

January 22, 2019



**Town of Middleborough
Planning Board**

20 Center Street, 2nd Floor
Middleborough, MA 02346

508-946-2425
Fax 508-946-1991

On January 22, 2019, the Planning Board held a meeting at 7:00 PM at Middleborough Town Hall, 10 Nickerson Avenue, Middleborough, MA. The meeting was called to order by Chairman Adam Bond at 7:00 PM. Planning Board Members present were: Adam Bond, John Healey, William Garceau, Edward Medeiros and Cara Mia Diegoli. Also present was Leeann Bradley, Town Planner. MCCAM was recording the meeting for local community broadcast.

ADMINISTRATION:

Unanticipated

None

Payment of Bills

<u>Vendor</u>	<u>Invoice Number</u>	<u>Project</u>	<u>Amount</u>
Jacobs Driscoll Engineering	AA040.06-01	Whitetail Estates	\$1,250.00
Jacobs Driscoll Engineering	AA040.05-01	Elk Run Estates	\$ 937.50
Atlantic Design Engineering	18-4856	Harvestwood Estates	\$675.00
Postmaster	01	Postage	\$ 300.00

Upon a motion by Mr. Healey and seconded by Mr. Medeiros, it was:

VOTED: To pay the invoices as read.
Unanimous in favor.

Approval of Draft Minutes

Upon a motion made by Mr. Healey and seconded by Mr. Medeiros, it was:

VOTED: To approve the Planning Board Meeting Minutes of November 27, 2018.

Unanimous in favor.

January 22, 2019

Upon a motion made by Mr. Healey and seconded by Mr. Medeiros, it was:

VOTED: To approve the Planning Board Meeting Minutes of December 4, 2018.

Unanimous in favor.

Approval of Form A Lots

Reimels, Wall Street, 1 Lot - Expires 2/3/19

David Maddigan of Maddigan Land Surveyors is present for the discussion. Mr. Maddigan stated they are proposing to cut out Lot 1 from a larger parcel of land. Lot #1 meets all the legal requirements for frontage and upland square. The property is on a public way. Ms. Bradley asked if the creation of Lot #1 would leave 130 Wall Street as a non-conforming lot with 77' of frontage. Mr. Maddigan agreed but stated he would be coming back with a Retreat Lot Special Permit later. Mr. Medeiros said if the board approves this Form A it leaves 130 Wall Street with insufficient frontage making it a non-conforming lot. Mr. Garceau said usually there is no house on a retreat lot. Mr. Medeiros said that is irrelevant.

Upon a motion made by Mr. Medeiros and seconded by Mr. Healey, it was:

VOTED: To deny without prejudice the Form A Plan of Land for Wall Street, owner Robert & Cheryl Reimels, drawn by Maddigan Land Survey, LLC, dated December 6, 2018.

Four in favor. One abstention (Chairman Bond)

Upon a motion made by Mr. Medeiros and seconded by Mr. Healey, it was:

VOTED: To waive future fee and allow applicant to reapply for a Form A within six months.

Four in favor. One abstention (Chairman Bond)

Heidke Summer Street, 1 Lot - Expires 2/3/19

David Maddigan of Maddigan Land Surveyors is present for the discussion. Mr. Maddigan said the purpose of the plan is to create Parcel A as shown, from Assessor's Map 31 Parcel 131 and to combine it with Assessor's Map 31 Lot 133. Ms. Bradley said she recommends approval.

Upon a motion made by Mr. Medeiros and seconded by Mr. Healey, it was:

January 22, 2019

VOTED: To approve a Form A Plan of Land for Summer Street, owner Barry Heidke, drawn by Maddigan Land Survey, LLC, dated December 10, 2018.

Unanimous in favor.

East Grove Realty LLC East Grove St, 3 Lots - Expires 2/3/19

David Maddigan of Maddigan Land Surveyors is present for the discussion. Mr. Maddigan said the applicant is withdrawing without prejudice.

Upon a motion made by Mr. Healey and seconded by Mr. Medeiros, it was:

VOTED: To deny (applicant requested to withdraw the ANR submittal without prejudice) a Form A Plan of Land for East Grove Street, owner Anderson Martenson III, drawn by Maddigan Land Survey, LLC, dated January 14, 2019.

Unanimous in favor.

Upon a motion made by Mr. Medeiros and seconded by Mr. Healey, it was:

VOTED: To not waive the fee on the next (applicant withdraw without prejudice) Form A Plan of Land for East Grove Street, owner Anderson Martenson III, draw by Maddigan Land Survey, LLC, dated January 14, 2019.

