TOWN OF STOUGHTON

Massachusetts
MA 02072

Stoughton Town Hall
10 Pearl Street
(781) 341-1300 x9201

John Charbonneau, Town Planner

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

PLANNING BOARD
MEETING MINUTES
TUESDAY, NOVEMBER 19, 2019

The Stoughton Planning Board met on Tuesday, November 19, 2019 at 7:30 p.m. at the
Stoughton Town Hall, 2nd Floor, Engineering Department, 10 Pearl Street, Stoughton, MA
02072.

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

Also present were: Karen Lawlor, Recording Secretary.

The Planning Board meeting was called to order at 7:30 p.m.

Motion by Ms. Jardin to open the public meeting, seconded by Mr. Kelly. Approved 5-0.

Chairman Scardino explained that this meeting is being recorded by video and audio, and will be
played later on SMAC, so everyone should guide their actions accordingly.

Motion by Ms. Jardin to open Item #2, Votes taken on the Amendments to the Stoughton
Bylaws, seconded by Mr. Kelly. Approved 5-0.

Ms. Jardin stated that the Planning Board has held two (2) hearings on these Articles, October
23, 2019 and November 12, 2019. At the October 24th meeting, there was a vigorous discussion
with the public, but no representation by the Petitioners of the Article.

Approved December 12, 2019
Chairman Scardino agreed with Ms. Jardin and confirmed that the Petitioners of these Articles are the Board of Selectmen ("BOS"). He further explained that these Articles were submitted by the BOS, but there seems to be a change in the Warrant and they are now not submitted by the BOS, but by the Town Planner.

Chairman Scardino read Article #12 into the record:

“Article 12 – Allowed use under SCMUOD – "Theatre". To see if the Town will vote to amend Section 9.3.6 of the Town of Stoughton Zoning Bylaws by adding a new item g., "Theater" as a use allowed by Special Permit in the Stoughton Center Mixed Use Overlay District ("SCMUOD"), as follows (new text in bold):

f. Restaurant and other on-premises eating and drinking establishments.

g. Theater... Or take any other action relative thereto.

Requested by: Town Planner
Inserted by: Board of Selectmen
Date: September 5, 2019
Estimated Cost: None

PROPOSED MOTION: That the Town vote to amend Section 9.3.6 of the Town of Stoughton Zoning Bylaws by adding a new item g., "Theater" as a use allowed by Special Permit in the Stoughton Center Mixed Use Overlay District ("SCMUOD"), as printed in the warrant under Article 12.”

Chairman Scardino read Article 13 into the record:

“Article 13- Increase in Parking Radius – Special Permit under SCMUOD”. To see if the Town will vote to amend Section 9.3.16 of the Town of Stoughton Zoning Bylaws by deleting paragraphs 1 and 2 and replacing them with the following text:

Off-site motor vehicle parking.

1. Offsite vehicle parking for any use is allowed by the SPGA if located within a 500’ radius of the subject property site boundary. The distance may be increased to a maximum of a 1,300’ radius with approval of the Planning Board via additional Special Permit and consideration of mitigation, if appropriate. The off-site motor vehicle parking may be located at a site outside of the SCMOUD within a non-residential zoning district.

Approved December 12, 2019
2. A legally binding agreement in the form of ownership or permanent easement from the owner of the subject property continuing the proposed off-street motor vehicle parking shall be submitted to the SPGA with the Special Permit request. This agreement shall state that any easement(s) or proof of ownership will be provided for the offsite parking upon issuance of a Special Permit. Completed easement documentation shall be reviewed and approved by Town Counsel and presented to the Building Inspector prior to issuance of a Building Permit.

Or take any other action relative thereto.

Requested by: Town Planner
Inserted by: Board of Selectmen
Date: September 5, 2019
Estimated Cost: None

PROPOSED MOTION: That the Town votes to amend Section 9.3.6 of the Town of Stoughton Zoning Bylaws by deleting paragraphs 1 and 2 and replacing them with the new text as set forth in the warrant.”

The members of the Planning Board discussed that this should be in the use Table and in the definitions, and the wording should be “previous use Theatre”. This give the authority to with developers in one (1) area of Town, and this also brings demands for parking. Another issue is by having a non-operational theatre, how do we mitigate an amount from the public to put a theater in. A factor test would be to have a complete set of rules which will then cause more issues.

The Board further discussed what criteria fits into this area under Section 9.3.8:
• Adequate size of the site;
• Open space regulations;
• Suitability of uses;
• Adequacy of the traffic;
• Stormwater;
• Types of Businesses; and the
• Alignment of future streets.

