
TAUNTON PLANNING BOARD MINUTES

Meeting held at 15 Summer Street, City Hall, in the Chester R. Martin Municipal Council Chambers

DATE: April 6, 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 Patneau, City Engineer	

Roll Call: Campbell, Reardon, Spencer, Monteiro, Ackerman and Abreau present. Meeting opens at 5:31 PM

Manny made motion to approve minutes of March 2, 2023 seconded by Mike. All in favor.

Executive Session with Law Dept. relative to pending litigation

Motion made and seconded to go into executive session on pending litigation: 5:33 PM

Roll call vote; Ackerman, Reardon, Campbell, Spencer, Monteiro, and Abreau...Yes

The Board came out of Executive Session at 5:51 PM Chairman Abreau stated one vote was taken in Executive Session to affirm the vote of settlement of Dora Estates LLC vs. City of Taunton for further consideration.

Vote: Abreau, Campbell, Spencer, Monteiro, Ackerman...Yes
Reardon abstains

Chairman Abreau asked to revert of the regular order of business.

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

Public Hearing – Form J – 73 Fremont St. – Waiver of frontage requirements – submitted by Joshua Cabral & Brooke Benjamin

John DeSousa, Northcounty Group representing petitioners was invited into the enclosure. He requested a 3 month continuance to allow petitioner’s to explore their options. Chairman Abreau informed him he needs to have a letter signed by owners requesting a continuance and extending the time frame on which to act on the proposal. John stated he extends the time frame and requests the continuance on behalf of the owners and will let the owners know they need to follow up with a letter.

Manny made motion to grant the 3 month continuance and the Board acknowledges the time frame on which to act has been extended and will be followed up by letter signed by owners. Second by Mike. All in favor.

Public Meeting - Site Plan Review - 150 John Hancock Rd (Parcel I.D. 18-12) - for the expansion of the pre-existing permitted imperious outdoor storage yard area by 281.6' x 40' yielding a total outdoor storage area of 281.6' x 100' to the warehouse/distributing use and proposed incidental office use within an existing building, submitted by Oliver Street Capital.

Tracy Duarte, P.E.MBL Land Development was invited into the enclosure. Dept. comments were read into the record from DIRB, Water Dept., conservation commission, B.O.H., Eng. and Commission for Individual with Disabilities, and Fire Dept. She sated they were here last May for an site plan review and now they are expanding the storage yard by 40 feet. The applicant is trying to maximize the property. There will be no changes to the 2000 sq. ft. interior section of the building to be used for a pool business. Parking will be maintained with a few parking spaces being relocated to the main parking area. They will have a 6 foot chain link fence. Dennis asked if she had any concerns with the DIRB report as they ae advisory. Tracy answers she has no issues with DIRB recommendations and will comply with them. Manny stated it's only for the 40 feet expansion of storage yard and he has no issues. Public Input: No one in favor or opposed.

Bob made motion to approve the Site Plan Review with dept. comments: seconded by Dennis.

Condition #1) That the plans dated March 14, 2023 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) Dumpsters shall be kept closed at all times, be located on a concrete pad, be emptied regularly and be enclosed in a fenced area with a 6ft stockade fence or equivalent

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: 6 In Favor

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

E-5 - Leona's Lane - request to release last lot – holding \$183,000 plus \$21,000 Mylar deposit –

Dept. comments from the City Engineer, City Planner, Field Eng. outside consultant, Fire, Board of Health, TMLP, Conservation were read into the record.

John made motion to release last lot upon receipt of an additional \$403,000 acceptable surety (total surety of 586,000) seconded by Manny. All in favor.

E-5 – Brian's Way – request to release last lot – holding \$191,714 bond plus \$12,000 mylar deposit

Dept. comments from the City Engineer, City Planner, Field Eng. outside consultant, Fire, Board of Health, TMLP, Conservation were read into the record. Justin Whitney was invited into the enclosure. He' is ok with the dept. comments.

John made motion to release last lot upon receipt of an additional \$191,362 (for a total surety of \$352,000) seconded by Manny. All in favor.

Run Brook Circle – Request to release lots 2 lots – holding \$55,400 cash & \$300,000 bond -

Dept. comments from the City Planner, City Engineer, GPI (outside consultant) were read into the record. Chris Moniz was invited into the enclosure.

