TOWN OF STOUGHTON

Massachusetts
MA 02072

Stoughton Town Hall
10 Pearl Street
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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, SEPTEMBER 12, 2019

The Stoughton Planning Board met on Thursday, September 12, 2019 at 7:00 p.m. at the Stoughton Town Hall, 3rd Floor, Great Room, Yaitanes 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.

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 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 Mr. Kelly to open Item #2, Oxford Development, seconded by Mr. Kabba. Approved 4-0.

Item #2. A new public hearing will be held on the petition of Oxford Development, LLC for approval under Site Plan review under the Stoughton Zoning Bylaws, Section 10.6.
Chairman Scardino read the public hearing notice into the record: “A public hearing will be held by the Stoughton Planning Board in the Town Hall, Great Hall, Third Floor, 10 Pearl Street, Stoughton, MA on Thursday, September 12, 2019 at 7:00 P.M. on the petition of Oxford Development, LLC, 10 Owl Drive, Sharon, MA 02067. The Applicant’s representative is Outback Engineering, Inc., 165 East Grove Street, Middleboro, MA 02346. The property owner is The Villages at Goddard Highland, Trustee, 10 Owl Drive, Sharon, MA 02067. The Applicant is seeking approval for Site Plan Review under the Stoughton Zoning Bylaws, Section 10.6 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). The Site Plan Review Application and plans can be viewed at the office of the Stoughton Planning Board, Engineering Department, Second Floor, 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 and Sun Issue of August 28, 2019 and September 4, 2019.”

Chairman Scardino explained the process for the meeting tonight. First the Applicant or his representative will give his presentation; then we will hear from the Engineering Department; the Town Planner; the Planning Board members; and then the audience.

James Pavlik of Outback Engineering introduced himself as engineer of this project, along with Elliott Schneider of Oxford Development. Mr. Pavlik explained that they are here for site plan review for the construction of a proposed commercial building with associated parking and driveway with the pump station located at Lot 2 Washington Street. It is a 60’ x 75’ commercial building on a 1.95 acre parcel located on North Washington Street and north of the Easton town line. It is a wooded lot with 50 feet of frontage with a building in the rear. They are proposing a shared driveway to avoid congestion, and they have 15 parking spaces. He had several meetings to review and work on comments letters with Town officials, and is now working on the final comment. They have prepared and finalized the site plan layout; landscaping; and the dumpster with the required fencing. He presented plans to show different perspectives of the project, which is surrounded by wetlands. There is a pump station to the north; arborvitas at the southerly entrance; white vinyl fencing; another row of arborvitas so the site is buffered and screened. The use of the building has no defined tenant yet and is a spec building, and the uses will comply with zoning.
Assistant Town Engineer, Craig Horsfall, explained that he has seen a few different plans from the Applicant. There is a pump station on lot #1 and he feels it is a good idea to establish an easement. The Town has an option to take over the pump station and an easement should be defined before it is taken over by the Town. The drainage looks good with three (3) basins. The calculations show that the test pits will handle additional runoff, on this relatively flat lot. There are a number of small technical comments that will be addressed on the revised plans. There will be a Cape Cod berm in certain areas; there are no catch basins and will have runoff over the land; curbing is required in certain areas; with vertical granite in other areas.

Mr. Charbonneau explained that the Board should discuss the lighting; there is no photometric plan; the curbing needs to be discussed; and guidelines of construction are needed.

Chairman Scardino had a few concerns including the curbing. There are a lot of commercial vehicles with the Town Pump Station, and stated that there should be vertical granite curbing from Washington Street all the way back to the proposed building, especially since this is a shared driveway. There should be a condition of approval on the legal easements before construction begins so there is no issue with the tenants.

Further, the landscape plan needs to be two (2) pages with color renderings of the plants in full bloom; the numbers and colors of each plant; along with a planting layout showing the height and the specific plantings. The trees need to be deer resistant arborvitaes planted 10 to 12 feet high and at least 8 feet apart with 3 on center as a buffer.

Mr. Charbonneau stated that the fire truck radius has been completed; and suggested bollards in the front of the building. Chairman Scardino and Mr. Kelly felt that would be detrimental and would rather have landscaping as a buffer in the front of the building.

Chairman Scardino had concerns with this being a spec building and with lack of uses for this building. There is a big difference with Amazon trucks than if this was a storage facility. He was also concerned that there is no mechanism to prohibit who moves in. It should be left open that a traffic study is required when certain tenants decide to move into the building; he is also very concerned with the curbing; hours of operation; and the Decision needs to be carefully crafted. Lighting is another issue, since there are no sidewalks on this area of Washington Street there should be lights on the driveway and wall packs on the building.

