

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

Chairman Darrin DeGrazia, Dr. Edward Braun, Jack Healey, Matthew Maher and Sandy Abban were present.

7:30 P.M. Minutes

Upon a motion made by Matthew Maher and seconded by Jack Healey, the board

VOTED: **to approve the minutes of January 27, 2022.**

Chairman Darrin DeGrazia, Dr. Edward Braun, Jack Healey, Matthew Maher and Sandy Abban were in favor. (5-0)

7:30 P.M. Thomas Ryan for Diamond Cut Development

Chairman Darrin DeGrazia read into the record the legal advertisement and declared the hearing open. Chairman Darrin DeGrazia informed the board the applicant has requested another continuance. They were unsuccessful in purchasing additional land for the six (6) units. They will now be asking for five (5) units.

Jack Healey said he wants to make sure the applicant is responsive to issues that were discussed previously. Those being the proximity of the town wells, importation of soils and being tested before and upon arrival to site and onsite ponds.

Upon a motion made by Dr. Edward Braun and seconded by Matthew Maher, the board

VOTED: **to continue the hearing until March 24, 2022.**

Chairman Darrin DeGrazia, Dr. Edward Braun, Jack Healey, Matthew Maher and Sandy Abban were in favor. (5-0)

7:33 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 Land Development is present tonight to represent Anchor Excavating Corporation owned by Peter Varrasso. The proposal is for a 26,400 square foot industrial style building. This will contain eleven (11) bays that are 30' x 80'. They are realigning the existing driveway, providing a smoother transition down toward Everett Street. They adhere to the 25' no touch buffer because they are located in a Zone III. The proposal is following all of the zoning rules and regulations including open space requirements, pervious area requirements, lot area etc.

Chairman Darrin DeGrazia asked if they know what the proposed tenants will be. Shane Oates said no. Mr. Varrasso owns a few buildings and usually they are leased to contractors. Chairman Darrin DeGrazia asked if there will be proposed retail out of these. Shane Oates said there will be no retail.

Shane Oates reviewed the plans, in detail, for the board. Discussion ensued regarding parking, traffic, drainage and the grading of the property.

Matthew Maher asked with regards to the lighting will there be one light pack on each bay or for the entire project. He is concerned with the South Side, Rt. 44. Shane Oates said they have one light pack

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on the western side and five on the front and back. They do not have detail on the plans, but they will submit this for the boards review.

Sandy Abban read into the record the following letters: letter dated January 26, 2022 from Captain Tim Reed, Fire Department; letter dated February 7, 2022, from Leeann Bradley, Town Planner; letter dated February 8, 2022 from Christopher Peck, DPW Director; letter dated February 9, 2022, from Robert Whalen, Building Commissioner; letter dated January 27, 2022 from Patricia Cassady, Conservation Agent and a letter dated January 31, 2022 from Kayla Smith, Health Officer.

Jack Healey asked if this has been submitted to the Gas and Electric Department yet. Shane Oates said they will be meeting with them. They were waiting to get through the initial meetings with Conservation and Zoning. Jack Healey asked about the WRPD hearing. Shane Oates said that will be their last stop.

Chairman Darrin DeGrazia asked if anyone in the audience would like to be heard. Jeff Johanson informed the board he is a resident of Everett Street just south of the proposed project. His concerns are as follows: wildlife displacement that will be going on there; what the bays will be used for; are there toxic chemicals; what are the soils that will be coming in, and will they be tested; this is a residential area; speeding vehicles; lighting concern; more landscaping details and lastly because these were filled in wetlands prior at one point, he would implore the board to consider that because it's not wetlands now doesn't mean it wasn't prior.

Chairman Darrin DeGrazia gave Jeff Johanson a copy of the full size plan, which also shows the landscaping. Matthew Maher asked Jeff Johanson if the path that is currently out there was used for motor cross. Jeff Johanson said he moved there in 2014, from his understanding there would be some people who would ride horses and motor cross there. Matthew Maher was wondering if you hear noise pollution from there. Jeff Johanson said that is not a concern of his. Jeff Johanson said the trains would be more of a concern for that.

Chairman Darrin DeGrazia asked the applicant if there is going to be oil and gas traps in these bays. Shane Oates said they would be required to if the use dictates it. These will be built to spec.

Steven Smith, 146 Everett Street said he is concerned with the access road. There is a gas pump house located there, and he is concerned with the heavy equipment being within 10 yards of this gas house. He thinks this needs to be investigated. He also believes the road goes right into wetlands. Shane Oates said there is an existing crossing there. Steven Smith said they will be right next to his property so he is concerned on how they will be constructing the driveway. He is also concerned with the traffic on the street, the size of the project, too many parking spaces and the building is too big. If this does get approved they should stay with the 20,000 square feet, reduce the parking, and reduce the bays. Chairman Darrin DeGrazia informed him that anything 20,000 square feet or under is allowed by right and they would not need to be here.

Shane Oates said the driveway will be about 10-15' away from his property. It will be less intrusive than what is currently there. There will be no tractor trailers utilizing the site. They are pulling the driveway further away from the Gas pump house and giving them a smoother transition to access that. They are

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having the wetland line reviewed by the Conservation Commission. The soil on the site is good and drains well. Also, the concern with the species out there, per the Conservation Commission, this site is not mapped in Natural Heritage or endangered species program.

