PLANNING BOARD

Tuesday, June 18, 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: Adam M. Bond, John F. Healey, William B. Garceau, Edward J. Medeiros, Tracie Craig-McGee,
Anders Martenson IV
Members Absent:
Others Present: Leann Bradley, Town Planner

7:26 pm Chairman Bond called the meeting to order.
Chairman Bond led the Pledge of Allegiance.

ADMINISTRATION

Unanticipated

Mr. Bond advised the public to attend the Board of Selectmen’s meeting on June 24 on regards to Board of Health
regulations.

Payment of Bills

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Invoice Number</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jacobs Driscoll Eng.</td>
<td>AA040.0301</td>
<td>Charlotte Court Prepayment</td>
<td>$937.50</td>
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<td>Jacobs Driscoll Eng.</td>
<td>AA04002.04</td>
<td>Dr. Perkins Way Prepayment</td>
<td>$562.50</td>
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<td>Jacobs Driscoll Eng.</td>
<td>AA04004.03</td>
<td>Christina Estates Prepayment</td>
<td>$2,755.00</td>
</tr>
</tbody>
</table>

**Motion by Mr. Medeiros, seconded by Mr. Garceau to pay invoices as read. Vote 5-0-0**

Approval of Minutes

April 16, 2019.

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

Approval of Form A Lots

7:32 PM – Fisher, Purchase Street, 2 Lots, 19-17-A

David Maddigan of Maddigan Land Surveying, LLC was present to discuss Form A Plan. He advised the plan met all
the requirements for a buildable lot. Ms. Bradley was curious as to the solar in the back lot. Mr. Maddigan advised
the Fishers do own the solar panels. Also confirmed Mr. Fisher leases it and sells it back to the Town of
Middleborough as part of the Middleborough Gas & Electric solar project. Ms. Craig-McGee was concerned as the
uplands circles were pretty close to the wetlands. Mr. Maddigan confirmed the wetlands have been delineated.

**Motion by Mr. Medeiros, seconded by Mr. Healey, to approve a Form A Plan of land by Maddigan Land Surveying
LLC, dated May 28, 2019 for Gid and Maryann Fisher, Middleborough, MA. Vote 4-0-1- Abstain Mr. Garceau**
PUBLIC HEARINGS

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

OTHER

9:13 pm – Christina Estates – Detention Basin Gates - Discussion

Mr. James Shalek was present and stated he would like to have the fences deleted from the project. There was a discussion on detention basin gates requirements. There was an agreement to have modification applied to plans.

9:21 pm – Turner Brothers – 10 Commerce Blvd – Discussion of Site Visit

Mr. Medeiros briefly discussed his site visit; he stated Turner Brothers does not have any violations.

9:31 pm – Smith v. Westfield and Artlice 97, public use doctrine and public purpose and the need or no need for deed restrictions - Discussion

Mr. Bond briefly discussed Article 97 and provided a few examples.


To be discussed at another time.

9:33 pm – Letter of Support – Open Space Plan

**Motion by Mr. Medeiros, seconded by Mr. Healey to approve Mr. Bond’s letter of support. Vote 5-0-0

9:35 pm – Meeting Minutes – format, detail, etc. -Discussion

Mr. Bond stated minutes should be on a much more narrow process.

9:41 pm – Southpointe - Update

To be discussed at another time.


To be discussed at another time.

ITEMS BEING FOLLOWED

South Coast Rail
North Carver Development

ADJOURN

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

Meeting adjourned at 9:41 pm

John F. Healey, Clerk
AGENDA/PACKET ITEMS

June 18, 2019

1. Agenda
2. Planning Board - Posting for 6/18/19
3. Draft Minutes – 4/16/19 as corrected
4. Purchase Street – Plans from Maddigan to PB re: Form A, Fisher, 1 Lot dated: 6/11/19
8. Christina Estates – Plans from SEA to PB re: Minor Modification Utility Plan dated: 8/7/18
9. Christina Estates – Plans from SEA to PB re: Retention Basin Plan date received: 6/4/19
11. SRPEDD – Letter from L Bradley to Planning Board re: Historical District Zoning dated: 6/14/19
12. Commerce Blvd – Email from D Murray to Planning Board re: Special Permit dated: 6/14/19
PLANNING BOARD PUBLIC HEARING
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7:15 pm – Wildflower Estates – Form C Modification 19-04-C-Mod
Applicant: Robert Mather
Owner: Southbrooke Development, Marcus Baptiste
Expires: 10/11/2019

