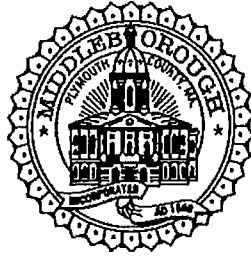


PLANNING BOARD

RECORD

Tuesday, April 2, 2019

Adam M. Bond, Chairman
John F. Healey, Clerk
Edward J. Medeiros
William B. Garceau
Cara Mia Diegoli



Town Hall
Board of Selectmen's Meeting Room
10 Nickerson Ave.
Middleborough, MA 02346

Members Present: Adam M. Bond, John F. Healey, William B. Garceau, Edward J. Medeiros (arrived at 7:29p)

Members Absent: Cara Mia Diegoli

Others Present: Leeann Bradley, Town Planner

7:00 pm Chairman Bond called the meeting to order.

Chairman Bond led the Pledge of Allegiance.

ADMINISTRATION

Unanticipated

Mr. Garceau questioned why the Turner Brothers not an item on the agenda. Ms. Bradley advised she is in contact with Mr. Robert Whalen, Zoning Enforcement Officer/Building Inspector. Mr. Whalen should contact the Turner Brothers in regard to what the Board wants on enforcement action and has until April 9th to have everything completed. Mr. Whalen will need to have a conversation with Mr. George Turner. Ms. Bradley advised Turner Brothers will be on next meeting agenda with hope for a full resolution.

Payment of Bills

<u>Vendor</u>	<u>Invoice Number</u>	<u>Project</u>	<u>Amount</u>
Leeann Bradley-Reimburse	134006	Dues	\$ 51.89
Leeann Bradley -Reimburse	190	Notary Oath	\$ 10.00
Jacobs Driscoll Engineering	02201900102	Revolving Fund	\$ 3,120.00
Atlantic Engineering	19-1136	Cobblestone Estates Pre Payment	\$ 1,690.00

*** M/Healey, s/Garceau to pay invoices as read. Vote 3-0-0*

Approval of Minutes

None

Approval of Form A Lots

H.B. Shaw Home – Tispaquin Street, 19-09-A, Expires 4/14/19

David Maddigan of Maddigan Land Surveying, LLC was present to discuss H.B. Shaw Home - Lot 3. Mr. Maddigan stated about a year ago Lot 3 met all the requirements for Form A. He mentioned the lot has a large amount of wetlands and to get to the buildable portion of the lot, they had to propose a crossing. The Board at the time felt more comfortable if Mr. Maddigan filed with Conservation Commission to go through the Notice of Intent process and receive an approved Order of Conditions. Zenith Engineering filed a WRPD special permit application and has approval from the Selectmen to allow work 25 feet from wetlands. Mr. Maddigan also stated this lot always had access to it, the property is on a public way and has legal street frontage. Mr. Healey asked if there was an existing

foundation on the abutting lot. Mr. Maddigan advised there was a new house next door and the other lot was vacant. Ms. Bradley stated the Form A plan from 2017 helps to clarify the situation.

***M/Healey, s/Garceau, to accept a Form A Plan of Land on Tispaquin Street, Middleborough, MA, prepared for the H.B. Shaw Home, Project# 16-0006, Date 3/19/19, survey 3/21/19, received 3/25/19. Vote 3-0-0*

Martenson – 144 East Grove Street, 19-10-A, Expires 4/14/19

David Maddigan of Maddigan Land Surveying, LLC was present to discuss Anders Martenson Lot 1 and 2 on East Grove Street. He pointed out on the plans presented, the old lot line that is right down the middle and comes right of the street. He stated it is an existing lot line, Lot 1 to the north and Lot 2 the south. Mr. Maddigan stated the lots have more than enough frontage, sits on a public way and has access onto the lots. The upland circles and the zoning setbacks are shown on the plan. Mr. Maddigan stated they are not taking more land from anybody or adding or giving away. All they are doing is changing an interior lot line. Mr. Bond asked where this is located. Mr. Maddigan advised it is right near Cherry Street, it is the earth removal site. Mr. Bond wanted to know which lot had the residential on it. Mr. Maddigan believes as labeled on the plans, lot A and the commercial, Lott B. Mr. Maddigan stated they engineered and designed it to have enough frontage for what Mr. Martenson would like to do which is duplexes. Mr. Graceau wanted confirmation only the interior lot line between the two lots was the only thing changing. Mr. Maddigan confirmed and advised the perimeter is the same and that the dash lines faded out on the plan will be disappearing and they will be putting in a new interior lot line. Mr. Healey asked if the original plan showed three lots. Mr. Maddigan replied that initially it was two or three lots for commercial use only. Then there was ongoing work and consensus with Mr. Martenson was to change the interior line for possible future development. Mr. Garceau asked if the lot in the back now no longer had access. Mr. Maddigan stated it never did and was always a separate lot that goes out to Cherry Street. He stated they are not cutting off anything new or different. Just taking existing perimeter and putting in two new lot lines.

