



**Town of Middleborough**  
**Planning Board**

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TOWN CLERK

2022 JAN 19 PM 3: 53

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

508-946-2425  
Fax 508-946-1991

**PB Draft – January 4, 2022**

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**

EM and LB gave an update on the proposed conversion to 123 Unit 40B Farland Estates II –Cranberry Woods project. The Selectboard unanimously voted during their 1/3/22, meeting to oppose this project. Town counsel will take town and resident concerns and draft correspondence, which will be submitted to MassHousing. JH stated this site has a long and difficult history dating back to the 1970’s. LB will submit Planning comments on 1/5/22.

TCM asked if the PB would consider remote or hybrid meetings due to the increased COVID outbreaks. JH agreed with remote or hybrid. BG not in favor of remote. LB will schedule hybrid meetings going forward. Audience shall be permitted to attend in person.

**Payment of Bills**

**JH made a motion to approve;**

**JDE – Date 12.14.21 - Gateway Estates – Invoice #02202007310 - \$375.00**

**JDE – Date 12.14.21 – Middleboro Park – Invoice#02202007406 - \$187.50**

**JDE – Date 12.14.21 – Morton Estates – Invoice#02202107902 - \$500.00**

**Seconded by, AF.**

**Motion passed unanimously.**



**Approval of Minutes -**

TCM noted two corrections. On page 3 – change “radios” to “radius” and page 4 under PB Future Projects change “notification” to “update” in motion.

**AF made a motion to approve the December 7, 2021 minutes as corrected. Seconded by JH. Motion passed unanimously.**

**Form A Submittals –**

**Wood Street – M70, L4893 and L4767 – Freitas – 21-35-A – Deadline January 17, 2022**

Jason Youngquist was present on behalf of the applicant. The ANR plan shows a simple interior lot line change.

**TCM made a motion to endorse the plan as presented. Motion seconded by JH. Motion passed unanimously.**

**Public Hearing, Meeting, ETC.**

**6:45 PM - Great Cedar Village – off Fuller Street – 8 lots – 21-01-C – Review Revised Plans – Deadline March 31, 2022**

Jason Youngquist was present on behalf of the owner/developer, Elliot Schneider/AGS Development. Additional revisions were addressed in correspondence dated 12/21/21. PMP, the Board’s review consultant, forwarded a final report dated 12/29/21 stated that all revisions to the plan had been made and recommended approval.

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

TCM made a motion to approve the above-referenced subdivision and to include from PMP’s 12/29/21 report, Conclusions Nos. 1, 2 and 3 as conditions within the Certificate of Approval. AF seconded the motion. Motion passed unanimously.

AF made a motion to grant waivers not requiring perc tests within the roadway layout and that the drainage basins not be situated on separate/individual lots. JH seconded the motion. Motion passed unanimously.

**7:00 PM – Morton Estates – 308 Old Center Street – 13 Lots – 21-03-C – Assessors Map 49, Lots 1227 and 1282 – Waiver Discussion – Deadline – February 18, 2022**

Nyles Zager, PE, Zenith Engineering Consultants, was present on behalf of the owner/developer, Marcus Baptiste.

Waiver request to Section IVE2(f) – and allow HDPE pipes – correspondence dated 12/15/21 was received from DPW Director, Chris Peck stating he was in favor of the Board granting this waiver. AF



made a motion to grant a waiver to this section of the Subdivision Rules and Regulations. JH seconded the motion. Motion passed unanimously. Mr. Zager will revise the plan.

AF made a motion to discuss the remainder of the waiver requests at the 1/18/22 PB meeting. TCM seconded the motion. Motion passed unanimously.

Correspondence from the applicant's attorney was received showing that the PB had in the past allowed subdivisions with 13 lots. The correspondence did not elaborate as to the reasoning the Board allowed 13 lots. LB requested that the applicant's attorney research the reasons behind the Board's granting of 13 lots and provide that to the Board.

TCM stated that the lot on the corner is part of the 13 lots and a house is in the process of being constructed. This lot was not part of a Form A endorsement. She requested that town counsel, Dan Murray be asked for an opinion on this situation.

**7:15 pm - Middleborough Park at 495 Phase II Modification Definitive Subdivision Plan – 1538 I.f. proposed extension to Commerce Boulevard with revised design of the proposed roadway layout, utility systems, and drainage system Assessors Map 039, Parcels 1938, 2987, 4436 – continued from December 7, 2021 - Deadline – March 20, 2022**

Paul Feldman, Esq., Jeffrey Dierk, traffic engineer from Vanesse Associates and Nicole Dunphy from HighPoint Engineering were presently on behalf of the applicant/owner. Mr. Feldman stated there are still open comments that will be addressed. A small portion of Commerce Boulevard will need an easement from 30 Commerce Blvd. and they are working on that. Mr. Feldman noted that per 30 Commerce/Amazon's Special Permit and Traffic Monitoring Program, they are bound to providing the Planning Department a traffic count report at specific times per year. A report has not yet been received. The Planning Department will follow up.

Mr. Dierk spoke to the concerns relating to a traffic signal at Commerce Blvd and Route 18/28. He stated that traffic patterns are not back to what they were pre-Covid. They studied the nine (9) traffic signal warrants per MassDOT. The traffic at Commerce/Route18,28 met numbers 1, 2 and 3; thereby, warranting a traffic signal which will help with any rotary traffic backup. They have not yet submitting anything formal with MassDOT but have been in discussions. Typically five hundred (500') feet is deal between intersections. There is eight hundred (800') feet between Commerce Blvd. and the rotary.

