

Middleton Planning Board  
Middleton, MA  
MINUTES OF THE MEETING  
April 13, 2016

The Middleton Planning Board met at a regularly scheduled meeting  
on April 13, 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, John Knott and alternate member Tony Tierno

Others present:  
Katrina O'Leary, Town Planner

Chairperson Christine Lindberg called the meeting to order at 7:05 PM

Chairperson Christine Lindberg appointed alternate member Tony Tierno to be a voting member for this meeting.

**Minutes March 9, 2016**

**MOTION: Made by Rick Kassiotis to approve the minutes as written. Motion seconded by Tony Tierno. Vote 4-0 in favor, motion carried.**

**New Public Hearings - Proposed Zoning Amendments**

Clerk Kassiotis read the advertisement from the Tri-Town Transcript from April 1st and April 8, 2016 into the record.

**MOTION: Made by Rick Kassiotis to table these hearings until later in the meeting. Motion seconded by John Knott. vote 4-0 in favor, motion carried.**

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

Represented by Jill Mann. As per letter dated 4/12/16 to the Board the applicant has acquired additional property along N. Main Street for adequate frontage. Therefore, they are requesting to withdraw their application for a Definitive Subdivision.

**MOTION: Made by Rick Kassiotis to grant the applicant's request to withdraw the application for a Definitive Subdivision approval. Motion seconded by John Knott. Vote 4-0 in favor, motion carried.**

**Subdivision Approval Not Required Plans - 159 Forest Street, Donna Deberardinis**

No paperwork had been submitted prior to the meeting.

**No action needed**

**ZBA Recommendations - 161-163R N. Main St - Site Plan Approval 9.5-Industrial Park under Section 6.6**

Represented by Jill Mann. The applicant has acquired 7 parcels along N. Main Street which provides a total area of 600,000 sf with the minimum required 150' of frontage and 100' set back required. They are actually have 300' of frontage and are providing 131' set back. In addition to the lots on N. Main St., they also acquired 2 homes located on Dixie Drive. The zoning line cuts through several of the residential lots on Dixie Drive which allowed 'limited business' and was re-zoned in 2000 to allow light industrial.

This industrial park proposal does not include any retail it would all be manufacturing with ample parking requirements. The proposal is for 5 buildings, one of which would be for office space. The buildings are proposed to be 26' in height -- this zoning area would allow for a 35' height limit. The construction would be done in phases. The property is expected to generate approximately \$500,000 in revenue in taxes to the Town. The property will have 3 separate septic systems to provide adequate support for the buildings, storm water plan has been submitted, lighting is being proposed as dark sky features which will maintain most of the light be contained within the property, the proposed uses of the property will be a low-end use regarding traffic. The site will have a condo association type of entity to oversee the entire property.

Questions from the Board:

What type of screening is being proposed around the property? Along the right side of the property, they plan to maintain much of the existing foliage with the additional of some plantings. Along the back, they will maintain as much of the natural buffer as it exists today. Fencing will be installed around the sides and back of property. Proposed fencing is 6' black chain link fence with the small holes and slats to block off as much as possible. Plan is to landscape along both sides of fence.

Snow storage - there is plenty of space along the perimeter of the property to plow off the back of the driveway

Topography - there will be the need to blast & fill

Questions from the Public:

Jayne Fishman - 18 Dixie Drive

Asking a policy question -- if the site plan provided meets all of the Town's requirements does the Planning Board have to accept it? Answer: Pretty much, yes. If requirements are met, then the Board will provide a positive recommendation to the Zoning Board. The Zoning Board is the permit granting authority.

Also expressed some concerns regarding site line -- he can see the proposed site from his property. The Dempsey house (one of the properties acquired by the applicant) sits 20' higher than the proposed

building due to the higher elevation of Dixie. His property, 18 Dixie, is even higher so he will be looking down into proposed property and concerned regarding the residential aesthetics.

Ron Trottier - 26 Dixie Drive

Only saw the plans 2 days prior at an abutter's meeting the applicant held. Feels that the abutter has been 'secretly buying our property'. Expressed concern over what this proposed property will do to the values of the properties. Asked why the building was being set so far back -- if it were closer to N. Main Street it wouldn't be quite so visible from Dixie Drive.

Chairperson Lindberg did remind the audience that the zoning line was there prior to the building of Dixie Drive.

Deb Forde - 17 Dixie Drive

Requested that the Board to walk the street. Her property will be facing a proposed loading dock on the new property. Also, asked if the Doherty property/house is to remain as is. Jill Mann indicated that there is no current plan to demo the property, the applicant plans to maintain it as a residence.

