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TAUNTON PLANNING BOARD MINUTES

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

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DATE: July 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: Carr, Spencer, Ackerman, Reardon, Abreau present. Meeting opens at 5:34 PM

**Planning Board Agenda deadline – discussion**

Chairman Abreau stated they put this on just to re-affirm votes of January 7, 1999 and January 8, 2004 with the deadline of one week prior meeting.

**John made motion to keep deadline same (one week prior to meeting) seconded by Brian. 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: Ackerman, Reardon, Abreau, Spencer and Carr. Hearing opens at 5:34 PM

Atty. Edmund Brennan and Charles Robson were invited into the enclosure. V.C. Ackerman stated since there is only 5 members present tonight they need all 5 votes in favor, they can either move forward tonight or ask for a continuance. Atty. Brennan stated they would like to move forward tonight and perhaps get a consensus of how the board will vote. The board agreed. Dept. comments were read from DIRB, City Engineer, Water, Fire, and Conservation Commission. Letter in support from O.E.C.D. The property is the former JD furniture and has since had new roof and new siding. There will be a major upgrade to inside the building. The owner has done 5 other businesses in the Dorchester area. The site will have 5,000 sq .ft. of office space with 3 employees. There will be a small sprint van used and the 3 mechanical contractors will come here to get materials and go to site. There will be no overnight parking. Atty. Brennan states the site is tight but they will keeping the parking as is. He stated it worked for the previous uses. There will be no change to the site. John asked if they are required to have a handicapped parking space? Atty. Brennan answered it didn't come up during DIRB. Atty. Brennan stated they won't have any walk – in customers or retail. He said if they are required to they will provide one. Tony asked if they tied into city sewer and it was answered yes. Manny has no issues since there will be no changes to the outside. Public input: No one in favor or opposed.

John made motion to approve with dept. comments, seconded by Brian.

**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) Drainage system shall be redesigned to correct portions of the system being isolated due to the new buildings. Said drainage system shall be approved by the City Engineer prior to any Building permits**

**Condition #8) Remove the three 2,081 sf buildings from the plan set. They were not part of the initial submittal that has been advertised and noticed. Inclusion will require separate notice.**

**Condition #9) Filing with the Conservation commission is required**

**Condition #10) Compliance with the May 8, 2019 special permit site plan review issued for this site shall be required except as specifically modified by this submittal**

**Condition #11) Hours of Operation 7 AM – 6 PM**

**Condition #12) No overnight parking**

**Condition #13) No cell towers allowed without additional approval**

**Condition #14) Monitor tractor trailers in parking lot and post” No Parking Overnight” sign**

#### **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>Anthony Abreau</b>	<b>YES</b>
<b>Dennis Ackerman</b>	<b>YES</b>
<b>John Reardon</b>	<b>YES</b>
<b>Manuel Spencer Jr</b>	<b>YES</b>
<b>Brian Carr</b>	<b>YES</b>
<b>Michael Monteiro</b>	<b>absent</b>
<b>Robert Campbell</b>	<b>absent</b>

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

Roll call: Abreau, Reardon, Ackerman, Spencer, Carr. Hearing opens at 5:44 PM Dept. comments were read from City Engineer, Conservation Commission, and B.O.H. and placed on file. John DeSousa, NorthCounty Group, Joshua Cabral and Brooke Benjamin were invited into the enclosure. John stated they received ZBA approval to split the lot into two lots. The main lot 73 Fremont St. is staying as is and the new lot will have 20 feet of frontage on Edwards Avenue and that will be there access. The zoning line goes through the property on the southerly side. John points out across the street here is a house with reduced frontage. They have proposing a single family house with 12 -14 foot wide driveway going up to the house. Dennis stated at the ZBA the fire dept. stated they had sufficient access. It was asked if they have sewer and water and John answers yes. It was noted there is a telephone pole and fire hydrant that may need to be moved. John stated they will have to have a licensed contractor move it if needed. Brian stated the lot size is 30,000 sq. ft. with 12’ – 12’ wide asphalt driveway but the access is 20 feet wide. Manny asked if the access would be maintained by the owner and John answers yes they will need to plow the driveway from street. Brian asked if any neighbors have any issues and John stated there was one opposed but their house is for

sale. John stated at the ZBA meeting there were 3 neighbors against it. Public Input: No one in favor or opposed.

