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
Thursday, OCTOBER 10, 2019

The Stoughton Planning Board met on Thursday, October 10, 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
Jonathan Garland
Senesie Kabba

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

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

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

Chairman Scardino welcomed everyone to the Planning Board October 10, 2019 meeting, and
explained he is taking the Agenda out of order. This meeting is being recorded by video and
audio and will be played on SMAC, so everyone should guide their actions accordingly.

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

Approved January 16, 2020

Attorney Jim Burke introduced himself and the Applicant, Corvo Properties (Anthony Ruscito), and requested a two (2) year extension. He explained that the seller of this property had second thoughts and it took the Applicant 16 months to acquire title and are requesting, in good faith, a two (2) year extension to complete the project.

John Charbonneau, Town Planner, recommended granting this extension to Mr. Ruscito.

**Motion** by Mr. Kelly to open Grant an Extension to Corvo Properties, seconded by Mr. Garland. Motion Approved 4-0.

John Charbonneau stated that he will draft something to the Town Clerk next week.

**Motion** by Mr. Kelly to open Item #2, (Cline Property Management), seconded by Mr. Garland. Motion Approved 4-0.

Item #2. A New 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).

Chairman Scardino read the public hearing notice into the record: Item #2. “A public hearing will be held in the Town Hall, Yaitanes Room, Third Floor, 10 Pearl Street, Stoughton, MA on Thursday, October 10, 2018 at 7:00 P.M. on the petition of the property owner Alan Cline c/o Cline Property Management, LLC, 15369 West Lea Lane, Surprise, AZ 85374 and the applicant AMP Development, LLC, 1667 Central Street, Stoughton, MA 02072 and represented by Strong Point Engineering Solutions, LLC, 340 Manley Street, Unit 2, West Bridgewater, MA 02379, for a Definitive subdivision under M.G.L. Ch. 41, Section 81K-81GG and the Stoughton Land Subdivision Regulations of February 17, 1999; 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). The Subdivision 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 September 25, 2019 and October 2, 2019.”

Approved January 16, 2020
Attorney Jim Burke introduced himself; the Applicant, Alan Cline; and Eric Dias of Strongpoint Engineering.

Chairman Scardino explained the procedure and how tonight’s meeting will run. The Applicant will speak first; then the Town Staff; Planning Board; and the audience will be able to speak and ask questions. When you come up to the podium you need to identify yourself with address.

Attorney Burke explained that he had preliminary meetings with the Planning Board and has met with the Conservation Commission and Engineering. He received insight on how to move forward with this project and what the Departments are looking for. This is a conventional subdivision and they will be looking for waivers.

Eric Dias of Strongpoint Engineering introduced himself and explained this subdivision with have nine (9) or (10) parcels; is located in the RU district; and on an eleven (11) acre parcel. The old plan had eleven (11) lots but that plan is now defunct. This parcel abuts an existing 3-family home along Walnut Street and a paper road that was never constructed, Johnson Ave. The westerly side abuts wetlands and an intermittent stream, which discharges from Walnut Street to a vernal pool on the property.

Mr. Dias further explained that this is a wooded site. They have done test pits for the roadway and stormwater and there is sandy depth to this area, with eight (8) feet depth throughout. The proposed layout can be found on Sheet #4. They are proposing nine (9) residential lots with one of the lots consisting of the existing 3-family house. There needs to be an adjustment to the paper street which runs through the middle of the intersection, which will be moved 40 feet to create the correct distance. They are also requesting a waiver for the roadway length which was originally incorrectly done and was 500 feet but corrected to 651 feet. They are further requesting waivers for some of the lots due to the wetlands. The houses will be approximately 1800 to 2500 square feet. They are proposing vertical granite rather than Cape Cod berm. The Road width of 34 feet is too wide, and 24’ is required by Police and Fire, so they would like to meet in the middle at 26 feet wide for street width. They have letter from the Fire Chief in support of parking on one side of the street and it is determined to be safe.

The letter from the Fire Chief was read into the record: “From Scott G. Breen, Deputy Fire Chief, dated September 27, 2019, subject: Proposed Subdivision Johnson Ave by Walnut Street. The Stoughton Fire Department has had an opportunity to review the initial plans for this proposed subdivision and have the following concerns: 1) Increasing the length of a dead end street from 500’ to 551’. We do not have a problem with this request provided adequate fire hydrants are installed; 2) Pavement width reduction from 30’ to 26’. We can accept this as long as parking restrictions are in place for on street parking, possibly limiting it to one side only. 3) We do have a concern with the naming of the street Johnson Ave. as we already have a Johnson Road nearby. Thank you for the opportunity to express our concerns on this project.”
Further, Mr. Dias explained that they will need another name for Johnson Avenue since there is already a street with that name. Sheet #5 shows the roadway on the outside of the wetland buffer with the detention basin on its own lot on the edge of the wetlands. They are filing a Notice of Intent for this lot. A gravity system is preferred over a pump station and they have rerouted the sewer and connected it to the existing sewer easement. This will be presented to Conservation, and each lot will need its own permits from Conservation. In conclusion, the last few comments are:

- Each house will have rooftop drainage, which will be maintained by the homeowner;
- Lots 5 & 6 are near no touch zones and will have a small stormwater depression system which is close to the wetlands and will prevent flooding;
- Installation of a split rail fence along the wetlands will give Conservation a clear marker; and
- There are no specific houses at this time, with Sheet C8 showing the layout, so no redesign has to be done.