John made motion to release 2 lots with no additional surety being required as we are holding enough. Seconded by Mike. All in favor.

E-5 – Dora Estates – Release of last lot – holding \$196,000 bond plus \$12,000 mylar deposit

Dept. comments were read from City Planner, City Engineer, Field Eng. (outside consultant) Fire Dept., Board of Health, TMLP, and Conservation.

Chris Moniz was invited into the enclosure.

John made motion to release last lot upon receipt of an additional \$40,000 of acceptable surety (for a total of \$236,000) Seconded by Mike. All in favor.

Cont'd. Public Hearing - 515 Middleboro Avenue (Property I.D. 96-135 & 96-134) - A Special Permit/Site Plan Review from Section 440 Attachment #2 of the Zoning Ordinance to allow a 3,320 s. f. auto repair shop with auto sales (58 vehicles) with an updated parking layout for customers, sales, and repair storage spaces and the installation of a drainage system in the Business District, property owned by Lillian Amaro submitted by Amaro Family Auto.

Letter from applicant requesting a continuance to next month and also extends the time frame on which to act on this proposal.

John made motion to grant continuance to May 4, 2023, seconded by Dennis. All in favor.

Public Hearing - Proposed Zoning Map Amendment - To amend the City of Taunton Zoning Map by changing Parcel I.D. 9-2-0 on Joseph I. Quinn Road and a portion of Joseph I. Quinn Road from Suburban Residential to Industrial District, submitted by Reva Realty LLC

Roll call: Campbell, Ackerman, Reardon, Abreau, Spencer, and Monteiro. Hearing opens at 6:06 PM Dept. comments from City Planner, Conservation Commission, and City Engineer were read into the record. Atty. Brianna Correira was invited into the meeting. She represents the petitioner who was here last December for a Site Plan Review for a billboard. She states they are here tonight to change the current zoning from Suburban to Industrial. The property is located just outside the industrial park this is the only piece that is zoned Suburban. State Regulations requires billboard to be in Industrial district or commercial land. So they are here tonight to change this piece to Industrial which will be in harmony with the surrounding

properties. Manny stated it makes sense and he has no problem with the proposal. Public Input: no on in favor or opposed.

Mike made motion to forward a positive recommendation to the Municipal Council to change from Suburban Residential District to Industrial District. Seconded by Bob. All in favor. Hearing closed at 6:11 PM

Public Hearing - A Modification of Definitive Subdivision – entitled “Brian’s Way - located off Whittenton Street (Johnny Mac Way) Prop I.D. 38-571 thru 38-577 & 38-11. - 7 residential lots. Modification is to remove Condition # 3 which reads: Arborvitaes plantings 7 feet in height, 4 feet apart must be planted behind 524, 528, and 536 Whittenton St. as presented at hearing”. Proposal is to leave existing mature trees and vegetation and install fencing

Hearing opens at 6:12 PM- roll call: Campbell, Ackerman, Reardon, Abreau, Spencer, and Monteiro. Atty. Brianna Correira and Justin Whitney, ASW Group were invited into the enclosure. Dept. comments from City Engineer, Board of Health, and Conservation Commission were read into the record. Atty. Correira stated they were herd in January 2021 for approval and now they wish to amend condition # 3 relative to plantings. Atty. Correira stated she submitted letters from 524, 528 and 536 Whittenton St. in favor of the change. Atty. Correira stated they would like to change the fence from 8 feet to 6 feet. The abutters are in favor of that. The proposal is to Not remove the existing vegetation and they would propose a fence and she says the neighbors affected are in support. She showed pictures showing existing vegetation. Justin Whitney stated there is a 4 foot existing fence and then it will be 6 feet. They will mirror what is out there. Bob asked about the mature trees they plan on keeping are on their property. Dennis stated the City Engineer’s letter incorrectly mentioned a waiver of sidewalk but they are NOT asking for that. Mike agrees they would like to see less trees cut down but there needs to be something. Justin stated that trees need to come down for safety reasons they would like to have that option. Bob stated if they remove trees they must replace. Public Input: No one opposed. Letters from Frank & Marianne Costa, 536 Whittenton St., Djmy Aristomene, 528 Whittenton St. and Phillipe Francois, 524 Whittenton St., in favor.

