

**Zoning Board of Appeals Minutes**  
**Selectmen's Room, Middleborough Town Hall**  
**10 Nickerson Avenue, Middleborough, MA 02346**  
**June 9, 2022**

Chairman Darrin DeGrazia, Liz Elgosin, Joseph Mandile and Jack Healey were present.

**7:30 P.M. Minutes**

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

**VOTED: to approve the minutes of May 12, 2022.**

Chairman Darrin DeGrazia, Liz Elgosin, Joseph Mandile and Jack Healey were in favor. (4-0)

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

Chairman Darrin DeGrazia read into the record the legal advertisement and declared the hearing open. Chairman Darrin DeGrazia informed the board that this hearing will be continued. The applicant is going before the Conservation Commission on June 16, 2022.

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

**VOTED: to continue the hearing until June 23, 2022.**

Chairman Darrin DeGrazia, Liz Elgosin, Joseph Mandile and Jack Healey were in favor. (4-0)

**7:33 P.M. Douglas Lothrop -139 Thompson Street**

Chairman Darrin DeGrazia read into the record the legal advertisement and declared the hearing open. Chairman Darrin DeGrazia informed the applicant that there are only four members present. He can proceed with four members but will need a unanimous vote, or they can continue until five members are present. The applicant agreed to proceed with four members.

Doug Lothrop, 139 Thompson Street, informed the board that he would like be granted a special permit for an ice cream stand and farm store products at his location. The board reviewed the plan and materials submitted.

Chairman Darrin DeGrazia asked what the size of the parking spaces are. Doug Lothrop said 10' x 20' for a total of 26 spaces. Chairman Darrin DeGrazia asked if he lives at the property. Doug Lothrop said yes.

Doug Lothrop said they did receive a letter from the Board of Health and he is in the process of working with them regarding the septic. Chairman Darrin DeGrazia said he would have to meet all the requirements of the Board of Health. Chairman Darrin DeGrazia asked if there would be restrooms. Doug Lothrop said there will be no public restrooms.

Liz Elgosin read into the record the following letters: letter dated June 6, 2022, from Kayla Smith, Health Officer; letter dated June 1, 2022, from Christopher Peck, DPW Director; letter dated June 1, 2022, from Robert Whalen, Building Commissioner; letter dated May 31, 2022, from Patricia Cassady, Conservation Agent and a letter dated May 25, 2022, from Michael Bumpus, Water Superintendent.

Jack Healey asked Doug Lothrop if he has had a chance to follow up on any of these comments yet. Doug Lothrop said he would be in agreement with all of the comments.

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Chairman Darrin DeGrazia asked if the parking area is going to be gravel. Doug Lothrop said yes. He can paint lines in the gravel and install curb stones.

Joseph Mandile asked what the proposed hours would be. Doug Lothrop said he is asking for a lot up front so he doesn't have to change things. He would like 12pm – 9pm daily. They will be nowhere near that starting out. Joseph Mandile asked if they will be installing new lighting. Doug Lothrop said he would propose lighting on top of the poles that are currently there. Joseph Mandile would propose that all of the lighting should be downward facing and not shining off the property.

Chairman Darrin DeGrazia asked on many employees he plans to have. Doug Lothrop said to start it would just be himself and his wife. He is asking for up to three for the future which is allowed in the bylaw.

Joseph Mandile said he is proposing this an owner occupied business correct. Doug Lothrop said yes. Chairman Darrin DeGrazia asked if this will be take out, eat in or both. Doug Lothrop said they plan on having a few picnic tables but doesn't want the in shop business. They would like to sell local, homemade town products so they are working on that.

Chairman Darrin DeGrazia asked if anyone would like to be heard on this matter. Sam Shields, 121 Thompson Street informed the board that they own the property across the street, behind it and to the south of Doug's property. His wife, Susan and he really have no issues with this proposal. They have a good neighbor relation with Doug and have already spoken to him about the concerns like lighting.

Discussion ensued regarding fencing. The board agreed that if it becomes an issue they can install a fence if need be.

Hearing no further comments Chairman Darrin DeGrazia closed the hearing and called for a motion.

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

**VOTED: to approve the petition of Douglas Lothrop, 139 Thompson Street, Middleborough, MA 02346 relative to his request to be granted a special permit pursuant to Section 3.2.3 of the Middleborough Zoning By-law to allow for a business use of an existing detached building for the purpose of an ice cream stand/local products store by the owner occupant. The subject property is located at 139 Thompson Street, Middleborough Assessor's Map 014, lot 3834. This is approved subject to the following stipulations:**

- 1. Lines shall be painted on the gravel parking area to indicate the spaces and curb stones shall be designated for each parking space.**
- 2. Lighting plan shall be designed to downward lighting to keep the light on the applicant's property.**
- 3. The dumpster shall be designated on the plan submitted.**
- 4. There shall be no more than three employees.**
- 5. This shall be an owner occupied business.**
- 6. The hours of operation allowed are 11 am -9 pm daily.**
- 7. Fencing will be installed, in the future, if required by this board.**

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Upon a motion made by Joseph Mandile and seconded by Liz Elgosin, the board

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

- 1. The proposed site is appropriate for use and structure.***
- 2. Adequate and appropriate facilities have been provided to insure the proper operation of the use, structure and 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, Liz Elgosin, Joseph Mandile and Jack Healey were in favor. (4-0)

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

***VOTED: to adjourn at 8:00 P.M.***

Chairman Darrin DeGrazia, Liz Elgosin, Joseph Mandile and Jack Healey were in favor. (4-0)