

February 20, 2019



RECORD

Town of Middleborough Planning Board

20 Center Street, 2nd Floor
Middleborough, MA 02346

508-946-2425
Fax 508-946-1991

On February 20, 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

Mr. Bond read into the record correspondence from the Historical Commission to the Planning Board regarding the matter of rezoning the East Grove/West Grove from Residence B to General Use. The Historical Commission will be meeting on February 25, 2019, in the library to discuss this matter.

Mr. Garceau asked about an email that was in the packets regarding material being brought to Charlotte Court for the roadway. The developer had sent soil samples to the office. The soil proposed to be brought to the site is from the site of the demolished Taunton City Hall. Ms. Bradley explained that any soils brought into town must adhere to the Board of Health's soil contamination bylaw. This bylaw was forwarded to the developer and the Board's consultant for his review. At this time this material cannot be used for this project.

Payment of Bills

<u>Vendor</u>	<u>Invoice Number</u>	<u>Project</u>	<u>Amount</u>
Briggs Engineering	INV0211938	Charlotte Court	\$355.00
Jacobs Driscoll (PMP)	02.2019.00101	Revolving Fund	\$2,080.00
Atlantic Design Engineering	19-1050	Cobblestone Estates	\$763.15
Atlantic Design Engineering	19-1044	Harvestwood Estates	\$405.00

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

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

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Approval of Draft Minutes

None

Approval of Form A Lots

Kotowski – Cedar Street – One Lot Proposed

Mr. Stephen Kotowski was present. Mr. Kotowski submitted a revised plan showing the required frontage in a Rural Residential zone and corrected the zone from Residential A to Rural Residential. A portion of the lot falls within the Town of Plympton. The Plympton Planning Board has approved this plan.

Mr. Medeiros stated that the 50’ setback needs to be shown in the legend and the locus shown is not correct.

Mr. Medeiros made a motion to deny the Form A. Mr. Healey seconded the motion for discussion. Mr. Healey asked if they could approve subject to Mr. Kotowski making the noted changes. The motion to deny failed 4-1. Mr. Healey made a motion to approve the Form A and to have Mr. Kotowski make the required changes on the mylar and paper plans here at the meeting. Mr. Garceau seconded the motion. Motion passed. 4-1.

Medeiros – Cedar Street – Two Proposed Lots

Mr. Edward Medeiros recuses himself as a Planning Board member as he is the applicant of the Form A. Ms. Bradley states that there is a minor error on the plan. Lot 1A should be referenced as Lot 41A. This change can be made on the mylar and paper plan. Mr. Healey motioned to approve the Form A with the correction of Lot 1A being renumbered as Lot 41A. Mr. Garceau seconded the motion. Motion passed.

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Public Hearings, Meetings, etc.:

Cobblestone Estates – Form C Off Wareham Street

Expires: 4/19/19 Owner: Goodwin, S. Applicant: Southbrook Development
(continued from 1/8/19) Engineer: Zenith Consulting Engineers
Expires: 4/19/19

See attached for hearing minutes

OTHER:

1. Turner Brothers – 10 Commerce Boulevard – Abutter Concerns – Fence/Buffer Zone

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Mr. Donald Mackiewicz an abutter from Clay Street is present. He stated that the property owner has installed an eight foot chain link fence within the buffer zone. It is approximately ten feet from his property line within the wooded area. The fence does not provide any noise reduction or site blockage. He also stated the lighting on the outside of the building is on throughout the night and is very bright.

The Board asked Mr. Mackiewicz to submit a written complaint with updated photographs. He should submit this to the Planning Board, Board of Selectmen and Building Inspector. The Board will also draft a written complaint and forward to the Building Inspector who is also the Zoning Enforcement Officer.

Mr. Medeiros asked if we could have the owner stake out the 100' buffer zone or, if we need to, can the Board pay to have it staked out by a land surveyor. Ms. Bradley stated that once she receives the complaint and photos from Mr. Mackiewicz, she will draft a violation notice for the Board to review. One of the items in the notice will be to have the 100' buffer staked by a professional land surveyor. When the Board approves of the notice, it will be provided to the Zoning Enforcement Officer to take action. Ms. Bradley stated that she has spoken with Mr. Whalen, Zoning Enforcement Officer. Mr. Whalen stated that if the Planning Board has any issues or violations to the Special Permit, the Board should draft a violation notice with expectation. He will then run it by town counsel, sign and send to owner via certified and regular mail.

2. Discussion – Combining Application for Form A with application for Retreat Lot

The Board briefly discussed the current procedure for a Form A and a Retreat Lot. The retreat lot is currently only approved via the issuance of a special permit. This procedure needs to be combined and simplified.

Mr. Riemels, 130 Wall Street, asks what if a retreat lot special permit approved but the Form A is denied? Mr. Medeiros stated that this is something the Board is working on. Mr. Riemels' retreat lot/Form A applications will be fine as they will be heard during the same meeting. But, this is something the Board needs to correct.

3. Zoning Map Amendment – RB/GU – Draft of Articles

Mr. Arthur Battistini, Chairman of the Historical Commission, was present. Mr. Bond stated that if property owners want to preserve the history of their property and homes, they will only sell to someone wanting a single family home. They would like to have South Main Street as an historic overlay district. What was approved on Mayflower Avenue is an atrocity.

Ms. Bradley will draft four articles showing each separate area that is being discussed converting from RB to GU as well as one article showing all four areas on one article.