*** M/Healy, s/Garceau to endorse the Form A Plan of Land on East Grove Street, Middleborough, MA prepared for Anders Martenson IV dated 3/21/19, Project# 150082-13B, survey 3/21/19, received 3/25/19. Vote 3-0-0.*

Reimels – 130 Wall Street, 19-11-A, Expires 4/14/19

David Maddigan of Maddigan Land Surveying, LLC was present to discuss remaining land after the approval of the Reimels' retreat lot. After the retreat lot was approved, as pointed out on the plans presented, he wanted to add a line in the back to create Lot 1 which is the Form A lot. The lot has street frontage of 205 feet vs 200', 12,000 square feet upland area, on a public way and has access onto lot. Wetlands have been delineated as the retreat lot. Lot is 88,000 square feet and meets the shape factor. Ms. Bradley advised she has no issues just wanted confirmation if the remaining land is being conveyed to another property or remain in the Riemels' ownership. Mr. Maddigan advised it will remain for the Reimel's buffer. Mr. Garceau questioned the remaining land if it was 5 time zoning. Mr. Maddigan confirmed and stated it has no access to the street unless something different was added onto it on a later date. Mr. Maddigan recommended to Mr. Reimels instead of having all this land going to his retreat lot and never be able to change it, they will keep it as a remaining piece. Cranberry bog owners possibly would want some of that land. Mr. Bond suggested they walk the boundaries of their land once a year to inspect the property lines.

*** M/Healey, s/Garceau to accept a Form A Plan of Land on 130 Wall Street, Middleborough, MA prepared for Robert A & Cheryl Reimels dated 3/14/19, Project# 18-0083, survey 3/14/19, received 3/25/19. Vote 3-0-0.*

PUBLIC HEARINGS

Cranberry Woods / HBO Form C – off Walnut St & Marion Rd – 19-01-C

Owner/Applicant: The Daly Group LLC

Engineer: LandPlex, LLC

Expires: 5/23/19

The Planning Board held a public hearing at 7:17 pm. Matt Hamer of LandPlex, LLC was present and a discussion was held on upcoming Planning Board election. From his understanding Mr. Hamer stated the new member would be present at all the Planning Board discussions related to the project. He advised he would speak with the abutters after this meeting as to how this project relates to their property. He mentioned that a revised set of plans has been provided to Nitsch Engineering for review and hopes the plans are sufficient to board. Mr. Bond stated and wanted the general public to be aware the delayed process was on the Board's part, and apologizes. There was a discussion on the need to vote on a continuance. Both parties agreed to May 7, 2019 as continued date.

Coletti Retreat Lot Special Permit off Wareham Street – 19-03-RL

(continued from 3/19/19)

Owner/Applicant: Russell & Pamela Coletti

Land Surveyor: Maddigan Land Surveying

Expires: 5/11/19

The Planning Board held a public hearing at 7:40 pm. David Maddigan of Maddigan Land Surveying, LLC was present to request continuance of Special Permit on Coletti. There was a discussion on continuance of Special Permitting, Robert Rules and voting on continuance.

*** M/Medeiros, s/Healey to move Coletti Retreat Lot Special Permit off Wareham St, Middleborough, MA to be continued to April 16, 2019 at 7:30 pm. Vote 3-0-0*