Mr. Garland stated that there are many difference uses that can go into this building including: office space; retail; a warehouse facility; or a warehouse on the bottom and office space on the top. There would be different parking calculations for different uses. There needs to be a blend of commercial and residential, since the character of this area is a neighborhood and we need to make sure that it blends in with the residential aspect of this area. Further, I have concerns with the materials and what the building would look like, such as having a metal façade with a four (4) foot high masonry look, with stone on the lower level.
Mr. Kabba stated that this is not a healthy choice for the neighbors.

The Board discussed having pre-application meetings and obtaining feedback before they file their application; along with having a neighborhood outreach meeting; and a meeting with Chairman Scardino once the landscape plan is complete.

Donna Ayers of 39 Kelsey Drive asked if she could read her letter into the record: “Dear members of the Planning Board: My name is Dona Ayers, I am an abutter to the proposal. I am concerned with drainage. I live in the Great Cedar Swamp which ranges from the north near Meads Pond and flows south towards the Hockomock Swamp. From the east of the proposal, the Dorchester Brook and a perennial stream also contribute to the hydrology flowing in the Kelsey Dr./Washington St. area. There are many small wetlands located all along the route and often during heavy rainy seasons they are connected. Please look at the assessor’s map attached Washington Street is highlighted as is the Pumping Station location, Storage Facility, and the wetlands behind the Storage Facility which is part of the hydrology called Great Cedar Swamp. Please notice the contour lines indicate the drainage path the water from the wetlands flows along. The pink highlight is my home. There is a drain located in the woods next to my yard that conveys water under the paper street named Sycamore. Please look at the photos of my neighbors’ son Matt Housens. These photos were taken June 1998 after a storm event known as a micro burst flooded our area. In the lower picture Matt is standing on top of the drain. In the top picture he’s standing on the paved surface of Sycamore. Sycamore was part of the original development plan that included Kelsey Drive. The plan included houses in a P shape continuing along Sycamore toward the Storage Facility looping around and meeting at the other end of Kelsey Drive on a paper road named Spruce. The ground did not pass Perc tests. Concern about flooding was the reason the project was abandoned. According to the 1974 Army Corps of Engineers Report, which did a survey of flooding in this area, quote ‘It would be prudent for the Town of Stoughton to initiate a plan for channel maintenance and clean up that would allow for unobstructed flow along the Dorchester Brook. In addition, the town should initiate action that would prohibit future development of the flood plain lands, not only along Dorchester Brook, but along other streams within the community.’ Furthermore, our hydrologist Dr. Peter Shanahan (semiretired Hydrology professor at MIT, Principal of HydroAnalysis Inc., expert witness in many hydrology legal cases and the creator of hydrology models software) reported new hydrology being contributed to the wetlands behind my house. Please see his notes dated May 26th Dr. Shanahan says “Lots 82, 83, 84, 85, 86, 87, will drain to the wetlands south of Kelsey Dr. without any controls. (This is the wetlands behind your house).”

The Stoughton Conservation Commission supported the finding of the Army Corps of Engineers Report when they denied development proposed for this area because “The proposed work cannot be conditioned to meet the performance standards set forth in the wetlands regulations to protect those interests checked above...” Public water supply, private ground water, ground water supply, storm damage prevention, prevention of pollution and flood control.” (from the Conservation Commission denial).
There was a survey of existing area drainage conditions was completed by Outback Engineering Inc. in September 2004. It reported “The main drain line extending down Kelsey Drive is a 15” RCP that is undersized for even a 10-year storm (Stoughton subdivision regulations specify a 25-year storm design ...) They go on to say “a series of CB’s and DMH’s consisting of mostly “10” RCP collects runoff on Washington Street.” ...“It is likely that these drain pipes in Washington St. (a state highway) do not have a capacity for a 10-year storm either.” The report also states “Because the existing drain pipes in Kelsey Drive do not have sufficient capacity to accommodate a 10 year storm drain, and because the CB grate likely becomes clogged at times, storm water within this wetland likely over tops the end of the stub road known as Sycamore Road to the depth of approximately 0.5 feet” ...“See picture of Matt Housen…” and either flows to the CB’s at the intersection of Kelsey Drive (CB’s 5 and 6) or continues to flow down to the intersection of Washington Street.”

