Tuesday, June 4, 2019

Adam M. Bond, Chairman
John F. Healey, Clerk
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

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

Ms. Craig-McGee stated she attended Board of Selectmen’s meeting on proposed cap on tobacco licenses. She briefly went over some concerns she had.

Payment of Bills

<table>
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<tr>
<th>Vendor</th>
<th>Invoice Number</th>
<th>Project</th>
<th>Amount</th>
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<tr>
<td>Briggs Engineering</td>
<td>0212729</td>
<td>Charlotte Court Pre Payment</td>
<td>$160.00</td>
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**Motion by Mr. Healey, seconded by Mr. Medeiros to pay invoices as read. Vote 5-0-0

Approval of Minutes

4.16.19 as corrected by the Planning Board

**Motion by Mr. Healey, seconded by Mr. Medeiros to approve minutes as amended. Vote 5-0-0

Approval of Form A Lots

7:18 pm – Bessey – 186 & 188 Grove Street, 3 Lots, 19-15-A, Expires 6/11/19

Mr. Thomas Hardman of Site Design Engineering, LLC was present to discuss lot lines. Ms. Bradley recommended endorsement. Ms. Craig-McGee wanted to know what the proposed 32 foot wide access easement in Lot 2 was for. Mr. Hardman confirmed and advised it will be an access easement to parking on Lot 3.

Motion by Mr. Medeiros, seconded by Mr. Healey to endorse the Form A plan of land 186 to 188 Grove Street, Middleborough, MA assessors map 72 parcel 117, 1155 and 1191 prepared for Elizabeth Bessey. Vote 5-0-0
Mr. Jeff Youngquist of Outback Engineering was present stated two lots are being created out of 1 parcel. Ms. Bradley recommended endorsement.

Motion by Mr. Medeiros, seconded by Mr. Healey to endorse the Form A plan of land for 265 France Street, Middleborough, MA by Outback Engineering. Vote 5-0-0

PUBLIC HEARINGS

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

OTHER

7:26 pm – Adult Use Marijuana – Special Permit Decision – Template

Ms. Craig-McGee addressed concerns on Page 2 item 2.7.

Mr. Garceau addressed his concerns on page 7 item 4.7, odor control. There was a discussion on maintaining compliance with local and state laws. Mr. Bond indicated a violation of state laws can lead to loss of a permit.

Ms. Bradley stated the template references the Zoning By-laws.

Mr. Healey wanted to know if the Selectmen ever approved any operations where cultivation is taken place outside the building. There was a discussion on outdoor cultivation and odor control.

Mr. Bond suggested to shorten response time for a change in the Zoning By-laws.

**Motion by Mr. Medeiros, seconded by Mr. Healey to approve the template as modified with incorporating the Planning Boards suggestions. Vote 5-0-0

9:30 pm – Christina Estates – Field Change discussion for the proposed culvert at lots 5A & 6A – Discussion

Mr. Larry Silva of Silva Engineering Associates was present requesting a field change to be able to go back to original location for box culvert. Mr. Bond noted for the record Ms. Patricia Cassidy, Conservation Agent memo to the Planning Board dated May 20, 2019 regarding Christina Estates. Commission agreed to change location of box culvert at lots 5A & 6A as a field change. Ms. Bradley completely agreed with location of box culvert.

Mr. Medeiros stated his only concern he had was he did not see an answer for five questions from consulting engineer that PMP Associates had. Mr. Silva confirmed and advised those had been answered in an email.

**Motion by Mr. Medeiros, seconded by Mr. Garceau to decide moving box culvert and adding a proposed subdrain as a minor field change for Christina Estates and that we approve that minor field change that it be picked up on the as built plan and that the consultant engineer from PMP Associates is happy with whatever is happening out there according to plan. Vote 5-0-0.

9:39 pm – Christina Estates – Detention Basin Gates – Discussion

Mr. Larry Silva of Silva Engineering Associates was present requesting to eliminate 4 ft fences around detention basin. There was a discussion on pros and cons of having detention basins with fences. Mr. Silva pointed out these basins have a foot and a half of water in a 100-year storm. Mr. Garceau noted for the record a fence is necessary if the water is 2 ft or deeper in any event. Mr. Medeiros stated to put the vote off to next meeting. There was a discussion on plans, modifications and failed compaction test.

