TOWN OF STOUGHTON
Massachusetts
MA 02072

Stoughton Town Hall
10 Pearl Street
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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, January 9, 2020

The Stoughton Planning Board met on Thursday, January 9, 2020 at 7:00 p.m. at the Yaitanes Meeting Room, 10 Pearl Street, Stoughton, MA 02072.

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

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

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

Motion by Mr. Kabba to open the public meeting, seconded by Mr. Kelly. Approved 4-0.

Motion by Mr. Kabba to open Item #1 Chairman’s Comments, seconded by Mr. Kelly. Approved 4-0.

Item #1. Chairman’s Comments.

Chairman Scardino welcomed everyone to the Planning Board January 9, 2020 meeting, and explained this meeting is being recorded by video and audio by SMAC, so everyone should guide their actions accordingly. He explained it is good to be back in the Yaitanes Meeting Room after a few months away during the construction period.

Approved February 13, 2020
Chairman Scardino explained at the December 6, 2019 Town Meeting, all of the Zoning By-Law changes passed. The Theater Article recognized the use in the SCMUOD and the off-site parking radius went to 1,300 feet. The approved Articles will now be filed with the Attorney General’s Office. He would like to thank several downtown groups and the leadership of the Downtown Task Force for funding that was approved at Town Meeting.

Mr. Charbonneau explained that $50,000 was approved at Town Meeting for technical support to rewrite the SCMUOD. An RFP was published with the help of Chairman Scardino, the Engineering Department, and himself. There was only one (1) applicant, the BSC Group. They were not comfortable with the BSC Group, so the budget was increased and minor modifications were made to the RFP. Provisions were added, such as teleconferences for meetings. We will be interviewing the new Applicants for this soon.

**Motion** by Mr. Kelly to open Item #2, O’Reilly Auto Parts, seconded by Mr. Garland. Approved 4-0.

**Item #2. O’Reilly Auto Parts – Landscaping Bond Release Request.**

Attorney Barry R. Crimmins of 909 Washington Street introduced himself and Mr. Robert Sciavo, owner of the site. The Site Plan was approved in 2017 and a Landscaping Bond put down for $22,000 on May 10, 2018. Mr. Charbonneau and the Engineering Department signed off on the Landscaping Plan and all work was been completed and inspected, and they are authorizing a release of the Bond. The day lilies which were added were also inspected and all plantings are healthy.

Chairman Scardino stated that they day lilies were added last year so he requests to keep $2,000 for a one-year growing season and that money can be released next spring. He is in favor of releasing $20,000 and holding the $2,000 until the spring.

Attorney Crimmins stated, with due respect, the Bond which was put down for $22,000 was to cover for one growing season, from May 10, 2018 through May 10, 2019 has been addressed. You don’t start the clock again. So with all due respect, they are requesting the full amount to be released.

Mr. Kelly explained that the “spacing was in dispute” and the Plan was not complete. The new plantings were planted in the fall and have to survive one (1) growing season. We can release $20,000 and hold the $2,000 until May 31, 2020, so we will put this on the Agenda for the first meeting after May 31st.
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Motion by Mr. Kelly to release $20,000 of the Landscape Bond for O'Reilly Auto Parts and hold the $2,000 until next spring, seconded by Mr. Kabba. Motion Approved 3-0-1 (Garland Abstained).

Mr. Charbonneau stated that he will send a letter to the Treasurer's Office to release the funds.

Motion by Mr. Kelly to open Item #3 – 55 Monk Street – Minor Modification, seconded by Mr. Garland. Approved 4-0.

#3. 55 Monk Street – Minor Modification

Attorney James Burke introduced himself and the Applicant, Corvo Properties (Anthony Ruscito). He explained that there were some architectural issues and minor changes to the building that had to be made. Color renderings of the building before and after were presented to the Board, along with the change of composite from the original brick. Also discussed was the dumpster with a different color used to conceal it.

Chairman Scardon stated that white PVC is what is usually used for the dumpster area, but this rendering looks better and he likes the darker look. He had some confusion about the signed plans and if everything was included in these plans.

Corvo Properties explained that they colored PVC around the dumpster will match the first floor color. The will be having a sign on Porter Street which will say “The Charles”; and the landscaping plan has already been approved.

Mr. Horsfall explained that all minor modifications were on the signed plans and everything fits with the minor changes and everything stands. If anything needs to be added, the Board can do an Addendum.

Attorney Burke explained that this is a minor modification and everything has been provided to the Board, and he hopes the Board can make a Decision tonight.