Mr. Horsfall had a few comments. He explained that the Plan is content oriented and meets the requirements for content but more information or clarification is required:

1. Wetlands Zoning Districts should be added to the Plan;
2. Bearings and Distances of the property boundaries should also be added to the Plans (C-2);
3. Additional distances should be labeled on (C-3). Where proposed lot lines meet the outer property boundaries, the overall distances 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.
4. He is glad the Applicant is using a gravity system;
5. The construction of the sewer line needs to be put on the Plan;
6. He is not pleased with the proposed Stormwater Depressions on Lots 4, 5, and 6;
7. The proposed Split Rail fence shall be moved to the side of the Stormwater Depressions closest to the prosed dwellings;
8. It is a good idea to have the detention basin on its own lot; and
9. Elimination of some Stormwater Depressions could be done with some manipulations.

Mr. Horsfall’s final comments in regard to Stormwater were:

1. The Engineer should make every effort to eliminate any increase of volume or rate of runoff from the site;
2. The use of Stormwater Depressions is not preferred. The site grading and stormwater design should be revised to eliminate the Depressions. If the Depressions remain part of the design, permanent easements will be required to protect the Depressions from being filled in by the homeowners.
3. Additional test pits will be required in the Depression locations;
4. The split rail fence will need to be relocated to the site of the Depression closest to the proposed dwellings; and
5. 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 accepted by the Town as a Public Way, then a Homeowners Association must be established for the maintenance of the road and utilities (including the Stormwater Management System).

Mr. Dias stated that he has not reviewed Craig’s letter yet regarding the sewer installation. He will update the plans and add the additional details; review the Depressions and make room for improvements. Since the Detention basin is on its own lot, when the Town takes the whole subdivision, maybe they could split the lot and donate the Basin lot to the Conservation Commission.

Mr. Horsfall explained that the Public Works Department prefers the water looped and that detail needs to be worked out and he will get the numbers together.

Mr. Charbonneau explained that all comments need to be addressed and until the Town accepts the road, the Applicant keeps control of the subdivision.

Chairman Scardino stated that the trees need to be detailed and since he had an issue with another developer, he needs to see a Landscape Plan. In order to consider waivers, they will need additional trees.

Mr. Kelly had concerns with the drainage berms and compression doesn’t work, but an upward berm might work at this location. Also, with the small road widths, will the Town still accept this subdivision.

Mr. Dias explained he is working on a draft of the Maintenance Plan which will be in effect until the Town accepts the Road.

Mr. Garland concurs with the Chairman about the trees and preserving our natural resources.

Mr. Kabba had concerns with the neighborhood and in order to drop the density, the lots should be decreased from nine (9) to seven (7) and leave one (1) lot for outdoor space since this is a very congested area.
Peter Banis of 41 Walnut Court explained that he moved here in 1960 when he was 8 years old. He wanted to know who classifies an intermittent stream and we thought that the “stream” was Dorchester Brook? This is a brook and not an intermittent stream and this is very emotional for him.

Mr. Horsfall suggested that Mr. Banis have a discussion with the Conservation Commission and a Vernal Stream is not an Intermittent Stream.

Stephanie Bachelder of 75 Walnut Court lives in her husband’s grandfather’s home that was built in 1947 and feels this will have a negative effect on the area.

Mr. Dias addressed the abutters concerns and explained he will talk internally to all the Departments and at the time of the initial hearings, abutters within a 300 feet radius were notified. The applicants should talk directly to Conservation about the wildlife issue too.

Mary Ellen Pederman of 78 Walnut Court was concerned about the wildlife and the public health concerns from ticks and diseases; and the bats control mosquitoes.

In conclusion, Mr. Dias explained that during construction there is a security fence that is constructed around the property.

Mr. Charbonneau stated that this Plan meets all the regulations of the By-Laws and the Board can’t deny this because they don’t like it. We are bound by the Subdivision Rules and Regulations and Massachusetts General Laws.

Chairman Scardino was concerned with the density and floor/area ratio, which is a 30% maximum of the lot including the house and pavement. They can’t built on any more than \( \frac{1}{2} \) the lot.

Eric O’Shea of 57 Walnut Street explained that he lives on the bottom of the hill and his lot slopes and drops 8 to 10 feet, and he is 15 feet from the property line. He bought this house in 2004 and the abutter has trash and debris in their yard, and wanted to know if this can be cleaned up. Also, he doesn’t want his property and yard to become a swimming pool.