Chairman Scardino further explained that the Planning Board is the Special Permit granting authority and in the uses section the words “Town Center” is not defined in the Code. We are asking to interject one (1) word in the description for: “previously” used building or structure.
Mr. Kelly explained that there are no other areas that have "Theater" and we are inserting this within the SCHMUOD.

Mr. Garland stated that this is encouraging "usability" and dimensional strengths.

The Board further discussed Item #6 on the BOS Agenda which was the discussion of policy with Town Counsel. The BOS wants to take away power and the opinions from the Building Inspector, who is also the Zoning Enforcement Officer. In the future, if there is a project, it might never get to the Planning Board if Town Counsel is going to make the decisions not the Building Inspector. If all the Zoning and State Codes indirectly go to the BOS, and not the Building Inspector, the BOS is "usurping the entire process", and they will have a direct relationship with developers.

Mr. Kelly requested that the Board move forward on these Articles and create some wording.

Chairman Scardino explained that the Board has three (3) options here:

1. Make a positive vote;
2. Make a negative vote; or
3. Make no opinion and send these to the Town Meeting and make a motion on the floor.

We can also vote to disagree with the language used.

The Board discussed the use of the language in regarding to "theater". The wording "previously used as a theater in Town" is very subjective and we need to define what the definition of a theater is. It could be defined as a "multi-performing arts theater, which includes: musicals, theater, comedy, dancing, movies, screenings, and lectures." It could also be a multi-functional performance theater including and allowing but not limiting cultural and performance arts.

The wording of "assembly use" and a multi-functioning building including but not limited to the following uses, can also be inserted into the definition.

A motion was made by Mr. Kelly, to Approve Article #12 – Allowed use under SCHMUOD – "Theater" with the condition that the following language be inserted, seconded by Mr. Kabba, “

"A theater is a multi-functional assembly use building which allows the following use(s): Dance, Theatrical Dramas, Educational, Musicals, Concerts, Cultural and Performing Arts, Film Screenings. Such uses that are prohibited include” Adult only entertainment”.

Motion Approved 5-0.
The Board discussed Article 13 and the word “Easement”, and the Board discussed the wording and description of the wording for “license and easement”, and how to police a “license”.

Mr. Garland discussed that the fear is now the new norm and we do not want to prohibit developers. What would work is a “Pilot Program” until the SCMUOD can be redone.

Mr. Kelly explained that this could be a temporary measure until the entire Code can be rewritten, and can withstand the test of time. This Article was previously brought up, and since that time the projects were changed. He would love this whole downtown issue to be fixed within twelve (12) months but realistically, we need to try a Pilot Program with a two (2) year window and we need to address this language. We are under pressure to make this work and these are two (2) big issues.

Mr. Garland explained that a license is permission that can be revoked at any time, whereas an easement is indefinitely. He suggested taking out the Permanent Easement and add Ownership Interest. Also, we need to define a Pilot Program and call it a “Pilot Provision”.

**Motion** was made by Mr. Kelly to add the following language to Article 13, seconded by Ms. Jardin:

“To add the language to Section 9.3.1:

3. The stated changes to the zoning article pursuant to this article shall be adopted for a period of time not to exceed 24 consecutive months as a pilot provision, unless Article 9.3 of the Town of Stoughton Zoning Bylaws, dated (Nov. 18, 2015 as amended) is amended and restated sooner.

Section 11 shall be amended by adding a new definition, namely;

*Pilot Provision; a temporary bylaw for the purpose of evaluating a specific bylaw for its effectiveness within a stipulated period of time therein*

**MOTION** Approved 5-0.

**MOTION** by Ms. Jardin to open General Business, Schedule Future Meeting, seconded by M:. Kelly. Approved 5-0.

The next meeting will be on December 12, 2019.
PLANNING BOARD MEETING MINUTES
November 19, 2019
Page 6 of 6

**MOTION** by Mr. Kabba to Accept the Minutes of July 18, 2019, seconded by Ms. Jardin. Motion Approved 5-0.

**MOTION** by Mr. Kabba to Accept the Minutes of September 12, 2019, seconded by Mr. Garland as amended. Motion Approved 4-1 (abstention by Ms. Jardin).

**MOTION** by Ms. Jardin to Accept the Minutes of September 26, 2019, seconded by Mr. Kelly, as amended. Motion Approved 5-0.

Chairman Scardino stated on behalf of the Planning Board he would like to wish everyone a good evening.

**Adjournment**

**Motion** by Ms. Jardin to Adjourn, seconded by Mr. Garland. Motion Approved 5-0.