Sandra Kanellos - 7 Dixie Drive

Just bought a house on Dixie about 18 months ago. Very upset this whole project is taking place.

Vic Castro - 15 Dixie Drive

Feels his house is most impacted by the proposed project. He understands he can work with the applicant but asked if they could have more time. Chairperson Lindberg explained that the abutters could be heard again when the matter goes before the Zoning Board.

Michelle Whiffen - 28 Dixie Drive

Expressed concern regarding the covenants that were in place for the development of Dixie Drive that stated only single-family homes could be built on the property. Chairperson Lindberg explained that covenants are a private legal matter and do not affect the Planning Board's decision.

There were no other interested parties that wanted to speak, so, the public comment section of the Public Hearing was closed.

**MOTION: Made by John Knott to provide a positive recommendation to the Zoning Board of Appeals on the Site Plan application for 161-163 N. Main Street. Motion seconded by Rick Kassiotis. Vote 3-1 in favor, with Mr. Kassiotis dissenting, motion carried.**

**Other Business - East Meadow Land - East Meadows, LLC - Bond Reduction Request**

Represented by Jill Mann. Anticipate roadway completion fall of 2016 and will be seeking acceptance by the Town in May 2017.

**MOTION: Made John Knott to accept the bond reduction request in the amount of \$53,550 which would leave \$275,503 in the account. Motion seconded by Tony Tierno. Vote 4-0 in favor, motion carried.**

**MOTION: Made Rick Kassiotis to allow Chairperson Lindberg to sign the Tri-partite Agreement. Motion seconded by John Knott. Vote 4-0 in favor, motion carried**

**New Public Hearing - cont'd**

A. Proposed Zoning Amendments:

(1) Addition of a lot shape requirement to Section 4.0 "Dimensional Requirements"

Board members have been hearing lots of negative feedback on this issue. If voted down at Town Meeting, it cannot be proposed again for 2 years. Chairperson Lindberg suggested pulling it from the Town Warrant & continue to work on the language.

Jayne Fishman (18 Dixie Drive) - is against the lot shape proposal concerned that it might lead to unintended consequences in the future.

**MOTION: Made by John Knott to withdraw this petition from the Town Warrant. Motion seconded by Tony Tierno. Vote 4-0 in favor, motion carried.**

(2) Updating the text of Section 2.3 "Zoning Map" by referring to the latest zoning map amendments approved by the Attorney General and deletion of Section 7.4 "Development Schedule" due to its expiration on June 30, 2015

This is Article 38 on the Town Warrant. Original intent was to slow down the development of too many houses in a given timeframe.

**MOTION: Made by Rick Kassiotis to approve Article 38 on the Town Warrant. Motion seconded by John Knott. Vote 4-0 in favor, motion carried.**

(3) Changes to Section 3.1 "Principal Uses", including how and where each use is permitted and as show in the "Table of use Regulations" as well as changes to Section 10.0 "Definitions".

Table of Uses -- changes being recommended and Planning Boards' thoughts:

Section C - Commercial

- C1. Retail establishment --- proposed changes okay
- C2. Personal service establishment --- proposed changes okay
- C3. General service establishment --- proposed changes okay
- C4. Trade shop --- proposed deletion of line item okay  
(due to deletion, the next line items change their number. The new number is reflected below)
- C4. Funeral home --- proposed changes okay
- C5. Nursing home --- proposed new definition is okay
- C6. Veterinary hospital --- no changes
- C7. Kennel --- no changes
- C8. Riding stable --- no changes

- C9. Motor vehicle light service or repair establishment --- proposed changes, not in favor
- C10. Motor vehicle general or body repair -- no changes
- C11. Boat sales & service, new and used --- change is to add '& service' --- okay to keep the '& service' but would recommend it to be a No in Business
- C12. Boat storage, commercial --- new addition -- would only consider as a secondary use, not primary. Board doesn't like the definition as written. Proposes to strike it from the Table
- C13. Restaurant --- proposed changes okay
- C14. Drive-through or drive-up window --- proposed change, not in favor. Wants it to be a No in 1H district
- C15. Restaurant, fast food --- proposed changes okay
- C16. Business or professional office --- proposed changes okay
- C17. Medical or dental office, clinic or laboratory --- some concerns with no definition being provided; leave BA in M1
- C18. Bank of other financial institution --- proposed changes okay
- C19. Contracting or landscaping business with no outdoor storage of equipment and/or supplies --- proposed changes okay
- C20. Contracting or landscaping business and outdoor storage of equipment and/or supplies --- proposed changes okay
- C21. Bed-and-breakfast --- no changes
- C22. Country club, tennis club, lodge building, golf course --- eliminate 'or other social, civic or outdoor recreational use'
- C23. Camp --- no changes
- C24. Indoor commercial recreational use --- proposed eliminating this item -- Board wants to keep this as a separate item
- C25. Commercial Recreational Use, Indoors and 5,000 sq. ft or under ---- proposed as a new item -- Board wants it removed
- C26. Commercial Recreational Use, Indoors and over 5,000 sq. ft ---- proposed as a new item -- Board wants it removed
- C27. Commercial Recreational Use, Outdoors --- proposed addition, okay
- C28. Hotel, motel --- no changes
- C29. Educational use, nonexempt 'and 2,500 sq. ft. or under dedicated to the principal use' ---- added the size limitation in quotes -- Board feels it needs clarification, doesn't understand --- leave original wording
- C30. Educational use, nonexempt and over 2,500 sq. ft. dedicated to the principal use --- proposed as addition, Board wants to eliminate it