The wetlands to the south of Kelsey Drive is critical area of concern for the residents. It currently protects and threatens homes, wells and septic systems. It absorbs storm water and discharges it along the contour lines shown on the map. When the wetlands absorption cannot keep up with storm water it spills over onto Sycamore and flows along Kelsey Drive and floods across Washington Street. According to Dr. Shanahan the new house lots behind Mrs. Colbert’s house will contribute more water, uncontrolled into the wetland. The original Kelsey Drive development could not continue to build in this area because of wetlands issues. The Army Corps of Engineers Report supported the no build decision and suggested that the town take steps to prevent building in the wetlands. The Conservation Commission cited many wetland issues including drainage and flooding in its decision to deny development permits for this area. Dr. Shanahan reported the new house lots in the area will contribute uncontrolled runoff to the wetlands. The existing drainage systems under Kelsey Drive and Washington Street cannot accommodate even a 10-year storm drain. It’s time to respect the wetlands and their regulations to prevent further harmful issues resulting from encroachment into the wetlands. Thank you for your time and consideration. Sincerely, Donna Ayers 39 Kelsey Drive.”

Mrs. Ayers submitted a packet of materials which included photos; a map dated October, 1976; a letter from the Department of the Army Corps of Engineers dated October 1974; an email from Peter Shanahan to Ms. Ayers dated May 26, 2004; an Order of Conditions dated 2003; and a Report entitled Analysis of Kelsey Drive Drainage System dated September 8, 2004. Further, she requested to be notified before anything including blasting, tree removal, or any type of digging is done.
Chairman Scardino explained that this hearing will be continued to October and the abutters will have to call the office or check the website for the next meeting, since public notices are mailed out only once. He further explained that there are informal meetings with the Applicant and different departments before the Application is submitted. This way the Applicant does not have to keep coming back to the Boards and most issues have been ironed out. Otherwise, it is a waste of time if the Applicant is not complete. He suggested that the Applicant come back to the Planning Board after they have been to Conservation.

**Motion** by Mr. Garland to continue this hearing until October 10, 2019 at 7:00 pm., seconded by Mr. Kelly. Approved 4-0.

**Motion** by Mr. Garland to open Item #3, TW Conroy, LLC, seconded by Mr. Kelly. Approved 4-0.

**Item #3. 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 Bylaw for relief from the number of ground signs permitted in the “HB” Zoning District and relief from the setback requirements 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 104 Page Street (further identified on Assessors Plan No. 104, Lot 4).**

Nichole Dunphy of Highpoint Engineering introduced herself and Paul McInnes of Conroy Development. She explained that the Board asked her to do more research regarding the pole sign at the intersection of Page Street and Reebok Drive. The proposed pole sign is independent from any other calculations for the building signage associated with this project. One pole sign for each street frontage of the principal building is allowed per Section 6.2.5 of the Stoughton Zoning By-law. The proposed sign measures 70 feet in surface area with an overall height of 9 feet. They field measured the panel and updated the site signage compliance chart to include the existing ground sign details. There is a slight infringement of the proposed sign into the Conservation Buffer Zone. Conservation will sign off and made a condition of the minor modification of approval. The Applicant has had a visibility study prepared entitled “Intersection Sign Study” dated July 2019 and prepared by Vanasse & Associates, which is included in the response package. The study found no issue with site distance.

Mr. Horsfall, Assistant Town Engineer, explained that the Applicant meets all requirements. The hydrant is a dead line now and can be connected in the future. They are going before the Conservation Commission and they are not disturbing any wetlands. Further, the Special Permit is required to look at the whole site, and the Applicant has done a lot of work on the site. There needs to be some work done with the rip-rap on the slope and on the shoulder, but he is happy with the landscape as-built plan.
Chairman Scardino stated that he feels there still are a lot of loose ends, especially since we have new members. He is interested in making sure everything is addressed and the Applicant needs to go to Conservation. When he compares what was approved, to what was planted he feels it is premature to move forward. This project is not a closed issue since the location of the sign can change after they go to conservation.

Ms. Dunphy apologized for not being at the last meeting. She received notes from her colleague and didn’t feel there was anywhere else to put the sign. They prepared an updated plan and felt that everything had been completed, and did not feel there were any site issues.

Mark Zamanian explained that he has concerns with the brightness of the sign and he thought that the sign had been raised at the last meeting approximately 10-12 feet. If the sign was raised and it created an improved site line it would be a win-win situation for everyone.

Chairman Scardino explained that this needs a resolution because it still seems like an open issue.

Ms. Dunphy concluded that they will remove and fix the dead plants, and have the sign as close to 12’ to the top on a single pole, and will come back to the Board in October pending approval of the Conservation Commission.

**Motion** by Mr. Garland to continue this hearing until October 10, 2019 at 7:00 pm., seconded by Mr. Kelly. Approved 4-0.