Motion by Mr. Kelly that this is a minor modification, with the following conditions to be added to the plans: the entry canopy is added; the window heights and sizes will line up with the ventilation; and the color and materials of the dumpster will match the building, seconded by Mr. Garland. Approved 4-0.

Motion by Mr. Kelly that this is a minor modification and the changes will be reflected in the Decision subject to Mr. Charbonneau’s changes before the Decision is issued and signed, seconded by Mr. Garland. Approved 4-0.

Approved February 13, 2020
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Motion by Mr. Kabba to open Item #4, Maegregor Morgan, seconded by Mr. Kelly. Approved 4-0.

#3. A New Public Hearing will be held on the Petition of Maegregor Morgan for a Special Permit under Section 6.2.7 “Special Permit” and petition of waiver(s) from the maximum 10% of the area of the wall, from the requirements of Section 6.2.3(3), “Signs” for the property located at 763 Washington Street (further identified on Assessor’s Plan No. 54, Lot 106).

Chairman Scardino read the hearing notice into the record: “A public hearing will be held in the Vaitanes Meeting Room, Third Floor, 10 Pearl Street, Stoughton, MA, on Thursday, January 9, 2019 at 7:00 P.M. on the petition of Maegregor Morgan for a Special Permit under Section 6.2.7, “Special Permit” and petition of waiver(s) from the maximum 10% of the area of the wall, from the requirements of Section 6.2.3(3), “Signs” of the Town of Stoughton Zoning Bylaw of November 18, 2015 and pursuant to M.G.L. Chapter 40A, §9; to allow a non-conforming sign on the property located at 763 Washington Street (further identified on Assessors Map 54 Lot 106. The Special Permit Application 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. 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 December 25, 2019 and January 1, 2020.”

Maegregor Morgan, Owner, Pam McCarthy, Economic Development, and Nancy Frangolis, the Architect of the project introduced themselves. Ms. McCarthy explained that this project was under a Grant for the Downtown area for businesses owners to install a new sign. The sign is for the Army Navy Store. The sign was for 150 square feet or 10% of the size of the store front of the building. After the sign was installed they realized that there were miscalculations and the 10% was only for the letters and the backboard was not included. They are before the Board tonight for a Special Permit to waive the 10% maximum store front, which was miscalculated, and allow the new sign. The sign façade grant was created to improve the look of the Downtown.

Motion by Mr. Kelly to Accept this Special Permit and grant the waiver for the sign of this sign, seconded by Mr. Garland. Approved 4-0.

Motion by Mr. Kabba to open Item #4, 357 Page Street, LLC, seconded by Mr. Kelly. Approved 4-0.

Approved February 13, 2020
#5. A New Public Hearing will be held on the 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).

Chairman Scardino read the hearing notice into the record: “A public hearing will be held by the Stoughton Planning Board in the Yaitanes Meeting Room, Third Floor, 10 Pearl Street, Stoughton, MA, on Thursday, January 9, 2019 at 7:00 P.M. on the petition of 357 Page Street, LLC, 23 Highland Road, Roslindale, MA 02131. The Applicant’s representative is Coneco Engineer’s & Scientist, Inc., 4 First Street, Bridgewater, MA 02324. The Applicant is seeking approval for Site Plan Review under the Stoughton Bylaws, Section 10.6 to construct a 6,400 SF addition to the existing 9,596 SF warehouse building. The property is located within the Industrial (I) zoning District. The property know as 357 Page Street and (Assessors Map 94, Lot 32). The Site Plan Review Application and plans can be viewed at the office of the Town of Stoughton Planning Board, Engineering Department, Town Hall, 10 Pearl Street, Stoughton, MA, during normal business hours. 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 December 25, 2019 and January 1, 2020.”

Damien J. Dmitruk of Coneco Engineers, Bridgewater, introduced himself, along with Ari Vandam and Philip D’Angelo, Owners of the Property. Mr. Dmitruk explained that the design plans from 2013 site were not completed. There is a simple entrance; parking; they are trying to tie in the utilities; working on completing of hedging; screening; grading; roof drains on the southern side are now being brought around. They have received comments from engineering and will address them and come back before the Board.

Chairman Scardino explained that the landscaping was from seven (7) years ago and they will want something more with substantive planting before approval is given. Further, this is not an attractive street and the first step is to try to put lipstick on this area. The Board is requesting a substantive increase in the landscaping; white PVC; a gate; trees and color of all plantings.

Mr. D’Angelo explained that this is a trucking company and a storage establishment for autos and parts. A gate is not feasible with the large trucks that enter the property. Some are 45-50 feet long. They have had issues with the neighbors for years, and he wants to clean up this area with no maintenance. He has cameras for security all around the property.

