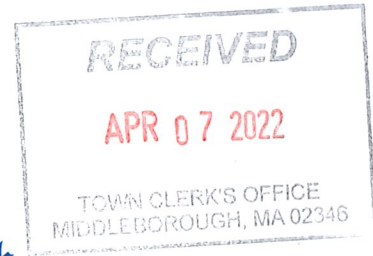




**Town of Middleborough**  
**Planning Board**



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

508-946-2425  
Fax 508-946-1991

**PB Draft – February 15, 2022**

Planning Board (“PB”) held a Zoom hybrid meeting at Middleborough Town Hall, 10 Nickerson Avenue, Middleborough, MA. PB Members present – Chair, Edward Medeiros (EM), Clerk, Jack Healey via Zoom (JH), William (Bill) Garceau (BG), Tracie Craig-McGee (TCM), Allin Frawley (AF) and Anders Martenson IV (AM) – Associate Member. Also in attendance, Leeann Bradley (LB) Town Planner.

**ADMINISTRATION**

Chair, EM called the meeting to Order at 6:30 PM.

Chair, EM led the Pledge of Allegiance.

The following public hearings were continued to the Planning Board meeting of March 15, 2022

- \* Middleborough Park at 495 Phase II Modification to Definitive Subdivision Plan –  
Deadline - March 20, 2022
- \* Middleborough Park at 495 Commerce Boulevard – Fifth Amended Master Special permit  
Deadline - March 16, 2022

**Unanticipated**

BG asked about the status of Driveway Lanterns within Christina Estates off Sachem Street. EM stated that LB sent correspondence to the developer, James Shalek, as there has been a complaint from builders on the site. EM and JM will meet with Mr. Shalek on February 22, 2022 to discuss.

TCM stated there are parking concerns on Mill Street with regard to Panacea. There was an agreement with Di-Mo for overflow parking but this lot is not being utilized. TCM stated there is also speeding and people using marijuana products within the cul-de-sac at the end of Mill Street. TCM stated that there have been food trucks and events at this property and residents are fed up. LB will contact Tim Shaw and request he attend either the March 1 or March 15 meeting to address.

**Payment of Bills**

None

**Approval of Minutes -**

**TCM made a motion to approve the February 1, 2022 minutes as drafted. Seconded by AF.**

**Motion passed unanimously.**

**Public Hearing, Meeting, etc.**

**Morton Estates – 308 Old Center Street – 13 Lots – 21-03-C – Assessors map 49, Lots 1227 and 1282 – Waiver #6 – Deadline April 30, 2022**

Robert Forbes (RF) Zenith Consulting Services was present on behalf of the applicant Marcus Baptiste (MB). RF stated that he and the town's consultant, Pat Carrara (PC) had a long and productive meeting. RF asked if the Board had an opinion on a streetlight at the internal intersection and one at Old Center Street. The Board stated they would support if the town is okay with the cost. RF will contact the BOS office to inquire.

BF stated there is a temporary roadway grading easement shown on the plan. Mike Perrault, town's review engineer, stated that it can be taken off the plan. The Board agreed to leave on the plan until the roadway is accepted.

BF stated there are three (3) new waiver requests:

1. Test pits on centerline of roadway. They have done 30-40 test pits with no issues. Board agrees to waive test pits on centerline of roadway.
2. Turnaround stubs at property line. BF doesn't understand as this isn't defined in the rules and regulations. Possibly for future extension of a subdivision. Board agrees to waive turnaround stubs at property line.
3. Storm water management area on dedicated open space. Storm water will be constructed on an individual lot. Board agrees to storm water being constructed on an individual lot in lieu of open space.

The Board will vote on these three additional waivers at the April 5, 2022, meeting.

EM mentioned correspondence from the applicant's attorney, Gene Grimond, Esq. regarding waiver #6, the 13<sup>th</sup> lot. Niles Sager (NZ), Zenith Consulting Services, stated that MB was not available for this evening's meeting. NZ stated that multiple subdivisions over the past several years have had more than twelve lots on a dead end. Settlers Crossing has 15 lots with no reasoning stated in the permit.

NZ stated that MB will forego development rights on future developable land of Maple Street if he is granted a waiver for 13 lots. EM states this was recently proposed and agreed to in the attorney's correspondence. They would need to deed the property to the Conservation Commission for protection. AF agrees to allowing 13 lots if remaining land is deeded to ConCom.

JH asked PC what his thoughts might be. PC stated he is against the granting of this waiver as the town's regulations are very clear. EM stated there are discrepancies in the letter. BG states that the 13<sup>th</sup> lot is part of the subdivision and would need frontage to make a legal lot.

NZ states that if this request is denied they will remove a lot line within the subdivision.

RF will do a presentation for the April 5, 2022, meeting.

JH made a motion to continue the hearing to April 5, 2022. Seconded by AF. Motion passed unanimously.

**Middleborough Park at 495 Phase II Modification to Definitive Subdivision Plan –  
Deadline - March 20, 2022**

JH made a motion to extend the deadline for action until April 24, 2022. Seconded by BG. Motion passed unanimously.

**Middleborough Park at 495 Commerce Boulevard – Fifth Amended Master Special permit  
Deadline - March 16, 2022**

JH made a motion to extend the deadline for action until April 24, 2022. Seconded by BG. Motion passed unanimously.

#### **OTHER**

**Commercial Development (CD) Zone** – James O'Brien (JB) was present regarding a zoning amendment concerning the CD Zone which is located between Route 28 and Route 44, across from the Trucchi's Shopping Plaza. JB stated there are 3-4 large lots currently zoned for retail. The site comprises of 170 acres. He is currently speaking with the town regarding a land swap for a well site. The wetlands have been delineated. He is looking to have the use as industrial/warehouse.

EM stated that he sold a lot in this area eight months ago and will need to recuse himself from the discussion. JH takes over as Chair.

JB stated the amendment proposes minor changes. Change in height from 50' currently allowed to 65' which is needed for today's warehouse uses. If a building is 65' it would be set back 300' from any residential and Route 28. Also added a section to seek waivers if warranted.

TCM recommended having solar as an accessory use and not a principal use. We do not want a solar farm on this property.

They are currently in the process of having the wetlands delineated. JB stated a project may be presented in May/June if bylaw passes at town meeting.

Mike O'Shaughnessy (MO), attorney for proponent, stated they are asking for the Planning Board to forward to the Board of Selectmen so that the PB can hold a public hearing. The Board would like to discuss this further and see revisions requested. This discussion will be added to the March 1, 2022, Planning Board meeting.

**Farland Estates II – Potential 40B – Walnut/Marion Road** – EM and BG recused themselves from the discussion. JH took over as Chair. LB gave an update stating she had met with MassHousing who had requested additional information on efforts the town had taken to zone and provide affordable housing

within the town. LB drafted correspondence with supporting documentation and forwarded to MassHousing. LB will update again on March 1, 2022.

**Senior Clerk Position** – AF stated that he will be at the BOS February 28, 2022, meeting. TCM stated that the BOS and TM are not handling this issue properly. EM stated the clerical union is against starting anyone in their union at a Step 2; we should try to have this position as a Step 1 within the GMEG union with a title change.

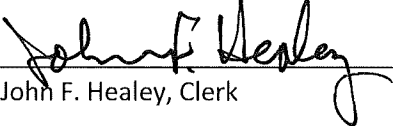
**ITEMS BEING FOLLOWED**

**South Coast Rail**

No new information at this time.

**AF made a motion to adjourn the meeting at 8:30 PM. Seconded by JH.  
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>.