Mr. Dias explained that he will meet with Conservation and they will have all the trash/debris removed and cleaned up. He will address that and make it part of the Notice of Intent. We are not increasing flows to adjacent properties. Everything will be monitored during construction, and we will to account for all drainage and stormwater.
Mr. Gonakakis of 16 Holbrook Avenue stated that everyone needs to follow the rules and creating a narrower street will not be in character with the neighborhood. Rules are there for everyone and will the narrower street create issues with plowing. This is a very sensitive area and he is afraid it will create more issues.

**Motion** by Mr. Kelty to continue this hearing until November 14, 2019, seconded by Mr. Garland. Approved 4-0.

**Motion** by Mr. Garland to open Item #3, Heron Crossing Solar, LLC, seconded by Mr. Kabba Jardin. Approved 4-0.

**Item #3. A continued public hearing will be held on the petition of Heron Crossing Solar, LLC for “Site Plan Approval” under Section 9.6 entitled “Solar Power Overlay District”, as amended by Article 46 of the May 6, 2019 Annual Town Meeting to build a ground-mounted photovoltaic solar facility on the property known as Assessor’s Map 89, Lot 142.**

The Applicant wanted to thank the Board and all Departments with their help in getting this project completed and for working so closely with us. All changes, comments and concerns were addressed and made on the Plans that were required by the Planning Board, Mr. Charbonneau, and Mr. Horsfall. The final Plans and three (3) copies were made. There was a concern with public safety during construction and there will be access at Sherman Avenue and Shane Road and an emergency road was provided. Sergeant O’Connor’s comments were incorporated in the Decision, along with the addition of the black vinyl fencing, which was a special condition #4 on sheet 4.1 and also on the lead sheet.

**Motion** by Mr. Kelly to close the public hearing on Heron Crossing, seconded by Mr. Kabba. Approved 4-0.

**Motion** by Mr. Mr. Kelley to Approve the Petition of Heron Crossing Solar, LLC for Site Plan Approval and the Approval of the Final Plans with Final Comments by Mr. Horsfall. Approved 4-0.

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

**Item #4. 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).**
Jim Pavlick of Outback Engineering introduced himself and explained that a landscape plan was submitted in September. It provided landscaping, buffering, and granite curbing. They also reached out to the neighbors and had an on-site meeting and three (3) abutters attended. The revisions were done to the landscaping plan with the assistance of Chairman Scardino, Mr. Charbonneau, and Mr. Horsfall, and all changes were incorporated into the Plan. A row of arborvitae was replaced with an eight (8) foot white vinyl fence along the rear of the property. The concept is low maintenance on the property without having extensive upkeep. They have added Bradford Pear trees and a row of arborvitae to the north (upper Washington Street). They are proposing two (2) LED bollards, low level, 42" high with down casting lights. Also additions were made to include vertical granite curbing onto Washington Street into the driveway. This is a low impact development and the parking lot includes wheel stops closer to the wetland area. The snow storage was expanded with the condition of “no salt”. A six (6) foot vinyl fence was included to stop and block the snow from being pushed.

The Board would prefer a light manufacturer in this location because of the wetlands.

An abutter to this property discussed water issues and how problematic they will become. She stated that if you allow channeling you will create issues and this area is “already impacted.” And, please, take this seriously.

Mr. Pavlick responded by saying a professional engineer was hired and designed the system on this site.

Mr. Horsfall explained that science is applied to every plan and there is a science behind what we do. The previous protections for this site were never put into place and that is why there is a problem. Further, this has to go through Conservation, and the houses and Kelsey Drive were built at a different time and before the Wetlands Protection Act was put into place.

David Young of 809 Sumner Street state that there was a long history of problems before this project. The residents of this Town pay the employees and if you don’t protect us, than we will replace you.

Mr. Charbonneau stated that he doesn’t see the impact of this project and we need to work together and fix this area and find a solution. We need open dialog and work on this with urgency to make changes.

**Motion** by Mr. Kelly to continue this hearing until November 14, 2019, seconded by Mr. Garland. Approved 4-0.
Motion by Mr. Kelly to open Item #5, Hersee Properties, seconded by Mr. Garland. Approved 4-0.

Item #5. 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 409 Canton Street (further identified on Assessors Plan No. 43, Lot 2).

A continuance has been requested by the Applicant. Motion by Mr. Garland to continue this hearing until November 14, 2019, seconded by Mr. Kelly. Approved 4-0.

Motion by Mr. Kelly to open Item #6, TW Conroy, seconded by Mr. Garland. Approved 4-0.

Item #6. A continued public hearing will be held on the petition of TW Conroy, LLC c/o Conroy Development Corp. for a “Special Permit” under Section 6.2.7 of the Stoughton Zoning Bylaws, for relief from the number of ground signs permitted in the “HB” Zoning District and relief from the setback requires from the street lot line, mandating a minimum distance of 15 feet to 1 foot, in accordance with Section 6.2.5 for a business establishment, located at 1054 Page Street, (further identified on Assessors Map 60, Lot 23).

A continuance has been requested by the Applicant. Motion by Mr. Garland to continue this hearing until December 12, 2019, seconded by Mr. Kelly. Approved 4-0.

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

Adjournment

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