

TOWN OF STOUGHTON

Massachusetts
MA 02072

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

Planning Board
Daniel Kelly, Chairman
Paul Demusz, Vice Chairman
Paul Beliveau
Richard Terry
Peter Murphy

PLANNING BOARD MEETING MINUTES Thursday, July 13, 2023

The Stoughton Planning Board met on Thursday, July 13, 2023 at 7:00 P.M. at the Stoughton Town Hall, Great Hall, 3rd Floor, Stoughton, MA relative to the following agenda item for the purpose of receiving public comments.

The following members were present:

Daniel Kelly
Paul Demusz
Richard Terry
Paul Beliveau
Peter Murphy

Also present were: William D. Roth, Jr., Town Planner; and Karen Lawlor, Recording Secretary.

Everyone stood as we recited the Pledge of Allegiance.

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

Motion by Mr. Demusz to open the public meeting, seconded by Mr. Beliveau. All in favor, Chair Kelly, Mr. Demusz, Mr. Terry, Mr. Beliveau, and Mr. Murphy. Motion Approved 5-0.

Chair Kelly welcomed everyone to the Planning Board meeting of July 13, 2023. The meeting is being taped by SMAC, so everyone should act accordingly.

Item #1. Chairman's Comments. Chair Kelly stated that he would like to welcome Peter Murphy as our new Planning Board member and we all look forward to working with him. We had talked about new policies at our last meeting and explained that everyone will be given the opportunity to speak. Residents will have one (1) time at the mike; be given five (5) minutes to talk; and only items posted on the agenda will be discussed.

Motion by Mr. Demusz to open Item #2 – Form A – ANR Plan, seconded by Mr. Terry. All in favor. Motion Approved 5-0.

Item #2. Form A - ANR Plan-Tosca Drive, Right-of-Way Alteration; Map 30, Lot 46.

Mr. Roth explained that this Plan went before Town Meeting and is the last stage of construction. This ANR Plan alters the layout by taking some of the park and part of the roadway. This Plan has been fully vetted by Mass Highway; all abutters have been notified and provided notice of advertisement. There are no objections, to the best of his knowledge.

Motion by Mr. Demusz to Approve the ANR for Tosca Drive as presented, seconded by Mr. Terry. All in favor. Motion Approved 5-0.

Motion by Mr. Demusz to open Item #3 – 84 Lumber, and seconded by Mr. Terry. All in favor. Motion Approved 5-0.

Item #3. A Continued public hearing will be held on the petition of the applicant 84 Lumber, c/o James Zaunic, 1019 Route 5A, Eighty-Four, PA 15330. Represented by J.K. Holmgren Engineering, LLC, 1024 Pearl Street, Brockton, MA 02021 for Site Plan Approval under Section 10.6 “Site Plan Approval” of the Town of Stoughton Zoning Bylaw, for the proposed development of an approximately 6,825 square foot industrial Building including a parking area for 11 cars located at 0 Page Street

A continuance has been requested to August 10, 2023.

Motion by Mr. Demusz to accept the continue for 0 Page Street to August 10, 2023 at 7:00 P.M., and seconded by Mr. Beliveau. All in favor. Motion Approved 5-0.

Motion by Mr. Demusz to open Item #4 – 239 Pleasant Street (Assisted Living), and seconded by Mr. Terry. All in favor. Motion Approved 5-0.

Item #4. A Continued Public Hearing will be held on the petition of the Applicant Louis Assisted Living, LLC and owner Yolande Louis, 36 Lunda Street, Waltham, MA 02451, represented by Terrence P. Morris, Esq., 57 Elm Road, Newton, MA 02460, for Site Plan Approval under Section 10.6, “Site Plan Approval,” of the Town of Stoughton Zoning Bylaws; for the proposed building renovation to create a 13-bed Assisted Living Facility and the construction of 16 parking spaces to be located at 239 Pleasant Street (Assessors Map 067 Lot 301), in an RU (Residential Urban) Zoning District.

