

Zoning Board of Appeals Minutes
Select Board's Meeting Room
10 Nickerson Avenue, Middleborough, MA 02346
October 13, 2022

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

7:00 P.M. Minutes

Upon a motion made by Liz Elgosin and seconded by Jack Healey, the board
VOTED: **to approve the minutes of September 22, 2022, as amended.**

Dr. Edward Braun, Liz Elgosin, Jack Healey and Joseph Mandile were in favor. (4-0)

7:00 P.M. KOA Campground – 438 Plymouth Street

Vice- Chair Dr. Edward Braun informed the board that KOA has requested the final review of the pool and fencing, as per the decision #21-14.

Jason Gilliana informed the board is representing KOA Campground for the installation of a 6' privacy fence and landscaping for the abutters Mr. & Mrs. Garafalo. Jason Gilliana reviewed the types of tree that will be installed there.

Dr. Edward Braun asked if anyone would like to be heard on this matter. Tom Garafalo, 436 Plymouth Street, said he spoke with the project manager of KOA and was informed the fence would be 8' high. He would like to know exactly where the fence will be located, the height of the fence, more detail on the landscaping proposed, and the security lights on the store be addressed to shine down and not shine on their property.

Discussion ensued regarding the above stated items. The applicant will work with Mr. & Mrs. Garafalo and come back with a plan addressing the concerns.

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

VOTED: **to continue this meeting until October 27, 2022.**

Dr. Edward Braun, Liz Elgosin, Jack Healey and Joseph Mandile were in favor. (4-0)

7:18 P.M. David Fowler – 122 Precinct Street

Vice- Chair Dr. Edward Braun read into the record the legal advertisement and declared the hearing open.

David Fowler informed the board that he would like to have an accessory apartment located on the second floor of his home for his mother. This is approximately 400 square feet and will be one bedroom.

The board reviewed the plans submitted.

Dr. Edward Braun asked the applicant his mother's name for the record. David Fowler said May Fowler. Dr. Edward Braun informed the applicant that if the board approves this it will be limited to him mom. If she no longer resides there it will convert back to a single family dwelling. David Fowler has no objection to that.

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Liz Elgosin read the following letters into the record: letter dated October 6, 2022, from Robert Whalen, Building Commissioner; letter dated October 3, 2022, from Christopher Peck, DPW Director; letter dated September 22, 2022, from Michael Bumpus, Water Superintendent and a letter dated September 26, 2022, from Patricia Cassady, Conservation Agent.

Dr. Edward Braun asked if anyone would like to be heard on this matter. Hearing no comments Dr. Edward Braun 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 David Fowler, 122 Precinct Street, Middleborough, MA 02346 relative to his request to be granted a special permit pursuant to Section 7.3 of the Middleborough Zoning By-laws to allow for a family accessory apartment located on the second floor of the existing single family dwelling. The subject property is located at 122 Precinct Street, Middleborough Assessor's Map 023, lot 5919. This is approved subject to the following stipulations:***

1. This is limited to the applicants mother May Fowler. If she no longer resides at the property the applicant shall come back to this board for a name change.

Dr. Edward Braun, Liz Elgosin, Jack Healey and Joseph Mandile were in favor. (4-0)

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 or condition. It is noted that this is limited to May Fowler. If she no longer resides at the property the applicant shall come back to this board for a name change.

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.

Dr. Edward Braun, Liz Elgosin, Jack Healey and Joseph Mandile were in favor. (4-0)

7:24 P.M. Joseph Silva – 7 Eddy Street

Vice- Chair Dr. Edward Braun read into the record the legal advertisement and declared the hearing open.

Joseph Silva informed the board that they would like to build a 26' x 30' addition above a garage for an accessory apartment. This would be for his mother Debra Erbeck.

Dr. Edward Braun informed the applicant that if the board approves this it will be limited to him mom. If she no longer resides there it will convert back to a single family dwelling. Joseph Silva has no objection to that.

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Liz Elgosin read into the record the following letters: letter dated October 6, 2022, from Robert Whalen, Building Commissioner, and a letter dated September 22, 2022, from Michael Bumpus, Water Superintendent. Joseph Silva said he would talk with Mr. Bumpus and has no issues with this request.

Dr. Edward Braun asked if anyone would like to be heard on this matter. Hearing no comments Dr. Edward Braun 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 Joseph Silva, 7 Eddy Street, Middleborough, MA 02346 relative to his request to be granted a special permit pursuant to Section 7.3 of the Middleborough Zoning By-laws to allow for the construction of a 26' x 30' addition attached to the single family dwelling for a family accessory apartment. The subject property is located at 7 Eddy Street, Middleborough Assessor's Map 034, lot 1486. This is approved subject to the following stipulations:***

- 1. This is limited to Debra Erbeck. If she no longer resides at the property the applicant shall come back to this board for a name change.***
- 2. As per the letter dated September 22, 2022, from Michael Bumpus, Water Superintendent.***

Dr. Edward Braun, Liz Elgosin, Jack Healey and Joseph Mandile were in favor. (4-0)

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 or condition. It is noted that this is limited to Debra Erbeck. If she no longer resides at the property the applicant shall come back to this board for a name change.***
- 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.***

Dr. Edward Braun, Liz Elgosin, Jack Healey and Joseph Mandile were in favor. (4-0)

7:30 P.M. Vittorio Artiano, President of CVA Realty LLC - 44 Bedford Street

Vice- Chair Dr. Edward Braun read into the record the legal advertisement and declared the hearing open.

Craig Medeiros is the Attorney for CVA Realty, the applicant for 44 Bedford Street. This is a request for a special permit for the construction of greater than 20,000 sq. ft. gross area. In terms of prior approvals both of these buildings have been before the Conservation Commission and the Select Board and have received approvals. The proposal would consist of a 3,800 sq. ft. retail/office building and a 6,000 sq. ft.

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warehouse building. This meets all the parking requirements for the use. Joseph Mandile asked if the parking sizes meet the zoning requirements. Craig Medeiros said they are all 10' x 20'

Craig Medeiros reviewed the plans, in detail, for the board. Discussion ensued regarding the traffic on Bedford Street.

Joseph Mandile asked if they are seeking any waivers. Craig Medeiros said no. Joseph Mandile asked about the sewer tie-in and the gallons per day. Buz Artiano, President of CVA Realty said they have applied for, have been approved, and the tie in was witnessed by the sewer department.

Liz Elgosin read the following letters into the record: letter dated October 6, 2022, from Robert Whalen, Building Commissioner; letter dated October 12, 2022, from Christopher Peck, DPW Director; letter dated September 22, 2022, from Michael Bumpus, Water Superintendent and a letter dated September 26, 2022, from Patricia Cassady, Conservation Agent.

Dr. Edward Braun asked if anyone would like to be heard on this matter. Andrea Watson, 42 Clay Street said her property is adjacent to this property. She would like to know how tall this building will be. Buz Artiano said the building will be 16' high and there will be no lighting on the back of the building.

Dr. Edward Braun said this will need to be sent out to Amory for a review. Discussion ensued regarding a continuance.

Hearing no further comments Dr. Edward Braun called for a motion.

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

VOTED: *to continue the hearing until October 27, 2022.*

Dr. Edward Braun, Liz Elgosin, Jack Healey and Joseph Mandile were in favor. (4-0)