
TAUNTON PLANNING BOARD MINUTES

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

DATE: June 1, 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: Carr, Campbell, Spencer Monteiro, Ackerman present. Meeting opens at 5:39 PM

Manny made motion to approve minutes of May 4, 2023, seconded by Brian. All in favor.

Vice Chairman Ackerman explains he will run meeting like he does for the ZBA. They hear presentation from petitioner, hear opposition and in favor and then go back to petitioner to answer any questions. They do not go back and forth.

Logan Drive - Update on basin

Chris Moniz, Aspen Properties & Mill River Homes was invited into the enclosure. He submitted his response to the outside consultant letter dated April 27, 2023 relative the basin. He stated he met with Conservation Agent, City Engineer, Outside Consultant and VC Ackerman to go over the possible remedy. He passed out a design of quality control structure they proposed to install. VC Ackerman stated he did attend meeting so he could report what transpired.

Bob made motion to approve your proposal to install an outlet control structure with a drain will resolve the issues. Seconded by Manny. All in favor.

Hart St. Estates (Titus Way) – release of lot 3

Carl Malloch was invited into the enclosure. The secretary informed the Board that they will be using the last estimate from the outside consultant because not much work has been done since then.

The last estimate was to post \$24,203 per lot.

Bob made motion to release lot 3 upon receipt of \$24,203, seconded by Mike. All in favor.

Public Hearing - Special Permit/Site Plan Review – 95 Summer St. - to allow a 5,000 s.f. office and 15,175 s.f. of storage for contracting business, submitted by Charles Robson, Oak Street Development LLC

Roll call: Campbell, Spencer, Ackerman, Monteiro, Carr. V.C. Ackerman informed the applicant that 2 members are absent and one member will be excused on this so there is no quorum so they need to continue. Atty. Brennan requests a continuance to July meeting due to not having a quorum.

Manny made motion to grant continuance to July 6th, seconded by Brian. All in favor.

Public Hearing - A Special Permit/Site Plan Review- 1925 and 1939 Bay St. (parcels 14-19, and 14-18 - to allow an automobile filling station with a 4,000 s.f. convenience store, 1,186 s.f. restaurant with a drive-thru with 16 seats (8 interior, 8 exterior) within the Business District and a request for 50% waivers of the front, side and rear landscaping buffers, submitted by BD Management, LLC

Roll call: Campbell, Ackerman, Spencer, Monteiro, Carr. Hearing opens at 5: 45 PM

Brian stated that this is an important project and he suggests having all 7 of the board present. He expressed his concerns he wants to hear from abutters and hear their concerns. He wants to be fair to the neighbors and the developer. If there are 5 members voting you need all 5 in favor. Mike supports Brian. VC Ackerman suggests listening to presentation and get feedback and it's up to the applicant if they want to move forward tonight or continue. Mike stated he won't be here in July. It was stated any board member who misses one meeting can review tape and minutes and vote on it. Atty. Brianna Correia, Nicole Duquette, GPI and Bruce Thomas, BD Management was invited into the enclosure Atty. Correia stated the SP is for the automobile filling station & drive thru and the other use are allowed by right. The property is located at 1925 & 1939 Bay St and the proposal is for a 4,000 s. f. retail, 1,186 restaurant with drive-thru with 8 seats inside and 8 seats outside. They will not need variance for anything. They are providing 24 parking spaces with 2 handicapped spaces. They are asking for a 50% reduction of landscaping buffers from front, side and rear. The reason is they need it for the fueling dispensers. There will be 5 fuel islands under a canopy and the tanks will be aboveground. They will be screened with arborvitae. The proposed use will be appropriate with Myles Standish Ind. Park being in close proximity. There is no gas station available in that area of the City and the closes one is 9-12 minutes away in Raynham Atty. Correia stated she has personally run out of gas in this area as she grew up in the area. She stated the fiscal impact will be the City will not get the revenue from gas station as opposed to having residents travel to Raynham for gas. She stated the DIRB request the Board look at possibly changing the 2 way traffic. She stated the old SP that was denied by ZBA a few years ago was based on the narrow entrance. Nicole Duquette, P.E. stated she thinks there was some confusion about the 2 egress curb cuts. She suggests keeping the way it is so there is no queing backup. The proposal provides a good traffic flow and they rely on deliveries from Bay St. Nicole pointed out the previous proposal in the traffic study from Vanasse simply said what was proposed worked. The building will be 5,186 with a quick service store with a drive-thru. They have not tenant yet. They have room if they have to add to electric charging stations. Since they are in the aquifer protection they need to have above ground tank. They will comply with all State regulations. They will have 4 tanks, each will have 9,525 gallons of gas. They will have a privacy fence with slat as well as arborvitae around the tanks for buffer. She showed plans showing example of tanks with trees around it and you can't even notice the tanks. She stated the fuel storage tank is on plans on sheet 11 she should have labeled it better. The tanks have a good record of being safe and will be on concrete pad. If there is a spill it will be on the concrete pad. There will be leak detector within the tank itself. The alarm will go off and will shut down 95% . The sewer and water are in front and will be connecting to force main. They will have underground electric and will have a transformer if needed. They will provide a variety of landscaping such as red maples, honey locus, pine oak, arborvitae, and dogwood. They will have spring snow crabapple within the site. Dept. comments from DIRB, Fire, water and opposition from Richard & Carolyn George, 4 Edgewater Lane were read into the record and placed on file. Manny had concerns with people exiting the site and taking a left. Manny also asked about protection of the tanks from individuals who want to do harm/ terrorists. He suggests some kind of protect other than vegetation. Nicole stated the tanks are doubled walled and they will completely be enclosed with fencing and vegetation. Bruce pointed out some locations in the area that have aboveground tanks but they are screened by vegetation and you don't even realize the tanks. Site such as Milk Bottle in Raynham, and Central Oil Manny asked if the tanks are fire guard tanks? It was answered yes for a 2 hour which is required. Mike asked about surveillance and Bruce answers the whole