#### Section D - Industrial

- D1. Light manufacturing --- Wants to change to BA under B district  
Machine shop --- proposed to eliminate - okay  
Woodworking and furniture manufacturing --- proposed to eliminate - okay
- D2. Industrial Park ---- Board wants BA under B and M1 districts
- D3. Research facility --- Board wants BA under B and M1 districts
- D4. Wholesale, warehouse, distribution or storage facility, including mini-storage warehouse --- Board wants to keep it N under B district

Accessory retail, personal service or food service to permitted use, not to exceed 5% of gross floor area -- proposed to eliminate - okay

D5. Accessory outdoor storage fuel supply --- Board wants N in B district and BA in M1 district

This Article is being petitioned by the Board of Selectmen on behalf of the Master Planning Committee.

Board would like to see if there is a way to show both the Master Planning Committee's version and the Planning Board's version of the proposed changes to the Principal Use table.

**MOTION: Made by Rick Kassiotis to accept the proposed changed and comments as discussed to Middleton Table of Uses changes for the Town Warrant. Motion seconded by John Knott. Vote 4-0 in favor, motion carried.**

(4) Changes to the definition of "Lot Width" in Section 4.1.2.1

Boards want to go with the substitution recommended by Mark Bobrowski (zoning consultant hire by the Town) with one minor edit as noted below:

"4.1.2.1 Lot width. Lot width shall be maintained throughout the principal structure and shall be measured from side lot line to side lot line in a straight line parallel to a line connecting the lot frontage endpoints. When, in the event of an irregularly shaped lot, a question exists as to the identification of the appropriate side lot lines for the foregoing measurement, the matter shall be decided by the Building Commissioner, ~~after consultation with the Planning Board~~. At no point between the street frontage line and the principal structure shall the lot be narrower than 75% of the required frontage."

**MOTION: Made by John Knott to accept the changes to the definition of "Lot Width" as noted above. Motion seconded by Rick Kassiotis. Vote 4-0 in favor, motion carried.**

(5) Addition to the Light Industrial District (M1) to Section 4.2.5 to allow exemptions from dimensional requirements by special permit on lots located in this zone.

This item needs to be addressed more, the definition needs more specifics. Planning Board recommends that this item be removed from the Town Warrant.

**MOTION: Made by John Knott to table this item for further discussion and to have this Article pulled from the Town Warrant. Motion seconded by Rick Kassiotis. Vote 3-1 in favor, Mr. Tierno dissenting, motion carried.**

**Other Business - Review of May 10, 2016 Warrant Articles per Section 2-4-9 on Town Charter**

Article 7 On petition of the Board of Selectmen and Community Preservation Committee to see if the Town will vote to appropriate or reserve from the Community Preservation Fund annual revenues or available funds the amounts recommended by the Community Preservation Committee for debt service,

and community preservation projects and other expenses in Fiscal Year 2017 with each item to be considered a separate appropriation; or take other action relative thereto.

See Article for the proposed expenses

**MOTION: Made by Tony Tierno to provide a positive recommendation. Motion seconded by John Knott. Vote 4-0 in favor, motion carried.**

Article 15. On petition of the Board of Selectmen acting on behalf of the abutting property owners of Old Hundred Lane and pursuant to Chapter 206-8 of the Middleton Code to see if the Town will vote to raise and appropriate the sum of \$23,500 to repave Old Hundred Lane; and to see if such funds will be raised by taxation, by transfer from available funds, by borrowing, or by any combination thereof; and to defray a portion of the costs of same to assess a betterment to the property owners of Old Hundred Lane; or take any other action relative thereto.

