PLANNING BOARD
MEETING MINUTES
Thursday, December 10, 2020

The Stoughton Planning Board met on Thursday, December 10, 2020 at 7:00 p.m. by remote participation pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law M.L.L. Ch. 30A, Section 18 and the Governor’s March 23, 2020 Order imposing strict limitations on the number of people who may gather in one place.

The following members were present:
Joseph Scardino, Chairman
Daniel Kelly
Senesie Kabba
Jonathan Garland
Paul Demusz

Also present were: John Charbonneau, Town Planner; Craig Horsfall, Assistant Town Engineer; Karen Lawlor, Recording Secretary.

The Planning Board meeting was called to order at 7:00 p.m.

Motion by Mr. Demusz to open the public meeting, seconded by Mr. Kelly. Approved 5-0. Roll call taken, All in favor.

Chairman Scardino welcomed everyone to the Planning Board December 10, 2020 meeting, and explained this meeting is being recorded by video and audio by SMAC, so everyone should guide their actions accordingly. He explained that the Applicant and his representatives will speak, then the Town Engineer and Town Planner, the Board members, and then we will open it up to the audience, who will put in a request and will be called upon one by one.
Motion by Mr. Kelly to open Item #1 Chairman’s Comments, seconded by Mr. Demusz. Approved 4-0. Roll call taken, All in favor.

Chairman Scardino explained that we have a long agenda tonight, and we are going to take a few of the Items out of order. We will open with Item #5, and a discussion of the Urban Redevelopment Plan.

Motion by Mr. Kelly to open Item #5, Urban Redevelopment Plan Discussion, seconded by Mr. Demusz. Approved 4-0. Roll call taken, All in favor.

Item #5. Urban Redevelopment Plan Discussion (Stoughton Redevelopment Authority)

Ms. Carr of the Stoughton Redevelopment Authority made a motion to open the meeting with the members of the SRA, seconded by Mr. Nunnally. Roll Call taken, all in favor.

Jef Fasser of BSC, introduced himself and began his discussion. He explained that he has met numerous times with the Stoughton Redevelopment Authority (“SRA”) and he put the Plan together:

*Pre-Planning = Urban Renewal Planning = Urban Renewal Plans and Approval. He discussed:

Public engagements and Goals & the Master Plan Vision;
Existing conditions Analysis & Review of Previous Plans;
Property Inspections; Eligibility Determination; and Review Prior efforts;
Action Plan – Acquisition; Demolition; Rehabilitation; Disposition; and Public Works;
SRA Approval – Planning Board Determination – Public Hearing and Approval (by the BOS);
Submittal to the State & DHCO for Approval.

The Urban Renewal Plan is a tool to implement community vision and planning: (1) this provides the community with a tool to address the economic investment priorities that were identified in previous plans; (2) Provides a framework and priorities for implementing the community with vision and goals from previous plans; (3) Identifies upgraded and explained public realm and infrastructure needs from other plans and the community which are needed to support new development; and (4) Improves quality of life for all.

Planning Board Determination: Under M.G.L. c. 121B, the Urban Revitalization Plan must include evidence that the Planning Board determined that the Plan is based on a local survey and conforms to any existing planning documents covering the urban renewal area as a whole, including, but not limited to, a comprehensive plan for new locality. The Planning Board’s role is to review the boundary and actions of the project in order to make a finding that the proposed URP conforms to the plans of the town.
The Vision: The Vision is from the Stoughton Master Plan. The Downtown should be the municipal, social, and cultural heart of the community, with a strong sense of place and belonging for the residents, employees, and business owners.

URP Goals: Goals from the Stoughton Master Plan: Address existing conditions that prevent the private market form investing in the Downtown; Building capacity within the SRA so that the organization can react effectively to changes in the economic and physical environment of the SDRP area; Build relationships with the community and other town entities that have a role in the SDRP area; and Identify, plan for, and undertake a project or projects that act as a catalyst for the revitalization of the Downtown.

Possible Actions:

Acquisition of private property;
Transfer of publicly owned property to SRA;
Sale or lease of SRA owned property;
Rehabilitation or demolition of structures;
Roadway/streetscape improvements;
Improving all modes of circulation;
Improving parking;
Open space improvements;
Historic preservation;
Façade improvements;
Design Guidelines;
Public utility improvements;
An affordable housing incentive; and
An MBE/WBE/DBE incentive.