property will be under surveillance. Mike did some research on the tanks and they are pretty safe. Mike asked what happens after 2 hours and it's still burning? Nicole answers she will have to check. She pointed out 2 locations that are on pretty busy street and exit / enter work good (sites were mobile and cumbys next to the tweeter center) Brian stated he learned a lot about tanks from the project further down Bay Street. He has never seen the tanks fail. His issues are surveillance, width of Field St. and taking a left turn. He thinks the area is too small for the increase in traffic. He wants to hear from neighbors. He says it all depends on how it's structured it can be good. Bruce stated he walked the property and will be running chain link fence with privacy slats along the property line on Field St. for the abutters (chalet house) He stated he would also be putting arborvitaes to the right and rear of the tanks and fencing with privacy slats. He stated he spoke to the abutter and he said he would plant a minimum of 6-8 feet minimum height on the back side. The site is not going to be completely cleared. The rest of the property will remain vegetated. It was asked what are the hours? Bruce answers he's looking at 24 hours a day and if any issues maybe 4:00 AM to 10 -11 PM. Bob suggests reducing the order window speaker and Bruce says ok.. The fuel tank should be restricted so not disturb neighbors. Restrict no deliveries after midnight. He wishes there was to increase the width of roadway because this will draw traffic. Bob is pleased to see pedestrian access is provided. He said the plans show a 9 foot high fence and that would need to meet setbacks. They could put up 7 foot by right. They could apply for a variance in a good faith effort. VC Ackerman stated that will give them a chance to get denied. He recommends putting the allowed height fence. It was asked if there were a spill does the alarm go to the fire dept? Bruce says they will call him first and then police & fire. He will be running this store and he stated employees are trained. Bob suggested placing a trash receptacle at the pull up window. Bob asked about the plantings being proposed and what happens if they die and Bruce says he will replace them. He also stated he will not be cutting the trees on rear of lot around the detention basin than what is beyond necessary. Bob also reducing the speaker to half volume at 9 PM . Brian asked if the attendants will be in view of what is happening with the pumps? They will have to have to be able to see the pumps. It was asked if they are trained and Bruce answered yes. Brian asked how deep the detention pond it was answered 3 feet dep. He stated we usually required a chain link fence around it. VP Ackerman stated is he well aware of the gas industry because he used to work in it. The above ground tanks are actually a lot safer than underground He suggests hours of gas deliveries be between 10 – 3 or 4 pm. Which would be after school buses in morning and just before night hours for businesses. Nicole asks they be careful with restricting hours because they could be requiring deliveries during peak hours. VC Ackerman stated he asked for a traffic study when the Dunkin Donuts was going in the BJ plaza and didn't get it so he's not asking for one now. He asked about the alarm? Bruce answers he gets notified then the police & fire. Bob made motion to open public input, seconded by Brian. All in favor.

