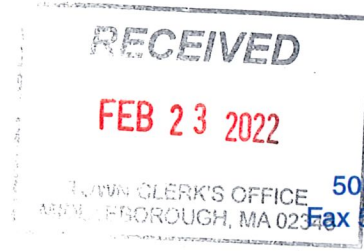




**Town of Middleborough  
Planning Board**

20 Center Street, 2<sup>nd</sup> Floor  
Middleborough, MA 02346



508-946-2425  
Fax 508-946-1991

**January 18, 2022 – Planning Board Meeting Minutes**

Planning Board (“PB”) held a meeting at Middleborough Town Hall, 10 Nickerson Avenue, Middleborough, MA. PB Members present – Chair, Edward Medeiros (EM), Clerk, Jack Healey (JH), William (Bill) Garceau (BG), and Tracie Craig-McGee (TCM), Allin Frawley (AF) and Anders Martenson (AM). Also in attendance, Leeann Bradley (LB) Town Planner and Joe Mandile (JM) Administrative Planning Assistant.

**ADMINISTRATION**

Chair, EM called the meeting to Order at 6:30 PM.  
Chair, EM led the Pledge of Allegiance.  
Chair, EM stated the Board did not have any Continued Meetings or Hearings.

**Unanticipated**

Southpoint – Drive-In Site – BG stated there is a water and sewer main sleeved under Route 495. PB discussed water allocated to this area and requirements to reallocate to another area of town.

**Payment of Bills**

- JDE - Date 12.31.21 – Middleborough Park – Invoice # 02-2020-074-07 - \$3,562.50
- JDE – Date 12.31.21 – Great Cedar Village – Invoice # 02-2021-013-05 - \$750.00
- GateHouse Media – Date 12.31.21 – Legal Ad Hearing - Middleborough Park – Invoice # CN14001450 - \$403.92
- Schwaab, Inc. – Date 12.29.21 – Custom Date Stamp – Planning Department – Invoice #D017678 - \$34.33

**JH made a motion to approve; Seconded by BG.  
Motion passed unanimously.**

**Approval of Minutes -**

**JH made a motion to approve the January 4, 2022 minutes as drafted. Seconded by AF.  
Motion passed unanimously.**

**Form A Submittals – None**

**Public Hearing, Meeting, ETC.**

**6:45 PM – Morton Estates – 308 Old Center Street – 13 Lots – 21-03-C – Assessors Map 49, Lots 1227 and 1282 – Waivers/Extension of Time Discussion – Deadline February 18, 2022**

Bob Forbes, PE and Nyles Zager, PE of Zenith Engineering Consultants, were present on behalf of the owner/developer, Marcus Baptiste. The purpose of this discussion was decide on the waiver requests as follows:

1. Section IV.F.3.f. - Waiver from the requirement for two (2) street trees per lot at a spacing of 62.5 ft. The proposal is to plant the same number of trees (26), but one per lot and the remainder in locations requested by the Planning Department.

EM stated that this waiver has already been agreed upon and voted. Discussion centered on language of having “at least one tree per lot”.

**AF made a motion to change the language to reflect “there will be at least one tree planted per lot”. BG seconded the motion. Motion passed unanimously.**

2. Section IV.E.2.f. – Waiver from the requirement that all drainage pipes be Class III Reinforced Concrete pipe with a minimum of 24 inches of cover in non-paved areas and 36 inches of cover in paved areas. The proposal is to utilize HDPE pipe, which has better structural characteristics, better hydraulic qualities, has a longer life expectancy and is easier to store and install than RCP pipe. The structural integrity of the HDPE pipe allows it to be constructed with only 12 inches of cover. For this project, the minimum depth of cover requested over the HDPE is 2.3 ft.

EM stated this waiver was approved on January 4, 2022.

3. Section IV.E.4 – Waiver from the requirement for subdrains under the roadway. Test pits conducted on the site indicate sandy soils throughout the project with high groundwater several feet below any proposed roadway subgrade elevation.

The Board discussed the soils as being sandy and permeable. The water table is at the wetland elevation.

**AF made a motion to grant Waiver #3. BG seconded the motion. Motion passed unanimously.**

4. Section III.C.1.e.(ii). – Waiver from the requirement that plans be drawn at a scale of 1” = 40’. The Lotting Sheet and Existing Conditions plan are drawn at a scale of 1” = 60’ to include the entire property on one sheet.

**AF made a motion to grant Waiver #4. BG seconded the motion. Motion passed unanimously.**

5. Section IV.F.2. – Waiver from the requirement to show large and/or specimen trees on the plans. The site contains many scrub pine trees and no specimen trees were identified during site walks and investigations. No trees within the clearing limits are proposed to be preserved. It should be noted that

thousands of existing trees on the property will be preserved in the areas outside of the clearing limits of the project.

**AF made a motion to grant Waiver #5. BG seconded the motion. Motion passed unanimously.**

6. Section IV.B.4.a. – Waiver from the requirement that a permanent dead-end street shall only provide frontage for no more than 12 lots. The reason for this waiver is included in an earlier separate detailed letter from the project’s attorney.

The applicant is requesting 13 lots. Town counsel, Dan Murray, Esq., gave an opinion stating the subdivision rules and regulations allow for only 12 lots. LB had requested from the applicant their attorney provide an explanation as to why the PB should grant this waiver. Mr. Forbes stated they should have a response from their attorney soon. Mr. Forbes requested that this waiver request be discussed at the February 15, 2022, meeting.

Mr. Forbes stated they have addressed approximately one third of the engineering comments to date.

EM stated the deadline for the PB to act is February 18, 2022, and the applicant is requesting an extension of time to April 30, 2022.

