

**Zoning Board of Appeals Minutes
Selectmen's Room, Middleborough Town Hall
10 Nickerson Avenue, Middleborough, MA 02346
January 25, 2018**

Chairman Darrin DeGrazia, Dr. Edward Braun, Dorothy Pulsifer, Joseph Freitas, Liz Elgosin, and Matthew Maher were present.

7:30 P.M. Minutes

Upon a motion made by Liz Elgosin and seconded by Dorothy Pulsifer, the board

VOTED: *to approve the minutes of January 11, 2018.*

Unanimous Vote.

7:30 P.M. Timothy Shaw – 29 Harding Street

Chairman Darrin DeGrazia read into the record the legal advertisement and declared the hearing open.

Timothy Shaw informed the board that he submitted a new parking plan showing all the requested dimensions. He noticed tonight that the plans shows 9" opposed to 9' and will have the corrected for the record.

Chairman Darrin DeGrazia read into the record a letter dated January 24, 2018, from Captain Tim Reed, Middleborough Fire Department.

Chairman Darrin DeGrazia said he believes all the issues have been covered and asked if anyone had any additional questions.

Dr. Edward Braun asked how many visitors he would have at one time. Timothy Shaw said between 10-20 at best. Dr. Edward Braun suggested that since they have few visitors at a time perhaps the spaces that are very small could be made a little larger. The plan shows some spaces as 8' and 9' and maybe they could stripe some of the spaces to accommodate bigger vehicles. Timothy Shaw said they could revisit that at a later date and come back to the board. Dr. Edward Braun said he knows the bylaw requires a certain number of spaces however, in this particular enterprise he feels he would be better off with bigger spaces and less parking.

Joseph Freitas asked when his approximate opening date is expected. Timothy Shaw said late April.

Dr. Edward Braun asked if they will be doing any additional landscaping there. Timothy Shaw said they will be making this much more appealing to the eye.

Chairman Darrin DeGrazia asked if anyone would like to be heard on this matter. Hearing no comments Chairman Darrin DeGrazia closed the hearing and called for a motion.

Upon a motion made by Liz Elgosin and seconded by Dorothy Pulsifer, the board

VOTED: *to approve the petition of Timothy Shaw, Wareham Street, Middleborough, MA 02346 relative to his request to allow for a special permit for a medical cannabis dispensary located at 29 Harding Street, Middleborough, MA 02346. The subject property is located at 29 Harding Street, Middleborough Assessor's Map 047, lot 519, in the General Use Zoning District. This is approved subject to the following stipulations:*

1. ***Subject to the parking plan dated January 18, 2018, being amended to show feet opposed to inches.***

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- 2. The applicant can come back, at any open hearing, and show the board a landscaping plan and perhaps a revised parking plan taking advantage of making the existing spaces a bit larger.**

Chairman Darrin DeGrazia, Dr. Edward Braun, Dorothy Pulsifer, Liz Elgosin and Joseph Freitas were in favor.

Upon a motion made by Dr. Edward Braun and seconded by Joseph Freitas, the board

VOTED: **to adopt the following findings:**

- 1. The proposed site is appropriate for the use a structure. It is noted that this is in the General Use Zone and has been occupied by commercial business in the past.**
- 2. Adequate and appropriate facilities have been provided to insure the proper operation of the use and structure. The applicant has shown that he has a solid security plan for the site. The building itself will be very secure.**
- 3. Traffic flow and safety, including parking and loading are adequate and there will be no nuisance or serious hazard to vehicles or pedestrians. There is a stipulation that the number of parking spaces could be reduced.**
- 4. Adequate water, sewer, and other utilities as well as other public and private services are available or will be provided;**
- 5. The use involved will not be detrimental to the established or future character of the neighborhood and town and is subject to appropriate conditions or safeguards.**

Chairman Darrin DeGrazia, Dr. Edward Braun, Dorothy Pulsifer, Liz Elgosin and Joseph Freitas were in favor. (5-0)

7:40 P.M. Discussion with the Middleborough High School Committee regarding New High School

David Warner, Principal of Warner Larson Landscape Architects will be presenting the information associated with the parking dimensions for the proposed High School design. Present with him tonight is Rob Desrosiers, Chair of SBC; Scot Woodin, principal at DRA Architects; Steve Ventresca of Nitsch Engineering; Jeff Alberti, Weston & Sampson and Christy Murphy, Compass Project Management.

David Warner reviewed, in detail, the existing conditions and proposed conditions of the High School. The existing parking on site is 379 at 9' x 18' spaces. They did go on site and do a study of the parking for high volume times and low volume times, as well as the types of vehicles on site. The new proposed parking has been based on what they feel will be needed. The current site plan shows 244 parking spaces in the student lot at 9' x 18; 102 in the staff parking lot; there will be twenty (20) 10' x 20' spaces and twenty (20) compact spaces mixed within the lots, as well as the ADA approved spaces. They are seeking to find a solution that works with the existing utilization for quantity and vehicle size and to accommodate that in the new plan. They are seeking relief for the requirement of all the parking spaces to be 10' x 20'.

Joseph Freitas asked how they will control the 10' x 20' parking spaces for the larger vehicles. David Warner said they will have signage to help enforce that. Joseph Freitas said he is not sure if that will work unless you prohibit small vehicles from parking in those spots.