Unanimous in favor.

Kotowski Cedar Street, 1 Lot (Expires: 2/4/19)

Stephen J. Kotowski owner of property is present for the discussion. Mr. Kotowski stated the land was currently purchased by him. They are proposing to build a house in Plympton. The remaining land is designated as Parcel A will be combined with the neighbor's lot, Harlow. Parcel B is going to Cabral. Lot 1 has access in Middleborough, frontage, vital access, and on a public way. Ms. Bradley stated the plan will also need approval from the town of Plympton. Mr. Medeiros stated the Form A is incorrect as the notes for zoning are incorrect.

Upon a motion made by Mr. Medeiros and seconded by Mr. Healey, it was:

VOTED: To deny the ANR Plan because the notes are incorrect and the set backs are wrong for Cedar Street, owner Stephen J. Kotowski, drawn by Webby Engineering, dated January 11, 2019.
Two in favor. Three abstain.

Upon a motion made by Mr. Medeiros and seconded by Mr. Healey, it was:

VOTED: To deny the Plan of Land in Plympton and Middleborough, MA prepared for Stephen J. Kotowski Jr., dated January 11, 2019 drawn by Webby Engineering of County Road Plympton, MA.

January 22, 2019

Unanimous in favor.

Public Hearings, Meetings, etc.:

Elk Run Estates –Surety Reduction

Owner: Ed & Carol Zaniboni

Engineer: Outback Engineering

See attached for meeting minutes

Quail Place Form B

Owner: Jeffrey Scott Allen

Engineering: Outback Engineering

See attached for meeting minutes

Harvestwood Estates - Form C Modification, Old Center Street

Owner/Applicant Greg Maroney

Engineer: MBL Land Development & Permitting Corp.

Expires: 2/22/19

See attached for hearing minutes

OTHER:

South Coast Rail – Economic Development Discussion – Jean Fox

Jean Fox, South Coast Rail Manager and Ken Caputo and Geoffrey Morrison-Logan of VHB were present for the discussion. The secretary has asked them to go back and validate the design is 90-100% complete, two contracts awarded for the old school of culverts, the project is clearly being advanced.

There will be a narrowing of Route 28 where it meets the station. This will be safe for pedestrians. This needs to be MASSDOT approved.

The overflow parking will be at the Amory

Technical assistance for area improvements

New station graphics were shown.

Adaptive traffic control system on route 105

Three sites

Chairman Bond asked about Mayflower School

There will be signage and stripping at 28 & 105. The layout will be the same.

HAWK System on route 28

Road diet will be four lanes into two lanes

January 22, 2019

Buses will run from Middleborough to Taunton on a regular basis and Wareham and Plymouth will be a station in East Taunton.

There will be three lanes – two going to the rotary and one coming from the rotary on route 28.

Parking – How many spaces in the Armory area?

1. 120 Spaces, max, it will be lighted, preserved the trees. The trees can be a security risk because you can't see those spaces from the road.
2. 100 spaces, Washburn the old station – RFP for coffee truck, etc. The tree buffer should stay
3. 109 spaces with no trees but leave area for further development.

Shuttle from parking area to station? Ridership 500 people

Tech Assistance

Access management

TOD zoning – sites A, B & C

Chairman Bond said the lots in RB and GU on Route 28, on the front lots we would like to change the front lots to be GU. Ms. Fox said we could get Tech Assistance, and overlay South Main Street to protect the area. Also speak to SRPEDD and have a conversation to see what would be the best way to do this.

Mr. Medeiros would like Parcel C for development, commercial land, 40R or mixed use.

Chairman Bond said you will have to use public money to get to private land, access off first elbow of station access road.

Ms. Fox will talk to property owner for every crossing you put in; you need to remove two, Rail Road protocol.

Buses

Narrowing

C - Priority

Tech Assistance – SRPEDD and Historical same night, Ms. Fox will set up a meeting with SRPEDD.

Status updates in 30 days; if there is no new information then push it another 30 days

Holton Estates – Discussion of Form J Lot Release

Carl Malloch owner of Malloch Construction was present for discussion. Mr. Malloch stated PMP sent over their estimate for surety, he agrees to it. The amount was \$285,251.00 which is a little more than what he proposed. Mr. Medeiros asked what the figure is that Mr. Malloch came up with was \$100,000 less than PMP. There are twelve lots in the subdivision. Mr. Medeiros said the way we have broken this down in the past is we would like the black top finished. Mr. Malloch would like to have a bond of \$100,000 and 3 lots. There are four water lots that are under agreement. Mr. Medeiros said we would checker board the lots just in case the zoning changes. Mr. Malloch will come back on February 5, 2019 to give the board the surety numbers and lot numbers that are needed.