**AF made a motion to grant a time extension to April 30, 2022. BG seconded the motion. Motion passed unanimously.**

Mr. Forbes requested a continuance of the public hearing to the Board’s February 15, 2022, meeting. **AF made a motion to continue to the above date at 6:45PM. BG seconded the motion. Motion passed unanimously.**

## **OTHER**

### **Allie’s Way – Certificate of Completion –**

Jeff Youngquist, Outback Engineering, was present. Mr. Youngquist stated that Allie’s Way will remain as a private way and will not be accepted by the town as a public way. Allie’s Way is a cul-de-sac serving two lots. The way is an extension of Rocky Gutter Street and is being used as a turnaround for school buses and snow plows.

TCM and EM visited the roadway and do not have any concerns. EM stated that that this will remain a private roadway in perpetuity and will not become a public roadway and will be noted as such on the Certificate of Completion. LB recommended the PB issue a Certificate of Completion.

**AF made a motion to issue a Certificate of Completion for Allie’s Way. BG seconded the motion. Motion passed unanimously.**

**Harvestwood Estates – Detention Basin Fencing – Field Change Request –**

Greg Maroney, owner/developer, was present. Mr. Maroney requested the PB grant a field change to change the location of detention basin fence from the bottom of the basin slope to the top of the basin berm.

EM stated he would like to have Chris Peck, DPW Director, agree to this change prior to the PB allowing.

**JH made a motion to have Chris Peck forward a recommendation to the PB for the relocation of the fence. AF seconded the motion. Motion passed unanimously.**

**40R – Arista Development – Project Review Committee Meeting Update – Potential Requested Waivers**

LB drafted and forwarded a memo to the Board, which summarized a Project Review Committee meeting held on January 5, 2022 with various Department Heads. EM was in attendance as well. LB read a portion of the memo that listed possible waivers Arista may request from the 40R Smart Growth Bylaw. Waivers are as follows:

- Waiver from 20 units/acre which would allow for 285 units. Their current design has 294 units
- Waiver from front yard setback – currently reads 0’ – 10’max. Possible error in text as we do not want buildings 10’ from Route 105
- Waiver from required parking space size – would like 9’x18’ instead of 10’x20’
- Waiver from building height from 45’ to four stories or five with underground parking

TCM mentioned the water allocated to the Southpoint property. She does not want all of the current allocation to be reallocated to another area of town. EM stated that this would be under the jurisdiction of the BOS and possibly town meeting. The PB would give their opinion and reasoning to the BOS when the time arose.

**Multi-family Zoning Requirements for MBTA Communities – Draft Regulations – Discussion**

LB updated the PB on recent developments/discussions surrounding the newly enacted regulations. The state held a webinar on January 12, 2022, highlighting the requirements but did not add any new information as to how municipalities can implement the zoning. They do not have any draft bylaws available for municipalities to use as a template. LB provided the PB with the newly posted FAQs from the state as well as the PowerPoint presentation from the webinar.

The Board of Selectmen must hold a public meeting to discuss and, if the town decides to comply with the regulations, submit a completed “Community Information Form” to the state stating their decision to comply. This form must be submitted to the state no later than 5:00PM on May 2, 2022. If the town does not comply for 2022, the entirety of the town will not be eligible to apply for MassWorks, Housing Choice or Local Capital Projects Funds. If the town complies, it may be eligible for technical assistance

from the state to help in navigating the regulations and drafting new local zoning amendments and maps.

The discussion focused on the number of units the town must provide an area for “developable land” which must be at least 50 acres in size within one half mile of the train station.

TCM stated she believes a joint meeting between the BOS and PB is necessary.

**TCM made a motion to request from the BOS that they meet jointly with the PB and KPLaw in order to fully understand the implications of the new multi-family zoning requirements. AF seconded the motion. Motion passed unanimously.**

#### **Senior Clerk Position – Planning Department – Discussion**

TCM stated that she asked to have this on the agenda for discussion. She stated that a Senior Clerk position may not be appropriate for what is required within the Planning Department. This position is very technical, intense and inherently more complicated than what is required from a typical clerk. This position should be elevated to an Administrative Assistant. LB agreed that this position requires someone who is extremely detailed oriented, motivated, accurate and can work independently. The job description for this position is easily four pages in length.

AF stated that the PB needs to bring this request/discussion to the Town Manager and the Board of Selectmen.

**TCM made a motion to request that the PB discuss with the Town Manager and Board of Selectmen supporting the change from a Senior Clerk position to an Administrative Assistant position. AF seconded the motion. Motion passed unanimously.**

#### **Farland Estates II – Potential 40B – Update on opposition efforts**

EM and BG recused themselves from this discussion. LB gave an update on correspondence currently being drafted by KPLaw. The date to submit the town’s comment letter to MassHousing has been extended to January 31, 2022. LB will provide a final draft as soon as it is received.

#### **Revisions to Subdivision Rules and Regulations – Form J and Special Permit Modification/Amendment**

**TCM made a motion to implement a Form J – Release of Lots within a Subdivision- fee of \$150.00. AF seconded the motion. Motion passed 3-2 .**

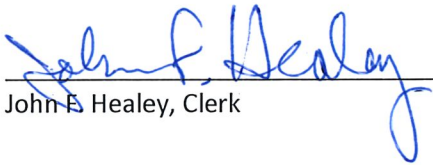
#### **ITEMS BEING FOLLOWED**

##### **South Coast Rail**

No new information at this time.

**AF made a motion to adjourn the meeting at 8:00pm. Seconded by TCM.  
Motion passed unanimously.**

Respectfully,

  
\_\_\_\_\_  
John F. Healey, Clerk

This document is a summary of the events from the meeting. For a detailed recording, please see the Town of Middleborough website. <http://vod.mccam02346.com/CablecastPublicSite/search?channel=1&query=Planning>.