TOWN OF STOUGHTON

Massachusetts
MA 02072

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Planning Board
Joseph Scardino, Chairman
Daniel Kelly, Vice Chairman
Lynne Jardin
Jonathan Garland
Senesie Kabba

John Charbonneau, Town Planner

PLANNING BOARD
Virtual MEETING
MINUTES
Thursday, MAY 14, 2020

The Stoughton Planning Board will hold its meeting on Thursday, May 14, 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 via remote participation:
Joseph Scardino, Chairman
Daniel Kelly
Lynne Jardin
Jonathan Garland
Senesie Kabba

Also present were: John Charbonneau, Town Planner; and Craig Horsfall, Assistant Town Engineer.

Chairman Scardino explained this is the Planning Board’s First Virtual Meeting and explained the Remote Process. He requested that all requests go through the Chairman by typing the request and participant will then be un muted, and will be able to participate. This will help us create an efficient meeting. We were supposed to be live on SMAC but we will be on tape delay since they are broadcasting the Finance Committee live.

Mr. Charbonneau explained that if anyone wants to join and participate in the meeting, you should type into your browser “meet.google.com/zop- nekk-xad?hs+122”. This link and information can be found on the Agenda and will be repeated before every meeting. Again, in order to be able to speak please use the “chat function” and type your message and you will be allowed to speak.
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Chairman Scardino welcomed everyone to the May 14, 2020 Planning Board meeting, and explained this meeting is being recorded by video and audio by SMAC, and will be played on tape delay, so everyone should guide their actions accordingly.

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

Motion by Ms. Jardin to open the public meeting, seconded by Mr. Kelly. Approved 5-0. Roll Call was taken and all members were in favor.

Mr. Charbonneau stated that Mr. Zamanian would like to talk with the Board.

Mr. Zamanian was concerned that the public meeting is supposed to be live, and how is the Board dealing with the fact that it is not.

Chairman Scardino explained that when the discovered that SMAC was broadcasting the Finance Committee live, and only has the capacity to show one (1) meeting at time due to equipment limitation, they scrambled and received an Opinion from Town Counsel that it is sufficient, and they will submit the Opinion to the Town Clerk’s Office. Further, the Zoning By-Law discussion will be placed on the next Agenda and be heard at our next meeting on May 28th.

Motion by Mr. Garland to open Item #1 Chairman’s Comments, seconded by Ms. Jardin. Approved 5-0. Roll Call was taken and all members were in favor.

Item #1. Chairman’s Comments.

Chairman Scardino explained with regard to the SCMUOD Rezoning, the Planning Board has been working in abstention and working daily. They have done a few on-line tutorials and have been meeting with IT to work out the needs of the Planning Board at meetings, so the Applicants can refer to plans and comments. We have worked and put a lot of effort by Town Staff into this process in order to move forward.

Mr. Charbonneau explained they have put together a working group that was appointed work with the consultant on a day-to-day basis which consists of himself, Town Planner; Marc Tisdelle, Town Engineer; Craig Horsfall, Assistant Town Engineer; Pam McCarthy, Chairman of Economic Development; Fran Bruttaniti, Procurement Officer; Sean Leahy, Assistant Sanitarian and John Erickson, Building Commissioner.
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Further, in June, they will be holding joint meetings with the Board of Selectmen ("BOS"), the Redevelopment Authority, and the Planning Board. They will gather all the comments on a regular basis and put together a survey which will be put on-line and widely circulated in Town. They will also reach out to the private sector for their comments. Surveys and comments will be collected and all the information will compiled and draft regulations will be prepared, which will bring us to mid-August. Then they will be relying on comments from departments and residents of the Town. Boards will not be excluded from this process and this will be the process for the next few months.

Mr. Kelly wanted to state for the record that he was never happy with the way this steering group was put together. He hopes that the boards will be involved every step of the way. This was not the original intent or the way this should be run.

Mr. Charbonneau explained that it is for that reason that we are bringing the various boards in throughout the process. The goal is that we have inclusion of all the various boards, and he understands Mr. Kelly's thoughts and feelings.

**Motion** by Mr. Kelly to open Item #2 – Zoning Amendments, seconded by Ms. Jardin. Approved 5-0. Roll Call Taken, all members in favor.

