TOWN OF STOUGHTON

Massachusetts
MA 02072

Stoughton Town Hall
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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
MEETING MINUTES
Thursday, December 12, 2019

The Stoughton Planning Board met on Thursday, December 12, 2019 at 7:00 p.m. at the Stoughton Police Department, Community Room, 26 Rose Street, Stoughton, MA 02072.

The following members were present:
Joseph Scardino, Chairman
Daniel Kelly
Lynne Jardin

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 Ms. Jardin. Approved 3-0.

Chairman Scardino welcomed everyone to the Planning Board’s December 12, 2019 meeting. He explained that this meeting is being recorded by video and audio by SMAC, and will be played on a tape delay in the future, so everyone should guide their actions accordingly.

Motion by Ms. Jardin to open Item #1, Chairman’s Comments, seconded by Mr. Kelly. Approved 3-0.

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Item #1 Chairman's Comments:

Chairman Scardino explained that a Special Town Meeting was held on December 4, 2019. Two (2) Articles were presented: Article #12 regarding allowed use of "Theatre" in the SCMUOD; and Article #13; Increase in the Parking Radius to 1,300 feet. Both of these Articles passed at Town Meeting and will go into effect when approved by the Attorney General's Office.

Motion by Ms. Jardin to open Item #2, Central & Turnpike Street ANR Plan, seconded by Mr. Kelly. Approved 3-0.

Item #2. Central & Turnpike Street (ANR Plan).

Jack Larson introduced himself and explained that owns 33 acres and plans on subdividing this and creating six (6) residential lots. He has spoken with Conservation and will have the wetlands delineated and filed.

A memo from Lawrence Perry, Board of Health Agenda, to John Charbonneau, Town Planner, was read into the record: Hi John, It appears that the existing building is serviced by town water and sewer according to the town computer records, although not stated on the plan. If that is the case then there would be no BOH issues I know of at this time for these properties. FYI, 310 CMR 15.01c(2) states that an official title v inspection is "required to be performed" (by a MA licensed Title 5 inspector and submitted to the BOH) as part of an assessment "prior to the dividing of a facility" and the State code goes on to say that the "the division of the facility shall not be approved unless the approving authority (local BOH) has determined that the division will not put existing systems in non-compliance with Title 5 and the applicant has demonstrated to the satisfaction of the local BOH that the division of property will not prevent the update of existing (onsite septic) systems in accordance with Title 5". In my opinion, if the board and the applicant have knowledge that there is an existing onsite septic system on any of the subject properties(2), any approval without a Title 5 assessment could be considered "enabling violation" of the Massachusetts State regulations referenced at the beginning of this paragraph. I would recommend if possible to require your applicants to either show water & sewer utilities on the plan or to at least put a note on the plan to state that the property is on town water, town sewer and/or is serviced by an onsite septic system &/or an onsite well, to make the approval process more efficient and to make the board aware of any potential issues that would need further assessment before approval. I would also recommend the applicant be required to state on the plan the actual upland acreage existing and proposed to better assess any reduct or potential non-conformity from existing to proposed for the existing structures and associated lot. Larry Perry BOH.”

John Charbonneau, Town Planner, stated that they are creating these lots which meet all requirements and he recommends and supports this ANR. Although there are septic issues, they are not relevant at this time.
Motion by Ms. Jardin to Approve the ANR for Central & Turnpike Street, seconded by Mr. Kelly. Motion Approved 3-0.

Motion by Ms. Jardin to open Item #3, 104 Page Street Special Permit for Sign, seconded by Mr. Kelly. Approved 3-0.

Item #3. 104 Page Street Special Permit for Sign – Decision Review, Discussion and Endorsement.

Mr. Charbonneau explained that he has prepared a Decision for 104 Page Street for the new signs and locations as approved by the Conservation Commission. The condition refers to the Conservation Commission’s Order of Conditions of October 18, 2009, which shows the specific location. The size, dimensions and location has been updated on the Plans.

Motion by Mr. Kelly to Approve and Sign the Decision for “104 Page Street Special Permit for Sign”, seconded by Ms. Jardin. Motion Approved 3-0.

Motion by Mr. Kelly to Open Item #4, Glen Echo Lake, seconded by Ms. Jardin. Motion Approved 3-0.

