

Zoning Board of Appeals Minutes
Select Board's Meeting Room
10 Nickerson Avenue, Middleborough, MA 02346
October 27, 2022

Chairman Darrin DeGrazia, Dr. Edward Braun, Liz Elgosin, Jack Healey, Joseph Mandile, Edward Medeiros and Michael Venteroso 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 October 13, 2022.**

Unanimous Vote.

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

Chairman Darrin DeGrazia informed the board that the applicant has requested a continuance of tonight's meeting as they are still working with the abutter.

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

VOTED: **to continue the meeting until November 10, 2022.**

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

7:00 P.M. Vittorio Artiano, President of CVA Realty LLC - 44 Bedford Street

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

Craig Medeiros informed the board that Amory Engineering reviewed this project and had 9 items that needed to be addressed. Those items have been address, and the board should have a final review letter dated October 24, 2022, from Pat Brennan of Amory Engineering.

Chairman Darrin DeGrazia read into the record a letter dated October 25, 2022, from Captain Tim Reed, Middleborough Fire Department.

Discussion ensued regarding the infiltration basin which doesn't seem to be draining. Vittorio Artiano said this is common when constructing a site. Vittorio Artiano said he will clean this out and once this is stabilized it will function as it is supposed to.

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 Dr. Edward Braun, the board

VOTED: **to approve the petition of Vittorio Artiano, Jr., President of CVA Realty, LLC, Carver, MA 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 greater than 20,000 sq. ft. gross area of buildings in the General Use District. This would consist of an additional 3,800 sq. ft. retail/office building and a 6,000 sq. ft. warehouse building, for a total of 56,270 sq. ft. (46,470 sq. ft. existing) on approximately 17.7 acres of land. The subject property is located on 44**

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Bedford Street, Middleborough Assessor's Map 039, lot 5767. This is approved subject to the following stipulations:

- 1. As per the plan entitled Site Plan for proposed commercial buildings, 44 Bedford Street, Middleborough, MA dated February 22, 2022, revised through October 24, 2022, consisting of seven sheets.**

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

Upon a motion made by Dr. Edward Braun 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 the board had this reviewed by Amory Engineering.**
- 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 have been 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. It is noted that this business will fit in with the rest of the businesses in that area.**

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

7:10 P.M. Olivia Gasper - 28 Montello Street

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

Olivia Gasper informed the board that she would like to have a doggie daycare and boarding located at 28 Montello Street, her residence.

Chairman Darrin DeGrazia read into the record the following letters: letter dated October 21, 2022 from Kevin Racicot, Animal Control Officer; letter dated October 17, 2022, from Patricia Cassady, Conservation Agent; letter dated October 14, 2022, from Michael Bumpus, Water Superintendent; letter dated October 13, 2022, from Leeann Bradley, Town Planner; letter dated October 18, 2022, from Robert Whalen, Building Commissioner and a letter dated October 24, 2022, from Kayla Smith, Health Officer. Chairman Darrin DeGrazia suggested that she call Kayla Smith and work out a plan for the dog waste.

The board reviewed her business plan submitted.

Joseph Mandile asked if the "Dog Doulie" system has been presented to the Health Department for review. Olivia Gasper said no.

Edward Medeiros commended the applicant on giving such a good business plan to understand what is going on. He would suggest that she get as much information regarding the Dog Doulie system, and meet with the Health Officer for approval or suggestions.

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Chairman Darrin DeGrazia asked how many dogs she is looking to board. Olivia Gasper said three (3) or four (4) and would like up to ten (10) for the doggie day care. Discussion ensued regarding the total of dogs on the property. She has three (3) dogs of her own. She would have no more than seven (7) dogs for the hobby kennel license.

Dr. Edward Braun asked if she plans on doing any retail or have a sign. Olivia Gasper said no.

Discussion ensued regarding the fence. Olivia Gasper said she currently has a chain linked fence and will be adding privacy slats to it. Joseph Mandile asked what she has planned outdoors for shelter. Olivia Gasper said her basement has a finished room, which she was going to convert into a kennel room, and she has a 20' x 20' car port outside.

Michael Venteroso asked what the square footage is in the basement. Olivia Gasper said approximately 400 square feet.

Chairman Darrin DeGrazia asked if anyone would like to be heard on this matter. Sean Doyle, 34 Montello Street said his concern is the traffic, and if a dog getting loose. There are a lot of children in this neighborhood that play outside. He did suggest maybe a speed bump being installed. Chairman Darrin DeGrazia said this board has no control over that. Olivia Gasper said she understands his concerns as she has children of her own. Discussion ensued regarding the traffic.

Chairman Darrin DeGrazia asked what the hours of operation would be. Olivia Gasper said the daycare would be 6am to 5pm, Monday – Friday and 8am – 3pm on the weekends, and boarding would be seven days a week.

Discussion ensued regarding a continuance. The board would like her to have a disposal plan approved by the Health Officer. Hearing no further comments Chairman Darrin DeGrazia called for a motion.

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

VOTED: *to continue the hearing until November 10, 2022.*

Chairman Darrin DeGrazia, Dr. Edward Braun, Liz Elgosin, Jack Healey 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 7:40 P.M.*

Unanimous vote.