**Dennis made motion to approve the Form J with dept. comments. Seconded by Manny.**

- 1. If municipal water and sewer is not available the new lot would need to be able to construct an on-site septic system, with appropriate setback requirements and buffers in accordance with Title 5 regulations, and private well. The existing lots current septic system must maintain with Title 5 regulations after the division. All dwellings must comply with the Minimum Standards of Fitness for Human Habitation, State Sanitary Code, Chapter II.**

<b>Anthony Abreau</b>	<b>YES</b>
<b>Dennis Ackerman</b>	<b>YES</b>
<b>John Reardon</b>	<b>YES</b>
<b>Manuel Spencer Jr</b>	<b>YES</b>
<b>Brian Carr</b>	<b>YES</b>
<b>Michael Monteiro</b>	<b>absent</b>
<b>Robert Campbell</b>	<b>absent</b>

Hearing closed at 5:53 PM

**Public Hearing - Round St., (lot 8-3) prop. I.D. 41-92, - Special Permit- from Section 440 Attachment #1 of the Zoning Ordinance for an Accessory Dwelling Unit (840 sf.) in a Rural Residential District**

Roll call: Abreau, Reardon, Ackerman, Spencer, Carr. Hearing opens at 5:53 PM. Dept. comments were read from B.O.H., Cons. Comm. City Planner, Water Dept, Fire Dept., Commission For Individuals With Disabilities. John Garanito, Hawthorne Development was invited into the enclosure. John stated they have someone who is interested in building a house with an in-law in the Rural Residential District. The property is the old Chace Farm on Round Street, across from the gun club. This lot is a retreat lot and it's about 350 feet from the road with 3 acres. They are proposing a nice large colonial with the in-law behind the garage. All utilities will be together. John said his client was searching for house with in-law as the parents are getting older. John stated this will not be detrimental to the neighborhood. Dennis asked if the P& S is subject to approval for an in-law and John answers yes. Dennis asked if the potential buyers were here and John said yes. Steve & Kirsten Ford, 195 South Worcester St. Norton, Ma. were invited into the enclosure. Mr .Ford stated the in-law will be for family members. Dennis stated he would like the P&S made part of the file as it solidifies our decision. Public Input: No one in favor or opposed.

Dennis made motion to approve the Special Permit with dept. comments & conditions: seconded by John

- 1. Provide a copy of the P&S Agreement to the planning Board Office.**
- 2. The applicant will be need to file a Notice of Intent with the Conservation Commission.**
- 3. The property must be able to construct an on-site disposal system in accordance with Title V regulations. All dwellings must comply with the minimum Standards of Fitness of Human Habitation, State Sanitary Code Chapter II.**

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**

<b>Anthony Abreau</b>	<b>YES</b>
<b>Dennis Ackerman</b>	<b>YES</b>
<b>John Reardon</b>	<b>YES</b>
<b>Manuel Spencer Jr</b>	<b>YES</b>
<b>Brian Carr</b>	<b>YES</b>
<b>Michael Monteiro</b>	<b>absent</b>
<b>Robert Campbell</b>	<b>absent</b>

Hearing closed at 6:00 PM

**Public Hearing – 1171 Glebe St. - Special Permit from Section 440 Attachment #1 from the Zoning Ordinance for a Renewal of an accessory dwelling unit in the Rural Residential District**

Roll call: Abreau, Reardon, Spencer, Carr, Ackerman. Hearing opens at 6:01 PM William Watson was invited into the enclosure. No dept. comments. Mr. Watson stated he is just here to renew the in-law. They have renewed it twice already. No changes, everything is same. Public Input: no one in favor or opposed. Dennis made motion to approve the Special Permit for the Renewal of the accessory dwelling unit. Seconded by Manny.

