The Stoughton Planning Board met on Thursday, July 22, 2021 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. Kelly to open the public meeting, seconded by Mr. Demusz. Roll call taken, All in favor; Mr. Demusz, Mr. Kelly, Mr. Kabba, Chairman Scardino, Approved 4-0-0.

Chairman Scardino welcomed everyone to the Planning Board July 22, 2021 meeting, and explained that this meeting is being recorded by video and audio by SMAC for future broadcast, so everyone should guide their actions accordingly. Since we have a very long agenda, we will skip Item #1, Chairman’s Comments, and open Item #2.
Motion by Mr. Kelly to open Item #2, Bond Release Request (Harbor One Bank), and seconded by Mr. Demusz. Roll call taken, All in favor, Motion Approved 5-0-0.

Item #2. Bond Release Request – 470 Washington Street (Harbor One Bank) – David Tidwell

Mr. Charbonneau explained that a few months ago, when the bond release was requested, the grass was not in good shape and the guidewires were still attached to the some of the trees. Since the Board was not satisfied, $10,000 of the was kept. Recently, he and Chairman Scardino did a site visit and everything looks great and they, along with Engineering, agree to release the remaining $10,000.

Motion by Mr. Kabba to release the remaining $10,000 Bond, seconded by Mr. Demusz. Roll call taken, All in favor, Motion Approved 5-0-0.

Motion by Mr. Kelly to open Item #3, Bond Release Request (105 Porter Street) and seconded by Mr. Demusz. Roll call taken, All in favor, Motion Approved 4-0-0 (no Mr. Garland).

Item #3. Bond Release Request (105 Porter Street) – Anthony Ruscito

Mr. Charbonneau explained that this is another landscape Bond release in the amount of $11,400. He, along with Chairman Scardino, recently did a site visit and everything looks clean and healthy.

Motion by Mr. Demusz to release the remaining $11,400 Bond, seconded by Mr. Garland. Roll call taken, All in favor, Motion Approved 4-0-0 (no Mr. Kelly).

Mr. Charbonneau will draft a letter and get the money released to Mr. Ruscito.

Motion by Mr. Kabba to open Item #4, Pine Hills Estates, and seconded by Mr. Demusz. Roll call taken, All in favor, Motion Approved 5-0-0.

Item #4. Pine Hills Estates Subdivision Minor Modification (previously approved) – Eric Dias

Mr. Charbonneau gave the Board a little background on the situation. This was a residential subdivision located on the Brockton line. Public hearings were held and since it abuts Brockton, there was a relocation of the storm drain. The Applicant came looking for a bond release and found the Decision had not been signed or filed. He reached out to Town Planner, Noreen O’Toole, and she explained that the Board approved the subdivision (and this is all in the Minutes). Now this is being brought back to the Board, and the Board needs to approve the minor modification and sign and file a Decision, so it is on the record.
Mr. Horsfall went back and reviewed his reports and notes of the project and this was approved. We just need to vote, reapprove this, and file a Decision.

Mr. Dias explained that everything was procedurally done and what we have here is a missing Decision. He became involved with this project after a mistake was made and he had to move a basin. Everything is completed except the houses. He will be coming back to the Board and establishing a Bond, along with lot releases. The only issue they had with the Town of Brockton was trying to obtain water and sewer, and they were denied. This subdivision will have septic and wells and will remain a private road. This is located in the area of Sumner Street and Ray Road in Stoughton, and Irma in Brockton.

Mr. Dias further explained the “Private Road” will be in the documentation and the Homeowners Association (“HOA”) will be submitted before he requests the lot releases. He also requested that the following wording to be add to the Decision: “private road in perpetuity”.

Mr. Charbonneau explained that the road has already been constructed and all other conditions will apply, along with the waivers. He will change the date on the Decision to July 26, 2021, and the Board members names, and everything will be brought up to date.

Mr. Dias had a few concerns including:

- The covenant that was executed in 2011 states “until accepted as a public way”;
- Adding – “any required maintenance services should be performed by the HOA;
- Adding – “Trash & Plowing are added to the HOA; and
- Adding – “The HOA should be established and approved by Town Counsel and shall be presented to the Planning Board and recorded”.

