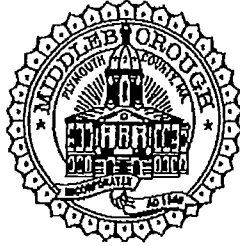


PLANNING BOARD

RECORD

Tuesday, April 16, 2019

Adam M. Bond, Chairman
John F. Healey, Clerk
Edward J. Medeiros
William B. Garceau
Tracie Craig-McGee



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

Members Present: John F. Healey, William B. Garceau, Edward J. Medeiros, Tracie Craig-McGee
Members Absent: Adam M. Bond
Others Present: Leeann Bradley, Town Planner

7:00 pm Acting Chairman Healey called the meeting to order.

Acting Chairman Healey led the Pledge of Allegiance.

ADMINISTRATION

To postponed reorganization of Board to the May 7, 2019 meeting.

Unanticipated

Town Planner, Leeann Bradley stated she had a quick meeting with Lou Cabral from Conroy Development. Mr. Cabral is in charge of Middleborough Park at 495. They are interested in completing the subdivision as there are three remaining lots. Ms. Bradley confirmed and advised they would prefer to complete the road as a dead end and not connecting with Clay Street. She will take a look at the 5th amended Master Special Permit as to what it entails. Developer did have a concern such as the double barrel road going all the way through. Mr. Garceau stated originally it was supposed to be a ramp from Route 44 and if the ramp was built, half of the road would have been completed. Ms. Bradley stated both will be discussing possible modifications and amendments.

Payment of Bills

<u>Vendor</u>	<u>Invoice Number</u>	<u>Project</u>	<u>Amount</u>
Leeann Bradley	0	Mileage Reimbursement	\$84.46
The Standard-Times	0000191008	Zoning By-law Legal Ad	\$117.36
Briggs Engineering & Testing	INV0212410	Dr. Perkins Way	\$355.00

Motion by Mr. Medeiros, second by Mr. Garceau: to pay the invoices as read: Vote 4-0-0

Approval of Minutes

None

Approval of Form A Lots

7:10 pm - DBT Investments LLC - 187 Miller Street, 2 Lots 19-12-A, Expires 4/29/19

David Maddigan of Maddigan Land Surveying, LLC was present to discuss the Form A Plan on the corner of Perry Street and Miller Street. Mr. Maddigan pointed out on the plan presented and confirmed it is one lot being divided

into two lots. He advised the lots are in an RR Zone and have the required 200 feet of street frontage. He mentioned there was an old grave lot. The applicant's deed specifically goes around that. Mr. Maddigan stated that the applicant created a 10 foot access way and not sure how easily accessible it is. He pointed out there will be a separate non buildable parcel. He reiterated lots are on a public way, has legal frontage and vital access to lots. Upland circles are shown on plans and confirmed no wetlands. Mr. Medeiros wanted to know if there was current access to the grave lot. Mr. Maddigan confirmed no and that there are no easements and nothing on record. He advised the headstone is marked in the 1830's. There was a discussion on setbacks on both lots and zoning deficiencies.

Mr. Medeiros would like an opinion from Town Counsel as to the zoning requirement of having the frontage continuous at the 50' setback.

Motion by Mr. Medeiros, second by Mr. Garceau: to deny a Form A Plan of Land on 187 Miller Street, Middleborough, MA, and to come back without submitting a fee with new plan but have time for the Planning Board to ask Town Counsel if the setbacks has to be continuous or not. Vote 3-1-0 – Mr. Healey

PUBLIC HEARINGS

7:18 pm - Zoning Map Amendment

Map 58J, Lots 3561, 3565, 3569, 3647, 3655, 3656, 3676 and 3684

Lots with frontage on East Grove Street and Williams Place extending southeast from 10 East Grove Street to Williams Place to be designated as General Use (GU)

The Planning Board held a public hearing at 7:18 pm. Mr. Healey gave a brief history and stated originally this was a petition article put on by an owner of one of the parcels. Article was not placed on town meeting warrant last year. This is scheduled to be acted on during Annual Town Meeting April 22, 2019. That there's been a great deal of discussion whether or not the Planning Board is ready to approve a change to general use in this residential zoned area that is abutted by a lot of commercial development. He also stated the Historical Commission indicated a concern of possible creeping commercial development down South Main Street. He mentioned that there are residents along that strip that have long wished they could sell their property and sell for best price and best use. He reiterated this has been placed on Town Meeting warrant; the Planning Board had some discussion with the Historical Commission and with others in Town about moving on and whether or not to postpone action to have more control such as site plan review.