<b>Anthony Abreau</b>	<b>YES</b>
<b>Dennis Ackerman</b>	<b>YES</b>
<b>John Reardon</b>	<b>YES</b>
<b>Manuel Spencer Jr</b>	<b>YES</b>
<b>Brian Carr</b>	<b>YES</b>
<b>Michael Monteiro</b>	<b>absent</b>
<b>Robert Campbell</b>	<b>absent</b>

Hearing closed at 6:03 PM

**Public Hearing- Special Permit/Site Plan Review - 280 Winthrop St. to allow the addition of a 18,200 s. f. building, two (2) 4,400 s. f. storage buildings, 1,000 s. f. free-standing canopy and accompanying parking in conjunction with the retail plaza submitted by U-Haul, owned by Amerco Real Estate Co.**

Roll call: Ackerman, Reardon, Abreau, Spencer and Carr. Hearing opens at 6:03 PM Atty. Anthony Panebianco, Darrow Everett, LIP, and John Marchand, P.E. Farland Corp. were invited into the enclosure.

Dept.. comments from DIRB, City Engineer, Fire Dept., Water Dept., and Comm. For Individuals with Disabilities were read into the record. V.C. Ackerman informed them they need 5 votes in favor to pass. They will give presentation and take a poll to see how the Board feels. The proposal is for to construct an 18,200 sq. ft. building with 2 4,400 sq. ft. buildings and a free-standing canopy. The current parking is 332 and they will increase it to 355 spaces. The site currently has several commercial tenants and an existing parking lot. There is Ocean State Job Lot, H&R Block and U-haul showrooms, warehouse area and various truck sharing parking spaces. The new building will have indoor climatized secured self-storage units, trucks and trailer rentals and associated retails sales. The first floor of the facility will consist of a loading/unloading area, a trash and recycling area and a maintenance room. The proposed buildings will replace the existing parking spaces at the property. Chairman Abreau asked if they checked the drainage? John stated they re-routed it behind the building. It was asked if they plan on re-paving and it was answered yes they will pave where new building is going. John R. asked if they met with the neighbors and it was answered no. Dennis stated you would be losing revenue with the loss of units and it was clarified that they will not be removing the rentals. The additional buildings will be for self-storage units. They will still have U-haul rentals. Brian asked about the fiscal impact and how much it will be? Atty. Panebianco answered they think it would be significant increase in value with the construction of the 18,200 s. ft. building. Brian asked what will they be storing? Sandra, Rep. of U-Haul answers they will have separate outdoor drive ups. The portable unit goes to house and then it picked up and brought back to store. Public Input: Joe Loura, Rep. John & Isabel who own parcel I.D. 90-37. He asked if they intend on putting any towers or have an EMF contract? Atty. Panebianco stated they have no intention of having any towers or any contract for them. It was asked if there will be overnight parking and it was answered no. Mr. Loura asked if they had any security because people have been hanging partying. Sandy answers there is security cameras and she is only aware of a few homeless people in woods. She has moved the tractor trailers to the other side. She stated if anyone has any concerns they can contact the manager and they will handle it. Dennis asked what are the hours of operation? The store 7 – 7 and Sunday 9-5 and storge room is 5:00 AM to 10 PM. 8-4 PM and Sunday 9 to 5 pm. Dennis suggests hours at 7 – 6 pm daily and no overnight parking, no cell towers (they would need to come back). Manny asked about the tractor trailer and previous to U-Haul being there they used to patrol that area. Since U-Haul has opened there are no tractor trailers on the westerly side.

Dennis made motion, seconded by John to approve the SP/SPR to include dept. 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) Drainage system shall be redesigned to correct portions of the system being isolated due to the new buildings. Said drainage system shall be approved by the City Engineer prior to any Building permits**

**Condition #8) Remove the three 2,081 sf buildings from the plan set. They were not part of the initial submittal that has been advertised and noticed. Inclusion will require separate notice.**

**Condition #9) Filing with the Conservation commission is required**

- Condition #10) Compliance with the May 8, 2019 special permit site plan review issued for this site shall be required except as specifically modified by this submittal**
- Condition #11) Hours of Operation 7 AM – 6 PM**
- Condition #12) No overnight parking**
- Condition #13) No cell towers allowed without additional approval**
- Condition #14) Monitor tractor trailers in parking lot and post” No Parking Overnight” sign**