**Item #2. A New public hearing will be held to consider amendments to the Town of Stoughton Zoning Bylaw dated December 5, 2016, by amending Section 10.6 of the Zoning Bylaws entitled “Site Plan Approval”.**

Chairman Scardino read the Public Notice Hearing into the record: "Legal Notice Planning Board Town of Stoughton Notice of Public Hearing May 14, 2020. In accordance with the Massachusetts General Laws, Chapter 40A, Section 5, The Zoning Act, you are hereby being notified of a Public Hearing to amend the Town of Stoughton Zoning Bylaws. The Town of Stoughton Planning Board will hold a Public Hearing on May 14, 2020 at 7:00 p.m. The public hearing will be conducted remotely pursuant to Governor Baker’s March 12, 2020 Order Suspending certain Provisions of the Open Meeting Law M.L.G. 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. To participate, call phone number 1-814-408-6019 and enter PIN: 900 062 224#. The meeting will also be streamed live on the town's community cable TV Stoughton Media Access Corporation on Verizon Channel 28 and Comcast Channel 9. 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 public hearing is being held for the purpose of receiving public comments concerning the following articles to be considered for adoption at the Annual Town Meeting, as per attached notice."
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Article: To see if the Town will vote to amend the Town of Stoughton Zoning Bylaw dated December 5, 2016, by amending Section 10.6 of the Zoning Bylaws entitled "Site Plan Approval". Persons interested in the above matters are requested to be present at the above stated time and place. Copies of the complete text, and other supplementary information, are available on the Planning Board’s web page within the Town of Stoughton’s municipal web site at https://www.stoughton.org/. Joseph Scardino Chairman of the Planning Board The Journal-Sun, April 29, 2020 and May 6, 2020."

Chairman Scardino referred to a memo to the Planning Board from Mr. Charbonneau dated April 29, 2020 regarding Site Plan Approval Proposed Changes. If you want to make any comments during this discussion, please type in the “Chat Function” and Mr. Charbonneau will connect you to the meeting so you can comment.

Mr. Charbonneau explained Article 10.6.1 Purpose and the changes and specifics. Some are small typos and addition of wording to bring this Article up-to-date: For protection, we are now including the words “odors” and “stormwater runoff”; Natural Features now includes the words: “certified vernal pools, streams (intermittent or otherwise); and “historical” to interest; Pedestrian ways “egress” and “internal circulation” were added; and Economic development is promoted by “smart” land use decisions” was added. He further explained that the purpose, according to state law, it not a denial mechanism, but to allow the Town the authority to fully review the project. Also, what we are trying to do here, is to make the process much more transparent, and help with the process when we have Applicants who are not forthcoming with requested information and documentation.

10.6.2 Projects Requiring Site Plan Approval. This description was rewritten because the old language was antiquated and was written as one-size fits all. The same process was in place if you were building a Walmart or Target or paving three (3) parking spaces, so this needed to be changed. The purpose of Site Plan review and approval is to allow the Town the opportunity to review projects that meet certain thresholds in scope that are allowed by right, and the ability to impose reasonable conditions on their approval to mitigate the impacts on the surrounding area. Full Site Plan requires a public hearing before the Planning Board and a pre-application meeting with department heads. Administrative site plan review only requires a meeting with department heads. If there is a level of review which required, the Town Planner, Town Engineer, and the Building Commissioner shall make the determination. The Chart labeled Table 1 was removed. The following description was added:

For Full Site Plan Review: Structures over 500 square feet or more of gross floor area, and all new construction, expansion or renovation of multi-family dwellings (three (3) or more units); mixed-use buildings or any nonpresidential buildings; change of use that requires the addition or relocation of five (5) or more parking spaces; any change in the location of the vehicular access or egress to a non-residential property; drive-through facilities; an increase in impervious area of 1,000 square feet or more; any fast-food establishment; or removal of more than one hundred (100) cubic yards of materials (loam, sand, gravel, stone or any other earth material) in the aggregate from any lot or contiguous lots.
Administrative Site Plan Review: The following structures that are less than 500 square feet of gross floor area: All new construction, expansion or renovation of multi-family dwellings (three (3) or more units), mixed use buildings or any non-residential buildings of less than 500 square feet of gross floor area (GFA); or Exterior alteration or renovation of an existing non-residential or mixed-use building or premises, visible from a public or private street or way which includes any of the following: (1) change in the building’s exterior surface material; or (2) rearrangement or addition of windows or doors; or (3) facade reconstruction or replacement; or (4) roofing- if the Building Commissioner determines the roof to be a distinctive architectural feature of the building. Other requirements are: change of use that requires the addition or relocation of less than five (5) parking spaces; increase in impervious area of less than 1,000 square feet; the creation of any non-residential outdoor storage areas for vehicles, machinery or supplies; the redesign of the layout/configuration of an existing parking area of ten (10) or less parking spaces; or the relocation of Handicapped Parking spaces pursuant to 521 CMR as most recently amended. Also, to be added “Note: Gross Square Footage of the building shall be calculated using the outside dimension of the building footprint for each floor.”