OTHER

John Perkins Way – PMP – Sub-base Material & Access Gates – Discussion - 7:24 pm

Patrick Carrara of PMP Associates, LLC was present to discuss gates at the end of the paved aprons near the drainage basins on John Perkins Way. Mr. Carrara stated the subject brought to his attention was whether or not to install these gates or omit them on the plans. Mr. Bond wanted to know if gates were on the plan and how old the plans were. Mr. Carrara confirmed and advised yes to gates on plans and signed January 2018. Mr. Bond countered as to why this issue was not brought up during the public hearing process in 2018. Mr. Carrara stated he was not involved at that time and was unable to answer. Mr. Bond wanted his perspective as to the problem shown on plans. Mr. Carrara stated "cost issue". There was a discussion on the purpose of having these gates, the value to the town to not have the gates and who will maintain the basins. Mr. Garceau stated it would be DPW responsibility because the Town will eventually accept the road and the Planning Board has no say on who is to maintain. Mr. Carrara proposed no gates. Mr. Garceau recommended to modify the plans and to get an approval letter from DPW Director Chris Peck stating he supports the "no gates". There was a discussion on the modification process. Ms. Bradley wanted to know if the gates were required per subdivision regulations or if the Board required the gates. Mr. Carrara confirmed and advised he could not find any evidence of gates being a requirement. Mr. Bond suggested that they not do anything at this point. Wait and see if there are any other field changes/modifications present themselves during the construction phase. The Board would like to see everything at one time rather than being brought before the board piecemeal.

*****7:29 pm Mr. Edward J. Medeiros entered meeting***

61 Leona Drive – Proposed Sign – National Tire Wholesale – Rick Burke - 7:42 pm

No one was present to discuss proposed sign requirements. Continuance to April 16, 2019.

Annual Town Report – 7:44 pm

Mr. Bond advised he reviewed the report and confirmed the department was quite busy. Ms. Bradley stated she wanted to be more informational; as if somebody was just moving to town and wanted to know what a Planning Board was and what they did. The Board commended her and stated she did a wonderful job in creating the report. Mr. Bond read some highlights within the report.

***M/Healey, s/Garceau to submit report on Planning Board's behalf. Vote 4-0-0.*

Associate Member – Anders Martenson IV, Interview – 7:47 pm

Mr. Anders Martenson IV was present to discuss his interest in the Associate Member position on the Planning Board. There was a brief discussion of possible conflicts. Mr. Bond wanted confirmation of advertisement for opening. Ms. Bradley confirmed and advised opening was posted on Town's web page and Planning Board's web page up until the new website launch. Mr. Healey suggested the position be advertised in the Middleborough Gazette at least once to generate more applicants. Mr. Healey advised to postpone action. He wanted to thank Mr. Martenson for his interest and willingness to serve the community. There was a discussion on the difference between associate and alternate positions. Mr. Martenson stated instead of running to be on the Planning Board that he does not fully understand, he thought this would be a good entry position. Mr. Bond suggested to get the conflict of interest out of the way then bring Mr. Martenson in again for discussion. Mr. Garceau stated by just sitting in the audience he could learn a great deal. Mr. Martenson confirmed and advised he had no problem with the Board's decision.

***M/Healey, s/Medeiros for discussion. Vote 4-0-0*

***M/Healey, s/Medeiros to advertise once in Middleborough Gazette. Vote 4-0-0*

144 East Grove Street – Discussion on Earth Removal – 7:54 pm

Nyles Zager of Zenith Consulting Engineers, LLC was present to discuss the Earth Removal project. Mr. Zager stated he believes they addressed the majority of the concerns from various Town Departments and Boards. Ms. Bradley had a comment regarding site stabilization. Mr. Zager wanted some clarity and wanted to go over their plans so the next time they meet with the Selectmen he has a "green light" to move forward with construction. Ms. Bradley pointed out that all her concerns on site stabilization, infiltration basins and amount of earth previously removed were answered based on revised plans, Mr. Zager's letter dated March 27th and attorney O'Shaughnessy's letter dated March 28th. Mr. Healey wanted to know how they answered the quantities removed. Mr. Martenson was present to discuss quantities removed, final location and truck routes. Mr. Zager stated he does not want to delay the process any further and requested a letter to state the Planning Board had no further concerns. Mr. Healey wanted to know if MassDOT District 5 looked at the plans. Mr. Zager stated they are much in favor as they only have two curb cuts total. There was a brief discussion on presented plans. Mr. Bond stated he acknowledges the fact that the Planning Board's jurisdiction of Earth Removal is limited and appreciates Mr. Zager for coming in and asking for their opinion. Mr. Bond also stated he appreciates the Board of Selectmen asking for any technical advice the Board could give. Mr. Neil Rosenthal, Selectmen was present and stated the Board of Selectmen would be very interested in what the final grades are and in fact the drainage and everything else would work on the final property. Mr. Zager stated the plans presented pointing out the slide slopes are the final grades and absolutely 100% correct. Mr. Bond wanted to know the slide slope ratios. Mr. Zager confirmed the ratios were 2 to 1 on Eastern side and 4 to 1 on the Northern side. Mr. Zager stated on the 2 to 1 ration he is proposing an erosion control blanket, both Chris Peck and Ms. Bradley agree with this. Mr. Bond stated he would like Ms. Bradley to add details on the erosion control blanket in the letter to the Board of Selectmen. Mr. Neil Rosenthal, Selectmen also added to discussion his concerns to speed up the process and shrink the timeframe.