**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>Anthony Abreau</b>	<b>YES</b>
<b>Dennis Ackerman</b>	<b>YES</b>
<b>John Reardon</b>	<b>YES</b>
<b>Manuel Spencer Jr</b>	<b>YES</b>
<b>Brian Carr</b>	<b>YES</b>
<b>Michael Monteiro</b>	<b>absent</b>
<b>Robert Campbell</b>	<b>absent</b>

Hearing closed at 6:31 PM

**Public Meeting – Site Plan Review – 224 Broadway - for the expansion/alteration of the existing building for a proposed 330 sq. ft. enclosed dining area with a 23 sq. ft. vestibule in conjunction with the existing commercial restaurant, submitted by Grilla, LLC.**

Dept. comments from DIRB, Fire Dept, Water Dept., Commission for Individuals with Disabilities, City Engineer were placed on file. Atty. Brianna Correia, 123 Broadway was invited into the enclosure. This is the former Dunkin Donuts & Pizza Hut site. Atty. Correia stated Grill has received ZBA approval for the expansion. They are proposing a 330 s.f. dining area and a 23 sq. ft. vestibule for the customers to sit and enjoy their food. They went to DIRB and because they have 13 parking spaces they can have 26 seats. They may go to License Commission to seek license for greek style alcohol drinks. She stated many neighbors are in favor. Brian asked why they needed ZBA approval? Atty. Correia responded saying because they were altering/extending a pre-existing non-conforming structure they need zba relief. They approved it without any conditions. Dennis stated it was a cut & dry zba meeting. Public Input: No one in favor of opposed.

Dennis made motion to approve the SPR with the dept. comments:

**Condition#1) That the plans dated November 23, 2022 and revised through June 5, 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 shown on the plan, 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) compliance with ZBA Case# 3727

Condition #8) seating capacity shall be a maximum of 26 seats

Condition #9) handicap accessible aisle shall be a minimum of 8 feet

Condition #10) show the water and sewer lines and grease trap on the plans

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) Compliance with Commission on Individuals with Disabilities letter relative to code requirements as follows:

If outdoor dining/patio area provided, needs to follow AAB/ADA requirements:

- 1. Accessible Route - MAAB 20.4, Surface Requirements – MAAB 20.6, 20.9, 29.2, Accessible tables/seats – MAAB 17.0, 17.5, Table height – MAAB 17.2.5, Accessible aisles – MAAB 17.2.2, 17.23, 17.2.4, Protruding objects – MAAAB 20.6, Proposed area cannot affect handicapped access at main entrance

<b>Vote:</b>	<b>5 In Favor</b>
<b>Anthony Abreau</b>	<b>YES</b>
<b>Dennis Ackerman</b>	<b>YES</b>
<b>John Reardon bell</b>	<b>YES</b>
<b>Manuel Spencer Jr</b>	<b>YES</b>
<b>Brian Carr</b>	<b>YES</b>
<b>Michael Monteiro</b>	<b>Absent</b>
<b>Robert Campbell</b>	<b>Absent</b>

**Public Meeting – Site Plan Review – 123 Dolan Circle & parcel I.D. 96-84 - for an existing farm to have a mobile food truck for sale of food, beverages, and alcohol, entertainment, retail and outdoor events within an outdoor temporary tent area of approx. 1,600 sq.ft.in conjunction with 161 parking spaces (including 6 handicapped spaces) on parcel 96-84, submitted by Deep Pond Farm & Stable, Inc., Deep Pond Farmhouse Kitchen Inc.**

Atty. Brianna Correira, Rick Reid, Lighthouse Land Surveying, and owner George Ghazal were invited into the enclosure. Dept. comments were read from DIRB, City Engineer, Fire Dept., Water Dept., and Commission For Individuals with Disabilities were made part of the record. Atty. Correira stated the Board might be familiar with the site as they were here in April and received temporary approval . They went before the ZBA in February for a use variance and then again in April for a modification to the hours of operation. They filed their SPR in April and was continued to July after receiving the Fire dept. comments relative to access. They have also went before the License Commission in March & April and the ABAC issued approval for liquor license but that hasn't been issued yet as there are a few outstanding items. The ABAC