**Motion by Mr. Medeiros, seconded by Mr. Healey to move discussion to June 18, 2019. Vote 5-0-0
9:55 pm – Standards for Recession of Subdivision – Residential Commercial

Mr. Bond stated he liked the list. Mentioned having a rule that basically says in order to apply to rescind you must provide an alternative. There was a discussion on rescinding and having something on record at the Registry of Deeds.

9:59 pm – Site Plan Review

Ms. Bradley stated on FY20 Strategic Plan

9:59 pm – Discussion on Zoning Changes

To be discussed at another time

10:00 pm – 10 Commerce Blvd – Discussion of Site Visit Turner Brothers

Mr. Medeiros is to report back at the next meeting with building inspector findings.

ITEMS BEING FOLLOWED

South Coast Rail
North Carver Development
Southpointe

ADJOURN

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

Meeting adjourned at 10:01 pm

John F. Healey, Clerk
PLANNING BOARD

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Others Present: Leann Bradley, Town Planner

PUBLIC HEARING

7:23 pm – Coletti - Retreat Lot Special Permit - off Wareham Street – 19-03-RL
Owner/Applicant: Russell & Pamela Coletti
Land Surveyor: Maddigan Land Surveying
Expires: 6/30/19
(cont. from 5/7/2019)

The Planning Board held a public hearing at 7:23 pm. There was a discussion on continuance at applicant’s request.

**Motion by Mr. Healey, seconded by Mr. Medeiros to continue hearing at the applicants request to June 18, 2019
at 7:30pm. Vote 5-0-0.**

John F. Healey, Clerk

PLANNING BOARD MINUTES 6.4.2019
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PUBLIC HEARING

7:48 pm – Thrush Hollow of Thrush Hollow Lane – 19-03-C Mod
(continued from 5/21/19)
Owner/Applicant: Elliott Schneider
Engineer: Outback Engineering
Expires: 7/17/19

The Planning Board held a public hearing at 7:48 pm. Mr. Jeff Youngquist of Outback Engineering was present and stated he took 5,000 sq. feet of sidewalk out ignoring Lot 5 brought 3,700 sq. feet in.

Mr. Medeiros gave a brief background of Thrush Hollow Lane. Thrush Hollow came in for a modification request, adding one lot to the subdivision, requested Atlantic design to review their request. Atlantic advised $2,500 to review and will take three weeks to complete.

**Motion by Mr. Medeiros, seconded by Mr. Healey to close hearing. Vote 5-0-0**

**Motion by Mr. Medeiros, seconded by Mr. Healey to approve Thrush Hollow subdivision modification for redividing lot 7 and 8 to create a new lot # 9. Vote 5-0-0**

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PUBLIC HEARING

7:57 pm – Hidden Hemlock, LLC – Charlotte Court, Lot #2, 19-01-CBD
Adult Use Marijuana Cultivation & Manufacturing Micro-business (No Retail)
(continued from 5/21/19)
Owner/Applicant: Hidden Hemlock, LLC
Engineer: Green Seal Environmental, Inc.
Expires: 6/17/19

The Planning Board held a public hearing at 7:57 pm. Mr. Jeff Bellino and Mr. Greg Bellino were present. Mr. Bond reiterated how both were seeking the Planning Board to grant the special permit, hold it and to not provide until the state issues permit.

Mr. Medeiros addressed his concerns he had with special permit. Noted on page 1 of special permit, needed some clarification of the 14,000 sq. ft structure and 5,000 sq. ft cultivation. Ms. Bradley confirmed and advised they were leasing 14,000 sq. ft of the building and growing 5,000 sq. ft of product. He also mentioned lot area and frontage on page 2 item 2.1 and page 3 item 5.1, top paragraph.

Mr. Garceau addressed his concerns on page 3 item 2.10. There was a discussion on hours, deliveries, trash pickup and garage doors.

