



**Town of Middleborough
Planning Board**

20 Center Street, 2nd Floor
Middleborough, MA 02346

508-946-2425
Fax 508-946-1991

November 15, 2022

Planning Board ("PB") held a meeting at Middleborough Town Hall, 10 Nickerson Avenue, Middleborough, MA. PB Members present – Clerk, Jack Healey (JH), William (Bill) Garceau (BG), Tracie Craig-McGee (TCM) and Allin Frawley (AF) were in attendance. Also in attendance, Leeann Bradley (LB) Town Planner, Joseph Mandile (JM) Administrative Planning Assistant and Robin Perry (RP) Senior Clerk. Edward Medeiros (EM) was absent.

ADMINISTRATION

Acting Chair, JH called the meeting to Order at 6:30 PM.
Acting Chair, JH led the Pledge of Allegiance.

Unanticipated –

None

Payment of Bills

Reimbursement - Robin Perry – 11.1.22 – CPTC - Adopting & Revising Rules & Regulations - \$25.00
AF motioned to reimburse Robin Perry for the CPTC – Adopting & Revising Rules & Regulations class for \$25. TCM seconded the motion. Motion passed unanimously.

Amory Engineers – 11.1.22 – Invoice # 16009A – The Residences at 8 Station Street - \$429.00
AF motioned to pay Amory Engineers – Invoice # 16009A for \$429.00. TCM seconded the motion. Motion passed unanimously.

JDE – 11.2.22 – Invoice # AA0400202 – John Perkins Way - \$312.50
AF motioned to pay the JDE invoice # AA0400202 for John Perkins Way for \$312.50. TCM seconded the motion. Motion passed unanimously

JDE-- 11.2.22 – Invoice # AA0400202 – Christina Estates - \$500.00
AF motioned to pay the JDE invoice # AA0400202 for Christina Estates for \$500.00. TCM seconded the motion. Motion passed unanimously.

JDE – 11.3.22 - Invoice – 02-2019-045-16 - Harvestwood Estates - \$125.00
AF motioned to pay the JDE invoice # 02-2019-045-16 Harvestwood Estates \$125.00. TCM seconded the motion. Motion passed unanimously.

JDE – 11.7.22 – Invoice # AA040045 – Christina Estates - \$1,750.00
AF motioned to pay the JDE invoice # AA040045 for Christina Estates for \$1,750.00. TCM seconded the motion. Motion passed unanimously.

Approval of Minutes – November 1, 2022 –
The minutes from November 1, 2022 were tabled until the December 6, 2022 meeting.

RECEIVED
MIDDLEBOROUGH
TOWN CLERK
2022 DEC - 8 PM 12:32

Form A's –

None

Public Hearing, Meeting, etc. -

PUBLIC HEARINGS, MEETINGS, ETC.

Middleborough Park @ 495 –Special Permit - Commerce Boulevard - Lot 7A – 22-01-SP

TCM made a motion to open the public hearing. BG seconded the motion. Motion passed unanimously.

Attorney Paul Feldman (PF) was present to speak on behalf of his client, Middleborough Park, LLC. (MP). PF explained he is still working on the entitlements necessary to commence the roadway extension construction in 2023. PF is still tracking down a few of the easements. PF has updated the PB via email to LB as to where they are with the conditions. PF understands the plans will need to be evaluated by the peer review engineering firm, Jacobs Driscoll Engineering, Inc.

Nicole Dunphy (ND) from Highpoint Engineering, Inc. was in attendance to present the plans for a 151,500 square foot commercial industrial building with paved driveway access, 28 loading docks, parking and pedestrian accessibility. The property will have a new storm water management system constructed. In coordination with the design of the roadway, utility stubs have been left for the roadway extension design which will be used to extend utilities to the building. There is a propane pad on site. There will be retaining walls on site to address the grade changes. The parking meets the zoning and setback requirements.

TCM asked about water and sewer. ND explained that the sewer will be extended as part of the roadway and town sewer will be provided through the park. MP will be working with the Town on what quantity will be allowed.

Municipal water will be provided through the extension of the roadway through the park. MP will be providing a loop as part of the roadway extension which will tie into the industrial park.

TCM asked if MP has applied for the Notice of Intent (NOI) through the Conservation Commission yet. MP intends on filing with the Conservation Commission in December.