Complete Streets Program – SRPEDD – Use of Municipal Assistance Hours

Ms. Bradley requested approval from the Board to use our 40 hours of the towns fiscal year from SRPEDD to work with the Department of Public Works and Economic Development

January 22, 2019

Department to use the municipal assistants hours of the Planning Board for the Complete Streets program.

Upon a motion made by Mr. Medeiros and seconded by Ms. Diegoli, it was:

VOTED: to allow the Planning Board's 40 hours of FY19 technical assistance to be used for the Complete Streets Program.

Unanimous in favor.

Zoning Map Amendment

Chairman Bond would like Ms. Bradley to provide the board with the paper work for an overall view. Ms. Bradley will also be meeting with Historical Commission and SRPEDD as well.

10 Commerce Blvd – Discussion on Abutter Concern re: Fence/Buffer Zone

Planning Department is to contact abutter to see if he would like to be on the agenda. If the neighbor does want to be on the agenda, then we will notify Turner Brothers as well. Add Turner Brothers to the February 19, 2019 agenda. Contact Robert Whalen to request his presence at the meeting. What needs to be done for enforcement purposes?

Upon a motion made by Mr. Medeiros and seconded by Mr. Garceau, it was:

VOTED: To request Robert Whalen to be present at the February 19, 2019 meeting.

Unanimous in favor.

Field Change Versus Modification – Discussion

The Board needs to come up with a definition of field change versus modification. Mr. Medeiros will develop a draft and send it to Chairman Bond to add legal language.

Update on Active Projects

No Discussion

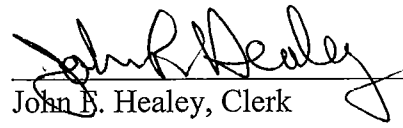
Adjournment

Upon a motion made by Mr. Medeiros and seconded by Ms. Diegoli, it was:

VOTED: To adjourn the meeting at 10:05 PM.
Unanimous in favor.

January 22, 2019

Respectfully Submitted by,



John F. Healey, Clerk

January 22, 2019

PACKET ITEMS

January 22, 2019

1. **Agenda**
2. **Draft Minutes - 11/27/18 & 12/4/18**
3. **Wall Street** – Riemels Form A, 1 Lot Description and Plan dated: 1/14/19
4. **Summer Street** – Heidke Form A, 1 Lot Description and Plan dated: 1/14/19
5. **East Grove Street** – East Grove Street LLC Form A, 3 Lots Description and Plan dated: 1/14/19
6. **Cedar Street** – Kotowski Form A, 1 Lot Description and Plan dated: 1/15/19
7. **Elk Run** – Email from Bradley to Robishaw re Safety Issues dated: 12/17/18
8. **Elk Run** – Email from PMP to Bradley re: Surety Reduction dated: 12.28.18
9. **Elk Run** – Email from PMP to Bradley re Surety Reduction dated: 12/28/18
10. **Quail Place** – Memo from ConCom to PB re: Preliminary Subdivision Plan dated:1/11/19
11. **Quail Place** – Letter from outback Eng. to PB re: Preliminary Plan & Waiver Requests dated: 1/15/19
12. **Quail Place** – Plans from outback Eng. re: Preliminary Subdivision Plan dated: 11/15/18
13. **Quail Place** – Plans From Outback Eng. to PB re: Plan of Land 81X dated: 10/30/18
14. **Harvestwood Estates** – Email from MBL to PB re: Supplemental Drainage Info dated: 1/15/19
15. **Harvestwood Estates** – Email from MBL to PB re: 10 Yr Storm Basin Summary dated: 1/9/19
16. **Harvestwood Estates** - Email from MBL to PB re: 100 Yr Storm Basin Summary dated: 1/9/19
17. **Harvestwood Estates** - Email from MBL to PB re: Grading and Drainage Plan Summary dated: Revised 1/4/19
18. **SRPEDD**- Email re: Municipal Assistance Request Form – Complete Street Project dated: 1/10/19
19. **Complete Streets** – Introduction Complete Streets are for Everyone
20. **SRPEDD** – Complete Streets Program, Linking planning & construction
21. **Southpointe** – Memo from Bradley to PB re: DO District dated: 1/16/19
22. **Southpointe** – Email from E. LeClair to Bradley re: Revised Concept Plan dated: 1/16/19
23. **161 East Grove Street**- Wing, Class II Automobile Dealer's License dated: 1/17/19