Matthew Maher said they do not know yet where the gas lines are, but provided that the new driveway is going over existing gas lines, he would assume there would be a protection installed. Shane Oates said yes that would have to be addressed, and they are meeting with Middleboro Gas and Electric.

Scott Wilmot, owner of Wilmot's said he is concerned with the size and the disruption during the construction of this project. The access is right across the street from his store. He asked how long they are anticipating construction, and how much of a mess is it going to be. Shane Oates said the project is set off the street and once the driveway is complete they can pull onto the site and will not be staging up the street. They are doing simple tie-ins to the street and will be a few weeks of work. The upgrade to the water main, as indicated in the letter from Chris Peck, sounds like a significant project. He would think that would be more of a concern to him.

Justine Anzalone, 104 Everett Street said she is a biologist and is concerned with the wetlands, the endangered lady slippers, noise pollution, increase in traffic, and gas line. She said when they moved here 12 years ago they did so because it was a small farming community, not an industrial park. Chairman Darrin DeGrazia said they are not small, they are 64 square miles. She has to raise her kids in a noisy area now. There is Rt. 44, the trains, there are bays across the street from her and now this proposal. She is very concerned as a mom. She asked if they are doing anything for the turtles or the vegetation that is endangered. Shane Oates said there are no endangered species or vegetation on this lot. Again, they are not touching wetlands.

Chairman Darrin DeGrazia said this will need to go out for review. Chairman Darrin DeGrazia asked if the applicant is willing to cover the cost of this being reviewed by the board's review engineer. Shane Oates said they have no objection.

Chairman Darrin DeGrazia asked if anyone else wanted to be heard on this matter. Hearing no further comments Chairman Darrin DeGrazia called for a motion.

Upon a motion made by Matthew Maher and seconded by Jack Healey, the board

VOTED: ***to send this out to Amory Engineering for review and continue the hearing until March 10, 2022.***

Chairman Darrin DeGrazia, Dr. Edward Braun, Jack Healey, Matthew Maher, and Sandy Abban were in favor. (5-0)

8:31 P.M. Nicholas Leing- agent for Benchmark Construction - 21 Rice Street

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

Nicholas Leing is representing Benchmark Construction for 21 Rice Street, Middleborough, MA. He informed the board that the original hearing was continued due to a lack of quorum. Since then they received a letter from DPW with drainage concerns. They took those comments and made changes to the parking area and submitted updated plans for the board to review.

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The proposal is for a 3,000 square foot prefab building, which requires three parking spaces. They are requesting a waiver of the parking area being located within the 25' of existing street line.

Matthew Maher said they are maximizing every square inch of the property. Matthew Maher asked if the spaces are 10' x 20'. Nicholas Leing said yes. Matthew Maher said the way the building layout is setup it looks like it is four store fronts. Nicholas Leing said no this will be two bays, not four. Matthew Maher said he doesn't see why it is set up this way unless you were doing four bays. He is also not comfortable about going right up to the sidewalk with parking. Chairman Darrin DeGrazia said he agrees with the layout being curious and looking like four units not two.

Dr. Edward Braun said he agrees with the comments the members have made with the design in general. He said they will have an uphill battle to convince him that they should infringe on the 25' front parking setback. The lot is too small and should be reduced in size to save the existing sidewalk.

Chairman Darrin DeGrazia read into the record a revised letter dated February 9, 2022, from Christopher Peck, DPW Director; letter dated January 6, 2022, from Michael Bumpus, Water Superintendent and a letter dated January 13, 2022, from Kayla Smith, Health Officer.

Chairman Darrin DeGrazia asked if anyone else wanted to be heard on this matter. Kelli Harrington, 92 Pearl Street is concerned with this new building and the location being in her back yard. After a discussion of the location Kelli Harrington misunderstood the lot in question. She was under the assumption this was directly in her back yard.

Matthew Maher said he cannot get past the parking right up to the sidewalk. He wishes there was a different orientation that he could provide or that the building be smaller and do this by right. Chairman Darrin DeGrazia asked that instead of doing both of the contractor bays on the end, if they put one in the front and one in the back, would there be a way to get parking in the back. Nicholas Leing said he doesn't believe they would get the turning radius.

Dr. Edward Braun and Matthew Maher said they will not support this with the infringement of the setback to the front. Discussion ensued regarding reconfiguring the parking, possibly closer to the side setback. The applicant will continue the hearing and try to reconfigure the site.

Hearing no further comments Chairman Darrin DeGrazia called for a motion.

Upon a motion made by Matthew Maher and seconded by Jack Healey, the board

VOTED: *to continue the hearing until February 24, 2022.*

Chairman Darrin DeGrazia, Dr. Edward Braun, Jack Healey, Matthew Maher, and Sandy Abban were in favor. (5-0)

Upon a motion made by Dr. Edward Braun and seconded by Jack Healey, the board

VOTED: *to adjourn at 9:00 P.M.*

Chairman Darrin DeGrazia, Dr. Edward Braun, Jack Healey, Matthew Maher, and Sandy Abban were in favor. (5-0)

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