Property Acquisitions: All properties considered for acquisition must be identified as such in the URP; Not all properties in the Plan will be targeted for acquisition; Not all properties identified for acquisition will be acquired; Not all properties that are acquired are taken by eminent domain (the SRA may negotiate for the purchase and sale of properties within the area and no public bidding process is required. This allows the SRA to operate on an even playing field with the private sector in the acquisition and disposition of property.); and Transactions require two independent appraisals to ensure fair market value.

Mr. Fasser further explained everything is consistent with all the requirements of the Town. He showed the current boundary in black outlined on the map. The URP boundary changes are being taken under consideration and there is only a slight change from the previous Report that was done by Harriman. The pointed out the light green area on the map which shows the abutters major roadway and the study area. This explains where we are and where we will be working for the next few months on this plan, along with the working group. We will then come back to the Planning Board. We understand the Planning Board is working on zoning changes and will want to be consistent with that.
Chairman Scardino asked what the legal definition of “blight” is, and also, he was interested in the background of the Citizen’s Group.

Mr. Fasser explained that an open vacant property that might not be industrial and not being used now. A large unused parcel that is vacant and can be contaminated: not viable for current use; large parking areas; and cost prohibited areas. The Report done by Harriman had a “decadent clause” in their Report. When we come back to the Planning Board we will be presenting the definition of “decadent”. He introduced the members of Redevelopment Authority: Forrest Lindwall; Pam Lennon Carr; Reggie Nunnally; Helder Resendes; and Mark Zamanian. The Citizen’s Group that they are working with are a very impressive group with diverse interests. We have new people to Town and long-time residents; young residents and older residents who are creating a plan for specific implementation. Mr. Fasser explained that they can put together a list of the Citizen’s Group with all members information and experience.

Ms. Carr made a motion to Adjourn the SRA from this Open Session and close the open meeting, seconded by Mr. Nunnally. Roll Call taken, all in favor.

Motion by Mr. Demusz to open Item #9, Freeman Trust (760-770 Washington Street), seconded by Mr. Garland. Motion Roll call taken, All in favor, Motion Approved 5-0.

Item #9. A CONTINUED public hearing will be held on the Petition of the property owner and applicant Freeman Trust, 1850 Dorchester Avenue, Dorchester, MA 02124 represented by Spalding Tougias Architects, Inc., 241 A Street, Boston, Massachusetts 02210 for a Special Permit under the Stoughton Center Mixed Use Overlay District (“SCMUOD”) Bylaw, Section 9.3.6 (1)(a) for dwelling units located above a retail, restaurant, professional office and service, personal service or other non-residential use(s) at ground level and a Special Permit under Section 9.3.16(2A) for off-site parking for the property located at 760-770 Washington Street, (further identified on Assessors Plan No. 54, Lot 285).

Cheryl Tougias of Spalding Tougias, Architects, Inc., introduced herself, along with Steve Connelly of Freeman Street Trust, David Glod, Attorney, and Paul Brodmerkle, Site Design Associations. She thanked the Board for taking the agenda out of order. All documentation requested by the Board has been submitted.
Mr. Horsfall explained they only have minor adjustments including:

- The location of the proposed roof drain connection into Washington Street needs to be revised to avoid the new pavement on Washington Street. The proposed cleanout for the sewer service needs to be relocated behind the existing curb line. The water service connection needs to be reviewed and approved by the Water Superintendent;
- Additional landscaping may be required to provide adequate screening to the residential properties adjacent to the proposed parking lot. The Board shall evaluate the adequacy of landscaping plan;
- The landscaping for the existing parking area is in need of maintenance and/or improvement to provide proper screening of residential properties;
- Additional landscaping shall be provided on the triangular area northwest of the proposed parking spaces. The existing brush and debris needs to be removed and the area shall be properly graded; and
- A test pit and soil evaluation shall be performed by the applicant and witnessed by the Engineering Department prior to construction to confirm that the soil classification and groundwater table elevation is compatible with the design. This could be required as a condition of approval.

Mr. Charbonneau stated that most issues have been addressed and he only had a few outstanding issues including:

- A table should be added to the landscaping plan for the proposed building depicting required conditions compared to proposed conditions to show that the landscaping requirements of Section 9.1.12-9.3.14 of the Zoning Bylaws are met;
- A table should be added to the landscaping plan for the satellite parking area depicting required conditions compared to proposed conditions to show that the landscaping requirements of Section 6.4 of the Zoning Bylaws are met;
- The applicant shall obtain verifications from the Police Department that they approved of the proposed landscaping screening for the satellite parking area; and
- He would like a matrix to be created to make sure they have met all the requirements.

