TOWN OF SToughtON

Massachusetts
MA 02072

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John Charbonneau, Town Planner

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

PLANNING BOARD
MEETING MINUTES
Thursday, MAY 28, 2020

The Stoughton Planning Board met on Thursday, May 28, 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.G.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
Lynne Jardin
Jonathan Garland
Senesie Kabba

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

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 4-0. Roll call taken, All in favor.

Chairman Scardino welcomed everyone to the Planning Board May 28, 2020 meeting, and explained this meeting is being recorded by video and audio by SMAC, so everyone should guide their actions accordingly.

Motion by Mr. Garland to open Item #1 Chairman’s Comments, seconded by Ms. Jardin. Approved 4-0-0. Roll call taken, All in favor.
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Item #1. Chairman’s Comments – SCMUOD Rezoning Updates & Town Meeting Warrant Articles.

Chairman Scardino introduced the Town Planner to explained the SCMUOD Rezoning Updates. Mr. Charbonneau explained that this article is moving forward and the working group has met a few times with the Consultants and with the Downtown Task Force to obtain additional comments. The Consultant is coming to the Planning Board’s June 11th meeting. He has received comments and discussion points, and will forward them to the Board for their review. Further, they are meeting with the Redevelopment Authority on June 15th, and the Board of Selectmen on June 16th, in order to obtain further feedback; gather all the information; and create the survey. They wanted to talk to all the Boards in order obtain any further comments. If anyone is wondering why the Consultant is meeting with the Boards when we have a Master Plan, those studies are general and done from a macro level. We need to show general objectives and start getting specific comments. The Master Plan might say to revitalize the town center, and now they will find out what that will look like, and incorporate all different regulations, including height and use, etc. We know the goals on a broad level and now we want to know what the Town wants this to look like.

Mr. Charbonneau explained that they will be discussing later on, the continued public hearing on the site plan approval by-law article (Article #53) with updated and added comments. There is some sentiment among Town Meeting members that we will be hearing only budget related articles, so he has been proceeding forward, in case the warrant article does move forward. There might be an action or a motion to take no action until the fall, and has no issue with that, but we have to move forward now, in case it is heard and if it gets removed from the warrant, then we will do this again for Fall Town Meeting.

Motion by Ms. Jardin to open Item #2 – ANR 528 Plain Street, seconded by Mr. Kelly. Approved 5-0, Roll call taken, All in favor.

Item #2. Approval Not Required (ANR) Application – 528 Plain Street.

Mr. Charbonneau explained this ANR came in a few months ago and was originally scheduled for the March 26th meeting, but due to Covid19 restrictions, it was not. He explained that he has reviewed the Plan and it meets all submission requirements and is pretty straight forward. The Applicant is adjusting lot lines on Parcels 55, 56, 57 and 58 and creating Lot 1 & 2, with Parcel B remaining unbuildable.
Mr. Horsfall stated that this is located across from Swanson Terrace and in the early 1990's it was an approved subdivision and they are reconfiguring lots 55, 56 and 57 to create Lot 1 and 2. The only issue he has is the potential access to Lot 1 with the wetlands.

Mr. Jacobs, Engineer for the Applicant, explained that they are creating 2 lots out of 4 parcels, and keeping the existing house with plenty of frontage. They have carved out Parcel A in the rear, and will donate the land near the wetlands, in order to get out of the 50’ no touch zone. This is a long range plan.

Mr. Charbonneau suggested that because of staggered office hours, whoever makes the motion should add a motion to allow the Chairman to sign the plans.

**Motion** by Ms. Jardin to Approve the ANR Plan for 528 Plain Street, and also allow the Chairman to sign the Plans, seconded by Mr. Kelly. Approved 5-0, Roll call taken, All in favor.

**Motion** by Ms. Jardin to open Item #3 – ANR 576-580 Pleasant Street, seconded by Mr. Kelly. Approved 5-0, Roll call taken, All in favor.

**Item #3. Approval Not Required (ANR) Application – 576-580 Pleasant Street.**

Mr. Charbonneau explained this is to create parcel A, and just move the lot lines slightly to make a conforming lot, and adjust the other lot lines accordingly.