Other changes and updates are the reworking of the Pre-Filing Procedure and the Application Submittal and Circulation. Each of these items will be distributed and Departments including Building; Public Works Department; Board of Health; Conservation Commission; Fire Department; Police Department; Town Clerks Office; and Engineering Department will be notified. Also, the wording to be added: “No public hearing will be scheduled until a full submission has been made to the satisfaction of the Town Planner and the Engineering Department.”

The Existing Condition Plan need to add the following: “existing surveyed topography contour lines; location of existing buildings; any streams; information on the location, size and type and number of existing landscape features; detailed information regarding utilities; detailed location and dimensions of existing buildings and uses on-site and on abutting properties; more detailed information on landscaping plan; Operation and Maintenance Plan; and location for all proposed sight lighting and construction details.

Mr. Zamanian had a question regarding this Site Plan Approval Article 10.6.1, and understands it mostly housekeeping and the addition of a few stormwater items. Recently the Board heard a project on Pleasant Street and there issues with removal of trees and earth. Are there any plans to implement more language to avoid this from happening again and to tighten the language.

Mr. Charbonneau and Chairman Scardino both explained that at that time, the Building Inspector had issued an Opinion on that project and there was confusion regarding the definition of a “group” of lots and a “single” lot. We will work on tightening up the language. Applicants usually apply for commercial projects, and the question is, the jurisdiction over a small residential projects. There was conflicting language and this even confused Town Counsel. There is also a complete different set of regulations if we are working on a subdivision.
Mr. Garland was concerned with the Developers and we don’t want to drive developers away.

Mr. Robert Mullen had a few questions for Mr. Zamanian about the flow of 10.6.2 Site Plan Approval. If the square footage is less than 500 sq. feet, it’s administrative. Will the department head meeting be public. He is concerned with the abutters not being notified about smaller projects, and is there an appeal process if the abutters have an issue with the project? The process is still confusing to him, and nothing says that the administrative site plan review will notify the abutters.

Mr. Charbonneau stated that this will allow the applicants to address the issues of the Fire, Police, and different department heads, to be able to improve project and have the right to improve their property without negatively affecting their neighbors. There is not an appeal period since there is not an official decision drafted. He will add the language and if anyone wants to talk about this, please contact me and he would be happy to discuss this.

**Motion** Ms. Jardin to continue this public hearing to May 29th, seconded by Mr. Garland. Approved 5-0, Roll Cali taken, All members in favor.

**Motion** by Ms. Jardin to open Item #3 – Hersee Properties, seconded by Mr. Kabba. Approved 5-0. Roll Call taken, All members in favor.

**Item #3. A Continued public hearing will be held on the petition of Hersee Properties for “Site Plan Approval,” under Section 10.6 of the Stoughton Zoning By-Law for the construction of the proposed 18,000 square foot steel building for nine (9) industrial units 25’x80’ units for sale or rental for small businesses to be located at 409 Canton Street (further identified on Assessors Plan No. 43, Lot 2).**

Applicant and representative, Mr. Gary James, introduced himself. Actually the last hearing went fairly well and we have received approval from Conservation and moved toward filing with Board of Health.

Mr. Horsfall stated that we have been following this project’s latest provisions, since last meeting. They went before Conservation and received approval. Everything that was brought up is on the submitted plan. He had some additional comments about elevation to the septic system. One item that is visual is the dumpster has been relocated to behind the building. The plans have met all comments from his report.
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Mr. Charbonneau explained that he received an email from Larry Perry and this meets the recommendations by the Board of health. An Engineering Review Comment Letter dated 5/4/2020 from Board of Health, Lawrence Perry to James Engineering, Inc. regarding Hersee Properties, Inc. (409 Canton Street) and Stamped by Gary James, P.E. contained some issues that have all been addressed.

Mr. Charbonneau explained that if anyone wants to join and participate in the meeting, you should type into your browser “meet.google.com/zop-nekk-xad?hs=122”.

Mr. Charbonneau wanted to thank Mr. James for his cooperation and comments and has been working with us during this difficult time.

**Motion** Mr. Kelly to Approve the Plans for Hersee Properties for “Site Plan Approval,” as presented and all engineering comments that have been incorporated; and to Authorize Chairman Scardino to sign the Plans; and to close the public meeting, seconded by Ms. Jardin. Approved 5-0, Roll Call taken, All members in favor.

Mr. Charbonneau explained that this is a straightforward decision. He has inserted all comments; and this is not detrimental to the neighborhood. Once this is signed and stamped at the Town Clerk’s office, the Appeal period will begin and then there is the 21-day Appeal period. Chairman Scardino will sign this on Monday and it will be date-stamped & the Applicant will bring back three (3) copies of the plans after 21 days.

