

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

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

7:00 P.M. Minutes

Upon a motion made by and seconded by the board

VOTED: **to approve the minutes of October 27, 2022, as amended.**

Unanimous vote.

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

Chairman Darrin DeGrazia informed the board that this meeting was continued from October 27, 2022, so the applicant could work with on an agreement with Mr. & Mrs. Garafalo.

Jason Gilliana informed the board is representing KOA Campground. He has submitted final plans for the board to review. They have had meetings with Mr. and Mrs. Garafalo and believe they are in agreement with the plan submitted.

Tom Garafalo, 436 Plymouth Street, informed the board that they have no objections with the plan submitted.

Joseph Mandile suggested that when the fence is installed it is 6" of the ground for critters and keep it from rotting. Jason Gilliana has no objection to that.

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

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

VOTED: **to approve the entitled Cape Cod KOA Proposed New Fence dated 10/27/2022 with the stipulation that the fence be installed 6" above the ground.**

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

7:05 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 has reached out to Kevin Racicot, Animal Control Officer who has submitted a memo to the board regarding the Dog Doulie system. This has been put on hold and will be revisited in the spring. In the meantime she will double bag the waste and dispose at the landfill.

Liz Elgosin read into the record the memo dated November 9, 2022, from Kevin Racicot, Animal Control Officer.

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

VOTED: ***to approve the petition of Olivia Gaspar, 28 Montello Street, Middleborough, MA 02346 relative to her request to be granted a special permit pursuant to Section 3.1.D.3 of the Middleborough Zoning By-law to allow for a hobby kennel license. The subject property is located at 28 Montello Street, Middleborough Assessor's Map 051, lot 2537 in the Residence B District. This is approved subject to the following stipulations:***

- 1. The form of dog waste shall be approved by the Middleborough Board of Health.***
- 2. This is limited to nine (9) dogs.***
- 3. The hours of operation shall be 6am – 5pm Monday -Friday and 8am – 3pm Saturday – Sunday for boarding.***
- 4. There shall be no retail sales***

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

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 and structure.***
- 3. Traffic flow and safety are not an issue, 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. It is noted this is subject to the Board of Health for disposal.***
- 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 this is subject to conditions in the motion.***

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

7:11 P.M. Douglas Troyer on behalf of Nemasket Logistics Center - 177 & 187 East Grove Street, Map 71, lot 2415 and Map 72, lots 152, 1099, 2738, 2726, 2616 and 6017.

Chairman Darrin DeGrazia read into the record the legal advertisement and declared the hearing open. Edward Medeiros recused himself as he is an abutter.

Douglas Troyer, is representing Hillwood, the entity HIP VI Enterprises, which has a purchase and sales agreement with the owners of the property. Present with him tonight is Keith Curran of Bohler Engineering; Jason Adams, Traffic Engineer with McMahon Associates and Nate Kushner from Hillwood Development.

Douglas Troyer informed the board that the applicant is seeking to construct three industrial distribution buildings with a total gross floor area of 909,000 square feet. This will be called the Nemasket Logistic

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Center. The proposal consists of seven different lots, totaling approximately 148 acres, and is located on a portion of Schobel Farm.

Chairman Darrin DeGrazia asked the applicant if they are willing to cover the fees associated to have a peer review preformed as well as an Attorney to draft the decision. Douglas Troyer said they have no objections to this.

Keith Curran, Bohler Engineering reviewed the project site, in detail, for the board.

Jason Adams, McMahon and Associates reviewed the traffic study for the board. All truck traffic will be routed to take a right hand turn out of the site towards 495.

Chairman Darrin DeGrazia asked how many trips a day they are looking at. Jason Adams said over the course of the day they are looking at a total of about 2,000 vehicles entering and 2,000 vehicles exiting the site.

Jason Adams reviewed the mitigation plan for the traffic and intersections. However, this is under MassDOT jurisdiction and the final determination for improvements would need to be coordinated with MassDot.

Douglas Troyer said they have been working with many Town Officials for about a year and a half now on this project. They have worked with the Planning Board who brought the GUB amendment to Town Meeting to allow them to proceed. They have been before the Conservation Commission for the NOI and will piggyback on this boards review. They have very real active in the community as well, and have tried to speak with the abutters regarding their concerns.

Douglas Troyer said this is a good location for this, and they believe this project will generate over a million dollars in property taxes a year. They do not have the total number of employees but they are estimating to have 500+.

Lengthy discussion ensued regarding the access to the site, truck traffic direction, and fire concerns. Chairman Darrin DeGrazia read into the record a letter dated November 9, 2022, from Captain Tim Reed, Middleboro Fire Department.

Joseph Mandile asked if there have been any discussions with the State about access from the site to Rt. 495. Jason Adams said no. Given the proximity of the two interchanges on either side he does not believe the state would be interested. They try to maintain a certain distance between interchanges. Joseph Mandile said there has been no conversation with the State then even if it is only an exit. Jason Adams said no, he doesn't believe the State would entertain this. Joseph Mandile said he would like to hear this from the State. Discussion ensued regarding this. The applicant will reach out to MassDot.

Chairman Darrin DeGrazia asked if anyone would like to be heard on this matter. Edward Medeiros, 9 Crest Drive, Middleborough, is speaking as a citizen not as a board member with the Town. He asked what the hours of operation will be. Douglas Troyer said 24 hours/7 days a week. Edward Medeiros asked if the company has their own vehicles would they be registered in Mass so the town would get

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excise tax on those. Douglas Troyer said they will look into this and it is possible there would be excise tax to the town. Edward Medeiros asked if they would have an objection to that being a condition of the approval.

Douglas Troyer said he would not be able to answer that tonight and will get further information regarding this. Edward Medeiros said he would like further information on this. Discussion ensued regarding the letter from the Water Department. Douglas Troyer said they will be sitting down with the Water Department to review this. Edward Medeiros said most of the bigger companies that come into town have a long term investment to the community. He is wondering if they have discussed this. Douglas Troyer said they have had numerous departments' identity certain things and there are items they are looking at. They are open to discussion regarding this.

Jeff Nichols, 336 Wareham Street, Middleborough said he is not an abutter but his property will be in close proximately to building "C". He lives on Rt. 28 and has for 20 years. He has a lot of traffic concerns and just the sheer magnitude of this project. The traffic report shows 4,200 average daily trips added. This will be adding 61% more traffic to Rt. 28, based on what the report says. Also the study was done in June and October which is not considering Cape Traffic. The intersection of Tispaquin Street has not been addressed, there have been several accidents there over the years, and is a very dangerous intersection.

Jeff Nichols said he would like the board to consider the noise and lighting since this will be operating 24/7 and there are residences in the area. He is very concerned with the trucks being forced to go to the South. That is all good if you live to the North or only travel from the North. Lastly, is the farmhouse that is there, and what can be done with this. Can it be turned into something for the Veterans? There is also a piece of land across the street that is owned by the Schobel's, and he is curious as to what the intentions are with that.

Douglas Troyer discussed the noise and lighting. They are currently working with the Historical Commission regarding the farmhouse and what is best for that.

Discussion ensued regarding the peer review and a continuance. Hearing no further comments Chairman Darrin DeGrazia called for a motion.

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

VOTED: *to continue the hearing until December 8, 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 8:30 P.M.*

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