Mr. Dias of Strongpoint Engineering explained that he was here about a year ago and filed a preliminary subdivision plan for this property. The purpose is to create Parcel A (which is not buildable at this time). If Pleasant Avenue becomes a right of way, this could go forward with a Definitive Subdivision in the future. It reconfigures lines around Lot 2 to ensure it has frontage and area for the future. He is not changing Lot 1 on Pleasant Street, which has frontage. It is the bigger lot with 90 feet of frontage. Lot 1 frontage is 90 feet in the back and then takes a right-hand turn and Lot 2 has all dimensional requirements

Mr. Horsfall explained that both lots, as proposed, meet the requirements and they are creating Lot A to create right of way access for the future and he has no objections to this Plan.

Chairman Scardino stated that he had additional questions that were brought to Town Counsel’s attention and there are no future issues and the Chairman is satisfied.

**Motion** by Ms. Jardin to Approve the ANR Plan for 576-580 Pleasant Street, also allow the Chairman to sign the Plans, seconded by Mr. Kelly. Approved 5-0, Roll call taken, All in favor.
Motion by Mr. Kelly to open Item #4 – Continued Zoning Bylaws, seconded by Ms. Jardin. Motion Approved Roll Call taken, All in favor. 4-0.

**Item #4. A Continued 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”.

Mr. Charbonneau will explain the changes that were made. At the first public meeting there was a comment from a resident that the wording should be more specific, especially under “Full Site Plan Review”. There was a comment about multiple buildings on an individual lot. He is adding clarification of the words “more than 500 feet” or “less than 500 feet”.

Motion by Mr. Kelly to close the public hearing, seconded by Ms. Jardin. Motion Approved 5-0. Roll Call Taken, All Approved.

Motion by Mr. Kelly to send a positive recommendation on this Article, seconded by Ms. Jardin. Motion Approved 5-0. Roll Call Taken, All Approved.

Mr. Charbonneau stated that he would like to thank Mr. Tisdelle and Mr. Hosfor and Mr. Jardin for all their hard work with drafting this Article, and also he would like to thank the Planning Board for all their help.

Motion by Ms. Jardin to open Item #5 – Johnson Avenue, , seconded by Mr. Kelly. Approved 5-0. Roll Call Taken, All Approved.

**Item #5. A Continued public hearing will be held on the petition of owner Alan Cline c/o Cline Property Management, LLC and the applicant AMP Development, LLC for a Definitive subdivision under M.G.L. Ch. 41, Section 81K-81GG and the Stoughton Land Subdivision Regulations for the plan entitled, “Definitive Subdivision Plans for Johnson Ave” located off of Walnut Street (furthermore Identified on Assessors Plan No. 66, Lots 185, 187, 188, 189, 190 and 197 and Map 67, Lots 248, 253 and 254).

Mr. Dias of Strongpoint Engineering introduced Attorney James Burke, and explained that last time they were here was the beginning of the year and the subdivision name has been changed to “Lawler Lane”. At that time, they were working through comments and resolving all issues with the Engineering Department. They were going before the Conservation Commission, and all updated plans show all the revision they have worked through with Engineering. An Order of Conditions has been issued and nothing negative impacts the final Plan. All Waivers remain in place: roadway length of 600; the pavement width was reduced to 26 feet, with limited parking on one side of the road; and every individual tree along with an environment impact report is on the Plans. There are no opposed wetland crossing; utility crossing; roadway remains the same; and they moved stormwater away from the wetland buffer zones. The project is in pretty good shape and has come a long way.
Chairman Scardino explained that he had an issue with the demarcation of the conservation area. They had discussions with the Conservation Commission and on (Sheet C4) - Lots 8 & 9, it was required and they added conservation markers in the clearing, and will install a split rail fence. The clearing exceeds the 50' do not disturb buffer from the wetlands. They had considered extending the split rail fence all the way to the woods, but that would create a good deal of disturbance. Conservation Commission ultimately landed on some flexibility with each lot and each lot will have their own notice of intent. They will each be marked separately on the as-built plan, with plastic medallions and extent 24” above the existing grade. Everything requested by the Conservation Commission is fully described on the Plans.

Mr. Charbonneau stated that he is sorry if he has to mute anyone that is calling in, but it creates a disturbance so everyone has to be muted unless they are speaking. This project was near completion in January and then the virus hit. All issues have been worked out and everything has been approved with Conservation.

