The Stoughton Planning Board met on Thursday, October 24, 2019 at 7:00 p.m. at the Stoughton Police Department, Community Room, 26 Rose Street, Stoughton, MA, Stoughton, MA 02072.

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

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 Ms. Jardin to open the public meeting, seconded by Mr. Kelly. Approved 4-0.

Motion by Ms. Jardin 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 October 24, 2019 meeting, and explained he is taking the Agenda out of order. This meeting is being recorded by video and audio. It is on tape delay and will be played later on SMAC, so everyone should guide their actions accordingly.

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Motion by Mr. Kelly to open Item #2, The Learning Experience (Stoughton Commerce Center) Occupancy Permit, seconded by Ms. Jardin. Approved 4-0.

Item #2. The Learning Experience (Stoughton Commerce Center) Occupancy Permit.

Ms. Nichole Dunphy of Highpoint Engineering, introduced herself and explained that she was here a month ago for a Temporary Occupancy Permit, but the State refused to accept the Temporary Permit and is waiting for the full final Occupancy Permit. The Applicant is making progress and will be done in two (2) weeks. They need the Final Occupancy Permit so that the Daycare can obtain their Certificates in order to open. She met with Mr. Horsfall and Mr. Charbonneau and they understood that this process took so long, but they needed to be comfortable with the final Bond amount. They reviewed the work that was completed which included completion of the final binder course. She explained that the Applicant has given a good faith effort and the Bond is more than accurate, which is reflected in both recommendations.

Mr. Charbonneau explained that the Bond has been established at $54,000 with the landscaping, curbing, and remainder of striping to be completed. They were held up due to the binder course. And now Applicant can begin the process of filing the Application with the State for their Certifications.

Motion by Mr. Kelly to Endorse Mr. Horsfall and Mr. Charbonneau's recommendations to accept the Bond for the Learning Experience, seconded by Ms. Jardin. Approved 4-0.

Motion by Mr. Kelly to open Item #3 Public Hearing on Zoning Articles, seconded by Ms. Jardin. Approved 4-0.

Item #3. A New public hearing will be held to consider amendments to the Stoughton Zoning Bylaws, Section 9.3.6 to add “Theater” as an allowed use in the SCMUOD; Section 9.3.10 to allow the transfer of affordable housing requirement to properties within the SCMUOD or contribution to affordable housing trust; Section 9.3.13 to allow contribution for acquisition, development maintenance and operation of community open space (e.g. town park) to satisfy the public space requirement within the SCMUOD and Section 9.3.16 delete the existing text and replace with the following: 2. Offsite motor vehicle parking.

Chairman Scardino explained that the Planning Board holds hearings on Zoning Articles that are going before Town Meeting. These Articles were presented by the Board of Selectmen and there is not a representative from the Board of Selectmen here tonight to answer any questions. The ads for these Articles were advertised and we will take your comments into consideration. He requested that audience members raise their hands; come forward and ask questions; or give comments on these articles. Since the Planning Board did not present these Articles, we can't answer any questions.

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Chairman Scardino read the Legal Notice into the record:

"Legal Notice Planning Board Town of Stoughton Notice of Public Hearing October 24, 2019. In accordance with the Massachusetts General Laws, Chapter 40A, Section 5, The "Zoning Act", and at the request of the Board of Selectmen, Robert O'Regan, Chairman, you are hereby being notified of a Public Hearing to amend the Town of Stoughton Zoning Bylaws. The Town of Stoughton Planning Board will hold a Public Hearing on October, 2019, commencing at 7:00 p.m. at the Stoughton Town Hall, in the Stoughton Police Department Community Room, 26 Rose Street, Stoughton, MA for the purpose of receiving public comments concerning the following Articles to be considered for adoption at the Annual Town Meeting, as per attached notice. ARTICLE: To see if the Town will vote to amend the Town of Stoughton Zoning Bylaw dated November 18, 2015, by amending Section 9.3.6 to add "Theater" as an allowed use in the Stoughton Center Mixed Use Overlay District (SCMUOD). ARTICLE: To see if the Town will vote to Amend the Town of Stoughton Zoning bylaw dated November 18, 2015, by amended Section 9.3.10 to allow the transfer of affordable housing requirement to properties within the Stoughton Center Mixed Use Overlay District (SCMUOD) or contribution to affordable housing trust. ARTICLE: To see if the Town will vote to Amend the Town of Stoughton Zoning Bylaw dated November 18, 2015, by amended Section 9.3.13 to allow contribution for acquisition, development, maintenance and operation of community open space (e.g. town park) to satisfy the public space requirement within the Stoughton Center Mixed Use Overlay District (SCMUOD). ARTICLE: To see if the Town will vote to Amend the Town of Stoughton Zoning Bylaw dated November 18, 2015, by amended Section 9.3.16 as follows with deleted text represented by strikethrough and new text represented in bold: "2. Offsite motor vehicle parking. 1. Of site 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 offsite motor vehicle parking may be located at a site outside of the SCHMUOD within a non-residential zoning district. 2. A legally binding agreement in the form of ownership or permanent easement from the owner of the subject property containing the proposed offsite motor vehicle parking shall be submitted to the SPGA with the Special Permit request. This agreement shall state that any easement 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. Persons interested in the above matters are required to be present at the above stated time and place. Copies of the completed text, and other supplementary information, are available in the Office of the Town Clerk and the Planning Department during regular business hours at the Stoughton Town Hall. Joseph Scardino, Chairman of the Planning Board, The Brockton Enterprise, 10/10/2019 and 10/17/2019."
Mr. Robert Cohn, Town Meeting member, wanted to know why there are no BOS members here to answer questions. Why were these Articles presented four (4) years in a row and now they are on the warrant, so why bother after three (3) years of rejection. He stated that he will not vote for this for the reasons that: bad location; and he is not walking across Washington and Canton Streets at midnight. Further, he stated that when you submit an Article, you show up and explain it.