Item #4. A Continued public hearing will be held on the petition of Robin Muskian-Grimm, Town Manager, Town of Stoughton, 10 Pearl Street, Stoughton, MA 02072 on behalf of the Town of Stoughton for Site Plan Review under the Stoughton Zoning Bylaws, Section 10.6 to construct a paved access drive with gravel shoulders, a “great lawn, a gravel access drive to Glen Echo Lake, 47 surface parking spaces, a portable restroom area, stormwater management areas, picnic tables, walking paths, associated wooden guardrails and fencing, a water service connection and associated site grading off of Glen Echo Boulevard on the property known as (Assessors Map 70, Lots 104, 128 & 129 and Map 82, Lots 34, 35 and 37).”

Mark Tisdelle, Town Engineer for the Town of Stoughton, introduced himself, and explained that the Town has been waiting awhile to get this project to where it is today. The 2011 Annual Town Meeting approved funds to purchase several properties that consist of approximately 97 acres referred to as the Glen Echo Park. The work was done by the Engineering Department, including himself, Craig Horsfall and Mike Nolan. They used Auto-Cad to generate the site plans and they saved the Town money by doing the work themselves. In 2014 a Feasibility Study with a Concept Plan was completed by Kyle Zick Landscape Architects. Conservation Restrictions were approved by the Department of Conservation and Recreation in October, 2018. A Site Plan was submitted to the Conservation Commission and presented at a Notice of Intent Public Hearing. The Plans were Approved.
The Existing Conditions are 40.3 acres of Affected Parcels; 87.6 acres of total Conservation Area; and 6.7 acres of Active Recreation Area. The Site location is off of Glen Echo Boulevard and Deady Avenue and abuts Glen Echo Lake to the North.

Mr. Tisdelle presented maps of the existing conditions. The following are site characteristics:

- A 1,000 foot long access drive and an existing 20’ wide causeway that bisects to two wetland areas directly off of Glen Echo Boulevard. The Causeway is approximately 200’ long;
- There was an existing commercial establishment prior to a fire years back;
- Mostly wooded with some gravel areas;
- The area contains wetland areas a 100-year FWEMA flood zone;
- Many old foundations remain on the property;
- There are many walking paths;
- Topography slopes from elevation 260 in the east to 210+/near southern wetland area, Pickney Pond and Glen Echo Lake.

The Proposed conditions include:

- A 4.1 acre of work area;
- Newly paved access drive, 15’ wide with 2.5’ wide compacted gravel shoulders with a turnaround area which was Fire Department approved.
- 47 proposed parking spaces which are 9’x19’ space size; 15 standard paved spaces; 2 accessible spaces; 26 overflow gravel spaces; 4 gravel spaces off of Deady Avenue;
- The “Great Lawn” will consist of 0.8 acres;
- Existing 8” water main on site to remain with DPW to install a new water service to the proposed spigot near Porta Jon area;
- 11’ wide gravel access drive to Glen Echo Lake for noon-motorized watercraft;
- Six (6) picnic tables, split rail fence, and wooden guardrails where needed;
- An automated gate for Glen Echo Boulevard entrance, with a lockable gate for Deady Avenue;
- Causeway will be improved and is approximately 200’ long and 20’ wide;
- Rip-rap will be on side slopes; along with guard rails; and
- The Causeway is located in the FEMA 100 year flood plain, with no grade change proposed.

The benefits will be: Fire Truck accessible; permanently stabilized by new pavement and rip-rap slopes; permanent barrier for the wetland protection by the guardrails; and water quality will be improved.
Stormwater Management:

- Design complies with the DEP Stormwater Management Regulations and Standards;
- Low-Impact Design Techniques utilized (grassed swales, filter strips, reduced pavement width);
- Reduces Stormwater Runoff Rates from Pre-development rates;
- Test Pits completed to verify groundwater table elevations and soil textures;
- Infiltration Basin designed to handle 100 year storm;
- Provides groundwater recharge to the aquifer via Infiltration Basin;
- Improves water quality to abutting resource areas through enhanced Total Suspended Solid Removal and Infiltration;
- Majority of runoff from the paved Access Drive is directed towards grassed swales that discharge to a forebay and overflow to the Infiltration Basin. The Basin discharges via a 15' pipe located 90' from the wetland edge;
- There is a Long Term Operation and Maintenance Plan and Pollution Prevention Plan that has been prepared, along with a Construction Period Stormwater Pollution Prevention Plan.

In conclusion, Mr. Tisdelle stated that Mr. Horsfall worked on this project a long time and did a great job.

Mr. Horsfall stated that even though this is a Town Project, it went through the same process as any other applicant does.

Dan, an abutter to this project was concerned with the parking and wondered why the parking is passed the boulders down a dark dirt road. He feels that we are inviting things to this area and it is not smart. He doesn’t mind people walking down there, but not giving them parking spaces in that area.