Ms. Craig-McGee addressed her concerns on page 1 last paragraph, page 2 item 2.5, page 3 item 2.1.3 and page 5 first paragraph. She also wanted to know what the additional 9,000 sq. ft of the building will be used for. Mr. Greg Bellino advised it will be used for different processes.

Mr. Bond addressed his concerns on 3.3 special permit conditions.

**Motion by Mr. Medeiros, seconded by Mr. Garceau to close hearing. Vote 5-0-0.

**Motion by Mr. Medeiros, seconded by Mr. Healey to approve the special permit of Hidden Hemlock, LLC Lot #2 with amendments. To be held in escrow until such time provisional license is released.

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PUBLIC HEARING

8:15 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 8:15 pm. Mr. Medeiros and Mr. Garceau recused themselves. Attorney James Timmins was present as representative for The Daly Group, LLC. He briefly mentioned there were some open items Mr. Hamor has addressed. Mr. Matt Hamor of Landplex, LLC was present and stated they addressed the comments letter dated June 4, 2019. Stated it specifically pertains taking out one word on a detail and that was referenced on a detail that was provided by town as a recommendation for a cross section on roadway, BSWC (Boston Sewer Water Commission). An additional pavement detail conflicted with cross section of roadway detail, detail now removed from plans.

There was a discussion regarding drainage on Walnut Street and that measures are taken. Mr. Hamor went over percentage of drainage reductions (Standard 2, Page 5, Table # I1R).

Ms. Craig-McGee wanted to know any plans on discharging water onto New Bedford property. Mr. Hamor stated there is a current drainage system on Marion Road that discharges onto New Bedford. There was a discussion on how much water from development will discharge from Marion Road. Mr. Hamor pointed out once the properties are development less water will be discharged and into drainage to the City of New Bedford, through a series of swales, manholes and catch basins. He also confirmed and advised no communication with the City of New Bedford.

Mr. David Daly, Principal of The Daly Group was present confirmed and advised before Mr. Hamor of Landplex, LLC got involved there were conversations and engagements with the City of New Bedford. Stated they dealt with three representatives and were notified of public hearings. Ms. Craig-McGee was concerned as there was nothing in writing that the City of New Bedford was okay with plans. Attorney James Timmins agreed with Ms. Craig-McGee but asked in fairness that the City of New Bedford was on notice and never received comments.

Mr. Edward Medeiros, 9 Crest Drive was present stressed concerns on drainage. Briefly went over how they could stop drainage from going toward Marion Road instead of onto Marion Road. Pointing out making basins, closet
basin to Marion Road holds 6 inches of water before it goes out to the emergency spill way, which comes down the land into Mr. Medeiros property. Concern any more water coming down from those basins it will flood his cranberry bogs. He does not see how they will reduce water coming off their development.

Mr. David Daly of the Daly Group stated during the rainiest season Mr. Healey was present for a site walk and noticed the whole site was completely dry.

Mr. William Garceau, 17 Perry Street was present and needed clarification on tying development drainage into town drainage. He wanted to know if there was an oil separating manhole before drainage. There was a discussion on drainage process.

Ms. Craig-McGee wanted to know if any other subdivisions that drain into Town system. Mr. Garceau advised since he was on the Planning Board only aware of Don’s Way.

There was a discussion on rescinding a prior plan. Mr. Larry Silva of Silva Engineering Associates was present confirmed and advised after 8 years you are grandfathered in from prior years but are subject to the new rules and regulations to show compliance. He stated replacing plans that were on record, the plans must be approved as a modification to previous subdivision.

Mr. Bond proposed to Ms. Craig-McGee that Town Planner writes a letter to the City of New Bedford and receives no response or a yes within 72 hours it will be satisfactory for her approval.

**Motion by Mr. Healey, seconded by Ms. Craig-McGee to continue the hearing to June 18, 2019 to seek comment on the project of New Bedford with a response of under 72 hours and to seek advice from Attorney Dan Murray relative to prior modifications and permits. Vote 3-0-0

9:30PM Mr. Medeiros and Mr. Garceau returned to open meeting.

John F. Healey, Clerk