Peter Vontresco, of 587 Canton Street stated that Mr. Kelly tried to submit Articles before and were not allowed to be placed on the warrant. Mr. O’Regan shows up on his white horse and then comes up with the same idea and goes forward with it.

Mr. Mark Zamanian of Precinct 1 wanted to know what the urgency is to add this to the Town Meeting warrant now. This is not an emergency so what is the purpose and there is no one here to answer the questions for us. He wants to make sure we as a Town are going in the right direction.

Mr. Kelly explained that he brought this article to Town Meeting last fall with a 1500 square foot radius and this was no: allowed on the warrant, and now it is here. When he proposed this, he used Monk Street and took a radius to the other areas to get outside of the school district. He wondered if this is large enough, and would the radius be enough at 1500 or 1300 feet, and he doesn’t know how the BOS came up with this number since 3,000 feet puts you out of the SCMUOD.

Mr. Charbonneau explained that 1300 is a ¼ of a mile and this was deemed to the extent of what people will walk to. They are trying to clean this area up and the parking radius would be part of this to create more flexibility. Money will be required to recodify the SCMUOD. Further, he stated that it is very important to change the article from 1300-1500 since he can’t guarantee any rewrites and you are creating more flexibility.

Chairman Scardino explained that he struggles with the theatre and the article but agrees with the parking, and this will solve some immediate parking issues. He supports extending the radius.

Mr. Lou Gitto of 1261 West Street explained that a Consultant is need to create 3D models and then transfer that information into legal language to draft into the Bylaws. He was disappointed that the other articles from before were not approved and walking ¼ mile in the rain and snow is much too far and hard to comprehend for homeowners. Further he stated that he feels this is not what developing the Downtown area was supposed to do; and it is creating low property values.

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Mr. Kelly stated that some of these buildings that have been vacant have lost their tax base for the past (10) years. We need to work with developers to help them revitalize this area. Further, the Planning Board did not violate any codes or did not improperly give permits for any project. Mr. O'Regan stated that the Planning Board is in violation and doesn’t want parking if the 1300 square foot number comes before him. We are in a catch-22 situation and we are still at odds. The Town Manager doesn’t want a building permit issued for the completed project in the downtown.

David Lurie of 18 Robbinette Road was confused as to what is going on. Where is the Theater language coming from and where is the Petitioner. The Theater needs to be resurrect with new language.

Mr. Kelly explained that we are a volunteer board and have had false accusations thrown against us and we have never received an apology. He is appalled at the type of treatment the Board received in the newspaper and on social media and we do not deserve to be treated like this. These articles were not inserted in the warrant last year and now they are presented from the BOS. In conclusion, he explained that he feels very strongly that these officials do not qualify as trustworthy and he is completely appalled what has happened over this timeline and is disgusted by this behavior. Further, he can’t believe that no one has showed up from the BOS to answer any questions from the residents about these articles.

Mr. Cohn stated that the way $500 was paid to stop the theater in the past and everything was swept under the rug. The building is unsafe.

**Motion** by Ms. Jardin to close this hearing, seconded by Mr. Kelly. Approved 4-0.

**Motion** by Ms. Jardin to open Item #4, Site Plan Approval, seconded by Mr. Kelly. Approved 4-0.

**Item #4. Discussion of changes to Section 10.6.4, 10.6.9 and 10.6.10.3 “Site Plan Approval.”**

Mr. Charbonneau explained that when submitting a Site Plan Application, there should be a different process if you are doing a small paving job, or if you are paving a Walmart. We should have more complete applications and have more pre application filing meetings with all department heads and invite all and if they can’t attend, they should send representatives from their departments. We can make these meetings about an house.
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Mr. Kelly suggested picking a certain day of each month; and get on a regular routine and we should have 1 or 2 Planning Board members attend these meetings. Certain projects will have more flexibility and Mr. Charbonneau will set up a meeting when he has concept plans, and this will streamline things through administration.

**Motion** by Ms. Jardin to close this hearing, seconded by Mr. Kelly. Approved 4-0.

**Motion** by Ms. Jardin to open Item #5, Senior Housing Bylaw, seconded by Mr. Kelly. Approved 4-0.

**Item #5. Discussion of Senior Housing Bylaw.**

Mr. Charbonneau explained that we drafted this article last spring and we are trying to change the use tables to include a provision that senior housing can only be in a district with a minimum of (5) acres. We researched different towns; uses; parking; life styles; and life changes. We will continue to work on this Article.

**Motion** by Ms. Jardin to open Item 6, General Business, seconded by Mr. Kelly. Approved 4-0.

**Item #6. General Business (A) Schedule Future Meetings & (B) Minutes.**

Chairman Scardino stated that our next meetings will be Monday, November 4, 2019, which is a joint meeting with the Board of Selectmen; November 14, 2019; and December 12, 2019.

Mr. Kelly stated that we will work on where we have been and will move forward from there.

**Motion** by Ms. Jardin to Approve the Minutes of August 22, 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 Ms. Jardin. Motion Approved 4-0.