Mr. Healey stated that there are several concerns that need to be discussed in depth, additional curb cuts, commercial creep up South Main Street, additional traffic, South Coast Rail, etc. This should not be something presented to this year's annual town meeting. He would like to see an historic overlay determined before a zoning change is presented.

Ms. Bradley asked about the citizen's petition that was submitted for last year's annual town meeting. With the department being short staffed at that time, it was something that unfortunately slipped through the cracks. Also, having Site Plan Review is something that needs to be

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discussed, researched and implemented. It would be an amendment to the zoning bylaws but would provide much needed oversight and review by the Planning Board for projects that currently only require a Building Permit. Currently any proposed commercial building under 20,000s.f. does not require review by the ZBA or the Planning Board. Site Plan review could incorporate criteria for commercial buildings that abut the historical overlay district, i.e. buffer strips, design, setbacks, etc. This will be discussed further with the Historical Commission. This discussion will be continued to the Planning Board's meeting of March 5, 2019.

4. Field Change vs. Modification of a Subdivision – Discussion

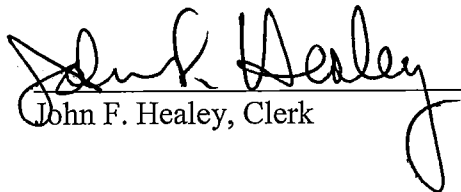
Mr. Garceau and Mr. Medeiros stated that the elimination of the waterline within Christina Estates should have been a modification not a field change. Field changes are something that come up unexpectedly during the construction phase; not something that was approved as part of the subdivision design and then they change their mind. A field change should be something minor, grade change, etc. This is something that will need to be addressed within the subdivision regulations rewrite. Need to have a standard for developers to follow.

Adjournment

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

VOTED: To adjourn the meeting at 9:00 PM.
Unanimous in favor.

Respectfully Submitted by,



John F. Healey, Clerk

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AGENDA/PACKET ITEMS
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1. **Agenda**
2. **Cedar Street** – Kotowski Form A Plan dated: 1/23/19
3. **Cedar Street** – Medeiros Form A Plan dated: 2/12/19
4. **Cobblestone Estates** – Description of Parcel Easement
5. **Cobblestone Estates** – Email from N Zager to L Bradley re: Landscaping Plan dated: 2/14/19
6. **130 Wall Street** – Reimels Retreat Lot Special Permit dated: 1/22/19
7. **Cranberry Woods Estates** – Memo from B Buker to Planning Board re: Soils dated: 1/31/19
8. **Cranberry Woods Estates** – Packet from LandPlex to PB re: Application dated: 12/7/18
9. **Cranberry Woods Estates** – Plans from LandPlex to PB re: Definitive Subdivision Plan dated: 12/7/18
10. **Zoning Map Amendment** – Article for East Grove, RT 105 & Williams Place
11. **Zoning Map Amendment** – Article for East Grove, Cliff & Prospect Street
12. **Zoning Map Amendment** – Article for West Grove, RT 105 & Elm Street
13. **Zoning Map Amendment** – Article for West Grove and Hillside Ave
14. **Complete Streets Policy** – Description of Policy to be signed
15. **Charlotte Court** – Email from C Hunt to Bradley re: Contaminated Soils dated: 2.14.19
16. **2 West Grove Street** – Harbor One Relocation dated: 2/13/19
17. **308 Marion Road** – Letter from Bradley to ZBA re: Accessory Apartment dated: 2/4/19

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HEARING

Cobblestone Estates – Form C Off Wareham Street

Expires: 4/19/19
(continued from 1/8/19)

Owner: Goodwin, S. Applicant: Southbrook Development
Engineer: Zenith Consulting Engineers
Expires: 4/19/19

On February 20, 2019, the Planning Board held a meeting at 7:15 PM at Middleborough Town Hall, 10 Nickerson Avenue, Middleborough, MA. The meeting was called to order by Chairman Adam Bond at 7:25 PM. Planning Board Members present were: Adam Bond, John Healey, William Garceau, Edward Medeiros and Cara Mia Diegoli. Also present was Leann Bradley, Town Planner. MCCAM was recording the meeting for local community broadcast.

Mr. Robert Forbes, PE, Zenith Consulting and Attorney Robert Mather were present on behalf of the developer. Mr. Forbes stated that they have received comments from the review engineer, Atlantic Design, and will be meeting with DPW and the Water Department to discuss looping the water line.

They have two issues they would like to discuss. The first is the fencing of the detention basin. The basin has a 6:1 slope and in a ten year storm there would be a three inch maximum depth of water and 16” in a 100 year storm. They would like to eliminate the fence requirement. The second issue is the street light at the entrance. They would like to have the light on the relocated pole where ever that may be. The pole location is not up to them. Mr. Healey and Mr. Medeiros stated that they would like to see evergreen trees surrounding the basin.

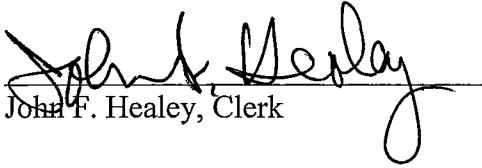
The “Remaining Land” will be renamed as Parcel B. Attorney Mather stated that the plan will be corrected. This parcel is in common ownership. At a later date this parcel will become a retreat lot and a Form A lot.

Mr. Medeiros made a motion to waive fencing of the basin. Mr. Healey seconded the motion. Motion passed. 5-1

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The hearing was continued to the Planning Board's meeting of March 12, 2019.

Respectfully Submitted by,


John F. Healey, Clerk