Mr. Demusz suggested that maybe a security camera could be installed to monitor the area for safety.

Mr. Kelly stated that anything to close off the building should be required. He likes the Plan but people gather in that area and he feels it is a safety issue. He doesn't like a narrow alley and feels this will cause problems. This area is off a main street and this piece of land is a problem.

Mr. Garland explained that he agrees with Mr. Kelly and concerned with what will happen in this area.
Chairman Scardino explained that in Needham there is a similar area and they installed an iron gate. We could look at that area and add lighting and be able to lock up this area. Another option is a six (6) foot high black PVC fence that transitions to eight (8) feet. He further explained that all these additions need to be added to the cut sheets including the addition of fencing and the planters that have been suggested. In regard to the hydrangeas, more color needs to be added and not more white ones.

Ms. Tougias stated that they could add a locking gate and lighting, and explained that she submitted an Amended set of Plans and they added a chain link fence; eliminated the dumpster and pad which are now contained within the building; and moved the bike racks to the open space area. The appropriate plans were submitted with help from the landscape architect and added an area for out-door seating. This area is a ten (10) foot area and we could restrict the time that this area is open.

Mr. Garland suggested changing around the double wide blue panels. He does not like the look of the building as proposed and the building doesn’t look very balanced.

Ms. Tougias explained that in order to provide larger sidewalks, the shape of the building was changed and it is all the perspective of the look of the building.

Attorney Richard May, representing Cheryl and Mike, of 18 Freeman Street, abutters to the project, stated that the abutters support this project, but would like to protect their property. There is a jewelry business at 14 Freeman Street. Photos of the property and surrounding areas were shown, and their concerns were as follows:

1. Increasing the project form three (3) to four (4) stories, increases the burden on the abutters with the addition of parking in satellite lots;
2. Drainage will be a problem, with a four (4) story building putting added pressure up against a one (1) story building which will cause water problems;
3. They are requesting that the applicant pay for an engineer to review the drainage issues; and
4. They are blocking off the courtyard for the building.

Further, the jeweler has already moved out the building, so the building already has a stigma attached to it.

Mr. Horsfall explained that there is a parking lot across the street with twelve (12) spaces; and two (2) spaces were designated as a loading spot in front of the building.

Chairman Scardino suggested maybe we could make a Condition of Approval looking into the drainage system.
The curbing, including vertical granite in the parking lots and the proposed Cape Cod Berm was discussed; along with the fencing; snow storage; and the existing guardrail in the parking lot.

Mr. Horsfall stated that the applicant presented a beautiful photometric plan but he is not fully satisfied with the landscaping. The trees don't seem to work and more color needs to be added.

Mr. Demusz stated that the trees will grow to 30 feet with hearty white flowers; but the roadies will have to be maintained. The islands, which are exposed areas, should be covered with vegetation, and will not last with the snow plows.

Chairman Scardino stated they the Planning Board and Mr. Connelly will work on the landscaping together.

**Motion** by Mr. Garland to continue this hearing until January 14, 2021 at 7:00 pm., seconded by Mr. Demusz. Roll Call Taken, Motion Approve. All in favor 5-0.

**Motion** by Mr. Demusz to open Item #2 Panera, seconded by Mr. Kelly. Roll call taken, All in favor, Motion Approved 5-0.

**Item #2. Panera Bread Extension of Special Permit Extension** (Attorney Barry Crimmins)

Attorney Crimmins introduced himself and explained that Panera received an extension for this project until December 31, 2020, but due to various reasons, the Applicant can't proceed with the drive-thru, due to Covid19 related issues and are requesting an 18-month extension.

Chairman Scardino stated that the client was asked to increase the shrubbery and put up a “Welcome to Stoughton” sign, and he would like to make as a condition that they submit a new landscape plan, with the plantings be 30”-36” in height.

Attorney Crimmins stated that they are a tenant and not the owner and will comply with the previous landscape plan approved with the drive-thru. The only condition of the approval was the landscaping. The have applied for an extension in July 2017 for two (2) years; and the last extension was for one (1) year for the ”Welcome” sign, with the same terms and conditions.

**Motion** by Mr. Demusz to approve an eighteen (18) month extension to Panera, with the previous conditions to apply, and no further extensions to be granted, seconded by Mr. Kelly. Roll Call Taken, Motion Approve. All in favor 5-0.