SUPPLEMENTAL

24. **10 Commerce Blvd** – Email/Pictures from Bradley to Turner re: Clearing of Buffer Zone dated: 1/10/19
25. **Harvestwood Estates** – Email and Plan from Bradley to PB re: Number of CR Bounds Needed dated: 1/18/19
26. **Harvestwood Estates** – Email from ADE to Bradley re: Supplemental Drainage dated: 1/21/19
27. **East Grove Street** – Email from Maddigan to Bradley re: Martenson Form A dated: 1/22/19
28. **Quail Place** – Email from Murray to Bradley re: Form B Inquiry dated: 1/22/19
29. **Holton Estates** – Email from PMP to Bradley re: Initial Bond Estimate dated: 1/22/19

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MEETING
ELK RUN OFF WALL STREET

On January 8, 2019, the Planning Board held a meeting regarding Elk Run off Wall Street at 7:15 PM at Middleborough Town Hall, 10 Nickerson Avenue, Middleborough, MA. The meeting was called to order by Chairman Bond at 7:15 P.M. Planning Board Members present were: Adam Bond, Jack Healey, William Garceau, Edward Medeiros and Cara Mia Diegoli. Also present was Leeann Bradley, Town Planner. MCAM was recording the meeting for local community broadcast.

Elk Run - off Wall Street

Owner: Edward & Carol Zaniboni

Engineer: Outback Engineering

Mr. Jeffrey Youngquist was present as the representative for Elk Run. Mr. Youngquist stated that he would like the surety reduced. Ms. Bradley recommends following the estimate that PMP proposed by reducing the surety by \$71,000.00 so that we hold \$51,000.00. With a further extension to April 23, 2019 which is the day after town meeting.

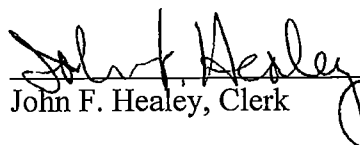
Upon a motion made by Mr. Bond and seconded by Ms. Diegoli it was:

VOTED: To reduce the surety \$122,000 be reduced by \$71,000 and that we hold \$51,000 in surety with the recommendation from PMP and the project deadline be extended to April 23, 2019 for Elk Run off Wall Street.

Discussion from Mr. Garceau said on page 2 on PMP Associates letter here it says that problem 70' of the access road heading west of the fork near drainage man hole 13 is partly constructed outside the drainage easement. Mr. Youngquist said that is because people are going out there.

Four in favor. One Abstained

Respectfully Submitted by,


John F. Healey, Clerk

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MEETING
QUAIL PLACE FORM B

On January 22, 2019, the Planning Board held a meeting regarding Quail Place at 7:20 PM at Middleborough Town Hall, 10 Nickerson Avenue, Middleborough, MA. The meeting was called to order by Chairman Adam Bond at 7:36 PM. Planning Board Members present were: Adam Bond, Jack Healey, Edward Medeiros, William Garceau, and Cara Mia Diegoli. Also present was Leeann Bradley, Town Planner. MCAM was recording the meeting for local community broadcast.

Quail Place – Form B

Owner: Jeffrey Allen

Engineer: Jeffrey Youngquist, Outback Engineers

Expires: 2/16/19

Jeffrey Youngquist of Outback Engineering was present as the representative for the applicant, Jeff Allen. What we are proposing is to create a subdivision road from Marion Road down to Quail Place, to a cul-de-sac 900'. It is a 12' wide super elevated road which slants to the north side, with swales built in a retention basin and a cul-de-sac is 22' paved. The existing 10' paved way, we are proposing a 12' paved roadway.

Mr. Youngquist said we are requesting waivers. Chairman Bond read the waivers into the record. #4 12' travel way not 18', 18' is on the plans but it is 12'.

Mr. Youngquist gave photos of other private ways.

Mr. Garceau said 12' wide would not be approved. Right now we have 20' pavement on a road, Chairman Bond said they are keeping it at 12' until you get to the radius and then its 22'.

Mr. Medeiros said what is this proving to us. This means nothing. I agree 12' wide would not be approved.

Mr. Jeff Allen, owner of property stated the 12' could change to wider but wants to keep with the nature of the area. There are only three houses, two houses are existing and then his house is to be built. If the board would like it to be wide then I would have to go with that.