ND is requesting to begin the peer review process so construction can remain on schedule.

Lisa Johnston of 214 Old Center Street spoke to her concerns about the property containing wetlands. ND explained and identified on the drawing that the wetlands have been flagged and there is a 25 foot no touch zone and a 100 foot buffer zone.

Judy Bigelow-Costa (Jia Tinkham) of 280 Wood Street proposed a list of questions pertaining to TIF's – no TIF's, no identified tenants as of yet, EV charging stations, ring road – no ring road, roof will be constructed to accommodate solar but none proposed. PF and ND answered the questions they were able to as some answers are still unknown.

Peter Teceno of 15 Ash Street is concerned with the proximity to his property and is requesting a fence or some type of sound buffer. ND explained there is a 100 foot buffer. PF and ND will bring the concerns to the developer and be prepared to discuss the issue at the December 20, 2022 meeting.

Mike Ludwig of 2 Ash Street expressed his concern regarding the noise and is also requesting a sound barrier, he suggested something similar to what Campanelli used. He is also concerned with the well on his property. PF explained this project will have no effect on his well. Mr. Ludwig also inquired as to whether there will be a water tower. ND said there is no plan for a water tower at this time.

Rick Johnston of 214 Old Center Street is expressing his concern with the potential sound, traffic and the congestion at the rotary.

Adam Ducette of 10 Redlon Court is also concerned with the additional traffic. He is asking if there will be traffic monitoring. PF has assured him that there will be studies to see if an additional traffic light will be required.

Rick Johnston of 214 Old Center Street is concerned about adding a traffic light and causing backup. PF has explained the new traffic lights are active lights and have technology to detect the current traffic. Mr. Johnston expressed his understanding of this lot is that it should not be developed because it is residentially zoned. LB explained the underlying zoning is residential. However, this property is located in the Development Opportunity District (DOD) overlay zone which allows for specific commercial/industrial uses with a special permit.

Peter Teceno of 15 Ash Street is inquiring about a change to the air quality. PF explained the vehicles are all emission controlled and there should not be any change to the air quality.

Lisa Johnston 214 Old Center Street would like them to plant trees to block the sound.

Stephanie Mortarelli of 10 Redlon Court would also like to also express her concern about the traffic. She also has concerns regarding the water pipes and it was explained that this concern would have to be addressed to the Water Department.

AM explained the 100 ft. buffer will remain wooded and there is also a fenced currently on the plans.

PF and ND stated they will have the traffic engineer for this project available at the December 20, 2022 meeting and they will be bringing the concerns of the residents to the developer and addressing those concerns at that meeting.

BG wants travel delivery hours and be equipped with low noise backup alarms.

PF requested the PB continue this Special Permit Application for at least a month for MP to review the concerns and make arrangements for the December 20, 2022 meeting.

AF made a motion to continue the public hearing until December 20, 2022 at 6:45 PM. TCM seconded the motion. Motion passed unanimously.

Middleborough Park @ 495 – Special Permit- Commerce Boulevard - Lot 9A – 22--02-SP

TCM made a motion to open the public hearing. AF seconded the motion. Motion passed unanimously.

Nicole Dunphy from Highpoint Engineering, Inc. was in attendance to present the plans for a 54,000 square foot commercial industrial building with 15 loading docks to the rear of the property. The stormwater management system for Lot 9A will be a subsurface infiltration system located in the rear of the property. Utilities will be provided through the roadway extension. There will be no work within the wetlands or 25' no touch buffer. There are no residential properties abutting this property, therefore, the 100 foot buffer does not apply.

PF requested this Special Permit Application also be continued to December 20, 2022.

The PB has questions regarding fire truck access. The plans will be resent to the Fire Department requesting comments.

TCM made a motion to continue the public hearing until December 20, 2022 at 6:50 PM. AF seconded the motion. Motion passed unanimously.

Residences at Station Street – 8 Station Street – 40R Site Plan Review – 22-01-40R

Deadline – November 28, 2022 (continued from November 1, 2022)

Attorney Michael O'Shaughnessey (MO) was present on behalf of The Residences at 8 Stations Street. He is presenting the new plans to the PB. MO is explaining the new plans show the separation of Phase One and Phase Two.