Eric Coleman, Vice Chairman of the Glen Echo Committee, stated that the parking is on the outside of the gate which will be locked. Also, everyone has a cell phone so a call box in this area is not necessary.

Mr. Tisdelle stated that there is no plan at this time to have lighting in this area and the gate is locked at dusk. Solar powered lights could be a cost efficient option.

Mr. Charbonneau read a letter from the Police Department’s Safety Officer, into the record. All issues were resolved at a meeting with the Police Department.
Mr. Cody had a few issues including: the narrow road; not enough parking; no room for cars; lighting issues; where is the active recreation area; and wireless calls do not go directly to emergency services in the town. There is no reception in this area and he has a lot of reservations about this project.

Steve Smith of Glen Echo Boulevard explained that since the Town took the property, not welcoming things have happened to this area, including dumping; speeding; and people hiking into his backyard so there is no privacy. He has lived there for 60 years and there are lots of paths that residents can use without trespassing on private property. He also feels that the residents in that area have taken the brunt of this Town project. In conclusion, he asked what happens if someone gets locked in the area once the gate is locked.

Marcia of 263 Glen Echo Boulevard was concerned with the location of the gate. She owns two (2) lots and does not want the gate placed on or near her property so she is blocked in.

Kim Mylon of Canton MA, who abuts the Lake on the Canton side stated that she never received notice of meetings and there are only two (2) property owners on the Canton side of the lake. She received one (1) Notice of Intent from Conservation. She is concerned with this project and is very frustrated she has not received notices for these meetings with the exception of the couple she received. Further, she feels that 47 parking spaces are excessive and opening up to a lot of activity.

Tad Johnson stated that the Town needs to install “Private Property” signs in this area, and some of the trails lead directly to private property.

Mr. Tisdelle explained that there will be well posted signs and security cameras, and the gate has not been finalized yet.

Motion by Mr. Kelly to close the public hearing on Glen Echo Lake, seconded by Ms. Jardin. Approved 3-0.

Mr. Charbonneau explained that he has prepared a draft Decision with conditions and asked if the Board would like to sign this tonight. The bulk of the Decision is the basic history; findings; and general conditions. He will add the following as special conditions:
• Lighting with cameras;
• Order of Condition, with input by the Conservation Commission and the Police Department letter;
• Hours of Construction - M-F 7:00 a.m. – 6:00 p.m.; Saturday 8:00 a.m. – 5:00 p.m.; No machinery or construction on Sundays or Federal Holidays;
• Relocation of Gate – back ten (10) feet;
• Proper signage is placed on the site;
• Add any other safety conditions;
• Remove four (4) parking spaces;
• Define where private property is and the trails end;
• Work with the Town to improve the quality of the existing road; and
• Money allocated to improve Glen Echo Road as a Special Condition.

Mr. Charbonneau stated that he will draft and add the conditions and resend the Decision to the Board for their review.

Ken Koshagarian of Canton explained that when people go kayaking they enter his property from the water and who should he call if there are trespassers, Canton or Stoughton Police. Also, he has well water, is there any treatment of the water.

**Motion** by Mr. Kelly to Approve the Special Permit with the Conditions as amended for Site Plan Review of Glen Echo Lake, seconded by Ms. Jardin. Motion Approved 3-0.

The Board members took a ten (10) minute break at 8:20 p.m.

The Board returned and continued the meeting at 8:30 p.m.

Motion by Ms. Jardin to open Item #5. Alan Cline, c/o Cline Property Management, seconded by Mr. Kelly. Approved 3-0.

**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 (further references Identified on Assessors Plan No. 66, Lots 185, 187, 188, 189, 190 and 197 and Map 67, Lots 248, 253 and 254).**
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Motion by Mr. Kelly to continue Item #5, Alan Cline, until January 9, 2010, seconded by Ms. Jardin. Motion Approved 3-0, with no abstention, no opposition, motion carries.

Motion by Mr. Kelly to open Item #6, Oxford Development, LLC, seconded by Ms. Jardin. Approved 3-0.

Item #6. A continued public hearing will be held on the petition of Oxford Development LLC for approval under Site Plan Review under the Stoughton Zoning Bylaws, Section 106. For the construction of a proposed commercial building with associated parking and driveway to be shared with the pump station located at Lot 2 Washington Street (further identified on Assessors Map 60, Lot 23).

Motion by Mr. Kelly to continue Item #6, Oxford Development LLC, until January 9, 2010, seconded by Ms. Jardin. Motion Approved 3-0, with no abstention, no opposition, motion carries.

Motion by Mr. Kelly to open Item #7, Hersee Properties, seconded by Ms. Jardin. Approved 3-0.

