Tuesday, May 21, 2019

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

Members Present: Adam M. Bond, John F. Healey, William B. Garceau, Edward J. Medeiros (entered at 7:08pm),
Tracie Craig-McGee, Anders Martenson IV
Members Absent:
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

None

Payment of Bills

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**Motion by Mr. Healey, seconded by Ms. Craig-McGee to pay invoices as read. Vote 3-0-1- Abstain Mr. Garceau

Approval of Minutes

4.16.19 Ms. Craig-McGee advised some concerns.

**Unanimous vote to approve minutes. Vote 4-0-0

Approval of Form A Lots

None

PUBLIC HEARINGS

****SEE ATTACHED FOR HEARING MINUTES****
OTHER

7:07 pm – Standards for Rescission

Mr. Bond advised standards should be applied. It will give applicants the ability to assess what the Planning Board is doing. There was a discussion on rescinding and replacing plans.

7:26 pm – John Perkins Way – Field Changes/Modifications

Mr. Jeff Youngquist of Outback Engineering was present and he stated there were a few field changes. There was a brief discussion on changes. Mr. Bond advised any significant changes with Department of Public Works would require a written sign off from Chris Peck, Department of Public Works Director. Mr. Medeiros agreed, adding PMP Associates, LLC will be required to sign off.

**Motion by Mr. Medeiros, seconded by Mr. Healey that what was discussed with Mr. Youngquist regarding field changes would not rise to the aspect of a modification. Until all the required paperwork requested by the Planning Board is given, then those changes will be considered as field changes. Vote 4-0-1- Abstain Ms. Craig-McGee

8:08 pm – Willow Point Estates – Discussion of Lot Swap

Attorney Robert Mather was present for developer of Willow Point Estates and advised the Planning Board hold six lots as surety pointing out they came before the Board to swap one of the lots and asking to do the same. Mr. Mather stated they wanted to release Lot 12 for sale and swap for Lot 18. Currently the Board holds Lots 7, 10, 12, 14, 15 and 24. He pointed out if this gets approved it gives the developer the leeway to finish the road in the summer and submit for Town approval this year.

Mr. Bond suggested and advised on future swaps he wants from applicant, date of Form J, how much is being held in money, a picture of subdivision with number of shapes and sizes and current condition of each lots.

**Motion by Mr. Medeiros, seconded by Mr. Healey to swap Lot 12 for Lot 18 as surety. Vote 4-0-1- Abstain Ms. Craig-McGee

9:14 pm – Conroy Developments – Middleborough Park at 495 – Completion of Industrial Park – Discussion

Mr. Louis Cabral of Conroy Development Corporation was present and stated he was interested in starting the whole process again. Indicated looking for tenants for the park and only problem encountered was the extension of the road. He mentioned a previous plan presented to the Board. There was a discussion of the old plan and new plans.

9:29 pm – Standards for Rescission

Mr. Bond stated he wanted to have the Board consider and think about the possibility of how they would handle a hearing on a rescission and what would be the elements or standards that would apply for purposes of their decision. There was a discussion on rescission.

Mr. Ted Harris, North Middleborough was present briefly went over rescission and prior Planning Board decisions process.

Ms. Craig-McGee wanted to know if the Board must entertain a rescission request. There was a discussion on rescission and modifications.

Mr. Corey Maloney, 38 Vernon Street was present stressed his concerns.

Ms. Loretta Bruffee, 16 Clayton Road was present stressed her concerns on a specific project and Mr. Bond pointed out she was violating an open meeting law.

PLANNING BOARD MINUTES 5.21.2019

2
Mr. Tom White, Vernon Street was present stressed his concerns. Pointing out his issues that the Planning Board should apply for rescind.

Mr. Matthew Bruffee, 16 Clayton Road was present needed clarification on items being followed on the agenda. There was a discussion on proponent owning property to rescind.