Attorney Burke stated that he has microphone problems and thanks the Board for all their help and Mr. Dias covered everything, so the Board can proceed.

Mr. Horsfall stated that he has nothing of substance to add. There were a few minor issues with utilities but they were moved around and all taken care of. The Plans look good, the drainage looks good, and it is all in good shape. They were very close to be completed in January, with just a few issues left with the Conservation Commission, and then the Virus happened.

**Motion** by Ms. Jardin to close the public hearing, seconded by Mr. Garland. **Motion Approved 5-0. Roll Call Taken, All Approved.**

Mr. Charbonneau went through the Decision and all attachments with the Board explaining what he has drafted; any modifications; all the Plans and attached correspondence; all approvals; performance guarantees; waivers; subdivision rules & regulations; public roadways will be cleaned every day during construction; parking of equipment; Order of Conditions; limiting of surety to cash (the Town only accepts cash); and any typos, etc.

Chairman Scardino explained that there is some confusion since the house numbers are usually listed in the Decision and assigned by the Building commission. Since we don’t have the numbers yet it should be designated and identified “on Lawler Lane” as identified by the Building Commissioner and we will be voting on the subdivision and on each waiver separately.
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Motion by Ms. Jardin to accept Waiver #1, Regulations Section IV.C.2b.7, Large trees are not shown on the Plan, seconded by Mr. Kelly. Motion Approved 5-0. Roll Call Taken, All Approved.

Motion by Mr. Kelly to accept Waiver #2, Regulations Section VI.A.3, to allow the length of the dead end roadway to be a maximum length of 600 feet to the edge of the cul-de-sac, seconded by Mr. Garland. Motion Approved 4-0. Roll Call Taken, All Approved (Mr. Kabba, absent for vote)

Motion by Ms. Jardin to accept Waiver #3, Regulations Section VI.A.3, Submission of an Environmental Impact Statement (EIS), seconded by Mr. Kelly. Motion Approved 4-0. Roll Call Taken, All Approved (Mr. Kabba, absent for vote)

Motion by Ms. Jardin to accept Waiver #4, Regulations Section VI.A.2a, to allow a roadway pavement width of 26 feet, seconded by Mr. Garland. Motion Approved 4-0. Roll Call Taken, All Approved (Mr. Kabba, absent for vote)

Motion by Ms. Jardin to Accept the Subdivision and allow Chairman Scardino to sign the Decision for the Board, seconded by Mr. Garland. Motion Approved 5-0. Roll Call Taken, All Approved.

Mr. Charbonneau explained the process to Mr. Dias. The Decision will be signed on Monday and filed with the Town Clerk; there is a 20-day appeal period and on the 21st day it is ready to be picked up and record; and then three (3) copies are returned to the Planning Board.

Mr. Dias wanted to thank the Board for all their help.

Motion by Ms. Jardin to open Item #6 – General Business, seconded by Mr. Kelly. Motion Approved 4-0. Roll Call taken, All in favor.

Mr. Charbonneau stated that he had one (1) piece of communication and Mr. Horsfall will explain.

Mr. Horsfall explained that he has a grant application for a stormwater project at the Hansen Elementary School across the street from the Taj project, through the DEP & EPA. This is a similar project to the one at the Gibbons School. It is a stormwater management project to improve water quality and he is requesting that the Planning Board support this project.

Chairman Scardino explained that the Chairman makes the decision when a matter can be heard without being on the Agenda, and we are hearing this request by Mr. Horsfall.
Motion by Ms. Jardin to support this stormwater project and to have the Chairman sign the letter in support, seconded by Mr. Kelly. Motion Approved 4-0. Roll Call taken, All in favor.

Chairman Scardino stated that the next two (2) meetings will be held on June 11th and June 25th.

Mr. Charbonneau stated that the last two (2) meetings were presentations on the SCMUOD. We have new projects coming up in the near future; the Kelly Project and the Parsons Building, so it is great that we have caught up with the projects we have been working on.

Chairman Scardino stated that on behalf of the Stoughton Planning Board he would like to wish everyone a good evening, and another smooth meeting.

Adjournment

Motion by Ms. Jardin to Adjourn, seconded by Mr. Garland. Motion Approved 4-0.