***M/Healey, s/Garceau to forward correspondence to the Board of Selectmen stating the Planning Board had a full discussion and reviewed the plans to stabilize property during and after Earth Removal until full build out and that the Planning Board has no negative comment to make. Vote 4-0-0*

Zoning Map Amendment – Update - 8:33 pm

Ms. Bradley advised a public hearing to be held for the article for Town Meeting at the next Planning Board meeting on April 16, 2019. Mr. Bond wanted to know if Town could move to table a citizen's petition. Mr. Neil Rosenthal, Selectman, was present and stated the Planning Board could make a motion as it was their article. Ms. Bradley advised the Planning Board did not follow through in a timely manner to a citizen's petition filed in February of 2018 and are making good on that citizen's petition. There was a discussion on the public hearing. Mr. Rosenthal suggested a special purpose district and specified the Planning Board would have a lot more control over it. There was a discussion about General Use and Historical Commission input.

North Carver Development – Update – 8:38 pm

Ms. Bradley advised she has been in touch with MassDOT. She stated they looked at an Environmental Impact Report draft. Scope of review was from the traffic signal at Route 44 and Route 105. MassDOT believes they do not need to look any further at the traffic signals along the remainder of Route 44. Ms. Bradley stated she asked a question as far as additional traffic to the rotary given the fact that it is going to be a large warehouse distribution center. MassDOT advised to Ms. Bradley that it had to be discussed internally and get back to her. Ms. Bradley also stated she has been in touch with SRPEDD (Southeastern Regional Planning & Economic Development District) who will comment on the final EIR and will take into account all the Planning Board questions with traffic signals and traffic on the rotary. There was a brief discussion on SRPEDD meetings and who would represent the Planning Board. Mr. Bond requested current deeds for the North Carver Development to confirm it is still in the name of the town of Carver. Ms. Bradley advised she spoke with the Carver Town Planner and he anticipates something going forward within the next six months. There was a discussion on supplying water to Carver.

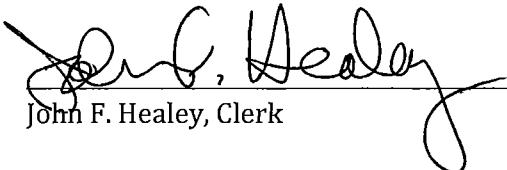
South Coast Rail – Discussion of Applicability of Local By-laws – 8:19 pm

Mr. Bond stated there was a question raised with the Board of Selectmen in regard to the applicability of local by-laws to South Coast Rail. He is unaware of any by-laws the Planning Board might have any significance to what is being proposed by South Coast Rail. The question was whether or not the State is subject to by-laws or local ordinances. Mr. Bond advised was the State is absolutely not exempt from municipal regulations and under certain circumstances as long as the regulations do not interfere with legislative mandated purpose. There was a discussion on town by-laws and local ordinances applicable to South Coast Rail. Ms. Bradley confirmed and advised there were no updates on South Coast Rail. She advised Jean Fox, Project Manager for South Coast Rail was to meet with the Board of Selectmen on the last Monday in April. There was a brief discussion on a joint meeting between the Planning Board and the Board of Selectmen. Mr. Neil Rosenthal, Selectman, was present and wanted to know if there were any protocols to ensure that MassDOT or anyone else has to inspect the site on a regular basis and send the Town any results. Mr. Bond advised he could ask for it but not force them. He also stated the Board of Selectmen could present a negotiation request. Mr. Healey suggested testing the ground water in Zone 2 prior to doing anything. There was a discussion on water testing.

ADJOURN

Motion by Bond, second by Healey to adjourn. Vote 4-0-0

Meeting adjourned at 8:43 pm


John F. Healey, Clerk