, Abreau, Reardon, Ackerman, Campbell. Jason Youngquist, Outback Engineering, Richard Trolan, Contractor and owner Fariborz Motamedi were invited into the enclosure. They are here for an addition of retail space, greenhouse, outdoor storage and parking area, food trailer, upgrade drainage for the existing Farmer's Market site on Rte. 44. They received conservation approval and they have no issues with the DIRB comments. Dept. comments from DIRB, Commission for Individuals with Disabilities, City Eng. Conservation Commission, and Water Dept. were read into the record and placed on file. Brian stated they are doubling the size of the building so he anticipates double the traffic? Jason answers it's a busy street and there is traffic already and they don't see it increase in double just because the building size increased. Brian asked about the Conservation approval and what is required? Jason answers the basic items like placing silt fencing and the usual conditions. Bob asked about Mass Highway and is they have been in touch with them as it takes a while to get through that process. Jason answers yes and they are hoping it will go a little faster because it's existing. They will need to sprinkle the building so they will need water line permit from DPW. Mike asked if they had loading docks and it was answered yes in back and most of the deliveries are not 18 wheelers. Mike asked about lighting and it was answered yes there will be lighting on bldg. for docks. Public Input: No one appearing in favor or opposed. Public input closed.

Dennis made motion to approve the SP/SPR with dept. comments, seconded by Mike.

**Condition #1) That the plans dated October 7, 2022 and revised through November 29, 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) No display outside other than the defined area shown on the plans**

**Condition #7) Construction sequencing for the drainage system during construction shall be approved prior to any building permits**

**Condition #8) All downspout locations shall be shown on the plans**

**Condition #9) A hazardous materials permit is required**

**Condition #10) Compliance with Conservation Commission Order of Conditions # 3020 is required**

**Condition #11) Dumpster shall be shown on a concrete pad, enclosed with a stockade fence, kept closed at all times and be emptied regularly**

**Condition #12) Show the doors on the plan**

**Condition #13) Bollards shall be placed in front of the picnic tables and the entrance in the island area**

**Condition #14) A landscaping plan conforming to zoning ordinance section 440-702 is required prior to any building permits**

**Condition #15) ADA spaces shall be relocated to the center of the parking aisle**

**Condition #16) The picnic tables and food service window for the food trailer must be accessible. Refer to Architectural access board regulations for accessible route 20.4, surface requirements 20.6,20.9, 29.2, accessible tables/ seating 17, 17.5, table height 17.2.5, accessible aisles 17.2.2, 17.2.3, 17.2.4 and protruding objects 20.6**

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

<b>Vote:</b>	<b>7 In Favor</b>
<b>Anthony Abreau</b>	<b>YES</b>
<b>Dennis I. Ackerman</b>	<b>YES</b>
<b>Robert Campbell</b>	<b>YES</b>
<b>Manuel Spencer</b>	<b>YES</b>
<b>John Reardon</b>	<b>YES</b>
<b>Brian Carr</b>	<b>YES</b>
<b>Michael Monteiro</b>	<b>YES</b>

Hearing closed at 7:18 PM

**Public Meeting - Site Plan Review - Myricks St., Prop. I.D. 138-11 - for the construction of 9-self storage buildings facility (total 83,775 sq. ft.) and 900 sq. ft. office space with 106 parking spaces, submitted by 788 Boston Road LLC**

Ken Motta, Field Eng. Co. and owner Mickey Higgins were invited into the enclosure. Dept. comments from DIRB, Commission for Individuals with Disabilities, Water Dept, City Eng., Cons. Com. Were read into the record and placed on file. The proposal is for 9 single story buildings for self storage use and 900 sq. ft. of office space. The municipal water will come from Myricks Street and they recently received a variance for the use and a waiver reduction of landscaping on the side that is adjacent to the Hutt Forest. They will have a low retaining wall under 3 feet and they will be going to the Conservation meeting on Jan. 23<sup>rd</sup> for a small grading area and potential vernal pool. There will be no direct discharge from this development. Bob asked if there was any interior landscaping. The color plan was shown showing all landscaping. Ken stated they actually have over the required interior landscaping. Brian asked how deep is the stormwater basin and Ken answers 18 inches below existing grade. Ken stated there is a fence along that portion of the property and it will be maintained. Bob asked about if there will be any vehicle storage and it was answered no. There will be no vehicles, campers, rv's boats allowed. Dennis stated at the ZBA meeting the board placed the hours and he stated the neighbors were happy to see this type of low impact business going in there. Bob asked if they could add some more interior landscaping as it looks like the entire site is asphalt & steel which results in excessive heat. Ken explains there is actually 3,300 sq. ft. of interior landscaping and 2,220 sq. ft. is required. Ken stated they tried to fill in gap. Bob just thinks it will be a heat reservoir. He suggests moving some of the proposed tree along the basin to the other side. Ken stated they could do that. Bob stated he didn't want to incur more expense with more landscaping so moving the trees would be good. It was asked how far is the residences from this project? Ken answered about 600 feet to Birch Ave. Public Input: No one in favor or opposed.

Bob made motion to approve with the DIRB comments and following conditions

- Condition #1) That the plans dated December 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 Building permit**

**Condition #6) Gate locations shall be shown on the plan**

**Condition #7) Snow storage shall be shown on the plan**

**Condition #8) ANR plan shall be recorded prior to any building permits**

**Condition #9) An additional ADA space is required and two should be shown with an access aisle next to the two already required**

**Condition #10) Compliance with Conservation Commission Order of Conditions #3026 is required**

**Condition #11) ADA spaces shall be relocated to the center of the parking aisle**

**Condition #12) Show the doors on the plan**

**Condition #13) A landscaping plan conforming to zoning ordinance section 440-702 is required prior to any building permits and ZBA Case # 3702**

**Condition #14) No outdoor storage of anything, including but not limited to vehicles, recreation vehicles, boats, campers, etc.**

**Condition #15) Relocate eleven (11) of the proposed twenty-two (22) trees from the landscape buffer adjacent to the Route 140 on ramp to the southwesterly edge of the proposed parking field opposite Buildings A-D.**

**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**

<b>Vote:</b>	<b>7 In Favor</b>
<b>Anthony Abreau</b>	<b>YES</b>
<b>Dennis I. Ackerman</b>	<b>YES</b>
<b>Robert Campbell</b>	<b>YES</b>
<b>Manuel Spencer</b>	<b>YES</b>
<b>John Reardon</b>	<b>YES</b>
<b>Brian Carr</b>	<b>YES</b>
<b>Michael Monteiro</b>	<b>YES</b>

**456 Tremont St.- Land for sale – M.G.L.C. 61A – Section 14 - City’s has first right of refusal.**

Communication from Robert Cooperstein relative to the sale of real estate at 456 Tremont St. under MGL C61 A , Section 14. Owned by the Estate of Joseph Rossi, Jr. The City has first rights of refusal.

The Board thought the City could purchase it and sell it and make a profit? The land will most likely be bought and developed for residential purposes.

**Dennis made motion to forward letter to Municipal Council to have the City purchase the land.**

**Seconded by Bob. All in favor.**

Meeting adjourned at 7:42 PM