The Planning Board held a public hearing at 7:37 pm. Mr. Robert Mather was present gave a brief history of Wildflower Estates. There was a discussion on a retaining wall built in 2006 on an 851 square foot lot, "parcel E". He mentioned a specific contingency that the Home Owners Association was to maintain the retaining wall. Because the location of the retaining wall both Mr. John Scanlon, original developer of Wildflower and Mr. Marcus Baptiste, abutter to subdivision to the north, "Cobble Stone Estates" would like to utilize "parcel E". Mr. Mather stated he met with Attorney Daniel Murray and both agreed to apply for a modification.

Ms. Liz Miller of 131 Wildflower Lane was present and stated the homeowner’s association support the agreement.

**Motion by Mr. Medeiros, seconded by Mr. Garceau to open hearing. Vote 5-0-0
** Motion by Mr. Medeiros, seconded by Mr. Garceau to close hearing. Vote 5-0-0
** Motion by Mr. Medeiros, seconded by Mr. Garceau to allow the termination of Wildflower Homeowner’s Association. Vote 5-0-0
** Motion by Mr. Medeiros, seconded by Mr. Garceau to modify the Wildflower Estate subdivision by amending the Form H covenant dated March 15, 2006 to allow the connivance of Parcel E from the Wildflower’s Homeowner Trust so that it may be combined with other property to create additional lots with frontage on Wildflower Lane. The owner or owners from time to time of the lot to be created from parcel E; will have the full responsibility for maintenance and repair of the retaining wall and any deeds of connivance will be subject to this obligation to maintain and repair the wall. Vote 5-0-0

There was a discussion on amended motion to change language.

** Motion by Mr. Medeiros, seconded by Mr. Garceau to continue hearing to July 9, 2019. Vote 5-0-0
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Members Absent:
Others Present: Leann Bradley, Town Planner

7:30 pm – Coletti – Retreat Lot Special Permit – off Wareham Street – 19-03-RL
Owner/Applicant: Russell & Pamela Coletti
Land Surveyor: Maddigan Land Surveying
(cont. from 5/7/19)
Expires: 6/60/19

The Planning Board held a public hearing at 8:20 pm. There was a discussion on extension at applicant's request.

**Motion by Mr. Healey, seconded by Mr. Medeiros to approve extension to July 23, 2019. Vote 5-0-0.**

[Signature]
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Member

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Members Absent:
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7:45 pm – Cranberry Woods – off Walnut St. & Marion Rd. – 26 Lots – 19-01-C
Owner/Applicant: The Daly Group LLC
Engineer: Landplex, LLC
(cont. from 5/21/19)
Expires 7/1/19

The Planning Board held a public hearing at 8:21 pm. Mr. Medeiros and Mr. Garceau recused themselves. Attorney James Timmins was present as representative for The Daly Group, LLC. Ms. Bradley stated she has heard nothing from New Bedford regarding the most updated plans. There was a discussion on issue with existing recorded plan. Mr. Timmins mentioned he drafted a completed petition to have a hearing to rescind earlier approval and to release the Form H covenant. Asked the Board to vote on the currently pending plan pointing out the vote could be contingent on completion of the petition.

Mr. Edward Medeiros, 9 Crest Drive was present briefly discussed the rescind process.

Mr. William Garceau, 17 Perry Street was present stressed his concerns on the board rescinding plans.

**Motion by Ms. Craig-McGee seconded by Mr. Healey to approve extension to July 23, 2019. Vote 5-0-0.

9:14 pm Mr. Medeiros and Mr. Garceau returned to open meeting.

John F. Healey, Clerk