Bob made motion to grant the modification and allow the existing mature trees and vegetation to remain and install 6 foot fencing and vegetation NOT be removed unless for safety concerns. If vegetation is removed it MUST be replanted. Seconded by Dennis. All in favor. Hearing closed at 6:22 PM

Public Meeting - Site Plan Review - 2089-2101 Bay St and Prop I.D. 14-14 & 14-109 - for the construction of a 2,500 sq. ft. restaurant with 30 seats with a drive-thru in conjunction with an existing commercial shopping plaza, with paved parking area, landscaping, storm water management components and associated utilities within a portion of the existing shopping plaza parking lot area, submitted by G & J Realty LLC & Blue Sky Donuts, Inc.

Atty. William Rounds, Chris Cahoon, Dan Allen, Civil Engineer, Jeff Bandini, Traffic Engineer were invited into the enclosure. Dept. comments were read into the record from DIRB, Commission for Individuals with Disabilities, Water Dept. Fire Dept., Conservation Commission, B.O.H. and City Engineer. They showed updated plans conforming to DIRB recommendations. Atty. Rounds stated they were here a few months ago for the Special Permit for the drive-thru. Now they are here for the Site Plan Review. They are re-locating the existing Dunkin Donuts that is across street in the plaza. They will be building in in the parking lot where BJ plaza is. They have no issues with DIRB comments and hey will comply. Dan gave brief presentation on project. They are proposing a 2,500 sq. ft. building with a drive-thru within the parking area The parking spaces is being reduced by 40 spaces but they are still compliance with the parking ordinance

‘They added full access driveway, snow storage and put sidewalk around building. They will be moving the catch basin over and will remove the drainage manhole since it’s not needed. They added parking calculation for Brack’s outdoor seating (30 seats) The plaza is required to have 698 parking spaces and they have 1027 parking spaces. Bob commended them for including all his comments from last meeting to this plan. Manny stated this will be a better spot for DD. Mike agrees. Public Input: no one in favor or opposed.

Mike made motion to approve the Site Plan Review with Dept. comments, seconded by Bob.

Condition #1) That the plans dated May 3, 2022 and revised through January 16, 2023 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) Dumpsters shall be kept closed at all times, be located on a concrete pad, be emptied regularly and be enclosed in a fenced area with a 6ft stockade fence or equivalent

Condition #7) The project shall comply with the conditions of the Special Permit issued by the Planning Board on January 13, 2023

Condition #8) Add outdoor seating for the larger restaurant on the plans and update parking calculations.

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

Note 3) AAB and ADA regulations shall be followed for the interior and exterior with accessible routes, accessible parking with curb cuts and detectable warnings. In addition, accessible bathrooms, seating, counter heights and protruding objects (not more than 4 inches) shall be met

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

Public Meeting – Site Plan Review - 123 Dolan Circle - to allow an existing farm having a mobile food truck for sale of food, beverage, and alcohol, entertainment, and outdoor events with an outdoor temporary tent area of approximately 1,600 sq. ft. as well as retail within 800 sq. ft. of the barn or outside on a table nearby, submitted by Deep Pond Farm & Stable Inc., Deep Pond Farmhouse Kitchen Inc.