Item #7. 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 Bylaws, for the construction of the proposed 18,000 square foot steel building for nine (9) industrial units 25’ x 80’ units for sale or rental for small businesses to be located at 499 Canton Street (further identified on Assessors Plan No. 43, Lot 2).

A continuance has been requested by the Applicant.

Motion by Mr. Kelly to continue Item #7, Hersee Properties, until January 9, 2010, seconded by Ms. Jardin. Motion Approved 3-0, with no abstention, no opposition, motion carries.

Motion by Ms. Jardin to open Item #8, 55 Monk Street, seconded by Mr. Kelly. Motion Approved 3-0.

Item #8. 55 Monk Street – Modification Request Discussion.

Attorney Jim Burke of 48 North Pearl Street, Brockton, MA, introduced himself and his client, Corvo Properties (Anthony Ruscito). He explained the brief history of this property. They had some difficulty with the seller and went through lengthy litigation but everything is now settled and they are ready to pull a foundation permit. This development is in the best interest of the town and they are requesting a minor modification to the Plan. Some of the minor modification are:

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(1) They moved around the indoor storage space which caused some parking issues and reduced the parking spaces from 24 to 21 parking spaces; (9) spaces are under the building; (3) parking spaces were lost to add storage; and bike storages was moved inside;

(2) The elevator was moved to the northeast corner of the building; the lobby was moved back; and the entry area is now located on the side of the building;

(3) The handicapped parking was moved outside;

(4) The entrance is on the sidewalk side of the building;

(5) A secondary staircase wasn’t on the original plan and was added.

Mr. Charbonneau explained that they have added compact parking spaces. The Applicant brought the new plan in and the building footprint is not changing. The functionality is greatly improved and it is his recommendation that this is a minor modification.

Mr. Horsfall stated that these are minor changes in nature, but it is a change to what the Board had originally seen. The By-Law does not speak about it, but the Electric Department would like the transformer moved. Further, compact parking complies with the Town’s parking regulations, and there is no difference in the regulations with compact or regular parking spaces. The only condition is that no more than (30) spaces can be compact, and they can still meet the requirements. The applicant has reduced the parking to 21 spaces, and that can be reduced since (17) is required.

Mr. Kelly as concerned to why the vestibule was changed.

Corvo Properties (Mr. Ruscito) explained that this was a structural and safety issue, and it is more convenient to have a side entrance instead of a street entrance.

The Board was concerned with the appearance of the new modification and would like to see what it will look like.

Mr. Ruscito explained that he will submit a rendering for the Board to review.

**Motion** by Ms. Jardin to open Item #9, 1530 West Street, seconded by Mr. Kelly. Approved 3-0.
Item #9. 1530 West Street - Subdivision Lot Release & Bond Reduction Discussion

Mr. Selby introduced himself and explained that the applicant met with the Engineering Department and the remaining items left to be completed are: setting the concrete bounds, installation of a street light, and the painting of hydrants. They are waiting for the revisions to the as-built plan to be completed and are looking for a bond release, and a Lot Release for #1, 1530 West Street.

Mr. Horsfall explained that the road was paved (2) years ago in 2017 and they did a very nice job. He agreed with the outstanding items being the setting of the concrete bounds (with the bid pricing as required by the DOT); installation of a street light; and the final as-built plan being completed. Further, it was determined that the Engineering Department recommends that the withheld surety of $86,544.98 be reduced to $38,500 and release the difference in the amount of $48,044.98; along with an “Estimate of Surety Bond for the 1530 Estates Subdivision, dated November 1, 2019.” Prepared by Mike Nolan, Checked by Craig Horsfall, and Approved by Mark Tisdelle, Town Engineer.

Motion by Ms. Jardin to Release the Surety in the amount of $48,044.98, leaving $38,500 in the account, seconded by Mr. Kelly. Motion Approved 3-0, with no abstention, no opposition, motion carries.

Motion by Ms. Jardin to Release Lot #1, 1530 West Street, seconded by Mr. Kelly. Motion Approved 3-0, with no abstention, no opposition, motion carries.

Motion by Ms. Jardin to open Item #10, General Business, seconded by Mr. Kelly. Motion Approved 3-0, with no abstention, no opposition, motion carries.

Motion by Ms. Jardin to Approve the Minutes of November 19, 2019, seconded by Mr. Kelly. Motion Approved 3-0, with no abstention, no opposition, motion carries. The Minutes of October 10, 2019 will be voted on at the next meeting, due to not enough members to vote that were present at that meeting.

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

Adjournment

Motion by Mr. Kelly to Adjourn, seconded by Ms. Jardin. Motion Approved 3-0.