conducted their investigation and was very happy with the site and they do need to provide an updated plan. They have extended the gate around the food truck but they will be going back to remove that as it's not needed when they increase their occupancy. They have met with the DIRB, Conservation Commission and now they are here tonight to presents plans showing 161 parking spaces. After talking with the plumbing inspector they need 1 set of restrooms at a capacity of 399. Atty. Correira stated this new plans is a much safer plan versus the prior plan. They have relocated the 6 handicapped parking spaces along the driveway. Atty. Correira stated her client and engineer has worked tirelessly to get these plans done. Rick stated by adjoining the parking areas it makes it a much safer access and they take the Fire Dept. comments seriously. The gate at the entrance will be restricted for emergency access. The parking will be managed by a staff attendants. The parking lot will be gravel matching the rural character of the farm. They will have Markers on each end of the parking space, they are not intending on painting or striping the gravel parking lot. The access paths initially was going to be gravel but after receiving input from ADA they are going to use concrete surface so everyone can have access to site. They are still working on restrooms and initially they were going to have temporary ones but they are working on permanent design. They applied for a building permit and cleaned up the gravel area and corrected those surfaces. Atty. Correira stated they were going to have temp. bathroom but after talking with Plumbing & Building Inspectors they will be putting permanent ones. Rick took the DIRB comments and updated plans and moved bathrooms. Dennis stated he has continuously gone down here and the handicapped bathroom have sinks & water. Dennis stated that the layout is a result of city depts and receiving positive feedback from depts.. They are ADA compliant. He looked at everything and more animals have been added and he thinks the layout is perfect. He says no matter how handicapped you are or how old or young it's accessible. He had a conversation with the Attorney and she spoke to the Plumbing Inspector and he based his recommendation on a beach scenario Rick is working on the proposed septic system. Tony asked about the parking lot and the rain gardens and the way it water flows. Rick stated they would be installing wood stream berm and said it was a really sustainable site with country drainage. Tony stated they have a well and it was answered yes they will be staying with that. Tony asked the site being accessible with concrete pad walkways. Atty. Correira stated the 2<sup>nd</sup> floor of the structure has to be closed off or obtain a variance from Architectural Access Board. Manny said he went out there in April and he said the parking was going to be in the corral? Atty. Correira answers yes it was but they changed it and now the corral will remain. Manny stated he walked the site and it was wet so he wishes them luck with the septic system. He stated the applicant has to follow the rules and regulations for this kind of project. He just has to comply with them. He thinks it's good idea to minimize the parking into the site and as long as the George complies with the rules & regs. he thinks it's a good idea. Brian re-iterates that the applicant has gone through a lot of boards but thinks 399 people is a lot of people. He asks if they think it will be that busy and it was answered they anticipate it could be that busy with big events and on weekends. Brian asked about if they will have police details because there is alcohol being served? Atty. Correira answered she didn't know what triggers police & fire detail. Their occupancy is set at 96 and it's not required. Brian thinks if they are having music, drinking and entertainment he hopes the License commission will consider having police/fire detail. Atty. Correira stated George has contracted with a private security agency (but they don't have powers to arrest) Atty. Correira stated the amended their hours of operation to: Monday – Thursday 10 -10 pm, Friday 10 Am –midnight, Saturday, 9AM – midnight, Sunday 9 AM to 11PM . Brian asked what the tent on the plans if for? Atty. Correira answered that is where the larger events & weddings will be. Atty. Correira stated they submitted petition in support at ZBA and direct abutters are in support. John stated he visited the site and there was a lot of foot traffic. John asked if they could add more handicapped spaces and Rick answers the site is restricted because of the wetlands. They are within 50 feet and it's a challenge. Atty. Correira answers they went before the Conservation Commission for approval. Public Input: Donna DiCorpio and Nancilee Lemaire, Commission for Individuals with Disabilities, Donna stated the place is great but it should have been accessible right from