**Motion** by Mr. Garland to open Item #4 – Stoughton Commerce Center Bond Release, seconded by Mr. Demusz. Roll call taken, All in favor, Motion Approved 5-0.
Item #4. Stoughton Commerce Center Bond Release (Highpoint Engineering)

Nicholle Dunphy of Highpoint Engineering introduced herself and explained that in September 2019, she received a partial Certificate of Occupancy and she is back tonight for the Final Occupancy Permit and Bond Release. The project is complete and she had a conference with Mike Nolan.

Mr. Horsfall stated that all items are complete; they completed all items on the punch list; and they have completed at least one (1) growing season.

Motion by Mr. Demusz to Approve the issuance of the Final Occupancy Permit for the Stoughton Commerce Center, and the Release of the Bond, seconded by Mr. Kabba. Roll Call taken, All in favor, Motion Approved 5-0.

Motion by Mr. Kelly to open Item #6, First Universalist Church, seconded by Mr. Demusz. Roll call taken, All in favor, Motion Approved 5-0.

Item #6. A CONTINUED public hearing will be held on the Petition of First Universalist Church for a Special Permit under Section 6.2.7, “Special Permit” of the Town of Stoughton Zoning Bylaw of November 18, 2015 and pursuant to M.G.L. Chapter 40A, Section 9; to erect a third sign on the property located at 790 Washington Street (further identified on Assessors Map 54 Lot 306).

Mr. Charbonneau explained that this is a very simple Decision and he explained the Decision to the Board.

Motion by Mr. Kelly to Approve the Decision for the First Universalist Church and a motion to allow Chairman Scardino to sign the Decision on behalf of the Planning Board, seconded by Mr. Garland. Roll Call Taken, Motion Approve. All in favor 5-0.

Motion by Mr. Mr. Demusz to open Item #7 – GW Subs Stoughton, seconded by Mr. Kelly. All in favor, Roll Call taken, 5-0.

Item #7 – A NEW public hearing will be held on the petition of GW Subs Stoughton, LLC, DBA Jersey Mike’s on behalf of the owner Linear Retail Stoughton c/o Keypoint Partners LLC for a Special Permit under Section 6.2.7, “Special Permit” of the Town of Stoughton Zoning Bylaw of November 18, 2015 and pursuant to M.G.L. Chapter 40A, Section 9; to erect a second pole sign on the property located at 413 Washington Street (further identified on Assessors Map 56 Lot 19 in the General Business (GB) and Industrial (I) zoning districts).
Gary McCoy introduced himself and explained that they are here tonight for two (2) free-standing signs. They are not adding any signage, just changing the sign in the existing space and adding a wall sign over the entrance. The signs being replaced are exactly the same size as what is existing there.

Mr. Charbonneau explained that since this was a very simple application, he did a draft Decision which he put up on the screen for the Board to review.

**Motion** by Mr. Kelly to Approve the Decision for the Jersey Mike’s Sign, and a motion to allow Chairman Scardino to sign the Decision on behalf of the Planning Board, seconded by Mr. Garland. Roll Call Taken, Motion Approve. All in favor 5-0.

**Motion** by Mr. Kelly to open Item #8, Milton Real Properties of Massachusetts, seconded by Mr. Demusz. Motion Roll call taken, All in favor, Motion Approved 4-0.

**Item #8.** A CONTINUED public hearing will be held on the Petition of the Applicant Milton Real Properties of Massachusetts, LLC, 100 Quarry Drive, Milford, MA 01757 represented by Attorney Barry R. Crimmins, 909 Washington Street, Stoughton, MA 02072 and the property owner JF White Constructing Co., 56 Old Page Street, Stoughton, MA 02702 for Site Plan Approval under Section 10.6 “Site Plan Approval” and Special Permits under Section 6.2.4 “Signs Permitted in the “I” District, Section 6.2.6 “Additional Sign Regulations” and Section 6.2.7 “Special Permit “ of the Stoughton Zoning Bylaws for the property located at 207 Page Street (further identified on Assessors Plan No. 94, Lot 43).

**Motion** by Mr. Garland to continue this hearing until January 14, 2021 at 7:00 p.m., seconded by Mr. Demusz. Roll Call Taken, Motion Approve. All in favor 5-0.

Chairman Scardino explained that we will discuss and review the Minutes at the next meeting. We made great progress tonight and all issues were resolved.

Chairman Scardino stated that on behalf of the Stoughton Planning Board he would like to wish everyone Happy Holidays and a Healthy and Happy New Year.

**Adjournment**

**Motion** by Mr. Garland to Adjourn, seconded by Mr. Demusz. Roll call taken, All in favor, Motion Approved 5-0.