A continuance has been requested to August 10, 2023.

Motion by Mr. Demusz to accept the continue for 239 Pleasant Street to August 10, 2023 at 7:00 P.M., and seconded by Mr. Beliveau. All in favor. Motion Approved 5-0.

Motion by Mr. Demusz to open Item #5 – Best Price Sign, seconded by Mr. Terry. All in favor. Motion Approved 5-0.

Item #5. A Continued public hearing will be held on the petition of the Applicant Best Price Signs and Printing Corp., 244 Liberty Street, Suite 8, Brockton, MA 02301 and the owner Iglesia de Dios Pentacostal, 710 Turnpike Street, Stoughton, MA 02072 for a Special Permit under Section 6.2.7, "Special Permit" of the Town of Stoughton Zoning By-Laws to install a sign in such a way that will exceed the maximum allowable size on the property located at 710 Turnpike Street (further identified on Assessors Map 91 Lot 2) located in the Residential – Suburban B(RB) zoning district.

A continuance has been requested to August 10, 2023.

Motion by Mr. Demusz to accept the continue for 710 Turnpike Street to August 10, 2023 at 7:00 P.M., and seconded by Mr. Terry. All in favor. Motion Approved 5-0.

Motion by Mr. Demusz to open Item #6 – o Atkinson Avenue Extension, seconded by Mr. Beliveau. All in favor. Motion Approved 5-0.

Item #6. A Continued public hearing will be held on the petition of the Applicant, Corvo Properties, 4 Porter Street, Stoughton, MA 02072 and owner Endriunas Bros. LLC, 466 Sumner Street, Stoughton MA 02072 represented by Strong Point Engineering Solutions, Inc., 340 Manley Street, Unit 2, We. Bridgewater, MA 02072 for Site Plan Approval under Section 10.6, "Site Plan Approval, " of the Town of Stoughton Zoning Bylaws; and certain Special Permits under Section 4.1.4 (A10) Mixed Use Building, for the proposed development of a Mixed Use Building containing a retail store and 33 apartments located at o Atkinson Avenue Extension (Assessors Map 061 Lot 060 & 061) in a GB (General Business) and RC (Residential Suburban C) Zoning District.

Eric Dias, Engineer from Strong Point Engineering introduced himself, along with Anthony Rescito, Developer, and explained that they were before the Board in May at the Library. They had received comments from Engineering, but had not heard from Conservation at that time. They have since received responses and revised the Plans, done two (2) revisions and soil and drainage tests, along with the traffic impact study. Engineering, DPW, and Conservation have all approved the project. The layout has remained the same; they have increased the landscaping; improved pavement; created a small retaining wall at the Barrows side; and improved the dumpster pad.

Mr. Dias presented the Landscape Plan and increased the plantings; along with the color, and variety. They also presented the building elevations and presented the Plans for the abutters to review. The traffic study analysis has reported that there will be insignificant impact to the traffic, with thirty-three (33) additional vehicles added at peak times.

Mr. Horsfall stated that the Applicant has addressed all Engineering comments, which includes drainage, test pits, and we are satisfied with the plan. The Water Supervisor reviewed the sewer connections and everything has been configured to his satisfaction.

Mr. Roth explained that the Landscape Plan has been dramatically improved.

Mr. Demusz stated that the Conservation standards and conditions were applied.

Mr. Beliveau stated that the deer like the American arborvitaes and requested that the Applicant use deer resistant plants instead. The Applicant was in agreement with this suggestion.

An abutter, Leanne questioned what the tallest building in Town is; who has visited this site; concerned with safety; how many parking spaces; where do guests park when the residents have company; and if the applicant has followed the by-law requirements.

Mr. Ruscito (applicant) stated that they have more than sufficient parking.

Sara Johnson stated that there are too many cars; the roads are slippery in the bad weather; change the entrance to this building; and at what point do we stop building since the schools are full. Where are we putting all of these children, there is no more room in the schools.

