

Zoning Board of Appeals Minutes
Selectmen's Room, Middleborough Town Hall
10 Nickerson Avenue, Middleborough, MA 02346
April 28, 2022

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

7:30 P.M. Minutes

Upon a motion made by Liz Elgosin and seconded by Matthew Maher, the board

VOTED: **to approve the minutes of April 14, 2022.**

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

7:30 P.M. Peter Varrasso, Jr. - Everett Street, Ma 41M, lot 4923, Map 041, lot 4187 and Map 040, 4895

Chairman Darrin DeGrazia informed the board that the applicant has requested a continuance of tonight's hearing as he is working with the Conservation Commission on a few items.

Upon a motion made by Jack Healey and seconded by Liz Elgosin, the board

VOTED: **to continue the hearing until June 9, 2022.**

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

7:32 P.M. Michael O'Shaughnessy for Sachem Construction- 691 Wareham Street

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

Nyles Zager reviewed the revised plans, in detail, for the board. Discussion ensued regarding the grass-Crete. Nyles Zager said it is a plastic grid that acts as a stabilization pad and allows grass to grow through it.

Matthew Maher asked if they are providing any hydrants on the property. Boaz McMahon said they are not proposing any hydrants as there is no town water available. If at some point that changes that is something they will look into.

Joseph Mandile asked if they will be putting in both septic fields. Nyles Zager said the requirement is the primary is what is installed and the reserve area is exactly that. It is a reserve area required by Title V to designate an area that another septic system could go should the primary one fail. Chairman Darrin DeGrazia asked what the typical life span of the system would be. Nyles Zager said if maintained property at least 15-20 years, if not more.

Matthew Maher asked if they are proposing any decks or porches for the units. Nyles Zager said no. Matthew Maher said he drives by this area often during the week and most of the time he needs to roll up his window because of the odor. People renting this units may not be privy to the smell and explosions from SEMASS. He never felt comfortable with anything going in here that was residential. There have been multiple projects over the years that have been proposed to the town, and all have been withdrawn.

Zoning Board of Appeals Minutes
Selectmen's Room, Middleborough Town Hall
10 Nickerson Avenue, Middleborough, MA 02346
April 28, 2022

Matthew Maher said they need to be very careful about unsuspected tenants and potential future condos. He does not believe this is the right proposal for this site, he would not vote for this, and thinks it's a bad project. This is in an awful location. He would have no objections to commercial use.

Michael O'Shaughnessy, Esq said his client meets the criteria of the bylaw and is aware of the risk of this location.

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 Jack Healey and seconded by Liz Elgosin, the board

VOTED: to approve the petition of Sachem Construction, Inc., relative to his request to be granted a special permit pursuant to Section 7.1 of the Middleborough Zoning By-laws to allow for the construction of thirty (30) residential dwelling units in fifteen (15) duplex style buildings on a 24.498 +/- acre site. The subject property is located at 691 Wareham Street, Middleborough Assessor's Map 110, lot 4532, Middleborough Assessor's Map 110, lots 2994 (off Wareham Street), and Map 110, lots 4534 and 4618. This is approved with the following stipulations:

1. The project has been proposed as a rental project. If at a future date the project is converted to a condominium form of ownership, the Applicant or its successors or assigns, will deposit with the condominium association a sum of \$50,000.00 that is to be placed in a capital reserve account to be used for the replacement of the shared septic system or drinking water wells serving the buildings.

2. The rental lease agreements will assign dedicated parking spaces for each unit.

3. The Applicant will engage a professional management company to manage the property and will submit to the Board, a copy of the management agreement describing the management services to be provided that includes landscaping and site infrastructure. The management agreement shall be submitted to the Board prior to the issuance of the first certificate of occupancy. This shall be an ongoing requirement of the Decision.

4. Construction shall not commence on any day Monday through Friday before 7:00 AM or on Saturday before 8:00 AM. Construction activities shall cease by 6:00 PM on all days. No construction or activity whatsoever shall take place on Sunday or Holidays.

5. Utilities -All electric, cable and telephone utilities shall be underground, and shall conform to the private utility companies' requirements.

6. Private trash pickup will be provided for the residents.

7. The Applicant will notify the two (2) abutters of the project located in Rochester by first class and certified mail that a decision has been filed with the Middleborough Town Clerk.

Zoning Board of Appeals Minutes
Selectmen's Room, Middleborough Town Hall
10 Nickerson Avenue, Middleborough, MA 02346
April 28, 2022

8. As per the plans entitled "Site Plan to Accompany ZBA Special Permit 691 Wareham Street, Middleborough, Massachusetts", Dated: January 3, 2022 revised through April 26, 2022, Prepared by Zenith Consulting Engineers, LLC.

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

Upon a motion made by Chairman Darrin DeGrazia and seconded by Liz Elgosin, the board

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

- 1. The proposed site is appropriate for the use and structure.**
- 2. Adequate and appropriate facilities will be 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, Liz Elgosin, Jack Healey and Joseph Mandile were in favor.
(5-0)

Upon a motion made by Jack Healey and seconded by Liz Elgosin, the board

VOTED: **to adjourn at 8:05 P.M.**

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