

Zoning Board of Appeals Minutes
Selectmen's Room, Middleborough Town Hall
10 Nickerson Avenue, Middleborough, MA 02346
September 22, 2022

Chairman Darrin DeGrazia, Dr. Edward Braun, Jack Healey, Liz Elgosin and Joseph Mandile were present.

7:00 P.M. Minutes

Upon a motion made by Liz Elgosin and seconded by Joseph Mandile, the board

VOTED: to approve the minutes of September 8, 2022.

Chairman Darrin DeGrazia, Dr. Edward Braun, Jack Healey, Liz Elgosin and Joseph Mandile were in favor.
(5-0)

7:00 P.M. Kenneth Lawrence – 5 Smith Street

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

Kenneth Lawrence informed the board that he has responded in writing, and submitted pictures for the requests made at the previous hearing. Chairman Darrin DeGrazia read into the record the letter dated July 31, 2022, from Kenneth Lawrence.

Jack Healey asked for clarification on item #7. This shall be corrected to say no one except himself, Linda Shoemaker, or his girlfriend have access to the kennel buildings at any time.

Chairman Darrin DeGrazia read into the record a letter dated September 6, 2022, from Kayla Smith, Health Officer requesting that any inspections being done at this property will be accompanied by another agency, including but not limited to MSPCA or other town agencies. The applicant has no objections to this.

Joseph Mandile asked how many dogs he is requesting for this facility. Kenneth Lawrence said he is requesting 18. Kenneth Lawrence reviewed the total amount of crates and locations for the board members.

Dr. Edward Braun said he will be voting against this proposal when it comes up. He will not go over the same things he discussed at the first meeting. He is concerned with the letter from Kayla Smith and agrees that a member of the Police Department should be present during inspections. He would add further that if this takes away from Police duty the applicant should pick up the cost.

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 Joseph Mandile, the board

VOTED: to approve the petition of Kenneth Lawrence, 5 Smith Street, Middleborough, MA 02346 relative to his request to be granted a special permit pursuant to Section 3.1.D.3 of the Middleborough Zoning By-law to allow for a commercial kennel license. The subject property is located at 5 Smith Street, Middleborough Assessor's Map 087, lot 2685 in the GUX district. This is approved subject to the following stipulations:

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- 1. Any visits from the Animal Control Officer for inspections shall be accompanied by another agency with them, as per the letter dated September 6, 2022, from Kayla Smith, Health Officer.**
- 2. This is limited to a total of eighteen dogs (18) on the property.**
- 3. Adequate crates shall be on the property to secure all the animals in the event of a medical emergency on the property.**

Chairman Darrin DeGrazia, Liz Elgosin, Jack Healey and Joseph Mandile were in favor. Dr. Edward Braun opposed. (4-1)

Upon a motion made by Joseph Mandile and seconded by Liz Elgosin, the board

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

- 1. The proposed site is appropriate for use and structure.**
- 2. Adequate and appropriate facilities have been provided to insure the proper operation of the use, structure or condition.**
- 3. Traffic flow and safety, including parking and loading are adequate and there will be no nuisance or serious hazard to vehicles or pedestrians.**
- 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 and safeguards.**

Chairman Darrin DeGrazia, Liz Elgosin, Jack Healey and Joseph Mandile were in favor. Dr. Edward Braun opposed. (4-1)

7:25 P.M. Peter Varrasso, Jr.- Everett Street, Ma 41M, lot 4923, Map 041, lot 4187 and Map 040, 4895

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

Shane Oates, Center Mount Development informed the board that they have completed their review with Amory Engineering. Shane Oates reviewed, in detail, the comment letter from Amory dated September 14, 2022.

Discussion ensued regarding item #14 regarding a turning template plan to be reviewed by the Fire Department. The board agreed this will be a stipulation in the motion.

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 Dr. Edward Braun and seconded by Liz Elgosin, the board

VOTED: **to approve the petition of Peter Varrasso Jr., 16 Industrial Way, Hanover, MA 02339 relative to his request to be granted a special permit pursuant to Section 4.5.3 of the Zoning By-law to allow for the construction of greater than 20,000 sf gross area of buildings in a General Use District. This will contain a total area of 26,400 sq. ft. industrial style building with associated parking and loading areas. The subject property is located on Everett Street and off Everett Street, Middleborough Assessor's Map 41M, lot 4923, Map 041, lot 4187 and Map 040, lot 4895. This is approved subject to the following stipulations:**

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- 1. As per the plan entitled Proposed Industrial Development, Everett Street, Middleborough, MA 02346, permitting plan dated December 1, 2021, revised through September 15, 2022.**
- 2. This is subject to the approval of the Fire Department requirements for turning radius.**
- 3. The retaining walls on the property shall be designed by a certified civil engineer and submitted to the Building Commissioner for approval.**

Chairman Darrin DeGrazia, Dr. Edward Braun, Jack Healey, and Joseph Mandile were in favor. (4-0)

Upon a motion made by Joseph Mandile and seconded by Liz Elgosin, the board

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

- 1. The proposed site is appropriate for use and structure.**
- 2. Adequate and appropriate facilities have been provided to insure the proper operation of the use, structure or condition.**
- 3. Traffic flow and safety, including parking and loading are adequate and there will be no nuisance or serious hazard to vehicles or pedestrians.**
- 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 and safeguards.**

Chairman Darrin DeGrazia, Dr. Edward Braun, Jack Healey, and Joseph Mandile were in favor. (4-0)

Upon a motion made by Joseph Mandile and seconded by Liz Elgosin, the board

VOTED: **to adjourn at 7:50 P.M.**

Unanimous vote.