**MOTION: Made by John Knott to provide a positive recommendation. Motion seconded by Rick Kassiotis. Vote 4-0 in favor, motion carried.**

Article 16. On petition of the Board of Selectmen to see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, grant or otherwise, a parcel of land on Natsue Way shown as Lot 2 on the January 25, 2016 Plan of Land in Middleton, Mass. Prepared by Hayes Engineering, Inc. and to enter into an Agreement of Settlement with Natsue Realty Trust; or take any other action relative thereto.

**MOTION: Made by Rick Kassiotis to provide a positive recommendation. Motion seconded by John Knott. Vote 4-0 in favor, motion carried.**

Article 17. On petition of the Board of Selectmen to see if the Town will vote to raise and appropriate the sum of \$165,000 to pay for remediation under the Massachusetts Contingency Plan (MCP) for land off Natsue Way; and to see if such funds will be raised by taxation by transfer from available funds, by borrowing, or by any combination thereof; or take any other action relative thereto.

**MOTION: Made by John Knott to provide a positive recommendation. Motion seconded by Tony Tierno. Vote 4-0 in favor, motion carried.**

Article 18. On petition of the Board of Selectmen to see if the Town will vote to authorize the Board of Selectmen to accept an easement from Cumberland Farms for the purpose of connecting a walking path at 4 South Main Street with the Henry Tragert Town Common; or take any other action relative thereto.

**MOTION: Made by John Knott to provide a positive recommendation. Motion seconded by Tony Tierno. Vote 4-0 in favor, motion carried.**

Article 22. On petition of the Superintendent of Public Works to see if the Town will vote to raise and appropriate the sum of \$450,000 and to issue debt to loop the water main on River Street, the annual debt service to be funded from the Water Special Revenue Fund; and to see if such funds will be raised by taxation, by transfer from available funds, by borrowing, or by any combination thereof; or take other action relative thereto.

**MOTION: Made by John Knott to provide a positive recommendation. Motion seconded by Rick Kassiotis. Vote 4-0 in favor, motion carried.**

Article 26. On petition of the Board of Selectmen to see if the Town will vote to raise and appropriate the sum of \$50,000 to conduct a comprehensive facilities study; and to see if such funds will be raised by taxation by transfer from available funds, by borrowing, or by any combination thereof; or take any other action relative thereto.

**MOTION: Made by John Knott to provide a positive recommendation. Motion seconded by Rick Kassiotis. Vote 3-1 in favor, Mr. Knott dissenting, motion carried.**

Article 32. On petition of ten or more registered voters to see if the Town will vote to adopt the following by-law regulating biodiesel in accordance with the Massachusetts General Law Chapter 148, Section 9 and Massachusetts General Law Chapter 148, Section 13: "The Town shall prohibit any resident of the town of Middleton from processing biodiesel by a transesterification process where methanol/ethanol and sodium hydroxide are used as catalysts in the process in their residence."

**MOTION: Made by Rick Kassiotis to not recommend Article 32. Motion seconded by John Knott. Vote 4-0 in favor, motion carried.**

Article 37. On petition of the Board of Selectmen to see if the Town will vote to authorize the Board of Selectmen to convey an easement to Kathleen A. Thurston, 19 Liberty Street, the land shown as Parcel A as shown on the plan entitled "Plan of Land in Middleton, MA" dated March 1, 2016, prepared by Williams & Sprague.

**MOTION: Made by John Knott to provide a positive recommendation. Motion seconded by Rick Kassiotis. Vote 2-2 with Chairperson Lindberg and Mr. Tierno dissenting, motion failed.**

Article 50. That the Town authorize the Board of Selectmen to acquire, by gift, purchase, grant or otherwise, sixteen (16) parcels of state-owned land on behalf of the Middleton Conservation Commission. The parcels are identified as: (list parcels). Upon acquisition from the Commonwealth of Massachusetts, said parcels shall be transferred to the Middleton Conversation Commission for active and passive recreation purposes, and to seek such approval from and enter into such agreements with the Commonwealth as are necessary for such acquisition. The Board of Selectmen is authorized to take any other action necessary to carry out this project.

**MOTION: Made by John Knott to provide a positive recommendation. Motion seconded by Tony Tierno. Vote 4-0 in favor, motion carried.**

**Adjournment**

**MOTION: Made by Tony Tierno to adjourn. Motion seconded by John Knott. Vote 4-0 in favor, motion carried. Meeting adjourned at 11:18 pm.**

Respectfully submitted by Amy Becker, recording secretary

Minutes unanimously approved by the Planning Board at their May 11, 2016 meeting; Beverly Popielski abstained due to absence at the April 13 meeting.