EM stated that the Fifth Master Special Permit conditions that there is a threshold whereby a signal is warranted. If they have met this threshold, Amazon would be responsible for the traffic signal. Mr. Feldman stated that Condition #20 speaks about warrants being met but there aren't any specific numbers. Conroy Development will share the cost of the traffic signal with Amazon. They will reach out to McMahon Associates requesting the November/December 2021 traffic counts.

Nicole Dunphy stated that engineering comments have been addressed and the plans have been revised. A comment letter issued by PMP Associates (the Board's review consultant) was received on December 28, 2021. They will be meeting on Wednesday, January 12, 2022 to discuss changes made to the design, i.e., drainage discharge to wetlands; meet with Fire Department regarding construction of twenty six (26') foot wide gravel emergency access drive – gated with control box; installation of LID drainage swales; water quality units upgraded to 90% TSS and 60% phosphorus; additional catch basins

proposed; sewer extension easement to Amazon property; added Amazon asbuilt information from Allen & Major and upgraded drainage and included all additional metes and bounds information.

EM stated the PMP report had seventy six (76) comments within fifteen (15) pages. He doesn't believe the plans have improved. They will need an easement from Amazon for grading and wants all easements in place prior to the Board's approval of the modification.

Pat Carrara from PMP Associates stated a wetland delineation still needs to be completed. Ms. Dunphy stated that Eco-Tech will be doing this soon. The entire park will be delineated.

Per EM, Nicole is required to provide a weekly update to JM.

The applicants requests a continuance to the Board's meeting of February 15, 2022 at 7:00 PM.

**TCM made a motion to continue the hearing to the Modification Definitive Subdivision Plan - Middleborough Park at 495 Phase II – Commerce Boulevard, Middleborough, MA – to February 15, 2022 at 7:00 PM. Seconded by, AF.**

**Motion passed unanimously.**

**7:30 PM - Modification to the Middleborough Park at 495 Commerce Boulevard Fifth Amended and Restated Master Special Permit – Deadline May 18,2022**

EM reads the legal notice into the record. The certified mail green cards have been received.

Mr. Feldman is present on behalf of the applicant/owner. Mr. Feldman stated that once the subdivision modification has been approved, the Master Special permit will be revised to include the roadway modification. He would like the approved to happen simultaneously.

EM requested that on page 14 (D) they change "with others that have obligations" to reflect language including all businesses that have a traffic study/traffic management plan required per their special permit.

The applicant requested a continuance to the Board's meeting of February 15, 2022 at 7:15 PM.

**TCM made a motion to continue the hearing to February 15, 2022 at 7:00 PM. Seconded by, AF.**  
**Motion passed unanimously.**

**OTHER**

**Chapter 61A – Right of First Refusal – Rocky Meadow Street – Lot 1 – 1.8 acres**

The Board did not have any questions or concerns. AF made a motion to recommend that the BOS not exercise their Right of First Refusal. JH seconded the motion. Motion passed unanimously. LB will send a memo to the BOS.

**Chapter 61A – Right of First Refusal – Rocky Meadow Street – Lot 2 – 1.8 acres**

The Board did not have any questions or concerns. AF made a motion to recommend that the BOS not exercise their Right of First Refusal. JH seconded the motion. Motion passed unanimously. LB will send a memo to the BOS.

**Chapter 61A – Right of First Refusal – Thompson/Precinct Streets – Map 023, Lots 3285 and 3732**

EM recuses himself from this discussion and vote.

EM, as the applicant; not as a Planning Board member, that this has been presented to the Board in the recent past but an error was detected and the corrected application is now before the Board.

AF made a motion to recommend that the BOS not exercise their Right of First Refusal. BG seconded the motion. LB will send a memo to the BOS.

**Gateway Estates – Project Completion Extension to October 2022 and Site Observation**

Jeff Youngquist, Outback Engineering, was present on behalf of the Owner/Developer.

Members of the Planning Board stated that they have visited the subdivision. Nick Riccio, Owner/Developer of the subdivision has submitted correspondence requesting a project completion extension to October 31, 2022.

Pat Carrara of PMP Associates, construction observation consultant for the Board, stated a report dated 12/8/21 was submitted to the Board stating several outstanding items have been completed. There are a few that are still outstanding: 3 trash racks need to be installed, asbuilt plans need to be submitted. Mr. Carrara stated there isn't a need for flared ends at this stage of the development.

Mr. Youngquist stated that additional grass seeding will be completed in the Spring as well as asphalt patching.

JH made a motion to extend the completion date to October 31, 2022, with the contingency that the developer work towards having the subdivision fully completed and ready for roadway acceptance for 2022 Annual Town Meeting. AF seconded the motion. Motion passed unanimously.

**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 won't 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.

The Board stated they would like an opportunity to look at this prior to voting it as complete.

JH made a motion to continue this to the Board's January 18, 2022, meeting. AF seconded the motion. Motion passed unanimously.

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

LB stated that draft regulations were released at the end of December 2021 for community review and comment. LB will be attending a webinar on January 12<sup>th</sup> for MBTA communities and will update the Board at the January 18<sup>th</sup> meeting. AF asked if the Board could reach out to town counsel for guidance

on how we can oppose these regulations. This had previously been voted on by the Board. LB will reach out to KPLaw once she has attended the webinar and gained more information.

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

With a current staffing shortage, the department has not been able to attend to this. Transfer to the January 18 agenda.

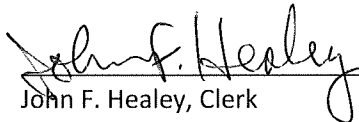
**ITEMS BEING FOLLOWED**

**South Coast Rail**

No new information was presented.

**JH made a motion to adjourn the meeting at 8:45pm. Seconded by, AF.  
Motion passed unanimously.**

Respectfully,

  
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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>.