

Middleton Planning Board  
Middleton, MA  
MINUTES OF THE MEETING  
March 9, 2016

The Middleton Planning Board met at a regularly scheduled meeting  
on March 9, 2016 at the Fuller Meadow School,  
143 South Main Street, Middleton, Massachusetts at 7:00 pm

The following board members were in attendance:  
Chairperson Christine Lindberg, Clerk Rick Kassiotis, and alternate member Luciano Leone

Chairperson Christine Lindberg called the meeting to order at 7:09 PM

Chairperson Christine Lindberg appointed alternate member, Luciano Leone to be a voting member for this meeting.

**Minutes February 10, 2016**

**MOTION: Made by Luciano Leone to approve the minutes as written. Motion seconded by Rick Kassiotis. Vote 3-0 in favor, motion carried.**

**Continued Public Hearing – 7:00 pm – 161-163R N. Main Street Definitive Subdivision – Bay Development LLC**

Represented by Jill Mann. They requested a continuance until the next scheduled meeting of the Planning Board on April 13, 2016 at which time they will provide an update.

**MOTION: Made by Rick Kassiotis to continue discussion at the next scheduled Planning Board meeting on Wednesday, April 13th meeting. Motion seconded by Luciano Leone. Vote 3-0 in favor, motion carried.**

**Subdivision Approval Not Required Plans - 10 Village Road**

Represented by Jill Mann. This area is 8 acres/4 separate lots. They are requesting a Use Variance from the Board of Appeals to build condo buildings; one road cut, one utility connection. This has previously been approved but requesting some minor lot line changes.

**MOTION: Made by Rick Kassiotis to accept and endorse the ANR plan for 10 Village Road. Motion seconded by Luciano Leone. Vote 3-0 in favor, motion carried.**

**Roadway Acceptances**

Mill Pond Estates (Flying Fox Circle) - Represented by Jill Mann. Board had no concerns regarding this roadway.

**MOTION: Made by Luciano Leone to provide a positive recommendation to the Town to accept Flying Fox Circle. Motion seconded by Rick Kassiotis. Vote 3-0 in favor, motion carried.**

Rolling Meadows Estates (Woodbury Lane) - Represented by Jill Mann. Board had no concerns regarding this roadway.

**MOTION: Made by Luciano Leone to provide a positive recommendation to the Town to accept Woodbury Lane. Motion seconded by Rick Kassiotis. Vote 3-0 in favor, motion carried.**

**Other Business – Walnut Street Extension, Angelo Scippa: Certification of Plan under MGL c41, 81-X, Set surety amount and Accept surety**

Nothing was submitted prior to the meeting and no one showed up to speak.

**No action taken.**

**Other Business - 9 Ross Lane - Karleen & Richard Oberton: Request to Terminate Easement**

Represented by Jill Mann. Requesting to terminate portion of current easement that is at the rear of their property. The easement created an issue last year when they wanted to build a shed at the rear of their property but could not due to the easement. They are not requesting to terminate the easement that straddles their property with their neighbor's which is needed for potential access. They are willing to maintain an easement on their property of 10-15' in width. They are currently working with Bob LaBossiere to determine where the easement can end for adequate access if needed. A letter was submitted from Mr. LaBossiere endorsing terminating the easement at the rear of the property. A sketch plan of the request will be submitted to the Board of Selectmen.

Aaron Walsh requested to speak on this matter and requesting the Board not grant the termination of part of the easement. He is currently in litigation regarding the storm water management system. Expressed concerns whether a civil engineer should review the plans and make a formal recommendation to the Board before they make a decision. Board explained that the original easement was far larger than was ever necessary. The Oberton's are not touching the easement that straddles their property line simply the portion at the rear of their property.

**MOTION: Made by Rick Kassiotis to make a positive recommendation to the Board of Selectman regarding the termination of the easement at 9 Ross Lane. Motion seconded by Luciano Leone. Vote 3-0 in favor, motion carried**

**Other Business - Zoning Amendments: New Lot Width Zoning Proposal**

Board was comfortable with the language in the proposal with the below minor changes:

- instead of 'structure' use the word 'dwelling'. Board wants to ensure that this lot width language is only in regards to the main dwelling on a lot, not for any additional structures on a lot such as a shed
- keep the language in regards to an irregularly shaped lot 'in the event of an irregularly shaped lot and a question as to the identification of the appropriate side lot lines for the foregoing measurement, the matter shall be decided by the Building Commissioner'

**MOTION: Made by Rick Kassiotis to approve the proposed language with the above changes and submit to the Board of Selectmen. Motion seconded by Luciano Leone. Vote 3-0 in favor, motion carried.**

**Other Business - Zoning Amendment Referrals from BOS under MGL c40A, s5; Set Public Hearing Date**

After reading letter from the Office of Town Administrator the Board agreed to set a Public Hearing Date

**MOTION: Made by Luciano Leone to set the Public Hearing Date to be April 13, 2016 in regards to the Zoning Amendment Referrals under MGL c40A, s5. Motion seconded by Rick Kassiotis. Vote 3-0 in favor, motion carried.**

**Other Business - MEPA filing - So. Middleton Dam Removal**

The Board has been invited to comment on the request by the Ipswich River Watershed and Bostik, Inc. to waive the requirement to file an Environmental Impact Report from the mass. Environmental Protection Agency. Board see no detrimental effect in the removal of this dam.

**No comment**

**Item Not Reasonably Anticipated by the Chair 48 Hours in Advance of the meeting**

Jill Mann is requesting the Board to endorse an amendment to the Zoning Bylaw, Special Dimensional Regulations, Section 4.2.5 by adding the words 'and Light Industrial'.

In 2008, the restatement of the zoning bylaw eliminated the saving provisions for lots in the Business and Industrial Districts that were enacted in or around 1986 to ensure that any lots that were rezoned from residential to commercial continued to be buildable lots regardless of the different and more stringent dimensional requirements. Allowed to keep it for 'business' district but did not specifically include M1; which is still subject to special permit. This appears to have simply been an oversight not to include M1 and would like to clarify the bylaws which would properly reflect the intent of the restatement.

**MOTION: Made by Rick Kassiotis to refer this proposed amendment to the Board of Selectmen. Motion seconded by Luciano Leone. Vote 3-0 in favor, motion carried.**

**Adjournment**

**MOTION: Made by Luciano Leone to adjourn. Motion seconded by Rick Kassiotis. Vote 3-0 in favor, motion carried. Meeting adjourned at 8:15 pm.**

Respectfully submitted by Amy Becker, recording secretary

Minutes accepted at the April 13, 2016 meeting of the Planning Board.