the start. The 2 story structure is not accessible and can't be used until it is. She asked when the handicapped spaces will be done. She's also aware George wants to do concrete accessible walkways and she just reminded him it needs to be a certain slope. She asked what is the timeframe on the work will be completed? She stated there is certain guidelines you must comply with regarding width and slope. She stated the temporarily bathrooms and the gravel is not ADA compliant. Rick stated they will be using gravel of finer density. Donna stated the bathrooms need to be accessible because they are having events. She pointed out the outdoor seating is about 5% accessible and the indoor area is accessible but the majority of the site is not accessible. She pointed out the retail area and the applicant keeps changing his plans. Donna pointed out all of those vendors need to be on an accessible route. Tony asked about the walkways and it was answered they will be concrete. Dennis stated the problem with the City is the left hand doesn't know what the right hand is doing. He said what is happening now is George is told what was needed by each dept. and he's trying to comply. He stated there have been issues with not only the DIRB but the City departments need to work together. Donna stated he must follow the Federal and State Codes relative to being accessible. Dennis suggests having the ADA comments on everything (ZBA filings too) He's wants to be positive and not negative. Brian asked Donna when should it have been in compliance? Donna answers before it opened, George did everything backwards. The 2<sup>nd</sup> story level cannot be used because it is not accessible to everyone, if he wants it open he need to be accessible or obtain a variance from AAB. She pointed out these are State Codes and law and he has been open with events going on without being accessible. Manny asked the ADA commission that he has been open with violations and she answered yes. At this time George walked out of meeting and Atty. Correira stated her client is very frustrated over the process. Manny stated he needs to follow the rule and once approved follow all the rules and regs. Atty. Correira stated she shares in her client's frustration because she has been told different things from different departments. She stated he just wants to move forward. Nancilee asked if they were going to install a lower counter of the food truck? Atty. Correira stated she is not aware of the other food trucks in the City having one but she will look into it. Nancilee asked how are they going to control the crowd? They will be having a parking attendant. Toni Fallon, Battle Row, a family friend support. She stated he is trying to comply so he can remain open. She stated the neighborhood is in support and helps out. She recalled an incident on July 4<sup>th</sup> when one of the cows go out and the neighborhood reached out to him and to find the cow. Manny stated that many departments have gone out of their way to help George and he has listened to George and we are doing our best to inform him of the process and rules & regs. Tony stated we didn't stop him we just want him to move forward and follows the rules like everyone else. Dennis stated he is frustrated with what George has had to go thru. He stated the ADA came out and pointed out all the issues. Dennis stated he's been at the farm numerous times and he was there when a person in wheelchair person ordered food and they came out to give him their food. He stated he is sick of all the departments picking on George. Dennis was upset on the ADA calling Gorge's food truck disgusting. They were pointing out it has no lower shelf for wheelchair individuals. Dennis stated that there are many the food trucks in Taunton and none have what the ADA wants. Dennis indicated, it seems, they were contradictory and only picking on George's food truck and Farm. Dennis then said " you can go to Hell ". Estele Borges, 63 Ashland St. stated she is here as a citizen and not a city councilor. She stated she just met George a few months ago and she received a phone call from George in a panic about his food truck and the BOH was going to shut him down because they didn't have a dumpster on a concrete pad. She called the City Planner and set up appointment and sat down with Kevin and George to go over things. He has a good plan now and she went there Monday and a lot has change drastically. She stated George is proposing something unique like she did on Court St. when she opened the Districts of Performing Arts. She said ADA Commission has no authority to shut anyone down. There is another avenue for that. The ADA Commission is there to promote the laws and he was told her can be open. No one wants to shut him. He now has plans for bathrooms. He knows what he needs to do and he will do it. She stated the ADA commission came to the

District of Arts and tried to shut them down and they received a variance for the elevator. They were in the process of putting elevator in and they tried to shut her down. She re-iterated they don't have the authority to do that. She stated George knows what he needs to go and he will do it. She doesn't know why they keep talking about the 2<sup>nd</sup> level because he knows he can't use it and he doesn't use it. The secretary interjected and informed the Board that he has been using it. The secretary stated "all you have to do is look on his facebook page showing pictures of birthday party and a band on 2<sup>nd</sup> level" Estele stated she was unaware of that and said George told her he didn't use it and then she said to the Secretary "it's not your job to comment anyway because you're the secretary". The secretary just wanted to clarify the statement made. Public Input closed.