Discussion ensued regarding having adequate parking for sports and special events. One thing that was stressed to this committee was that they wanted a comprehensive sports complex at the High School but everyone was very concerned with providing adequate parking for it. That is the reason they are trying to maximize the parking with a mix of sizes.

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Steve Ventresca of Nitsch Engineering informed the board that he is a resident of the town, an abutter to this property, and the Chairman of the Middleborough Conservation Commission. He would like to discuss the impervious area for the new project and get feedback from this board based on this project being in the WRPD Zone II and Zone III.

Steve Ventresca said the regulations states that they can have up to 25% impervious area. With the proposed plan they are at exactly 25% with just the High School itself. The reason for this discussion is because they have been asked to take the DPW and the High School together in permitting. Unfortunately, at this point the DPW is in the feasibility stage and do not know the exact impervious area that they have. The majority of the DPW parcel is in the WRPD III zone. If you bring in the DPW parcel with an assumed 40% impervious area they up the impervious with both parcels to 28% which is over the maximum amount allowed. So there is an issue there that they would like to get the boards feedback on. Steve Ventresca discussed some areas that could be changed to reduce the impervious. He said they would like to bring both parcels together before the board but with the understanding that there would be an increase greater than the 25% of impervious.

Joseph Freitas said this is the first time he has heard the DPW being associated with the High School. Steve Ventresca said these are discussions that have recently come up. They are talking about permitting for both sites because they are both town owned parcels. Joseph Freitas asked if they are going to be next to each other. Steve Ventresca said his understanding is that the DPW is proposed off of Wood Street.

Liz Elgosin said she agrees she was wondering what the DPW had to do with the High School.

Steve Ventresca said Jeff Alberti of Weston & Sampson is present tonight that can answer questions for the board. Steve Ventresca said the Town Manager requested that their design team meet with the Weston & Sampson to try to bring the two projects together.

Jeff Alberti, Vice President with Weston & Sampson said they have been working on the DPW facility. The goal as they were examining the site, particularly the 8.9 acre parcel, was to work with the development for the High School project while maintaining those separations and looking at the impervious coverage. They didn't want to introduce the DPW after the fact, and wanted them to look at the entire property. Because it is all Town owned property they have developed a plan, working closely with them, to make sure they have proper segregation, maintaining the access road, maintaining the future athletic field area as well as the vegetative buffer areas to screen the two operations.

Matt Maher asked if the DPW would have a separate entrance. Jeff Alberti said they would have a separate access off of Wood Street. Matt Maher asked if they had an idea of the square footage for the building. Jeff Alberti said it is approximately 34,000 square feet, and reviewed a preliminary plan for the board. Discussion ensued regarding the plan.

Darrin DeGrazia asked if the DPW would be in Zone III. Jeff Alberti said about 80% of the DPW would be in Zone III.

Dr. Edward Braun said it's a little bit of a surprise to him with the DPW. His first blush, if he were to guess, this board would never approve two commercial sites doing this. In some ways it's like a bait and switch, you came

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to a previous meeting showing the board a nice big space and how they would plan out their High School. Now they are taking a portion of that land away and using it for another purpose.

Jeff Alberti said that is why they wanted to do this as soon as they could develop a plan. They literally finished this plan this morning. They are in the middle of the feasibility study. They felt that it would be important to bring this tonight knowing they were having this meeting. They wanted to bring it tonight to see if the board had any comments.

Dr. Edward Braun said in many ways you're compromising the High School. Jeff Alberti said they are trying to address any concerns that come up. Dr. Edward Braun said the earlier testimony was such that on a game day or event day they don't have enough parking and now they are looking at something that could potentially be parking for that.

Rob Desrosiers said to be clear the High School Building Committee is not advocating for or against the DPW facility. They are in site plan development for the High School and the DPW feasibility committee is moving ahead and he thinks they wanted to get your thoughts on it.

Dr. Edward Braun said his thought would be that the High School doesn't want to wait for these other folks to put together their plans. Rob Desrosiers said he does not know what their time frame is, they intent to move ahead.

Discussion ensued regarding the buffer areas and fencing.

Christy Murphy with Compass Project Management said she would like to reiterate why they are here tonight. She feels they have blind sighted the board a little and that was not the intent. She said they have a schedule that they have committed to and is part of the reimbursement for the school. They are in design development and have put forward when this will be submitted. She said there was a meeting in December with several Town Departments about permitting, and they have mapped out that in April they will be starting this process. That is where the discussion came about the feasible study for the DPW happening, and that they should be mindful of each other and the impervious area was discussed.

Christy Murphy said they, the High School, need to keep their schedule. They have a commitment to the Mass School Building Authority. The High School itself meets the requirement of the impervious cover.

Chairman Darrin DeGrazia said they need to focus back on the parking because that is what they are here for tonight, not the DPW. The board had no objections to the mixed parking spaces. They would like to see this controlled as much as possible for the larger spaces.

Upon a motion made by Liz Elgosin and seconded by Dorothy Pulsifer, the board

VOTED: *to adjourn at 8:50 P.M.*

Unanimous Vote.

Respectfully Submitted:

Tammy Mendes, Senior Clerk
Zoning Board of Appeals