Atty. Brianna Correira, Richard Reid, PLS, Lighthouse Land Surveying LLC, and George Ghazal were invited into the enclosure. Dept. comments were read into the record from DIRB, Fire Dept., Commission for Individuals with Disabilities, B.O.H., and City Engineer. Atty. Correira stated they received a use variance from ZBA for a food truck, outdoor events and entertainment. They are in the hearing process with License Commission for alcohol and entertainment licenses. They met with DIRB and spoke to several departments. They understand the Fire Dept. concerns relative to safe access. Atty. Correira stated they have just received an email today from Captain Bastis relative to his letter and the proposed changes they are willing to agree to. Her clients has committed to hiring a parking attendant, having parking only on one side of the access way and keeping the area in front of the barn clear for fire truck turnaround. Atty. Correira showed a new plans showing only 24 parking spaces as a temporary solution while they go through the permitting process. The new proposal is to acquire land next door for a big parking area and eliminate the parking on the paddock area behind the barn. Atty. Correira stated George is working with departments, listening and trying to find an alternative parking area. He just signed a P & S two days ago to purchase the land next door which has about 9 acres. They will need to go back to ZBA, Conservation and proceed with the SPR. They are asking to be allowed to continue to have small scale events with the 24 spaces. Richard stated the past event last Sunday showed there is clearly an issue with parking. He physically visited the site and they proposed parallel parking along the access drive and will keep a minimum 20 foot wide clearance along the access drive. Manny stated some issues were brought to his attention and he visited the site and met with George. He observed the site and thinks it's a nice thing he is doing. However he looked at the plans they had on file at planning office and his first instance was how is anyone going to be able to park behind the barn without getting stuck in the mud. He stated his car would not be able to get out. He asked if they would be improving the parking lot behind barn and George stated no and explained why. He agrees having the parking lot across the way would be a better solution. Manny stated he thinks since it went from a farm to a commercial site with food truck, entertainment and liquor it triggered everything. He agrees with the Fire dept. Letter and he wants it to be a safe place and parking on both sides of the access drive is a major problem. This board needs to be concerned with parking and having a parking attendant will be a good idea. Dennis stated the most recent event with the Easter Bunny brought to light the problem with parking. The fire dept.is right on the money in pointing the safety issues. Dennis stated buying the land is a good idea. He knows George is looking to book future events which will need handicapped access. He suggests having the handicapped parking on the site not across the way. John also visited the site and there was no doubt an issues with parking. The lot across the way will solve the problem. Bob stated parking is the problem and he doesn't know if we can give them what want now until a final site plan review is completed. Dennis says they could give them direction to go back to the license commission and give them a deadline of filing by 7-6-23 Mike was impressed when he visited the site but he thinks having no parking in back of barn and having it on other lot will be alleviate problem. He asked about the capacity? It was stated it's based on the number of parking spaces, so if they have 24 parking spaces they can have 48 people. Tony stated he went out and was impressed with the wood used for barn. Bob asked when will George be closing on the property? Atty. Correira submitted the P&S and stated they will be going through the process. Public Input; Estele Borges, 63 Ashland St. stated she's here as a citizen of Taunton, not a councilor or a realtor. She has the opportunity to be at the zba meeting and she visited the site and was super impressed. She agrees on April 2, 2023 there were too many people and there are concerns relative to safety and fire access per the Fire Dept. letter. She was concerned about parking and thinks it's a great project but it needs to be a safe place. She appreciated the board members visiting the site and the applicant has a long way to go but he will do it right. She knows George wants it be safe too and will do what is right to make that happen. She wishes him the best of luck and she is happy to see the community bloom. Michelle Littlefield, 192 Erin Rd., also thanks he Board members who visited the site. She has known George for a very long time and her dad had a stroke and they had it out there and they had no problem with getting him

around in wheelchair. She stated City hall has thrown so many hurdles to go through. George is open free of charge and his son is extremely knowledgeable about horses. She stated he wants to remain open with April vacation coming up. She says George will do what he says. He is a very honest man and she is in support of this project. Dave Littlefield, 192 Erin Rd., stated the Easter Bunny event was out of hand which is a learning curve. He stated he took his father in law with is motorized wheelchair and he parked his car on one side and there was enough room to get around. He stated what George is offering benefits the community. George has acknowledged there needs to be some security and he has reach out to his boss to arrange for that. Dave stated e is losing money but he's doing it for the community. Bob stated he didn't know how we could give an approval with them having to come back for another site plan review. Dennis suggests allowing them to continue temporary based on the fact they have agreed to what was in the Fire department's email and they file for new SPR on or before July 6, 2023.

Dennis made motion to grant your request for a 3 month continuance with the understanding that during the interim the current parking plan showing 24 parking spaces be used temporarily until you file for an amended site plan review on or before July 6, 2023. The Boards' vote was based on the fact that the applicant will comply with following the conditions which were reviewed and approved by the Fire Dept. , Seconded by John .

- 1. The applicant will hire parking attendants to direct/control parking of the site during events.**
- 2. Parking would be limited to one side of the access drive from Dolan Circle.**
- 3. The main entrance and emergency vehicles to pull in and turn around in front to the main barn.**

All in favor.

Meeting adjourned at 6:44 PM