A woman got up to speak who said she's an outsider and wanted to speak on behalf o the owner of her friend who owns the chalet house next door. She states she is fighting for her. Paula Calhoun, 10 Field St. owner of the chalet house. She has concerns and spoke to Bruce and he indicated he would put up chain link fence. She stated the traffic is bad and she can't get out of her driveway . She is concerned with the delivery trucks. Manny asked her if she made an agreement with Mr. Thomas and you still have concerns? Bruce stated he agreed to put up fence with slats, arborvitaes 8 feet in height or taller. If the trees die they will replace at same height as existing trees. Bruce thinks gas deliveries between 7-7 is reasonable. Steve Galvonie, Dublin drive travels in the area and is in favor. Ray Bissonette travels through the area also and is in favor. There is no gas station in this area of the City. Frank Konopacki, Dublin Dr. stated he travels through the area and there needs to be a gas station in the area. He suggests planting the black American arborvitaes because they grow quicker. Jeff Pagliuca, 34 Partridge Cir. Also in favor. He lives in the area and this would be a good space for a gas station which will service the industrial park. Jesse Stawbridge, 22 Partiridge Circle also in favor. There is a need for a gas station here. Ed Correira, 154 Field St. stated he's all for keeping business in Taunton. He has known Bruce for some time and he's always been very supportive of him . he stated it's

inconvenience to go to Raynham for gas. Ken Gibson, 1478 Leahy Dr. also in support. He stated it's an inconvenience to go across the street to 7-Eleven. This project will help the community and provides some jobs. Al Amaro, lived in Taunton his whole life and he's in full support of this. Petition signed by 89 signatures in favor. Brian stated it was good that owner talked to neighbors. He looks at all the evidence and hear the concerns of the neighbors. Discussion took place on whether to vote on this tonight or allow the developer to continue. It was the concensus of the Board that they were in support.

Manny made motion to approve the Special Permit/Site Plan review with detp. comments and conditions:

Condition #1) That the plans dated May 4, 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) Add arborvitae screening along south and east sides of tanks, minimum of 8 feet tall

Condition #8) Add tactile warning strip at parking aisle

Condition #9) The parcels must be combined via an 81X plan prior to Building Permit

Condition #10) Provide copies for the file of the detailed information on the fuel storage tanks that was presented at the June 1 meeting

Condition #11) Provide details for the file on the fuel containment system with a minimum overflow capacity of 110% as presented at the June 1 meeting

Condition #12) Stamped structural design plans for the retaining walls are required prior to a building permit

Condition #13) Relocate the catch basin located in the proposed northern driveway or construct the driveway apron in such a manner as to maintain the gutter line and the functionality of that catch basin

Condition #14) Fuel deliveries shall be between 7 AM and 7PM

Condition #15) A chain link fence with privacy slats shall be installed along the property line shared by the site and 10 Field Street, including in front of the 8 foot minimum height arborvitaes at the fuel storage tanks.

Condition #16) Provide trash receptacle to serve the drive-thru lane between the ordering kiosk and the pick-up window.

Condition #17) Reduce the drive-thru speaker volume to 50% at 9 PM nightly.

Condition #18) All attendants must have fuel tank safety and alarm response training

Condition #19) Any plantings that fail to survive must be replaced for the duration of the use of the site, and arborvitaes replaced must be at a minimum of 8 feet in height.

Condition #20) Alarm signals for leaks, spillage or other issues with the fuel storage gasoline tanks must go to the operator and owner, and then to Police and Fire Departments as appropriate.

Condition #21) Hours of operations – Initially 24 hours a day, but and if any issues related to those hours of operation are reported to the Planning Board Office then the permitted hours of operation shall decrease to 4 AM to midnight daily. The applicant has a right to come back before the Board to address any issues on hours.

Condition #22) A 50% reduction of landscaping buffer requirements for front, side and rear is granted as shown on plans. However, as presented at the June 1 meeting, there shall be no cutting of the vegetation between the back slope of the drainage basin and the rear property line adjacent to the Dublin Drive properties except to remove hazards to the site or to abutters.

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

Hearing closed at 7:44 PM

Public Meeting – Site Plan Review Stevens Street, parcel I.D. 119-63 - for 10,000 sq. ft. of outdoor storage area and 50 parking spaces to be used in conjunction with the landscape operation on adjacent property, submitted by Cotley Street Realty LLC.

