

Zoning Board of Appeals Minutes
Selectmen's Room, Middleborough Town Hall
10 Nickerson Avenue, Middleborough, MA 02346
August 11, 2022

Chairman Darrin DeGrazia, Dr. Edward Braun, Liz Elgosin and Joseph Mandile were present.

7:00 P.M. Joint meeting with the Planning Board to discuss Special Permits

Edward Medeiros, Chairman of the Planning Board said there was a previous discussion on whether the Zoning Board would like help with the Special Permits. Discussion ensued regarding special permit procedures in the Commonwealth.

Leeann Bradley, Town Planner said there was a discussion regarding special permits about a year ago. They have researched other Town's bylaws, and submitted that information to the Zoning Board to review. She is just wondering if the ZBA needs some guidance and assistance with special permits that are coming into your board. Discussion regarding the Schobel Farm, which will be submitting soon and is a 900,000 square foot proposal, and there are a lot of traffic issues.

Chairman Darrin DeGrazia said the board does hire consultants that the applicant pays for, along with legal counsel. They do have traffic studies done, and any other boards are more than welcome to offer input. Discussion ensued regarding review engineers.

Discussion ensued regarding the ZBA being Special Permit granting authority for buildings between 20,000 to 49,999 square feet. Chairman Darrin DeGrazia said he has no objection to the collaboration between two boards and what they would like to see for a final outcome. Chairman Darrin DeGrazia said any change to the by-law would have to go before town meeting.

Leeann Bradley said they would not propose anything unless everyone was on the same page, and in agreement. Leeann Bradley said she just wanted the ZBA to take it under advisement that maybe the Planning Board do the larger buildings over 50,000 square feet. The Planning Board has staff and the Schobel Farm project is going to be a lot of work, not only the permitting process but after that, once the special permit is issued. Chairman Darrin DeGrazia said from this board's perspective that's the only function they have, they don't have oversight authority. Leeann Bradley said that is why they are here.

Tracy Craig-McGee, Planning Board member said there are two big differences with the Planning Board and the Zoning Board. You are appointed and they are elected. The Zoning Board answers to the appointing authority where a Planning Board member can be voted out, if people don't like what they are doing. There have been many, many complaints about this board's projects. The bank on Rt. 28, and the apartments by the school. Chairman Darrin DeGrazia informed her that this board did not approve the bank. Leeann Bradley said it was by right.

Edward Medeiros said it is his opinion to leave everything the way it is. It doesn't matter if you are elected or appointed, everyone is doing this as a volunteer. Discussion ensued regarding how to procedure.

Discussion ensued regarding the functions of the boards.

7:37 P.M. Kenneth Lawrence – 5 Smith Street

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

Chairman Darrin DeGrazia informed the board that the applicant has requested a continuance of tonight's hearing.

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

VOTED: **to continue the hearing until September 8, 2022.**

Chairman Darrin DeGrazia, Dr. Edward Braun, Liz Elgosin and Joseph Mandile were in favor.

7:38 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 the applicant has requested a continuance of tonight's hearing.

Upon a motion made by Dr. Edward Braun and seconded by Liz Elgosin, the board

VOTED: **to continue the hearing until September 8, 2022.**

Chairman Darrin DeGrazia, Dr. Edward Braun, Liz Elgosin and Joseph Mandile were in favor.

7:40 P.M. Keith Curran, P.E. 457 & 459 Wareham Street

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

Keith Curran submitted and reviewed revised plans for the board. Discussion ensued regarding the revised plans and the parking spaces. Joseph Mandile asked if this latest revision has been reviewed by Amory Engineering. Keith Curran said yes.

Dr. Edward Braun said he is not in favor of all of the parking spaces being 9' x 18'. Chairman Darrin DeGrazia said they have deviated from the sizes but he agrees not completely. Chairman Darrin DeGrazia asked if they could go back and look at the parking and add 10' x 20' spaces.

Discussion ensued regarding fencing, landscaping and signage.

Edward Medeiros said he is not an abutter but agrees with Dr. Edward Braun regarding the size of the spaces. If this building doesn't fit on the lot with the required parking, then the building needs to be smaller. It is not the zoning board's job to make this building fit. If you bend the rules for this, everyone else will follow. This bylaw has been something that is well known for at least 20 years. Lengthy discussion ensued regarding the parking.

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

Upon a motion made by Dr. Edward Braun and seconded by Liz Elgosin, the board

VOTED: **to continue the hearing until September 8, 2022.**

Chairman Darrin DeGrazia, Dr. Edward Braun, Liz Elgosin and Joseph Mandile were in favor.

Upon a motion made by Liz Elgosin and seconded by Dr. Edward Braun, the board

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VOTED: ***to adjourn at 8:30 P.M.***

Chairman Darrin DeGrazia, Dr. Edward Braun, Liz Elgosin and Joseph Mandile were in favor.