Ms. Sharon Cole resident for 44 years on West Grove Street was present and needed confirmation on residential and commercial use lots on East Grove Street. Mr. Healey confirmed and advised that there are commercial properties on the street but the lots the Board were talking about are currently zoned as residential. He stated there are general use lots on Williams Place that are being used as residential. Mr. Medeiros stated that this particular piece is being looked at because an owner of one of these parcels brought it to the Planning Board. Since then the Board looked at almost everything from Williams Place up to Peaceful Meadows. Expressed how the Board is working with the Historical Commission and trying to go a different route. Ms. Cole stated she is not in favor.

Mr. Allin Frawley, 719 Plymouth Street, was present and asked if there were plot plans available and requested document to be at Town meeting. Ms. Bradley confirmed and advised plot plans were submitted with article. There was a brief discussion on the Planning Board and Historical Commission meetings.

Ms. Barbara Chadwick resident for 20 years on 6 East Grove Street was present and stated she bought property as residential and not liking the idea the house next door to her will be general use. Requested the Board to define general use. Mr. Healey stated it allows a number of different commercial uses that is spelled out in the zoning by-law. There was a discussion on what else could be done other than this hearing. Mr. Healey advised to come to Town Meeting and argue for the Town to vote it down. There was a discussion on whoever proposes commercial use would have to come before the Board and secure a Special Permit. Pointing out that would present an

opportunity to make sure the proposed use is safe or not. Mr. Healey stated his biggest problem with current proposal as it stands is all the curb cuts that are involved. There was a discussion on the intersection how currently it is problematic and will not get any better if zoned as commercial.

Mr. Neil Rosenthal, 78 Cedar Street was present and stated he has no problem with anyone wanting to make money off their property. The only problem he had was if this impacted traffic in a negative way and basically destroyed historic resources. There was a discussion on general use and frontage for curb cuts. Mr. Rosenthal suggested the Board to look into a "special purpose district". It would give the Planning Board total control such as number of curb cuts, site plan review and design review.

Mr. Mike Maddigan, 33 East Main Street was present and stated he believes it is premature to move forward with the article. He mentioned there are other mechanisms that work as a happy median in terms as an overlay districts. It can be kept as Residential B with a development overlay that would loosen up the restrictions of the zoning. He specified if it did move to GU to do a site review overlay or historic preservation overlay. Publicized these overlay districts have been in use in The Commonwealth for some time and are successful in other communities. He pointed out that South Main Street in the 1960s when GU was applied there. The town lost all those resources as there was no protection. If this was to move forward and approved it would actually end up with an island of Residential B on Prospect and Cliff Street. He thinks there are more suitable areas to encourage development in the Town. Mr. Maddigan indicated he wanted The Board to meet with the Historical Commission.

Mr. George Durant, 10 East Grove Street, stated he started this petition with his wife. Indicated for the past 33 years there has been a traffic problem and will continue to get worse. Identified it was Route 28 and Route 105 that it is a commercial district now. Talked about the impact on the resource which are the old houses on East Grove Street to Williams Place. Specified he wanted options and wanted a return on his investment property. Mr. Healey wanted to know how Mr. Durant proposes the Town deal with the congestion and the whole curb cut issue. Mr. Durant advised to not bring this article to April Town Meeting. He stated he appreciates what the Planning Board has done to make amends. Talked about how he does not want to feel restricted with his own property. Mr. Medeiros talked about Mr. Durant's email sent to The Board and stated time is needed to understand. Also, Mr. Medeiros needed confirmation from Mr. Durant as he requested article not to be presented at April 22 Town Meeting, Mr. Durant confirmed. Mr. Medeiros wanted Town Planner Leeann Bradley to give Town Counsel a background of how this came to The Planning Board, how long ago, how they are proceeding, and the effects of pulling article from town meeting. He wants confirmation from Town Counsel if this article can be withdrawn at this point in time. There was a discussion on looking at this article closer, studying it further, talk to different boards and come back with an answer for the October Special Town Meeting.