Mr. Darrell Vitali, 5 Clayton Road was present stated any rescissions on any property there should be two things that should be thought of. Those were quality of life around surrounding property and if it effects the property value.

Ms. Heather Kundzicz of 46 Old Center Street was present held a discussion with the Board on restrictions with land. Also thanked the Board for considering having this discussion with the residents.

10:06 pm – Adult Use Marijuana – Special Permit Decision - Template

Mr. Bond advised the Board to send to the Town Planner comments and concerns.

10:07 pm – Appointment of Community Preservation Committee Representative for a Term to expire 2020

Motion by Mr. Medeiros, seconded by Mr. Garceau to appoint Mr. Healey as representative to Community Preservation Committee. Vote 5-0-0

10:08 pm – FY20 Strategic Planning – 3 Goals

Town Planner briefly stated site plan review, historic overlay with potential zoning changes and other goals.

10:09 pm – Site Plan Review

To be discussed at next meeting.

10:10 pm – Discussion on Zoning Changes

To be discussed at next meeting.

10:10 pm – There was a brief discussion on Turner Brothers site walk.

ITEMS BEING FOLLOWED

South Coast Rail
North Carver Development
Southpointe

ADJOURN

Motion by Mr. Medeiros, seconded by Mr. Healey to adjourn. Vote 5-0-0

Meeting adjourned at 10:19 pm

John F. Healey, Clerk
1. Agenda
2. Planning Board - Posting for 5/21/19
3. Draft Minutes - 4/16/19
5. Marijuana - Decision on Application for Adult Use Establishment Special Permit
6. Marijuana - Email from T Craig-McGee to PB re: Adult Use Marijuana dated: 5/15/19
7. Cannabis - Nature's Remedy of MA Sample Provisional
8. Cannabis - Theory Wellness, Inc. Sample Final
12. Cranberry Woods - LandPlex to PB re: Response to Comments dated: 5/10/19
13. Cranberry Woods - LandPlex to PB Revised Plans dated: 5/9/19
14. Cranberry Woods - Email from Timmins to L Bradley re: Water Pressure dated: 5/16/19
15. MS4 Storm Water - Email from C Peck to Bradley re: Planning for Implementation of Const. & Dev. Control Measures dated: 5/1/19

SUPPLEMENTAL

17. Cranberry Woods - Email from Nitsch Eng. to L Bradley re: Water Pressure dated: 5/17/19
18. Cranberry Woods -- Email from C Peck to L Bradley re: Historic Knowledge dated: 5/20/19
19. Cranberry Woods -- Email from LandPlex to PB re: Water Pressure dated: 5/21/19
PLANNING BOARD

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Edward J. Medeiros
William B. Garceau
Tracie Craig-McGee
Anders Martenson IV, Associate Member

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, Tracie Craig-McGee,
Anders Martenson IV, Associate Member

Members Absent:

Others Present: Leeann Bradley, Town Planner

PUBLIC HEARING

7:15 pm – Thrush Hollow off Thrush Hollow Lane – 19-03-C Mod
Owner/Applicant: Elliott Schneider
Engineer: Outback Engineering
Expires: 7/17/19

The Planning Board held a public hearing at 7:17 pm. Mr. Bond stated the hearing is to revise lot lines between lot 7 and lot 8 to create lot 9. Jeff Youngquist of Outback Engineering was present stated they bought two pieces of property and made 3 lots out of the two parcels. He briefly went over plans and mentioned originally this could have been done with a Form A.

Mr. Elliott Schneider, (owner) 10 Owl Drive, Sharon, MA was present. Stated the retreat lot will be donated to the Town of Middleborough. Lot 5 which is the largest lot advised doing an exchange with the community for some land off Center Street.

Mr. Medeiros suggested a consultant engineer to take a quick look and agree or disagree with a simple letter to modifications.