Dennis made motion to approve the Site Plan Review with dept. comments & conditions:  
Manny asked about the 2<sup>nd</sup> level and Dennis said that needs to be rectified with ADA.

**Condition #1) That the plans dated May 24, 2023 and revised on June 30, 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) Refuse and recycling 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) Compliance with the conditions of ZBA case #3712 and 3730 is required at all times**

**Condition #8) No parking along the access drive shall be permissible due to its narrow width except for the handicap parking as shown on the plans**

**Condition #9) Delineate the parking spaces with markers or other means**

#### Notes

**Note 1) Compliance with code related comments from the Water Division as follows: DPW permits are required including City licensed contractor, road opening, and or trench.**

**Note 2) Compliance with the Commission on Individuals with Disabilities letter for code related comments as follows:**

**All AAB / ADA regulations to be followed for both exterior and interior**

**- Accessible routes (MAAB 20.1) need to be provided to all areas (curb cuts, detectable warnings provided as needed etc.) –connecting all accessible areas. Route must be stable, firm and slip resistant.**

**- Accessible parking spaces to be on accessible route to accessible entrance. There are 161 parking spaces identified. This would require 6 accessible parking spaces – MAAB 23.00 (1 will be van accessible). Correct signage provided (MAAB 23.6). Curb cuts/detectable warnings provided.**

**- Outdoor dining/patio area provided, needs to follow AAB/ADA requirements:**

1. Accessible Route – MAAB 20.1
2. Surface requirements – MAAB 20.6, 20.9, 29.2
3. Accessible tables/seating – MAAB 17.0, 17.5
4. Table height – MAAB 17.2.5
5. Accessible aisles – MAAB 17.2.2, 17.2.3, 17.2.4
6. Protruding objects – MAAB 20.6

- Accessible route to food truck and any entertainment area – MAAB 20.3, 20.4, 20.5

- Interior – the following included but not limited to: accessible bathrooms, accessible aisle width, accessible counter heights, no protruding objects on walls (protruding more than 4”)

Accessible route to and inside retail area.

All outdoor areas need to be accessible and on accessible route including deck, any stage, retail, dining.

The two-story structure: second floor cannot be used by the public unless it is accessible – by elevator or ramp.

If there are portable bathrooms, there needs to be accessible portable bathroom provided.

Note 2) Food permit and hazardous materials permit from the Board of Health is required for the bar area

**Vote: 5 In Favor**

<b>Anthony Abreau</b>	<b>YES</b>
<b>Dennis Ackerman</b>	<b>YES</b>
<b>John Reardon</b>	<b>YES</b>
<b>Manuel Spencer Jr</b>	<b>YES</b>
<b>Brian Carr</b>	<b>YES</b>
<b>Michael Monteiro</b>	<b>absent</b>
<b>Robert Campbell</b>	<b>absent</b>

Brian made motion to forward letter to License Commission to look at and determine if a police/fire detail is needed for the large events. Seconded by John. All in favor.

**Discussion on Roadway Improvement Plan – off Williams St. (Maynard, Hunter & Little**

John DeSousa & Marc Mason were invited into the enclosure. John stated they went to the Conservation Commission and went through the drainage and modify the basin. They shorted the asphalt and changed drainage basins so no there is no need to have chain link fence around basin. John explained how it will look like a well established area with rain gardens. By doing a rain garden it will be a nice vegetated area. Letter from City Engineer was read into the record. John said if fencing went in it would make maintenance much harder. John explained the basin will be full of plantings and it will be very shallow. It will look like a garden. Manny asked if the homeowner's association will take care of the basin and John says yes. Manny asked who is liable and John says the homeowner's association will be and they will draft maintenance plan and put it in deed.

**Dennis made motion to allow the elimination of fence around det. Basin and comply with the City Engineer's letter. Seconded by Manny. All in favor.**

**Dennis made motion to assign an outside consultant and follow the outside consultant guidelines for inspections and the initial escrow deposit for paying for inspections shall be \$7,000 and shall be replenished back to a \$5,000 balance anytime it dips below \$1,500 .seconded by Manny. All in favor.**

**Meeting adjourned at 8:20 PM**