Ms. Sharon Cole was present stated it is important to have this article at Town meeting as it is not just affecting one person, there are many residents.

Mr. Neil Rosenthal, 78 Cedar Street was present again and discussed other historic towns around Middleborough. He also discussed the traffic on Route 28 back in the day. He reiterated to really look closely at this and overall impact before any changes because the Town could end up regretting changes. Mr. Healey reminisced District 5 widening South Main Street.

Mr. Arthur Battistini, Chairman of the Historical Commission was present and stated many great discussions were held on proposed zoning map amendments and potential changes. A joint meeting scheduled for May 7, 2019 with the Planning Board. He specified the best decision now is to put off making any resolution at Town Meeting and continuing discussions for the project as a whole which includes East Grove Street, Cliff and Prospect and two areas of West Grove Street. Mr. Medeiros brought up discussion on Town Planner's letter to Town Counsel. Ms. Craig-McGee wanted to know if a legal notice was sent to the parcel owners. Ms. Bradley stated that all affected property owners were notified via registered mail which is not a requirement of Mass. General Laws. Ms. Craig-McGee is requesting a letter to be sent out specifically asking them to contact the Planning Department to let them know if they wish to have their property rezoned. She stated the traffic there was a nightmare and how businesses

could possibly be placed in that kind of area. Mr. Healey requested a show of hands of property owners, 4 were present. Ms. Craig-Mcgee stated it would be nice to know exactly how many acres are made up of those 8 lots. Mr. Medeiros stated approximately 5 to 6 total, maybe 7.

Ms. Janice Gilmore, 16 East Grove Street was present and stated she agrees with Ms. Craig-Mcgee. Find out from the individual people if they want to be remain residential or not. Ms. Gilmore indicated she wants to remain residential.

Mr. Kevin Murphy, 12 East Grove Street was present indicated he remains neutral. Stating he sees no advantages. Pointing out on the left side of West Grove Street is GU and nothing has happened there. He expressed how the Board should ask the MBTA to take East Clark Street and build it all the way through around Hannaford onto Route 28 and connect the ramps to it so 1/3 of the traffic can be alleviated.

Mr. George Durant, 10 East Grove Street was present again talked about the area and what businesses may possibly be appropriate there.

Mr. Medeiros stated he would like to schedule a meeting before Town Meeting. Mr. Garceau stated in the past the Planning Board has had meetings before Town Meeting, that it is not uncommon. Ms. Craig-Mcgee stated she would not be available for April 22, 2019 meeting. There was a discussion on time of meeting with Mr. Arthur Battistini and discussion of tabling motion for further study from Mr. Neil Rosenthal.

Motion by Mr. Garceau, second by Mr. Medeiros: to have a Planning Board meeting at 6:00 pm, prior to the Annual Town Meeting.

Vote 4-0-0.

Motion by Mr. Medeiros, second by Ms. Craig-McGee: to continue the hearing until April 22, 2019 at 6:00 pm at the High School. Vote 4-0-0.

8:31 pm - 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 8:31 pm. There was a discussion on continuance as applicants sent in a letter requesting continuance.

Motion by Mr. Medeiros, second by Mr. Garceau: to continue the Coletti retreat lot special permit off Wareham Street to 5/7/2019 at their request. Vote 4-0-0.