Alicia of 189 Lucas Drive explained that sixty (60) people signed a Petition against this project. This is a residential neighborhood and the house values will go down. We don't want the building there and the noise will be a problem, along with the parking. The Board should be helping to beautify the neighborhood and not allow this building to be constructed. There were other plans presented for this area and those were problematic. Cars fly down the road and this is a safety issue.

Dan Bushlow of Atkinson Avenue explained that traffic is a daily problem and the applicant getting around the rules and using mixed-use to build this building. He is only adding one (1) business with one (1) parking space, which doesn't make sense. If this was in your neighborhood you wouldn't want it either.

Jane Smalls of Lucas Drive stated that there are many issues, including: traffic; parking; quality of life; crowded schools and a failing school system (with less than 80% of graduating students going to college); and the playgrounds are in horrible condition. There will be pedestrian fatalities and this will bring in low income people. Also, this building is in wetlands which will disrupt the wildlife and this is dangerous, along with the fact that we have been fighting water and flooding issues forever. The wetlands are very important to the environment and wants the Board to think long and hard about approving this project.

Andre of Lucas Drive had a few concerns, including: destroying the safety of our neighborhoods; the schools are overwhelmed; traffic during construction; oil on the roads which are already in bad condition from the trucks during construction; lots of trucks during the building phase; and these people will be renters and they don't care about the property or the neighborhood.

Janie of 143 Lucas Drive stated that she is the first house on the left hand side and was concerned with the height of the building and this is not three (3) stories, it is four (4). There is a terrible traffic problem in ideal weather, but in the snow the cars constantly get stuck in the snow. They will be parking where people walk and the entrance to this building is the slippery part of the road. This will create more problems since there is no momentum to get up the hill. Also, the schools are full and overwhelmed now, and she would feel better if the traffic went out on Washington Street.

Chair Kelly thanked everyone for their time and effort that has been put into this project.

Attorney Mark Bobrowski introduced himself and explained that he has been an attorney for thirty-eight (38) years and land use is about people and the residents. These plans are put together and reviewed, and have to pass strict rules and regulations to be approved. They are approved thoroughly through the Engineering and Conservation Departments and everything has to be checked off to move forward. He understands that the schools have problems, but it is what it is. We need to rely on the testimony of experts and he personally drafted the bylaws 7-8 years ago, everything was carefully planned out, and these rules are to be followed. In conclusion, he does not feel that the schools will be greatly affected since the majority of these apartments are one (1) or two (2) bedrooms.

Motion by Mr. Demusz to close this hearing, and seconded by Mr. Terry. All in favor. Motion Approved 4-0.

The Board discussed a few requirements that could be included, like: no parking signs on Atkinson Ave; time restricted signs; and figuring out what falls under the purview of the Select Board. The Applicants would have to make an appointment and be put on the Select Board Agenda. Conditions were also discussed which include the applicant going before the Select Board for signage; screening the rooftop; not planting arborvitaes and replacing them which juniper; and planting more trees.

Motion by Mr. Demusz to Approve Site Plan Approval under Section 10.6, "Site Plan Approval," of the Town of Stoughton Zoning By-laws for the proposed development of a Mixed-use Building containing a retail store and 33 apartments located at 0 Atchinson Avenue Extension, and seconded by Mr. Terry. All in favor. Motion Approved 4-0 (Abstain Mr. Murphy).