**Motion** by Mr. Kelly to Approve the Minor Modification Decision and authorize Chairman Scardino to sign on behalf of the Board, seconded by Mr. Demusz. Roll call taken, All in favor, Motion Approved 5-0.

**Motion** by Mr. Demusz to open Item #5, ANR Application (1551 Washington Street), and seconded by Mr. Garland. Roll call taken, All in favor, Motion Approved 4-0-0.

**Item #5. Approval Not Required (ANR) Application – 1551 Washington Street – Bill Self**

The Plan was reviewed and there are actually two (2) properties located off of Washington Street owned by Arthur and Mary Dowd and it is still an operating farm. They went before Zoning in May and were approved. The property is owned by the Dowd Family in Trust. There is a pool and they have combined 52,000 square feet of the land to put two (2) lots into one (1) and this meets all the submission requirements for an ANR.
Motion by Mr. Garland to Approve the ANR and have Chairman Scardino sign on behalf of the Board, and seconded by Mr. Demusz. Roll call taken, All in favor, Motion Approved 5-0-0.

Mr. Charbonneau stated that this will be ready on Monday for pickup by the Applicant.

Motion by Mr. Demusz to open Item #6, 1179 Central Street, and seconded by Mr. Garland. Roll call taken, All in favor, Motion Approved 5-0-0.

Item #6 - A New public hearing will be held on the petition of Robert Bornstein c/o Ahavath Torah Congregation 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 modify the existing sign in such a way that will exceed the maximum allowable size on the property located at 1179 Central Street (further identified on Assessors Map 56, Lot 90).

Chairman Scardino read the public hearing notice into the record: “A public hearing will be held by remote participation on Thursday, July 22, 2021 at 7:00 P.M. on the petition of Robert Bornstein c/o Ahavath Torah Congregation 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 modify the existing sign in such a way that will exceed the maximum allowable size on the property located at 1179 Central Street (further identified on Assessors Map 56 Lot 90). To participate, call phone number 1-617-675-4444 and enter PIN: 739 715 996 9366#. To participate via Google Hangouts please follow this link: meet.google.com/sfx-ter-oeb. This link can be copied and pasted into your web browser. In the event that these measures are unsuccessful or inconvenient, a recording of the meeting, transcript or other comprehensive record of the proceeding will be posted on the Town’s website and/or SMAC as soon as possible after the meeting. The Special Permit Applicant and plans can be viewed at the office of the Stoughton Planning Board, Engineering Department, Town Hall, 10 Pearl Street, Stoughton, MA, during normal business hours by appointment only per the Town Manager’s policy. The petitioner and/or his representative, or any other persons desiring to be heard on this matter, should appear at the time and place designated. Town of Stoughton Planning Board, Joseph Scardino, Chairperson, THE JOURNAL-SUN Issues of July 7, 2021 and July 14, 2021”.

Mr. Bornstein explained the reason for the modification. The lease on the other Temple is up and the two (2) synagogues will share the one (1) building. This new sign will give identity to both Temples. They have cleared out the brush and are painting the sign. Ten (10) square feet is the requirement and the sign is 24 inches by 97 inches (two (2) feet x 9'6")

Chairman Scardino had a few issues, including the size of the sign which is pre-existing, non-conforming, and is internally illuminated.
Mr. Charbonneau explained that since this building is a religious house of worship, it is covered by the Dover Amendment, which protects uses as unreasonably regulated. There is no safety hazard and it is a residential area and not the same as other uses.

Mr. Kelly was interested in finding out who approved the original sign and why since it has been there since 2007 or 2008 and is 35 square feet now. He feels this is “beneficial to society” and he appreciates not setting a precedence.

Mr. Charbonneau explained that he drafted a Decision and presented it to the Board and went through each section. It was discussed to add the wording “at its current location” as a condition and will have Chairman Scardino endorse it.