OTHER

7:06 pm - 61 Leona Drive – Proposed Sign – National Tire Wholesale – Rick Burke

Mr. Rick Burke with All American Signs was present. Mr. Medeiros wanted to know how much of the building was being occupied. Mr. Burke believes the whole building but was not 100% sure. There was a discussion on potential occupants, amount of signs and construction of possible addition onto building. Mr. Garceau stated there are stipulations in the DO district that tells you the size of signs on the building but he does not know size limitation requirements. Mr. Healey confirmed the sign is well within the limitation. Mr. Medeiros stated the sign is a lot smaller than it could be according to the DO district. He wants the building to look right when it gets done.

Motion by Mr. Medeiros, second by Mr. Garceau: to approve sign as submitted. Vote 4-0-0.

8:33 pm - Appointment of SRPEDD Representative – Town Planner or Board Member

Mr. Healey stated the Town Planner would like to be the representative of the Board.

**Motion by Mr. Medeiros, second by Ms. Craig-McGee: to appoint the Town Planner as the representative for SRPEDD but knowing any other member that would like to go certainly has the right to go. Vote 4-0-0.*

8:34 pm - Holton Estates – Discussion – Form J Amendment – Lot Swap

Mr. Healey stated they sold lot 4 and want to swap for 3 or 5. Mr. Carl Malloch was present and confirmed ideally it was lot 3. There was a discussion on the lots. He mentioned the land court does not recognize the current lots numbers and requested to change the language on the Form J. Mr. Medeiros stated the only problem he would say is that once Town Planner changes them the Board would have to resign the Form J. Town Planner Leeann Bradley advised she would draft the amended Form J for the Board's signature at the next meeting.

Motion by Mr. Medeiros, second by Mr. Garceau: that the Planning Board allow the swap of lot 4 for lot 3. Vote 4-0-0

Motion by Mr. Medeiros, second by Mr. Garceau: to have Ms. Bradley work out the language change on the Form J and bring it back to the Planning Board for signature. Vote 4-0-0

8:38 pm - Construction Administrator – Job Posting

There was a discussion on job posting and description.

Motion by Mr. Medeiros, second by Ms. Craig-McGee: to delay posting of the position until the Planning Board meets to discuss job description. Vote 3-1-0. Mr. Healey voted nay.

8:48 pm - Turner Bros. – 10 Commerce Blvd – Update

Town Planner Leeann Bradley stated she does not have an update. She emailed the Building Inspector stating concerns and to enforce action twice. Mr. Medeiros read the email. There was a discussion on having Town Planner and one member of the Board to sit in with Building Inspector on his opinion. Mr. Garceau suggested an onsite visit to look at the buffer to see if it was adequate. Mr. Medeiros requested Town Planner to review permit for timeline. Ms. Bradley stated she remembered the special permit stated "that at this time the buffer is adequate and no additional plantings are required". Mr. Donald Mackiewicz an abutter was present and stated the fence is 90 feet into the buffer zone. Ms. Craig-McGee stated the area looked like a junk yard, how this was allowed, indicated someone should have gone out there and looked to see what was happening and this is a shame. There was a discussion on surveying the buffer and fence. Mr. Medeiros indicated at the 100 foot mark Turner Brothers had to put a post and rail fence approved by The Board, which has not yet been installed. There was a discussion on lighting as they installed the wrong type. Mr. Medeiros stated a discussion was held with Town Counsel who advised there is nothing the Board could do to stop them from what they are doing, as a special permit was issued. It now goes to the Zoning Enforcement Officer's hand. Ms. Craig McGee stated it appeared they violated the special permit and wanted to know any mechanism to withdraw permit. Ms. Bradley stated the Planning Board has no enforcement authority for a special permit it's a zoning special permit. All enforcement authority is through the Zoning Enforcement Officer.

Motion by Mr. Medeiros, second by Ms. Craig-McGee: that Ms. Bradley makes an appointment with the Zoning Enforcement Officer. Vote 4-0-0

9:04 pm - North Carver Development – Update

Ms. Bradley stated she reached out to both MA DOT and SRPEDD on development. There is no actual developer for this project. SRPEDD did take in all concerns into consideration and incorporated into their comment letter. She did not hear back from MA DOT. There was a discussion on not having a developer and town water.

