

Middleton Planning Board
Middleton, MA
MINUTES OF THE MEETING
March 10, 2021

The Middleton Planning Board met at a regularly scheduled meeting
on March 10, 2021 at 7:00 pm,
Virtual Meeting Space due to COVID-19 State of Emergency

The following board members were in attendance:
Chairman David McGlone, Members Brian York, Jeff Garber and Brian Carroll and
Alternate Members Joseph Kikta and Anthony DeGregorio

Meeting called to order at 7:06 PM

Chairman Dave McGlone appointed Anthony DeGregorio as a full voting member for tonight's meeting.

Minutes February 10, 2021

**MOTION: Made by Brian Carroll to approve the minutes from the February 10, 2021 meeting as written.
Motion seconded by Jeff Garber. Roll call vote:**

David McGlone	yes
Brian York	yes
Brian Carroll	yes
Jeff Garber	yes
Anthony DeGregorio	yes

Vote 5-0 in favor, motion carried.

Business

- A. Discussion with Town Counsel Jay Talerman Regarding Form for Insurance Bond

At the Board's last meeting, they still had outstanding questions that couldn't be answered by Planning staff; therefore, they asked Town Counsel to attend their next meeting to discuss the proposed subdivision form for Insurance Bonds.

The discussion centered around a particular section of the form that was being proposed. The section is question:

"In the event that the infrastructure work is not completed in a timely and satisfactory manner, including the right to cure any defect in such work, as described above, then the Board shall notify the Applicant and the Surety accordingly, and the Security shall be paid by the Surety to the Town, as

liquidated damages, and such funds shall be used to complete the remaining infrastructure, with any excess to be deposited with the Town's General Fund."

Mr. Talerman indicated that it is usually his preference to have the highlighted section included in the form but would be okay if the Board felt strongly about removing it. If that section were to be removed it wouldn't affect the Town's rights to go after the full amount but might need a little more justification. However, he felt strongly that the section should remain in 100% of the time if the developer is using cash as their bond.

The Board engaged in some discussion regarding how everyone felt about this section.

MOTION: Made by Brian York to adopt the form as written. Motion seconded by None. Motion failed.

ZBA Recommendations

- A. 177 No Main Street – Bay Development North, LLC – Special Permit and Site Plan Review for proposed 2 new buildings, outdoor storage, and contractor bay use

Represented by Jill Mann of Mann & Mann. Bay Development North LLC is proposing to add two new buildings totaling 17,600 sq ft, outdoor storage areas totaling, 2,725 sq ft., and related infrastructure and accessory parking. They are also seeking special permits to authorize the use of 24 contractor bays. This industrial park is located within the M-1 Light Industry zoning district and abuts a residential zone.

Buildings 300 and 600 exist but need a special permit for use because want to be used as contractor bays. Also seeking a modification on the existing site plan – originally there were 5 buildings on the approved site plan. Proposing to add 2 new buildings with 3 units each – all with overhead doors, a small outdoor storage area for each building. There will be 6 parking spaces for employees plus visitors per building providing more spaces than required.

Have met with and reviewed the modified plans with the department heads. Derek Fullerton had one comment regarding noise control and the applicant proposed putting a condition for no outside work. Question was also raised regarding adequate screening – the landscaping plan shows tree lines with 15' evergreen trees.

MOTION: Made by Anthony DeGregorio to make a positive recommendation to the ZBA with the condition that the applicant provide adequate screening along the back as per the plan and no exterior fabrication or work. Motion seconded by Brian Carroll. Roll call vote:

David McGlone	yes
Brian York	yes
Brian Carroll	yes
Jeff Garber	yes
Anthony DeGregorio	yes

Vote 5-0 in favor, motion carried.

- B. 15B Sharpners Pond Road – Kenworth of SE New England Inc. – Special Permit and Site Plan Review to allow motor vehicle light service or repair and a contracting and equipment storage yard

Represented by Jill Mann of Mann & Mann. Kenworth of SE New England, Inc. (the applicant) is seeing a special permit to allow a motor vehicle light service or repair establishment and an outdoor contracting and equipment storage yard consisting of 29,300 sq ft along with site plan approval to allow the proposed modifications to the layout, traffic circulation, and parking areas. The property is zones M-1 (Light Industry).

Currently there are 5 buildings, the applicant is proposing a new (6th) building which has been approved but was looking to do a build to suit. Planning this to be a truck dealership – large Class 1 motor vehicle dealership; new heavy-duty trucks. Original building was 60,000 sq ft – new proposed building is 45,000 sq ft because needs more pavement to accommodate the tractor trailers. Only expect to have a few vehicles on site to be sold. Identified a few spaces that will be storage/sales lot = waiting to be sold. Most trucks will be ordered and then delivered. In the back there will be a few storage spaces – these would be for vehicles that are there for repairs. There is also a trailer stand which holds the trailer while the truck is undergoing repairs inside the building. Expecting to have approx. 25 employees so allocated 29 parking spaces, not expecting visitors.

Need a special permit for motor vehicle repair use.

MOTION: Made by Jeff Garber to make a positive recommendation to the ZBA as presented. Motion seconded by Brian Carroll. Roll call vote:

David McGlone	yes
Brian York	yes
Brian Carroll	yes
Jeff Garber	yes
Anthony DeGregorio	yes

Vote 5-0 in favor, motion carried.

Public Hearing

Groundwater Protection Bylaw: Proposed Zoning Bylaw Amendment & map Change. Due to the fact that more than 6 months has passed since the Planning Board closed their second public hearing on this proposed zoning amendment (Oct. 14, 2020) and the date of the scheduled Town Meeting (date TBD – sometime in May), we are required to hold a new public hearing to meet state law requirements under MGL c404A, s.5. There have no changes made in the proposed bylaw or map since the initial public hearing that was held in May 2020.

Brian York read public notice into the record.

MOTION: Made by Anthony DeGregorio to recommend that the Town vote to adopt the proposed Groundwater Protection Overlay District bylaw and amend the Zoning Map accordingly. Motion seconded by Jeff Garber. Roll call vote:

David McGlone	yes
Brian York	yes
Brian Carroll	yes
Jeff Garber	yes
Anthony DeGregorio	yes

Vote 5-0 in favor, motion carried.

Adjournment

Meeting adjourned at 8:58 pm.

Respectfully submitted by Amy Becker, recording secretary.

Minutes accepted at the 4/14/2021 meeting of the Planning Board.