**Motion by Mr. Medeiros, seconded by Mr. Healey to continue hearing to June 4, 2019 at 7:30pm. Vote 5-0-0.

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Members Absent:
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PUBLIC HEARING

7:30 pm – Hidden Hemlock, LLC – Charlotte Court, Lot #2, 19-01-CBD
(continued from 5/7/19)
Owner/Applicant: Hidden Hemlock, LLC
Engineer: Green Seal Environmental, Inc.
Expires: 6/17/19

The Planning Board held a public hearing at 7:32 pm. Mr. Jeff Bellino and Mr. Greg Bellino were present seeking a special permit. There was a brief discussion on Hidden Hemlock, LLC and type of business. Mentioned communication with surrounding abutters.

Ms. Marieelana Bavin, 371 Wareham Street was present and stressed concerns of notices she gets in the mail about meetings regarding Hidden Hemlock, LLC and other potential cannabis businesses.

There was a brief discussion on GU and overlay district.

Town Planner Leeann Bradley advised only concern she had currently was more details on the building such as landscaping.

Ms. Craig-McGee briefly went over site walk. She brought up the provisional certificate, suggesting clarification from the Cannabis Control Commission or Town Council on what comes first the PCR or the special permit.

There was a discussion on special permit template.

**Motion by Mr. Medeiros, seconded by Ms. Craig-McGee to continue hearing to June 4, 2019 at 7:45pm to further investigate the draft decision on marijuana application. Vote 5-0-0.

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10 Nickerson Ave.
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Members Present: Adam M. Bond, John F. Healey, William B. Garceau, Edward J. Medeiros, Tracie Craig-McGee,
Anders Martenson IV, Associate Member

Members Absent:

Others Present: Leeann Bradley, Town Planner

PUBLIC HEARING

7:45 pm – Cranberry Woods – off Walnut St. & Marion Rd. – 26 Lots – 19-01-C
(continued from 5/7/19)
Owner/Applicant: The Daly Group LLC
Engineer: LandPlex, LLC
Expires: 5/23/19

The Planning Board held a public hearing at 8:19 pm. Mr. Medeiros and Mr. Garceau recused themselves. Attorney James Timmins was present as representative for The Daly Group, LLC. He briefly went over the last meeting held. Mr. Matt Hamor of Landplex, LLC was present and stated they addressed all comments provided by Judith Nitsch of Nitsch Engineering in a response letter. He went over the addressed comments. One being addressed was a full mounding analysis on drainage facilities. Mr. Hamor also answered Ms. Craig-McGee concern from prior meeting on how big in land area the proposed drainage basins were, confirming 5.1 acres.

Ms. Bradley stated she reached out to the department heads on concerns raised at last meeting. She went over gathered information she received.

Mr. William Garceau, 17 Perry Street was present and stated that in the past there was a regulation stating you must retain all water on a subdivision on your own property. He also mentioned one past project on Bedford Street that tied into drainage system and goes into Taunton River.

Mr. Edward Medeiros, 9 Crest Drive was present and stated the basins never worked. He went over brief history of the water basins and drainage basins. He mentioned needing time to go over all drainage calculations they revised since February 15.

Mr. David Daly Principal of The Daly Group was present and understands Mr. Medeiros concerns on drainage. He stated his group put in continuous amounts of hours working with drainage issues.

Ms. Craig-McGee wanted to know how much tree clearing there would be. Stating trees are a good drainage system to have as they suck up water. There was a discussion on buffers.
Mr. Healey stated he would rely on Marc Gabriel of Nitsch Engineering to review all the studies that have been done and comment on them.

**Motion by Mr. Healey, seconded by Ms. Craig-McGee to continue hearing to June 4, 2019 to get the Gabriel report to review and comment. Vote 3-0-0.

**Motion by Mr. Healey, seconded by Ms. Craig-McGee to extend expiration date to July 1, 2019. Vote 3-0-0.

** 9:13 PM Mr. Medieros and Mr. Garceau returned to open meeting.

John T. Healey, Clerk