9:07 pm - Complete Streets Policy

Ms. Bradley stated SRPEDD is coming in to meet with the Board of Selectmen at their 4.29.19 meeting. Policy has been accepted by MADOT and the funding will be scheduled to start. There was a discussion on complete streets design.

9:08 pm - Cranberry Woods – Schedule site visits – May 4 or May 5

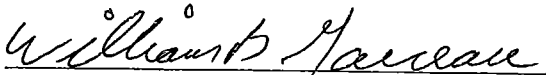
Mr. Medeiros and Mr. Garceau recused themselves. Mr. Healey suggested May 4 at 10:00am. Mr. Medeiros was present and stated he was speaking solely as himself not as a Planning Board member as he is an abutter for the project. There was a discussion regarding the general public being allowed on the site visit. Town Planner advised she will confirm with developer and Town Counsel.

There was a discussion on rule of necessity.

ADJOURN

Motion by Mr. Medeiros, second by Ms. Craig-McGee to adjourn. Vote 4-0-0

Meeting adjourned at 9:15 pm



William B. Garceau, Clerk

AGENDA/PACKET ITEMS

July 9, 2019

1. **Agenda**
2. **Planning Board** – Executive Session Packet
3. **Draft Minutes** – 5/7/19
4. **Draft Minutes** - 5/21/19
5. **Purchase Street** – Plans from Webby Engineering to PB re: Form A, Brouillard, 2 Lots dated: 7/2/19
6. **John Perkins Way** – Report from PMP to PB re: Construction Observation dated: 6/24/19
7. **John Perkins Way** – Email from L Bradley to P Carrara re: Modification 2nd review dated: 6/21/19
8. **John Perkins Way** – Letter from PMP to L Bradley re: Modification 2nd Review dated: 6/19/19
9. **John Perkins Way** – Subdivision Modification Plan Review Markup by M Perrault dated:5/20/19
10. **Christina Estates** – Report from PMP Assoc. to PB re: Construction Observation dated: 6/17/19
11. **10 Commerce Blvd** – Email from L Bradley to G Turner re: Attending a Planning Board meeting dated: 6/21/19
12. **10 Commerce Blvd** – Letter from G Turner to L Bradley re: Response to Site Walk Thru dated: 6/10/19
13. **68 Fuller Street** – Memo from L Bradley to Board of Selectmen re: Earth Removal Permit Renewal dated: 6/12/19
14. **88 Everett Street** – Letter from L Bradley to ZBA re: Special Permit Accessory Apartment dated: 6/21/19
15. **355 Wareham Street** – Letter from L Bradley to ZBA re: Special Permit Medical Marijuana Cultivation & Product Manufacturing Facility dated: 7/2/19
16. **142 East Grove Street** – Letter from L Bradley to ZBA re: Special Permit 3 Duplex Residential dwellings dated: 7/2/19
17. **68 Fuller Street** – Letter from L Bradley to BOS re: Review Response Letter Update dated: 7/2/19
18. **49 Plymouth Street** – Letter from L Bradley to BOS re: WRPD Special Permit Application dated: 7/1/19
19. **South Coast Rail** – News Article of Ground Breaking in Freetown, MA dated: 7/2/19
20. **Subdivision Performance Guarantee** – Email from MassPlanners re: Guidance from Counsel for Lots dated: 6/28/19
21. **SRPEDD** – Email from L Bradley to PB re: Historic District –Zoning dated: 6/14/19

SUPPLEMENTAL

22. **Wildflower Estates** – Form H from Mather to PB re: Modification of Subdivision Form H Covenant dated: 7/9/19
23. **Wildflower Estates** – Email from D Murray to PB re: Modification all set to form dated: 7/9/19
24. **Wildflower Estates** – Email from R Mather to L Bradley re: Form H Covenant – Modification dated: 7/9/19
25. **Construction Administrator** – Printout of Construction Administrator step increase rates dated:7/9/19