**Motion** by Mr. Kelly to open Item #4, Temporary Certificate of Occupancy for he Learning Center, seconded by Mr. Garland. Approved 4-0.

**Item #4. Stoughton Commerce Center Temporary Certificate of Occupancy (TCO) Request.**

Mr. Horsfall explained that the Learning Experience, which is a 5,000 square foot building, is looking for a temporary occupancy permit for the daycare facility. The as-built has been submitted and they are looking for the permit in order to start training and obtaining licensing. Their portion of construction is complete with a small punch list. Curbing and pavement for the Commerce Center is incomplete, but it is normal procedure to review the plans and create a punch list. He has completed his pricing with the DOT and has come up with a Bond amount. The cash amount will be held for one (1) year growing cycle for the landscaping. The total amount is $109,301.30, with $68,936 to be held and release after the one year cycle.

Michael Cavallo, owner of the Stoughton Commerce Center, explained that they need the temporary occupancy permit so the employees of the daycare center can apply for their licenses. They are requesting to put down a surety bond and had not expected to be required to have a cash bond.
Chairman Scardino stated that there is a large list for landscaping; the Board only accepts cash bond; and if you default then we are stuck. The By-law is for the whole site not just a portion of the project.

Ms. Dunphy explained that is why it is only a Temporary CO for the partial site, not the whole site.

The Board discussed if they give a temporary certificate it will this set a precedence. They understand the position the Applicant is in with obtaining licenses to open the daycare but they will work with him and work with reducing the amount of the cash bond through working with the punch list. They also understand that they need the final occupancy permit in order to open the daycare.

Mr. Horsfall stated that there is no reason that the contractor will not work with the Town in order to move forward.

**Motion** by Mr. Kelly to reduce the cash bond from $109,301.00 to $54,650.00 for a Temporary Certificate of Occupancy with the condition that the applicant comes back to the Planning Board in no later than 60 days by November 14, 2019, seconded by Mr. Garland. Approved 4-0.

**Item#5 Wendy’s Temporary Certificate of Occupancy (TCO) Request**

**Motion** by Mr. Kelly to open Item #5, Wendy’s for a Temporary Certificate of Occupancy, seconded by Mr. Garland. Approved 4-0.

Matt Brooks introduced himself and explained that they are looking for a 30-day Temporary Certificate of Occupancy for Wendy’s and they are opening tomorrow. They are waiting for the final As-Built Plan and that is the only outstanding issue.

Mr. Horsfall explained that he did a site walk with Mr. Charbonneau and the landscaping looks great. He has prepared a final estimate for the cash bond in the amount of $25,993.00, and they are just waiting on the final As-Built.

Chairman Scardino stated that this is a very attractive project and wanted to thank the applicant.

**Motion** by Mr. Kabba to accept the cash bond in the amount of $25,993 as recommended by the Engineering Department for a Temporary Occupancy Permit for Wendy’s, seconded by Mr. Kelly. Approved 4-0.
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The Board took a 10 minute recess at 9:27 p.m.

The Board resumed the meeting at 9:37 p.m.

**Motion** by Mr. Kelly to open Item #6, Discussion of changes to the zoning regulations of the Stoughton Center Mixed Use Overlay District (SCMUOD), seconded by Mr. Garland. Approved 4-0.

**Item #7. Discussion of changes to the zoning regulations of the Stoughton Center Mixed Use Overlay District (SCMUOD).**

Mr. Charbonneau explained that this is his first time working on the SCHMUOD. They are working on potential zoning changes on multiple topics. He has asked Mark Zamanian of the Redevelopment Authority if his committee could come up with money to work on a Master Plan and get the town residents involved. The Planning Board has $15,000 in its budget to put into this study. He is trying to do a SMART development similar to what he worked on in Wrentham on a 50 acre parcel of land. We need to work on three (3) things: what market will work; what is needed; and what will work. He is presenting his project on Monday, September 16th at 6:30 p.m. at a joint meeting with the Downtown Redevelopment Task Force; the Redevelopment Authority; the Planning Board; and the Board of Selectmen.

Mr. Charbonneau explained that they will create an RFP and it can go out in phases to get this project off the ground. It will be much better to go through these committees for funding, and not have to go before Town Meeting requesting funds.

Mr. Kelly stated that because we are running late tonight, we need a separate meeting to just deal with Town Meeting zoning articles, and we should set aside the October 24th meeting for just articles.

Mr. Charbonneau stated that the October 12th Planning Board meeting and subsequent meetings through November will be held at the Police Station, due to construction at the Town Hall.

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.