**Motion** by Mr. Garland to open Item #4 – 357 Page Street, seconded by Mr. Kabba. Approved 5-0. Roll Call taken all members in favor.

**Item #4.** A Continued public hearing will be held on petition of 357 Page Street, LLC for approval under Site Plan Review under the Stoughton Zoning Bylaws, Section 10.6 for the construction of a 6,400 SF addition to the existing 9,596 SF warehouse located at 357 Page Street (further identified on Assessors Map 94, Lot 32).

Mr. Van Damm explained that since the last meeting, his engineer has sent everything in that was requested by the Board. The only change requested by the Board is that all six (6) arborvitaes in one area and was changed, to move three (3) to another location.
Mr. Charbonneau repeated the Link and stated that if anyone wants to join and participate in the meeting, you should type into your browser “meet.google.com/zop-nckk-xad?hs=122”.

Mr. Horsfall had no issues or comments, and everything was completed by the Applicant. The fence was left at eight (8) feet and not six (6) feet, and ten (10) feet was too much.

There was no comment from the public.

**Motion** Ms. Jardin to Approve the Plans for 357 Page Street, LLC, for Site Plan Review as presented; and to Authorize Chairman Scardino to sign the Plans; and to close the public meeting, seconded by Mr. Kelly. Approved 5-0, Roll Call taken, All members in favor.

Chairman Scardino Congratulated the Applicant.

Mr. Charbonneau stated that this was a simple December. He reviewed all comments and they approved five (5) waivers. He will email the Decision to the Board for their review before signing. And to state for the record, only hours of construction are limited in the decision, not hours of operation of the company.

**Motion** by Ms. Jardin to open Item #5 – General Business, seconded by Mr. Kelly. Approved 5-0. Roll call Taken, All members in favor.

**Item #5. General Business A) Schedule Future Meetings.**

Chairman Scardino stated that our next meeting will be held on May 28, 2020 at 7:00 p.m. The meeting will be virtual until we hear from the Governor.

**Item #5. General Business B) Minutes of February 13, 2020.**

Mr. Charbonneau put the Minutes up on the screen for review; the Board reviewed; and Mr. Charbonneau made a few corrections.

**Motion** by Ms. Jardin to Approve the Minutes of February 13, 2020, as amended, seconded by Mr. Kelly. Approved 5-0. Roll call Taken, All members in favor.
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Mr. Charbonneau stated that he has three (3) pieces of correspondence to discuss with the Board. First is a letter dated April 30, 2020 from the Building Commissioner to Cube Smart to have trees replaced; then they can receive occupancy and have their bond returned.

A letter dated April 29, 2020 from to the Redevelopment Authority from the Planning Board was discussed: “On behalf of the Planning Board with regard to the Stoughton Redevelopment Authority’s (“SRA”) vote to enter into a contract with the BSC Group to begin work on the Urban Renewal Plan. The discussion held between the SRA and the Planning Board on March 12, 2020 resulted in the agreement that the discussion between the Boards would continue at a future meeting of the Planning Board. No specific vote was taken relative to the Urban Renewal Plan since no plan was presented. Given the substantial time and funding commitment by the SRA to the Urban Renewal Plan process, it seems prudent that the SRA and the chosen consultant not engage in significant substantive work on the Urban Renewal Plan until such time as there is a draft version of the new downtown zoning regulations released for public review to know what the parameters of the new regulations will be. I will ensure that the SRA will be among the first to receive the draft regulations when the time comes.”

Mr. Tisdelle sent out a Memo dated April 29, 2020 regarding the Planning Board Web Page Report. He requested a report on the status and his requested updates of the Planning Board web page. He requested a summary of recent changes that have been made to upgrade the information and also items that he would like to update in the future. This is due to this time when we are working from home and it makes the website easier to navigate and have also added additional links to different entities.

In conclusion, Chairman Scardino stated that during these past few months during the pandemic, he would like to thank Mr. Charbonneau for his tremendous work ethic and thank him for the audio for this meeting, and in following the spirit of the law and getting everyone involved. He would like to thank the Planning Board for their participation in this virtual meeting. A lot of time and thought has gone into this and tonight was excellent. He would like to thank the IT Director for teaching us and providing us with aides and with respect to being able to conduct this meeting in a smooth fashion, it is a tribute to everyone and her efforts in a timely matter.

Chairman Scardino that on behalf of the Planning Board he would like to wish everyone a good evening and thank you for being patient with us. Goodnight.

Adjournment

Motion by Mr. Kelly to Adjourn, seconded by Ms. Jardin. Motion Approved 5-0. Roll call taken. All members were in favor.