Mr. Kelly stated that there needs to be screening in the front and he would like the fence be set back and add trees, such as a dense planting of arborvitaes.

Mr. Garland suggested plantings of trees 8 to 10 feet tall in lieu of a fence.
The Board discussed that the Applicant should come back with a Landscape Plan which shows the height, color and number of the plantings; deer resistant species; and color renderings.

Motion by Mr. Garland to continue this hearing, seconded by Mr. Kelly. Approved 4-0.

Chairman Scardino stated that they will be taking the Agenda out of order.

**Motion** by Mr. Kelly to open Item #6, Oxford Development, LLC, seconded by Mr. Garland. Approved 4-0.

**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).**

Mr. Charbonneau explained that they received the revised plans on Monday, which is less than a week before the meeting, and there was not proper time to properly review them.

**Motion** by Mr. Kelly to continue Item #6, Oxford Development LLC, seconded by Mr. Kabba. Motion Approved 4-0.

Motion by Mr. Kabba to open Item #7, Alan Cline, c/o Cline Property Management, seconded by Mr. Kelly. Approved 4-0.

**Item #7. 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 identified on Assessors Plan No. 66, Lots 185, 187, 188, 189, 190 and 197 and Map 67, Lots 248, 253 and 254).**

Attorney James Burke introduced himself, along with Alan Cline, Owner of the property, and Eric Dias of Strongpoint Engineering.
Mr. Dias explained that they were before the Planning Board in October, 2019 and since then have done a lot of work on the Plan and had numerous meetings and discussions with Town Officials. There had been 38 outstanding issues that had to be addressed and he redesigned the whole stormwater system. He has received an updated letter from Engineering and there are now only ten (10) outstanding issues. Seven (7) are minor and three (3) have to do with the utility crossing that they are working on. Further, he has submitted a Notice of Intent with the Conservation Commission and they are going before them a week from tonight. He is working with DPW to loop the water main. All stormwater management issues have all been addressed and completed regarding the rate and volume of the wetlands. In conclusion, the new plan has a 500 foot road and the subdivision has the name number of lots.

Mr. Horsfall stated that Eric has done a great job and just has a few outstanding issues, including:

- Additional distances should be labeled, where proposed lot lines meeting the outer property boundaries, the overall distance shall be labeled on the outside of the lot and the distance between the new lot lines shall be labeled on the interior of the lot. The proposed bounds shall be shown at all PC/PT's along the Right of Way. Five bounds are missing on the plan;
- Easement documents shall be submitted upon approval of the subdivision. The easement documents will be reviewed and approved by the Engineering Department and shall be recorded at the Registry of Deeds prior to any construction;
- Recommend the Easement be widened to 40 feet and designated as a Utility Easement to allow for the potential installation of a water main looped through the subdivision to Walnut Court and to allow additional room for future maintenance of the utilities. The lot lines for lots 6-9 may need to be adjusted to accommodate the wider easement width.
- The method of connecting to the existing water main in Walnut Street shall be specified on the plan; and Public Works has requested that the proposed water main for the subdivision be looped and connected to one of the existing water mains in either Walnut Court or Holbrook Avenue. The Applicant shall coordinate both of these issues with the Public Works Department;
- Erosion controls should be added to the Plans;
- Additional information is required for the Temporary Disturbance of the wetlands due to the proposed sewer connection to the existing main. Additional information may include but is not limited to erosion control measures; dewatering methods; construction sequencing; wetland restoration and/or mitigation;
- The proposed configuration of the driveway for the lot at 379 Walnut Street should be shown on the plan for consideration of the waiver request;
- Stop line detail and crosswalk detail need to be added to the Plan; and
- The Applicant should clarify if it is anticipated that the road will be accepted by the Town upon completion as a Public Way. If the road is not to be accepted by the Town then a Homeowner's Association must be established for the maintenance of the road and utilities, including the Stormwater Management System.

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Attorney Burke stated that there are no requirements for a 50 foot buffer and doesn’t understand where this is going.

Chairman Scardino stated that he is looking for color renderings, and they do not want to create erosion issues during the construction period.

Mr. Horsfall added that there are three (3) curb cuts, which he finds excessive, and the current owner is requesting a three (3) tenement house with a garage in the rear. Besides these issues most of the comment are minor.

Mr. Charbonneau had a few comments on this project, including:

- The application and site plan meet all of the submission requirements for a Definitive Subdivision Application;
- The proposed residential lots meet the minimum dimensional requirements for the Residential-Urban (RU) zoning district for lot size, frontage and lot shape;
- With the exception of the waivers requested, the proposed roadway meets the requirements of the Town of Stoughton for a public roadway; and
- The Applicant has implemented all amendments proposed thus far by the Planning Department.

