

Zoning Board of Appeals Minutes
Selectmen's Room, Middleborough Town Hall
10 Nickerson Avenue, Middleborough, MA 02346
September 8, 2022

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

7:30 P.M. Minutes

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

VOTED: to approve the minutes of July 14, 2022 and August 11, 2022.

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

7:30 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 reviewed the revised plan, in detail, for the board. The parking spaces have been changed to 10' x 20' spaces. The concerns with the fire hydrant have been addressed, and Amory has no concerns with the revisions made. Chairman Darrin DeGrazia read into the record an email received from Pat Brennan dated August 10, 2022.

Joseph Mandile asked if there are any remaining waivers that they are requesting. Keith Curran said the only waiver they are looking for is the landscaping waiver for the island in the rear.

Jack Healey asked if they are currently before any other boards. Keith Curran said they go back before the Select Board on Monday for the WRPD, and the Conservation Commission Thursday. They are just waiting for this board to approve the plans.

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 Keith Curran, P.E., Southborough, MA 01772 relative to his request to be granted a special permit pursuant to Section 4.5.3 of the Zoning By-law to allow for the construction of a 71,400 +- square-foot single story industrial warehouse along with associated site improvements. The subject property is located at 457 & 459 Wareham Street, Middleborough Assessor's Map 087, lot 2445 and 3128, in the GUX district. This is approved subject to the following stipulations:

1. As per the plan entitled Proposed Site Plan documents for ARCO National Construction for Industrial Development Project, dated 7/15/22 and revised through 8/31/22, by Bohler Site Civil and Consulting Engineering.

2. The landscape island waiver request shall be granted.

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

Upon a motion made by Dr. Edward Braun and seconded by Jack Healey, the board

VOTED: to adopt the following findings:

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- 1. The proposed site is appropriate for use and structure. It is noted that it is in the General Use District.**
- 2. Adequate and appropriate facilities have been provided to insure the proper operation of the use and structure. This project has been reviewed and approved by Amory Engineering.**
- 3. Traffic flow and safety, including parking and loading are adequate. The spaces have been adjusted to be 10' x 20'. 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. It is noted that there are multiple warehouses, and similar businesses within the immediate vicinity, and has been subject to appropriate conditions and safeguards.**

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

7:45 P.M. Russell Johnson - 143 West Grove Street

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

Russ Johnson informed the board that he is the Project Manager for Landings Real Estate Group in Newport Rhode Island. He is before the board tonight to request renovations to the building located at 143 West Grove Street, Middleborough, MA. They are requesting to modify the existing sales office, and to create a two bedroom apartment. They would like to maintain the sales office as an accessory use.

The sales office was originally approved in 2005 by this board. The building was built in the mid-80s and needs updating. They would like to add a small addition, a rear deck to the residential unit, and a new access to the building with a ramp. They will be doing a new roof, windows, mechanicals, etc. They will be hiring a landscape designer once the construction is complete.

Liz Elgosin disclosed that she currently lives at this location. Chairman Darrin DeGrazia read into the record a letter dated August 31, 2022, from Robert Whalen, Building Commissioner.

The board reviewed the plans submitted. Discussion ensued regarding the address. The address should reflect 7 Derry Park Drive.

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 Dr. Edward Braun and seconded by Liz Elgosin, the board

VOTED: to approve the petition of Russell Johnson, on behalf of River Park Landing, Newport, RI relative to his request to be granted a special permit pursuant to Section 4.2.1 of the Middleborough Zoning By-law to allow for modifications to the existing sales office to create a two bedroom apartment and retain a sales office as an accessory use. The subject property is located at 7 Derry Park Drive, Middleborough Assessor's Map 057, lot 666 in the Residential B district. This is approved subject to the following stipulations:

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1. This special permit will supersede Special Permit #05-14.

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

Upon a motion made by Dr. Edward Braun and seconded by Jack Healey, the board

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

- 1. The proposed site is appropriate for use and structure. It is noted that this is a redesign use of the office with an addition of an apartment.**
- 2. Adequate and appropriate facilities have been provided to insure the proper operation of the use and structure.**
- 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 has been subject to appropriate conditions and safeguards. It is noted that there are multiple condo units in the immediate vicinity.**

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

7:55 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.

Shane Oates, Center Mount Development informed the board that they have been before the Conservation for a while now. The wetland line has been peer reviewed and everything has shifted. This basically called for a redo of the plans. Shane Oates reviewed, in detail, the revised plans for the board.

The revised plans were just sent to Pat Brennan of Amory today so they do not expect any closure tonight, but wanted to update the board. Discussion ensued regarding a continuance.

Chairman Darrin DeGrazia asked if anyone would like to be heard on this matter. Hearing no comments Chairman Darrin DeGrazia called for a motion.

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

VOTED: **to continue the hearing until September 22, 2022.**

Chairman Darrin DeGrazia, Dr. Edward Braun, Jack Healey, and Joseph Mandile were in favor. (4-0)

8:08 P.M. Kenneth Lawrence - 5 Smith Street

The applicant was not present for the hearing tonight. Discussion ensued regarding a continuance.

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

VOTED: **to continue the hearing until September 22, 2022.**

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Chairman Darrin DeGrazia, Joseph Mandile and Liz Elgosin were in favor. Dr. Edward Braun and Jack Healey opposed. (3-2)

8:10 P.M. Discussion regarding special permits

Joseph Mandile said at the last meeting there was a discussion with the Planning and Zoning Board and a proposal was put out that the Zoning Board could do special permit projects 49,000 square feet and under, and the Planning Board could do the special permits for the larger projects.

Discussion ensued regarding this proposal. The board does not agree with changing the way the special permits are currently set up.

Joseph Mandile said the other option out there, and he will use the Schobel Farms as an example, is that the Planning Board is already working on that. It will then be this board's job to review it. There could be a shared resource between the town departments. Discussion ensued regarding this.

The board agreed to send a letter to the Planning Board requesting the Planning Board share the Planning Department staff resources to provide support for the large projects. Dr. Edward Braun thinks this is a great idea and appreciates Joseph Mandile bringing it to the board's attention.

Upon a motion made by Dr. Edward Braun and seconded by Jack Healey, the board

VOTED: *to send a letter to the Planning Board to share department staff resources for support of larger projects.*

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

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

VOTED: *to adjourn at 8:32 P.M.*

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