Motion by Mr. Demusz to Approve certain Special Permits under Section 3.1.4 (A10) Mixed Use Building, for the proposed development of a Mixed-use Building containing a retail store and 33 apartments located at 0 Atchinson Avenue Extension, and seconded by Mr. Beliveau, with the following Special Conditions:

1. The Applicant shall record the Operation & Maintenance Plans. Proof of recording shall be submitted to the Planning Board and the Engineering Department prior to the issuance of a Building Permit;
2. A Sewer Connection Permit for the project is required to be issued by the Engineering Department prior to the issuance of a Building Permit;
3. The Applicant shall clean the entire drainage system at the end of construction;
4. The Applicant shall submit two sets of the construction plan and a PDF to the Engineering Department prior to the issuance of a Building Permit
5. A Final As-Built Plan (paper copy of the PDF) shall be submitted for review by the Engineering Department prior to the Certificate of Occupancy; and
6. The Planning Board requires a cash bond in the amount to cover the full replacement cost of all landscaping prior to the issuance of a Certificate of Occupancy. The bond will be held by the Planning Board for one full growing season after the landscaping is installed.
7. The Applicant shall go before the Select Board as the Road Commissioners and request a "No Parking" zone along Atchinson Avenue Extension. (added by the Board)
8. The Applicant shall consolidate the two lots into one lot. (added by the Board)

9. The Applicant shall revise the Landscape Plan to replace the proposed Arborvitae screening around the dumpster with a variety of Juniper that provides similar screening. (added by the Board)

All in favor. Motion Approved 4-0 (Abstain Mr. Murphy).

Mr. Roth explained that there is a 20-day appeal period once the Decision is signed and filed with the Town Clerk.

Motion by Mr. Demusz to open Item #7 – Ron DiMatteo, and seconded by Mr. Terry. All in favor. Motion Approved 5-0.

Item #7. A Continued public hearing will be held on the petition of the Applicant: Ron DiMatteo, 45 Sumner Street, Brockton, MA 02301 and the owners Applewood Farm Realty Trust, 737 School Street, Stoughton, MA and RDR Sumner LLC, 1044 Central Street, Suite 201, Stoughton, MA. Represented by PMP Consulting, Inc., 200 North Bedford Street, East Bridgewater, MA 02072 for a Definitive Subdivision Modification approval of a previously approved subdivision, Pine Hill Estates. The proposal is to divide Lots 36 and 82 on Assessors Map 73 into 3 new lots which are 2 proposed building lots and the remainder area of Lot 36. The property is located at 3 Ruggiero Way, (Assessors Map 73, Lot 82), Sumner Street (Assessors Map 73, Lot 36) located in the Residential-Suburban A (RA) zoning district.

Mr. Roth explained that this was an application for a Minor Subdivision Modification Plan for Pine Hill Estates by the Applicant and the Planning Board has the right to approve and modify the Plan to which all conditions have been satisfied. He has modified the Findings and the Decision.

Mr. Horsfall reviewed this modification and stated that the latest plan meets all requirements. All stormwater and notes were added. The Plan is ready for approval and addresses everything.

Motion by Mr. Demusz to Approve this Modification with the Condition that the proposed roadway and required maintenance services shall remain privately-owned and performed by the home owners' association in perpetuity, and seconded by Mr. Terry. All in favor. Motion Approved 5-0.

Motion by Mr. Demusz to open Item #8 – General Business, seconded by Mr. Terry. All in favor. Motion Approved 5-0.

Item #8. General Business – Minutes

Motion by Mr. Demusz to Approve the Minutes of June 8, 2023, seconded by Mr. Terry. All in favor. Motion Approved 4-0 (Abstain Murphy).

Mr. Roth explained that at the next meeting they have three (3) continued hearings, two (2) new, and Milton Cat for a Special Permit.

After discussion about the next meeting and members vacation, the Board agreed to cancel the August 10, 2023 meeting and hold the next meeting to August 24, 2023.

Motion by Mr. Demusz to Re-Open Item #3, o Page Street; Item #4, 239 Pleasant Street; and Item #5, 710 Turnpike and continue these hearings until August 24, 2023 at 7:00 p.m., and seconded by Mr. Terry. All in favor. Motion Approved 5-0.

Chair Kelly requested a motion to adjourn.

Adjournment

Motion by Mr. Demusz to Adjourn, seconded by Mr. Beliveau. All in favor, Motion Approved 5-0.