Motion by Mr. Demusz to Approve the Sign at 1179 Central Street and authorize Chairman Scardino to sign on behalf of the Board, seconded by Mr. Kabba. Roll call taken, All in favor, Motion Approved 4-0-0. (no Mr. Garland).

Motion by Mr. Kabba to close the public hearing for 1179 Central Street, seconded by Mr. Demusz. Roll call taken, All in favor, Motion Approved 5-0-0.

Chairman Scardino recused himself from the next hearing and left the meeting at 8:10 p.m. and he will return when Mr. Charbonneau texts him.

Motion by Mr. Kabba to open Item #7, 760 Pleasant Street, and seconded by Mr. Demusz. Roll call taken, All in favor, Motion Approved 4-0-0.

Item #7. A continued public hearing will be held on the petition of the applicant The Town of Stoughton, 10 Pearl Street, Stoughton, MA 02072 and represented by Richard Terry of the Capen Reynolds Farm Use and Development Committee and Shane Oates, Center Mount Land Development, LLC, 33 Commercial Street, Raynham, MA 02767 for Site Plan Approval under Section 10.6 “Site Plan Approval” and a Special Permit under Section 6.1.9 of the Stoughton Zoning Bylaws to construct a community garden and gated dog park with associated parking, site grading, low impact drainage facilities and water and electrical service extensions on the property identified as 760 Pleasant Street (further identified on Assessors Plan No. 81, Lot 24 and located in the Residential Suburban C (RC) zoning district.

Mr. Kelly took over the meeting after Chairman Scardino recused himself. He introduced Mr. Richard Terry. Shane Oakes, the Engineer, was not present to this meeting.

Mr. Terry explained that there were three (3) outstanding issues, including: (1) providing the security plan for the lighting; (2) evidence of liability insurance; and communications from DPW stating they will help. Mr. Fitzgerald from DPW communicated that he will help with plowing, trash, and woodchips. There will be weekly trash pickups and DPW will support the dog park. Further, they will plow eleven (11) spaces when necessary.
Mr. Oates provided the security lighting plans but did not submit them in time for distribution for this meeting. They have not received the liability information which is under Conservation and they have not received a response from them yet since they are on vacation.

Mr. Terry further explained that there will be signs posted that state it is the responsibility of the individual owners for them and their dog’s behavior.

**Motion** by Mr. Demusz to continue this hearing until August 12, 2021 at 7:00 p.m., and add a condition to the liability portion in the decision, and seconded by Mr. Kabba. Roll call taken, All in favor, Motion Approved 4-0-0.

Chairman Scardino returned to the meeting at 8:23 p.m. and Mr. Kelly stepped away for a few minutes to take a phone call.

**Motion** by Mr. Demusz to open Item #8, Titanium Group, 1580 Turnpike Street, and seconded by Mr. Kabba. Roll call taken, All in favor, Motion Approved 5-0-0.

**Item #8. A continued public hearing will be held on the petition of the property owner Stoughton Gas Group, LLC, 245 North Pearl Street, Boston, MA 02301 and the applicant Titanium Group, LLC, 500 Turnpike Street, Canton, MA 02021 represented by Paul Schneider, Esq., 779 Washington Street, Suite 2B, Canton, MA 02021 and Michael Khoury, Esq., 124 Washington Street, Suite 2022, Foxborough, MA 02035 for a Special Permit pursuant to Section 3.1.4D.5 of the Zoning Bylaws for other drive-in or drive-through facilities and Site Plan Approval pursuant to Section 10.6 of the Zoning Bylaws for the property located at 1580 Turnpike Street, further identified on Assessors Plan No. 95, Lot 19 and located in the Neighborhood Business (NB) zoning district.**

