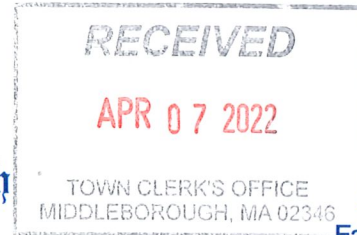




**Town of Middleborough  
Planning Board**

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



508-946-2425  
Fax 508-946-1991

**PB Draft – March 1, 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 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.

**Unanticipated - None**

**Payment of Bills**

- a. JDE – Date 2.17.22 – Gateway Estates – Invoice # 02-2020-073 12 - \$1,125.00
- b. JDE – Date 2.15.22 – Commerce Blvd. – Invoice # 02-2020-074 09 - \$468.75
- c. JDE – Date 2.15.22 – Morton Estates – Invoice # 02-2021-079 03 - \$843.75

JH made a motion to pay the above bills. Seconded by TCM. Motion passed unanimously.

**Approval of Minutes - None**

**Form A’s – None**

**Public Hearing, Meeting, etc.**

6:45 PM - Middleborough Growers, Inc. – 672 Wareham Street - 8 acre outdoor grow facility – 22-01-CBD - Deadline May 1, 2022

EM reads the legal notice into the record. JH made a motion to open the hearing. TCM seconded the motion. Motion passed unanimously.

Michael O'Shaughnessy (MOS), Esq., representative for the applicant, is present. The applicant will be leasing the property from the owner, Gerrity. They received their provisional license from the CCC on February 10, 2020. They will be fencing a nine acre parcel which will house parking, stormwater, well, grow fields, storage structure and a generator for power. Generator will be propane powered. The grow field will be approximately eight acres in size. They have a valid Host Community Agreement with the town.

There will be two crops – May/June and July/August. Product will be harvested, stored in freezer box trucks for a few days then shipped offsite.

Joe Longo (JL), engineer, was present. JL stated that a septic system is proposed and a well for irrigation, stormwater management will remove 90% TSS and they will remain outside of the 100' buffer to Bordering Vegetated Wetlands.

BG asked about the "owner unknown" on the parcel at the travel access way.

TCM stated she could not find two lots. There is a discrepancy in the locus and larger plan. JL will correct. TCM stated there could be noise concerns with the generator. JL stated they will be staying 400' away from any residential and not clear cutting all the way to train tracks. MOS stated the generator will not be running 24/7 but they will look at noise mitigation.

EM asked if an ANRAD had been issued by ConCom. JL stated yes. There is an 8' chain link fence proposed. EM stated the PB cannot approve a prescriptive right-of-way over the train tracks as part of a special permit. They will need an agreement with the owners or land court stating the leasee has permission to use. MOS will research and find out.

EM asked for the purpose of the proposed building. MOS stated it is to store equipment and fertilizer. EM stated that the PB will want to send this out for stormwater review. JM will get a quote for review from PMP.

MOS stated that they are working with Natural Heritage, as it is a mapped site.

BG asked about fire protection. There needs to be a gate shown on the plan. EM stated no cannabis shall be stored in the building and will need to be removed from the site on the day of harvest.

LB stated that the town's CBD Bylaw within the Zoning Bylaws states that all marijuana establishments need to be housed within an enclosed building. Outdoor grow is not within an enclosed building and suggests they request a waiver to this section of the bylaw.

EM would like a letter from the Police Chief regarding security to the site.

**JH made a motion to continue to the Planning Board's March 15, 2022. TCM seconded the motion. Motion passed unanimously**

#### **OTHER**

**108 Wareham Street – Zenith Consulting – Access Discussion** - Nyles Zager (NZ), PE from Zenith Consulting was present. NZ stated that Cobblestone Estates is a permitted subdivision off Wareham Street consisting of twelve lots. Marcus Baptiste (MB) recently purchased the house at 108 Wareham

Street which is at the corner of Cobblestone Lane. MB paid the town \$42,000 in back taxes on this property as well as cleaning up the junk yard in the rear of the property. They will be razing the existing house and constructing a new house to blend with the houses on Cobblestone Lane. The lot has frontage on both Wareham Street and Cobblestone Lane. For safety reasons, they would like to have the driveway access off Cobblestone Lane instead of Wareham Street where it currently exists. This will make the house the 13<sup>th</sup> lot if the PB allows driveway access off Cobblestone Lane. NZ stated they will be going to the ZBA for a special permit on March 10, 2022.

TCM stated that when Cobblestone Estates was approved it was stated that traffic and safety were discussed and access to and from the subdivision off Wareham Street would not be a problem. NZ states that the legal frontage for the house will remain on Wareham Street and the house will have a Wareham Street address.

EM states this does not make 13 lots within Cobblestone Estates. It is just a lot on Wareham Street that has two driveways; one of which is on Cobblestone Lane.

**JH made a motion to approve with the address remaining on Wareham Street, legal frontage remaining on Wareham Street and allowing a driveway on Cobblestone Lane. TCM seconded the motion. Motion passed unanimously.**

**Real Term/Amazon – Traffic Monitoring Plan – Update** – Jonathan Crossen from RealTerm and Jonathan Greeley from Amazon were present via Zoom. RealTerm and Amazon will commit to six traffic studies during the required time line. The three in 2022 will be as follows: May/June, Prime Day (tbd) and November/December. They will forward all traffic reports to the Planning Department.

