

Middleton Planning Board  
Middleton, MA  
MINUTES OF THE MEETING  
April 10, 2019

The Middleton Planning Board met at a regularly scheduled meeting on April 10, 2019 at the Fuller Meadow School, 143 South Main Street, Middleton, Massachusetts at 7:00 pm

The following board members were in attendance:  
Chairperson Tony Tierno, Members Brian York and David McGlone  
And Alternate Members Cheryl McCormick and Anthony DeGregorio

Others present:  
Katrina O'Leary, Town Planner

Chairperson Tony Tierno called the meeting to order at 7:00 PM.

Chairperson Tony Tierno appointed Anthony DeGregorio and Cheryl McCormick as voting members for tonight's meeting.

**Minutes March 13, 2019**

**MOTION: Made by Brian York to approve the minutes as written from the March 13, 2019 meeting. Motion seconded by David McGlone. Vote 5-0 in favor, motion carried.**

**ZBA Recommendations**

A. 221 S. Main Street

Represented by Jill Mann; also present Warren Kelly.

The owner of 221 S. Main Street, Warren Kelly, has submitted an application to the ZBA asking for a modification to the site plan approval, modification to the special permit granted by the ZBA in 2017, and for a new special permit to allow a contracting landscaping business and equipment stage in a new building to be built behind the newly built commercial building. Property is located in the Business District.

The owner is proposing to move the parking spaces out of the shared easement called Rudlett Way in response to the ZBA's denial of his prior modification request asking that they approve the parking spaces located within this easement. The three parties have since entered into a new agreement, a tri-partite agreement. When Mr. Richardson develops the last lot they will improve Rundlett Way which will remain a private way.

The original proposal was for the rear part of the lot to be boat storage. Now looking to have a second building with 5 retail units and 5 contractor bays with outdoor storage for equipment. The proposal meets all dimensional requirements. The outside storage area will be behind the new building and behind a

fence. Also adding 39 new parking spaces but won't need be needed so will act as overflow parking to the front building.

**MOTION: Made by Cheryl McCormick for a positive recommendation to the Zoning Board of Appeals for 221 So Main Street Modification to the site plan approval and modification to the special permit granted by the ZBA to allow boat sales & boat storage and a new special permit to allow contracting/landscaping business with bays and equipment storage in a new building being built. Motion seconded by David McGlone. Vote 5-0 in favor, motion carried.**

B. 2 Birch Road

Applicant represented by Jill Mann.

In December 2018, the ZBA issued a special permit for an auto body repair use in the same location. In order for the approved auto repair business that will be moving in the building needs to bring the building up to code. Applicant is proposing to raze and rebuild a portion of the building located at 2 Birch Road to use as a contracting and landscaping business and for equipment storage. Business is located in the M-1 Light Industrial zone. Owner needs to do some repairs on the building and bring some aspects up to code. They are proposing that two sections of the building, approx. 12,000 sf be razed. The new building will be approx. 15,000 sf which will be within the footprint of the existing buildings. It will be legally existing but non-conforming. They will be paving around the building and adding landscaping to make it more appealing. They will be correcting all drains to comply with storm water management.

**MOTION: Made by David McGlone to make a positive recommendation to the ZBA to raze and rebuild a portion of the building located at 2 Birch Road to use as a contractor & landscape business and equipment storage. Motion seconded by Cheryl McCormick. Vote 5-0 in favor, motion carried.**

**Other Business**

A. Variance to allow a condominium complex – 59 So Main Street – Fairway Estates LLC

Represented by Jill Mann and Ray Falite.

This is not a public hearing just an initial presentation and discussion.

The owner of the large 23.5 acre parcel behind Angelica's has proposed to build a 66 unit condominium complex on this parcel, of which 9 units would become Middleton Housing Authority units and 57 would be restricted to ages 55 and older. With definitive subdivision approval from the Planning board, the owner could build roughly 16 units under the current zoning. With a special permit and definitive subdivision approval from the Planning Board, the owner could build approx. 30 duplex units on 15 lots under the current zoning. The current proposal is for a use variance and site plan approval from the Zoning Board of Approval.

On proposed plan, the 9 units of affordable housing are located near the entrance of the parcel. The other 57 units are located throughout the parcel. Each lot would have 40,000 sf. This is an R1A zoning

district. In a traditional subdivision it would be a public way but the proposal would be for 55+ and older community remaining as a private way. This would be a town-house style community.

Going before the Zoning Board of Appeals as a use variance and special permit. Asking for use variance first – then would be back with site plan for approval. If variance fails, then could have 16 two-family homes as a development; would not include any affordable housing units. Driveway from So Main Street would be approx. 500' along the side of the parking lot of Angelica's. No access is being planned from Boston Street. If any access were provided it might be for emergency vehicle access – gated and restricted.

Would create two lots – first lot with the affordable housing may need to be developed as a definitive subdivision, may need to have the road entering the parcel as a public way to be maintained for the affordable housing units and then private throughout the rest of the property.

If enough land is available would like to create a trail/walk along the back of the property that would connect with the new land being developed for municipal buildings. Could potentially look at a swamp walk.

The proposed complex will minimally burden the Town. With over 55 aged housing won't burden the school system – add to the taxes. The shape of the lot is a unique aspect that would this type of use. Our existing 55+ aged housing has a lot of density --- Peachy Circle is 7 acres with 35 units. This parcel has 14 buildable acres. Proposing to create a buffer along the back with existing trees to help the abutters on Boston St.

Chairperson Tony Tierno announced that Beverly Popielski will be stepping down from the Board. Thanked her for her more than 30 years of service to the Town.

### **Adjournment**

**MOTION: Made by David McGlone to adjourn. Vote 5-0 in favor, motion carried. Meeting adjourned at 8:10 pm.**

Respectfully submitted by Amy Becker, recording secretary

Minutes accepted at the June 12, 2019 Planning Board meeting.