Attorney Christopher Alpin with Blackman, Bobrowski, and Haverty represents the abutter, Ms. Margaret Chaves. The width causes problems with other filings and something like this has never been approved. If approved can add additional lots/houses. The location of the way is being litigated in Land Court. The lots are shown in different places on different ANR plans.

January 22, 2019

The Board of Health has not issued a well permit to a neighbor because this has not been made a decision on. Chairman Bond if a 20' road were put in then would that be a minimum. Mr. Garceau said that this road would need to be before a three lot.

Bob Rego of River Hawk Environmental stated the issues with the waivers, if 20' would not be able to have drainage etc, based on his initial evaluation.

Attorney Bobrowski would be happy to provide a memorandum to the board on the issue of the title.

Mr. Medeiros disagrees with setting a precedent by approving once. Planning Board can waive anything if they have reason. The issue of title is not a Planning Board issue. This was first submitted as a sufficient width and grade and is now a Form B preliminary subdivision not a sufficient width and grade. This is not a one lot subdivision; it is a three lot subdivision. There may be rights to abutting land owners to use road and build more houses, does it give abutters rights to use as a public way. Potential for 8 lots at Quail Place, I won't approve waivers. Chairman Bond said litigation is not an issue we need to address as an 8 lot subdivision.

Mr. Allen stated that the litigation is at far end of road not where the cul-de-sac is proposed.

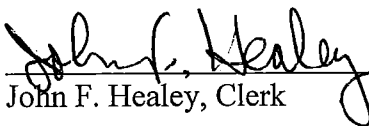
Mr. Garceau said an 850' long road with 8 lots does it meet our standards, if built according to our rules and regulations.

Upon a motion made by Mr. Medeiros and seconded by Mr. Garceau, it was:

VOTED: To deny a Form B Preliminary Subdivision Plan of Land for Quail Place, Middleborough, MA applicant Jeffrey Scott Allen of P. O. Box 352, 69 Somerset Road, Nantucket, MA being Assessor's Map:91 Lot:1464, 1498, 1526, 1559 designed by Outback Engineering, dated November 15, 2018.

Four in favor. One nay

Respectfully Submitted by,



John F. Healey, Clerk

January 22, 2019



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HEARING
HARVESTWOOD ESTATES FORM C OFF OLD CENTER STREET

On January 22, 2019, the Planning Board continued a hearing regarding Harvestwood Estates at 7:30 PM at Middleborough Town Hall, 10 Nickerson Avenue, Middleborough, MA. The hearing was called to order by Chairman Adam Bond at 8:00 PM. Planning Board Members present were: Adam Bond, Jack Healey, Edward Medeiros, William Garceau, and Cara Mia Diegoli. Also present was Leeann Bradley, Town Planner. MCAM was recording the meeting for local community broadcast.

Harvestwood Estates Form C Modification, Old Center Street

Owner/Applicant Greg Maroney
Engineer: MBL Land Development & Permitting Corp.
Expires: 2/22/19

Tracy Duarte, Civil Engineer from MBL Land Development was present on behalf of the applicant. Ms. Duarte stated fencing is needed but changed slopes on lot 5 & 6 at 5:1 calculations were submitted to Atlantic Design Engineers. Harvestwood Estates met with Conservation Commission last week, they added split rail fence to the conservation area. The Subdivision Rules and Regulations require bounds at every jog, with the easement in the back there are a lot of jogs so we have 80 concrete bounds to be placed on the property.

Upon a motion made by Mr. Medeiros and seconded by Mr. Healey, it was:

VOTED: To only require those boundary markers set forth in the Subdivision Rules and Regulations under section IV.H.1

Unanimous in favor.

Mr. Medeiros we asked to go to a 3:1 slope and to prove to us that in a ten year storm The front of the basin, the bottom of the basin is 42.30 the top of the basin is 46.65. If they can bring it 8' closer to the house to have 5:1 all around, so no fence and then slide closer to houses. Ms. Bradley said that Atlantic Design Engineers would have to review the plans before a final approval is done. Chairman Bond stated that he would like ADE to review and then get back to the board.

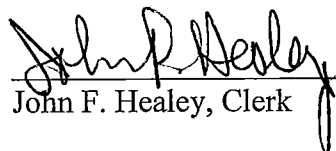
Upon a motion made by Mr. Healey and seconded by Mr. Medeiros, it was:

January 22, 2019

VOTED: to continue to the hearing to February 5, 2019

Unanimous in favor.

Respectfully Submitted by,



John F. Healey, Clerk