Robert Forbes (RF) from Zenith Consulting Engineers, LLC is present to explain to the PB that the new plans were completed today, November 15, 2022, which is why the PB has not seen them yet. RF explained the changes between the previous plans and this set of plans.

TCM is inquiring why Housing Solutions is monitoring this project instead of the Middleborough Housing Authority. MO is willing to ask Middleborough Housing Authority to monitor the project, however, previously the Middleborough Housing Authority has not been able to accommodate this type of request. per MO.

Boaz McMahon (BM), Applicant, stated he met with the Chairman of the VFW and they came to the conclusion there will be a 4 foot split rail fence along their property line.

TCM mentioned the waivers in the draft decision, 6 are bylaw waivers and 4 are design standard waivers. There was some discussion and the PB decided it would be more beneficial to go over the waivers at the same meeting they would be voting on the waivers with a full board in attendance.

MO stated the bylaw allows for the project to be approved in phases. The draft decision proposes that before they proceed with Phase Two they would have to show the PB there have been provisions made to connect to municipal sewer or on-site septic has been designed and approved.

LB asked MO to read the phasing provision aloud. MO read

“Construction of Phase 2 of the project is not authorized until the Applicant demonstrates that provisions have been made for the treatment and discharge of the Phase 2 sewer effluent either through the connection to the municipal sewer system or an onsite Title V compliant septic system. “

LB requested local preference for the units and MO has added this request to the draft decision.

TCM requested the draft decision only include Phase One.

JH questioned how the units will be heated. BM explained it is high efficiency electric heat.

BG finds Page 6, Section B, #8 unacceptable, MO agreed to strike that provision.

BM stated he will be requesting a final occupancy permit from the Building Department next week.

Attorney O’Shaughnessey requested this hearing be continued to the December 6, 2022 meeting,

AF made a motion to continue the hearing to the December 6, 2022 meeting at 6:45 PM. TCM seconded the motion. Motion passed unanimously.

Attorney O’Shaughnessey requested the Site Plan Approval timeline be extended until December 31, 2022.

AF voted to extend the Site Plan Approval timeline until December 31, 2022. TCM seconded the motion. Motion passed unanimously.

Amazon Traffic Monitoring Dates – Holiday Season

Amazon has communicated they would like to conduct the next traffic study during the week of December 5, 2022. The Board discussed with LB.

TCM made a motion for Amazon to conduct traffic monitoring the week of December 5, 2022. BG seconded the motion. Motion passed unanimously.

Cranberry Woods – Update of Roadway/Infrastructure Construction – Field Change Request

BG recused himself.

Michael Atkinson (MA) was present to explain the field change request for the gravel specs. Requesting to complete in phases. Phase One would be getting 1,800 linear feet of asphalt down for the year. Next phase would be next year. Requesting to use MASSDOT gravel. Patrick Carrara from Jacobs Driscoll Engineering, the peer review engineering firm for the Town of Middleborough, was present and stated this is an acceptable solution since the materials in the previous specs have been unavailable.

AF states an abutter had contacted him with flooding concerns. MA stated roadway has swales to direct water flow into basins.

TCM made a motion to approve the requested field change. AF seconded the motion. Motion passed unanimously.

South Coast Rail –

No Update

MBTA Multifamily Zoning –

Joint meeting with SB on 12/12/22 to discuss and determine if we will comply.

Housing Production Plan –

Survey has been extended to December 9, 2022.

Hazard Mitigation Plan-

LB conducted a community engagement session during the SB meeting night, November 14, 2022.

Open Space Bylaw Update-

LB met with Patricia Cassady, Conservation Commission Agent, and Danika Belknap of SRPEDD on criteria to include with rewrite.

Lakeville Hospital – Rhino-

No update

Lakeville Country Club-

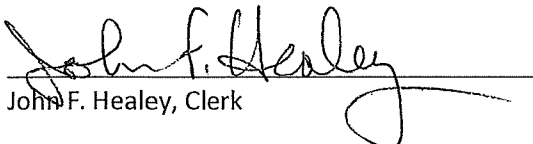
No update

North Carver Development-

AF mentioned that this zoning was defeated. LB will contact Carver Town Planner for details.

AF made a motion to adjourn at 8:37 PM. TCM seconded the motion. 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>.