Mr. Drory, Mr. Choubah and Attorney Schneider were introduced. Mr. Choubah explained that at the last meeting on May 13, 2021, major changes made to the plan. They addressed layout, which was switched and the building was placed on the north side of the property; improved the egress; and moved the driveway away from Turnpike Street. They eliminated the curb cut on Page Street and moved it to the other side, and the que now can handle five (5) more cars. The entrance now consists of a right turn in and right turn out only. The traffic study was redone with the latest version of updated data and submitted and received a favorable review. Other concerns that were addressed were: the driveway; landscape buffer; elevation of the building; buffer of mechanical units; fence on the northerly side; buffer and PVC fencing; the sign encroaching on the northern side, is now on their property; an eight (8) foot fence; 156 shrubs and 6 trees; a lighting plan and making sure they are in compliance with zoning; and requested 3D renderings of what the project will look like.
Mr. Horsfall stated that the Applicant has done a good job with the summary, and this new plan eliminates a lot of issues. They did a great job with the cuing and made this much more adequate. All that is left is a few very minor comments.

Chairman Scardino stated that he is satisfied with the plans and his only substitution regarding the landscaping would be replacement of some of the grasses because they look like weeds and the addition of roadies or some type of flowering plants. In regard to the signage, he would like a matrix for each sign; a complete inventory of the plants; and a list of the waivers is needed. The HVAC units which are located on the flat portion of the roof will need to be surrounded by fencing, along with a cut sheet for the dumpster (white PVC or white aluminum).

Mr. Demusz would like more windows for visibility, along with cameras for monitoring.

Mr. Scardino stated that much has been accomplished and we are on the three-yard line. He was very pleased with the revisions.

**Motion** by Mr. Demusz to continue this hearing until August 12, 2021 at 7:00 p.m. seconded by Mr. Garland. Roll call taken, All in favor, Motion Approved 5-0-0.

**Motion** by Mr. Kabba to open Item #9, 19 Camden Street, seconded by Mr. Garland. Roll call taken, All in favor, Motion Approved 5-0-0.

**Item #9. A Continued public hearing will be held on the petition of the applicant Leo Hennigan, 36 Pleasant Street Braintree, MA 02184 and the owner James Barnie Credit Shelter Trust B, 735 Hopeville Road, Griswold, CT 06351 represented by attorney Paul A. Schneiders, Esq., 779 Washington Street, Canton, MA 02021 for Site Plan Approval under Section 10.6 “Site Plan Approval” of the Stoughton Zoning Bylaws for the property located at 19 Camden Street (further identified on Assessors Plan NO. 36, Lots 30, 35, 38, 39 & 40) and located in the General Business (GB) zoning district.**

Mr. Charbonneau explained that this next hearing asked to be continued until September 9, 2021, since they are very close with Conservation and want to finish up with them before they come back to the Board.

**Motion** by Mr. Kabba to continue this hearing until September 9, 2021 at 7:00 p.m. seconded by Mr. Garland. Roll call taken, All in favor, Motion Approved 5-0-0.

**Motion** by Mr. Kelly to Open Item #10, General Business, seconded by Mr. Demusz. Roll call taken, All in favor, Motion Approved 5-0-0.
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Item #10. General Business – Meeting Minutes of June 10th and June 24th.

Motion by Mr. Demusz to Approve the Minutes of June 10, 2021, and seconded by Mr. Kabba. Roll call taken, All in favor, Motion Approved 5-0-0.

Motion by Mr. Kelly to Approve the Minutes of June 24, 2021, and seconded by Mr. Demusz. Roll call taken, All in favor, Motion Approved 5-0-0.

Motion by Mr. Demusz to Open Item #11, Other Business, seconded by Mr. Garland. Roll call taken, All in favor, Motion Approved 5-0-0.

Item #10. Other Business

Mr. Charbonneau stated that he is working on two (2) projects, one being Capen and the other 1580 Turnpike. Mr. Kabba has missed two (2) meetings and in order for him to vote he has to watch the meetings on SMAC and sign a memo stating that he viewed the meetings. Mr. Garland also has to watch the meetings he has missed in order to vote. He will review the meetings and let them both know which meetings they missed.

Also, the Malcom Parsons project is on its way. All fencing has been put up around the project, the water and sewer was cut and capped, and demolition will start next week.

Chairman Scardino stated on behalf of the Planning Board, he wishes everyone a Good Evening and a Happy & Safe summer.

Adjournment

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