Nick Kondek, Project Engineer, High Point Eng. was invited into the enclosure. Dept. comments were read from DIRB, Fire Dept. and Water were read into the record and placed on file. Nick stated the applicant also operates Greenscape Landscaping. The parcel where materials are stored and where employees park has been sold and Greenscape is required to vacate by July 6, 2023. The proposal is to construct a gravel lot on the

Stevens St. property to replace the loss of the existing material storage and parking area. The surface has Geo grid. The main entrance is off Stevens Street and the employee parking is about 10,000 sq. ft. (50 parking spaces) The new gravel lot will be primarily used for employee parking but also used for landscape materials storage. A 20 foot access path will connect the gravel lot to the existing Greenscape site and is intended to be used for employees walking to and front their vehicles. For screening they propose to create a landscaped berm with plantings. Existing trees and vegetation along the property line will be protected to preserve the natural landscaped buffer that exists today. They will go to the Conservation Commission on June 12th for a RDA. He provided tests pits on the plans. Brian asked if this will be a front end loader operation? He was concerned with noise. Discussion took place relative to the height of the berm and if plantings will be helpful with noise? Bob asked why is the traffic aisle 62 feet wide? Nick answers to accommodate deliveries. Bob said it doesn't need to be that wide and suggests reducing it. Nick stated they could pull out 10 feet and make berm higher but that might not help. Bob stated there might be a tendency to pave and the last thing they want is unnecessary pavement. He suggests reducing the aisle to 40 feet wide, parking area not be paved unless they come back, combine properties by 81X plan. Public Input: No one in favor or opposed.

Bob made motion to approve the SPR with the Dept. comments and the following conditions:

Condition #1) That the plans dated May 9, 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 commencement of operations 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) Provide test pit data on plans

Condition #8) Combine parcels 119-63 and 119-6 via an 81X plan prior to occupying the site as part of this approval

Condition #9) Reduce the parking aisle between the two parking areas to 40 feet wide and expand the landscaped area.

Condition #10) Operator to apply water to graded area should be there a dust complaint.

Condition #11) Parking area shall not be paved without prior Site Plan Review approval.

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

Public Meeting- Site Plan Review - 262 & 264 Broadway (parcel I.D. 39-204, 39-205 and 39-159)- to allow a 120 sq. ft. takeout restaurant and three outdoor picnic tables in conjunction with the existing furniture store (2,250 sq .ft. existing building comprised of 2,130 sq. ft. for furniture store and 120 sq. ft. for takeout restaurant), existing 2 family home and existing food truck, submitted by Omar Cruz.

Dept. comments from DIRB, Engineer, and Water were read into the record and placed on file. Atty. Brianna Correia, Ricardo Cruz, and Desmond Santiago, were invited into the enclosure. Atty. Correia stated they are here to add a 120 sq. ft. takeout restaurant, 3 picnic tables in conjunction with the exiting furniture store. The takeout restaurant will be for Uplifted Nutrition to go. They provide nutritional shakes and teas. They have provided 21 parking spaces and they will not need any variances. They currently have a permitted food truck on site and they wanted to add outdoor seating with the 3 picnic tables. The use is allowed by right and all renovations will be interior. Atty. Correia stated they had their DIRB meeting and she asks about condition #9 relative to the FOG program. She stated Desmond received a waiver from DPW for his store downtown because of the nature of the business. They do limited foot prep and asks they are allowed to ask for a variance from DPW. Atty. Correia stated they did show dumpsters on plans. Mike asked about the picnic tables and she answers they would be on the grass area. Mike asked about the takeout restaurant. Desmond answers it will similar to Uplifted Nutrition of which they provide nutritional shakes for meal replacement and teas. They use protein powder and water and they don't serve food. Public Input: David & Gail Amaral, 275 Broadway, had one issue with the music from food truck but that has been resolved. They stated they have witnessed a terrible accident by Penske truck due to speeding. Gail states she is coping with a serious disease and she needs to nap in afternoon and she is glad they don't have the loud music anymore. She suggests moving the food truck further back from road. She says the roadway is being redone to include bike lanes. She stated there is no police enforcement for speeding on Broadway. She suggests new businesses go out and meet their neighbors like the old days. In Favor: Janet Bentley, 38 James St. spoke to applicant and has no objections.

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

- Condition #1) That the plans dated May 3, 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) Show the dumpster on the plan and the dumpster 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) Combine parcels 39-159 and 39-205 via an 81X plan prior to any permits

Condition #8) Food plan Review is required with the Board of Health

Condition #9) Show the utilities on the plan and demonstrate compliance with the City FOG program or obtain a variance from the DPW.

Condition #10) No music allowed outside

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:	4 In Favor
Dennis Ackerman	YES
Manuel Spencer Jr	YES
Michael Monteiro	YES
Brian Carr	YES
Robert Campbell	Excused
Anthony Abreau	Absent
John Reardon	Absent

Meeting adjourned at 8:40 PM