Peter Bannis of 41 Walnut Court, stated that he has been attending meetings for past two (2) years and he has issues with the Waiver request for the length of the road; and he wants an opinion on the three (3) family house.

Eric O’Shanski of Walnut Street explained that he is the most impacted by this subdivision. He is very concerned with the house to his left since his house is at the extreme bottom of the hill. When they redid the road fourteen (14) years ago there was no lip on the curb so there was flooding.

Mr. Dias explained that his design will provide protection and the house will work as a retaining wall for the water. There will be slopes on the side and the houses will almost be at the same level. Further, they are going before the Conservation Commission next week and these issues will be addressed. There are no construction details yet and they are still working through the issues.

Chairman Scardino explained that the Board is looking out for the protection of the Town, not the developer, and nothing has been approved yet and nothing can start until everything has been approved.
James Leonard of 53 Walnut Court stated that he is glad to see a forty (40) foot easement, but would prefer at fifty (50) foot easement.

Mr. Horsfall stated that we are all working hard on this project and looking at all the drainage; all the issues; and everything will be incorporated into this site.

Mr. Dias stated that we will comply with all construction rules and guidelines.

An abutter at 39 Holbrook Avenue was concerned that this new plan might cause more problems.

An abutter at 71 Oak Road was concerned that since there is water in his yard now will more water be sent in the same direction.

Mr. Horsfall explained that the rainfall amounts and the charts have just been updated so all adjustments have been made with the updated information. The concept plan is required to adhere to approval rules and regulations.

Mr. Kabba wanted to know if this plan is in the public good.

Mr. Dias explained they are working with the abutter and they will work with Mr. Horsfall about adding a berm at the end of his driveway.

**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 continue this hearing until February 13, 2020, seconded by Mr. Kabba. Motion Approved 4-0.

Motion by Mr. Kelly to open Item #8, Hersee Properties, seconded by Mr. Garland. Motion Approved 4-0.

**Item #8. 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).**

Approved February 13, 2020
Mr. Scott Hersee passed out photos to the Board showing where the trees will be removed from different locations. They have made revisions to the plan and are working DPW and the Water Department. Some of the revisions they have made are:

- Widening the road;
- Added spillway
- Drainage at entrance;
- Stormwater revisions, including adding two (2) more catch basins to reduce the amount of water;
- Addition of two (2) handicapped parking spaces in front;
- Added parking in rear;
- Landscape Plan is set and species are deer resistant;
- 1500 tide tank (not 100% yet) are in the floor with 250 tanks, with each tenant responsible for maintenance through an HOA;
- Garage doors are shown; and
- Sidewalks are shown.

Chairman Scardino stated that this plan needs curb appeal which will add more value to the property. This area needs to be dressed up and maybe the addition of red maple tree might add some color to this area. This Plan is 90% almost there and he would like the Applicant add a few more trees to the front entrance.

Mr. Hersee stated that he will talk to Mr. Horsfall and they will also discuss the vertical granite.

Mr. Charbonneau explained that he has revised his comment letter and everything has been addressed.

**Motion** by Mr. Kelly to continue this hearing until February 13, 2020 at 7:00 p.m., seconded by Mr. Garland. Approved 4-0.

**Motion** by Mr. Kelly to Open General Business, seconded by Mr. Garland. Approved 4-0.

**Motion** by Mr. Kelly to Approve the Minutes of October 10, 2019 and December 12, 2019, with corrections, seconded by Mr. Garland. Approved 4-0.

**Motion** by Mr. Kelly to Open Item 10 Discussion – 151 West Street Right of First Refusal, seconded by Mr. Garland. Approved 4-0.
Mr. Kelly explained that he was concerned with this item, 151 West Street. This was offered to the Town for Open Space and Preservation. He was glad we were informed and notified of this, but he has no feelings either way. Mr. Kelly stated that this doesn’t enhance anything in the town so why does the Town keep buying land.

Mr. Charbonneau explained that this information is in everyone’s packet along with a map and this is a $330,000 piece of land.

**Motion** by Mr. Kelly to have the Town Planning draft a letter that the Planning Board has discussed the 151 West Street matter and does not feel this is in the best interest of the Town to purchase this land, seconded by Mr. Garland. Approved 4-0.

Chairman Scardino stated that the February Planning Board Meeting will be held on February 13th and not the 6th. Mr. Charbonneau will notify the Applicants of this date, especially the Johnson Avenue abutters. On behalf of the Planning Board he would like to wish everyone a good evening.

**Adjournment**

**Motion** by Mr. Garland to Adjourn, seconded by Mr. Kelly. Motion Approved 4-0.