**Panacea – Overflow Parking – Tim Shaw – Discussion** – Tim Shaw (TS) was present for the discussion. TCM had asked that this be on the agenda because of issues with parking and speeding. EM stated patrons continue to take left hand turns out of the parking lot but understands that Mr. Shaw has done everything asked of him with that regard.

TS stated the day before the blizzard was an issue as the parking area was crowded and people were parking on the street. EM reads a portion of the Special Permit regarding parking and leasing space at Di-Mo for overflow.

TCM stated that a co-worker of hers lives on Mill Street, stated that there is parking on Mill Street and that customers leave Panacea, and use the products on the cul-de-sac. There are also issues with speeding vehicles. TCM stated that residents expressed these issues during the special permit process. EM stated that if there is an issue with drug use within the cul-de-sac, it was there before Panacea and is a police matter.

TS stated that he offered to purchase or lease the Di-Mo property but could not get the owner to negotiate. He is speaking to the Kahian property owner to the left of the building to expand the parking by 7,000 s.f. He will also be having employees transported via vans to work which will free up 20 parking spaces.

BG asked about additional signage on the roadway stating it is a dead end road or no thru traffic. EM will speak with DPW.

This will be discussed again during the Planning Board's meeting on April 19, 2022 at 6:45 PM.

TS also gave an update as to what the town has received in funds from Panacea and that all monies have been deposited within the general fund.

### **Commercial Development (CD) Zone – Zoning Amendment for ATM – James O'Brien**

EM recuses himself as a Planning Board member from the discussion.

James O'Brien (JOB) is present as the proponent of the zoning amendment. JOB states that revisions were made per the last meeting. He also provided photos and descriptions of the types of buildings that would be proposed.

Parking may be reduced because of the type of building proposed, i.e. robotics. Lighting will be digital, LED and solar. If a sports dome is proposed it would be 65' in height. Roof decks with vegetation would be proposed.

JOB stated that they are working with the Water Department on two wells for the town. There will be two separate access points. One off Route 44 and the other off Route 28.

There are five building types proposed, i.e. Thermo Fisher, John Deere, etc. These clients do not wish to be located in an industrial park.

TCM stated that a Sports Complex is something that the town would highly support and is much needed.

EM, as a resident not a Planning Board member, gave background of the property and Commercial Development District. It was initially meant to mimic Colony Place in Plymouth without the residential component. EM does not want to see residential in this district.

JOB stated that residential will not be proposed in this district, as it is currently not an allowable use. He would like to keep the waiver provision intact so that waivers could be requested in certain specific instances. Recreational facilities are currently an allowable use within the CD District and solar will be accessory to principal use.

**TCM made a motion to forward the revised CD District zoning bylaw amendment to the Board of Selectmen for comment and to return to the Planning Board for a public hearing. BG seconded the motion. Motion passed unanimously.**

### **Farland Estates II – 40B – Update on Opposition Efforts**

EM and BG recuse themselves as Planning Board members from the discussion.

LAB gave an update stating that the project had been denied for a 123 unit 40B subdivision but there were indications that the developer would be coming back to the table with another proposal.

EM, speaking as a resident and not as a Planning Board member, stated he believes they may be looking at a mobile home park.

LAB will keep the Board updated.

#### **MBTA Community Multi-Family Housing – Update**

The Board of Selectmen held a meeting on Monday, February 28, 2022, to discuss the implications. Town counsel from KPLaw was present as well. The BOS is required to hold a public hearing to inform the public of the new regulations prior to May 2, 2022. The BOS will hold the public hearing on Monday, March 21, 2022.

#### **Review/Approve 2021 Planning Board/Department Annual Report**

LAB drafted the report and presented to the Board. EM asked to include the acquisition of the Thomas Street property as open space and under the control of the Conservation Commission. Minor edits will be made. Report approved.

#### **Senior Clerk Position – Update**

It was agreed to add the Recording Clerk line item back into the budget at \$5,000. This was removed in 2020 when COVID came into play and all departments were instructed to cut their budgets by 5%. The Senior Clerk, when hired, will be responsible for drafting the minutes and will receive the compensation.

LAB will make this request during the BOS budget meeting on Monday, March 7, 2022.

#### **Christina Estates – Driveway Lanterns/Subdivision Trees – Discussion**

EM and JM met with the developer, Jim Shalek and Dave Stahley, regarding two houses currently occupied. One home has four lights installed along the driveway and one house does not have any lighting. The developer will purchase each a solar light and install. JM researched solar lights and they have issues with low battery power. EM stated they will need regular battery and lightbulb changes.

The subdivision plan shows fifty three (53) trees. It is fair to ask for twenty four (24) but he will need to come to a meeting and make a formal request.

The Conservation Commission has a folder of information stating that the paving of the driveway for Lots 5 and 6 is required.

**BG made a motion to allow the reduction of trees from fifty three (53) to twenty four (24) and to be placed on lots at the instruction of the Town Planner and that they must abide by the Driveway**

Lantern Restrictive Covenant with regard to the installation of driveway lanterns. JH seconded the motion. Motion passed unanimously.

**ITEMS BEING FOLLOWED**

**South Coast Rail**

No new information at this time.

TCM made a motion to adjourn the meeting at 9:35 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>.