



TOWN OF MIDDLETON
ZONING BOARD OF APPEALS

MEETING MINUTES

January 28, 2016

Fuller Meadow School

7:00 pm

Members in Attendance: Craig Hartwell, Chairperson; Barbara Piselli, James E. Fox, Clerk Anne Cote, Nicholas Yebba.

Alternate Members: Richard Nazzaro, Ann LeBlanc-Snyder,

Others Present: Katrina O'Leary, Town Planner
Rick Bienvenue, Building Commissioner
Leanna Harris, Recording Secretary

Craig Hartwell called the meeting to order at **7:03 pm**.

I. MINUTES

MOTION: Mr. Hartwell moved to continue the Minutes from the December 17, 2016 meeting to the February 2016 meeting. Second by Ms. Piselli.

Votes: 5-0 (Fox, Cote, Hartwell, Piselli, Yebba)

Motion carries.

II. PUBLIC HEARINGS

**A. 4 So. Main Street – Cumberland Farms, Inc. – Special Permit/Site Plan
Application #1004**

The Voting Members: Hartwell, Fox, Cote, Piselli, Yebba (Nazzaro –alt)

Ms. Cote read the application into record. Abutters have been notified and there are five pieces of correspondence.

John Smolak addressed the Board on behalf of the applicant and stated Cumberland Farms would like to remodel their building to better fit into Middleton Square. He described the past history of the site and the proposed project. Overall, they are proposing a redesign of the site to better fit in with the square, restoring river front area to the site, eliminating a curb cut from 114, installing four new dispensers, redesigning the canopy (based on feedback)and replacing signage with new Cumberland Farms colors. The applicant is amenable to working with the Town to create a pathway behind the building connecting to the Town owned land.

ZBA

January 28, 2016

Page 1 of 4

Phil Henry, Civil Engineer with Civil Design Group reviewed the proposed Site Plan and described the proposal in detail.

Heather Monticup, traffic consultant with Greenman & Pedersen, reviewed the completed traffic study conducted in 2015

Mr. Paul Richardson, owner of 1 Central Street (the buildings across the street from the proposed project),spoke in favor of the project and stated it is a very nice addition to the square.

Tiveni Moses, (owner of 22 South Main Street) asked several questions and expressed her concerns regarding the proposed renovations relating to the lighting, bushes and shrubs, and the repositioned building lining up with the rear entrance of her building used frequently by her tenants

Board Discussion:

Ms. Cote read the correspondence into record.

After general board discussion, the following motions were made:

MOTION: Mr. Hartwell moved to conduct a Site Walk at the location at 5:30pm on Wednesday, February 10, 2016. Second by Ms. Piselli.

Votes: 5-0 (Hartwell, Fox, Cote, Piselli, Yebba)

Motion carries.

MOTION: Mr. Hartwell moved to continue the public hearing for the application to the February 25, 2016 meeting. Second by Ms. Piselli.

Votes: 5-0 (Hartwell, Fox, Cote, Piselli, Yebba)

Motion carries.

III. OTHER BUSINESS

A. Approval of Landscaping Surety for 225 Maple Street

Ms. O’Leary stated the Site Plan was approved and the Project was finished quickly except for the landscaping. She explains that the board should decide if surety is required, and if so, the amount of the surety.

The board discusses the surety and decides that they will need to modify the original decision to allow the acceptance of surety. Members agree that they should work on a policy in regards to setting and accepting surety to ensure completion of a site plan.

MOTION: Chairman Hartwell moved the Board to amend the June 2015 Decision pertaining to 225 Maple Street to include a condition requiring the Petitioner to deliver a performance bond if all improvements required pursuant to the aforementioned Decision have not been completed and that said added condition is a minor modification of the Decision. Yebba seconds.

Votes: 5-0 (Yebba, Fox, Hartwell, Cote, Piselli)

Motion carries.

B. North Meadow Condominiums: Minor Modification Request

Jill Mann, Esq., attorney for the applicant, addressed the Board and explained that they are seeking a modification of the North Meadow Village project so that several buildings can be shifted to accommodate an existing very large transformer. There are no other changes, the exterior of the buildings remain the same.

MOTION: Mr. Hartwell moved that the proposed modification to the Site plan, specifically the shifting of the structures, that due to the fact that the applicant is not changing any part of the footprint, adversely affecting the parking, and continues to meet all the zoning setback requirements, that the change is minor in nature and does not require a new public hearing. Second by Mr. Yebba.

Votes: 5-0 (Fox, Cote, Hartwell, Piselli, Yebba)

Motion carries.

C. 2016 Proposed Zoning Amendments

Ms. O’Leary provided an overview of the proposed amendments that have been sponsored by both the Planning Board and the Master Planning Committee and explained that the Committees have requested feedback from the Zoning Board.

The Master Planning Committee went through the Bylaws to remove the asterisk uses in the Uses Table to make everything more uniform and made changes to the Definitions Section.

The Planning Board’s proposal creates a proposed Lot Shape Requirement. The Planning Board is looking for feedback as to whether that Lot Shape Requirement number should be 40 or 42. The Zoning Board of Appeals felt that they didn’t know enough about the difference between the two figures to recommend one over the other.

Ms. O’Leary requested that the Zoning Board sponsor the housekeeping changes regarding “Section 2.3 Zoning Map” which includes all the latest amendments as opposed to listing all adopted zoning map changes through the years and the elimination of the expired Section 7.4 “Development Schedule.”

MOTION: Ms. Piselli moved to sponsor these housekeeping changes relating to Sections 2.3 and 7.4. Second by Ms. Cote.

Votes: 5-0 (Snyder, Cote, Hartwell, Piselli, Yebba)

Motion carries.

MOTION: Ms. Cote moved to adjourn the meeting at **9:23 pm**.
Second by Mr. Nazzaro. All in favor.

Documents and Exhibits used at meeting:

- 12/17/2015 ZBA minutes
- 1/28/2016 Staff Report
- Cumberland Farms application, plans, traffic study, and drainage report
- Letters regarding the Cumberland Farms project from the Development Review Group, Industrial Commercial Design Review Commission, Planning Board, Complete Streets Committee, Director of Public Health
- Letter regarding surety for 225 Maple Street
- Request from North Meadow Village for modification, including original decision, existing site plan, proposed site plan changes
- Proposed zoning amendments: Use Table & Definitions, Development Rate & Zoning map, and Lot Shape Requirement

Minutes submitted by Leanna Harris, Recording Secretary, and accepted at the March 24, 2016 meeting of the board.