

SELECTMEN'S MEETING

Monday, June 23, 2008

On June 23, 2008, the Board of Selectmen held a meeting at 7:00 PM at the Town Office Building in Lakeville. The meeting was called to order by Chairman Evirs at 7:00 PM. Selectmen present were: Selectman Evirs, Selectman Maksy and Selectman Yeatts. Also present were: Rita Garbitt, Town Administrator, and Christine Weston, Recording Secretary.

7:00 PM Issue Proclamation to Amelia England in honor of her 108th birthday

Chairman Evirs read the proclamation for Amelia England who turned 108 years of age on May 15, 2008. Representative John Quinn and Representative Steve Canessa were present and awarded Ms. England with a citation, as well as, the oldest distinguished person alive in Lakeville. Also, a representative from Senator Menard's office recognized Ms. England and read a proclamation into the record for her.

Meet with Senator Menard and Representatives Quinn and Canessa

Chairman Evirs asked for a report from each of the Representatives present this evening. It was reported that the House acted in April on the Governor's budget and the Senate acted in May and now the budget is in the conference. July 1st is the beginning of the new Fiscal Year, and it will be a touch and go to see if the Governor's budget will be passed or only a 1/12th budget passed in order to just extend it until it can be fully passed. The House is in session on Thursday. The final determination on the numbers should be early July, at the latest.

Representative Canessa said the Governor did file a \$1 billion budget to get through the month of July, as the budget details are worked out in the conference committee. The Representatives wished that they could be present to deliver good news, but during these economic times, that is pretty tough. No one is immune from it, not the Local, State or Federal government, or the taxpayers. The Representatives have to work harder to keep the lines of communication open with the Town Officials and will answer any questions that they can. A week ago, the Representatives were in Lakeville with the Governor recognizing Lakeville on the map and to also deliver a \$375,000 MORE Grant. This was good economic news to help kick start the National Development project at the old Lakeville Hospital. Everyone is to be thanked in working together and for keeping the lines of communication open. Tony Sousa from Senator Menard's Office apologized for Senator Menard not being able to attend this evening. He said he echoed all that the Representatives were saying.

Chairman Evirs thanked the legislators for the MORE grant money. It should help get the National Development project off the ground. We are happy to receive the infrastructure money and for the project to not have to start at zero but to start \$375,000 above zero. Has there been any movement with Brownfield monies as we had discussed at a previous meeting? Representative Canessa said we have not heard anything from them directly, but National Development has reviewed the materials from the last meeting of what they should be looking into. They are checking to see what other opportunities are available other than just the MORE grant. We cannot speak though on the Brownfields, but will get information to Ms. Garbitt when

it becomes available. Representative Quinn said the House is taking up an Environmental Bond bill so that may also offer other monies. That piece of legislation will be worked on during July. Doug Mills of Bedford Street asked about the \$600,000 that was allocated to do the work on the water and sewer at the Lakeville Hospital site. What happened to that and can that be accessed? The State paid for it, but \$600,000 went somewhere to spend on water and sewage on site. Representative Canessa said his guess is that the money got spent, but he did not know where. He will check with them to see if there is any follow up on that. He did not think it was somewhere waiting to get spent at the State level.

Selectman Maksy said that we know energy and renewable energy is a big thing, but Lakeville is served by a municipal company, so we do not qualify for the money since it is donated to the cooperation. Is there anything coming up for renewable energy to get money for that? Representative Quinn said the Green Communities Pact is getting passed this week, and he thought the municipality issue has been addressed in there. The final version will be received Wednesday or Thursday and that will be passed on Thursday. Representative Canessa said there are three (3) municipal agency companies that do not pay in to the MassTech Collaborative, but under the renewable energy bill they will. Then you will see that take effect. Selectman Yeatts asked if the Environmental Bond Bill looks good. Representative Canessa said he did not want to let the cat out of the bag, but the latest version that he has seen has a grant of \$2 million for water aquatic species. But, until the final bill is voted on, he did not want her to take that as decided. It is hopeful that that will stay in the bond bill and hopeful that it will stay in with Ways and Means with all the advocacy that has been done. It impacts the State and will be administered through the Executive Office of Environmental Affairs. Selectman Yeatts said Lakeville has the two (2) largest ponds in the entire State, so she is not worried about the competition. She thought we will do well.

Selectman Maksy asked about the State owned property on Bridge Street. If it ever becomes available would you let the Town know? Representative Canessa said we did a tour of the site some time ago with the Board of Selectmen and Senator Menard. The Department of Mental Health, the Department of Public Health and also the Division of Agricultural Resources were contacted and basically no one wants to get rid of it at this point. However, if it becomes available we will let you know.

Chairman Evirs asked about the proposed train service routes. The Middleborough/Lakeville line is still on the table, but we are not in favor of closing or losing the T-station in Lakeville. We have 40R business and other development that is going on there. We would like to keep that information trail open on that with your three (3) offices. Rep. Quinn said they finished the alternatives analysis in April, and it has been narrowed down as you have stated. If the Middleborough line is chosen, then that would preclude an issue to the Wareham line, so that is in play. They will do further timeline studies environmentally, and we are also not supportive of the other route. Representative Canessa said he felt the same. Kristina Egan has been down here too and is working on that process as well. There were about 64 options to get folks from Southeastern Massachusetts to Boston and it was narrowed down to six (6). It had to go through the Army Corp. of Engineers, and they had to be sure that all options were being investigated. The Stoughton option still seems to be the favorite opinion wise. We have a lot of Bond Bills coming up for such matters as: capital spending, higher education, housing, transportation, etc.,

and they all have to be completed by July 31st. There are pieces in the Bond Bills for the cities and towns.

Ms. Garbitt said Special Education costs are still spiraling out of control and any help with that issue would be greatly appreciated. Selectman Maksy said health care costs are also spiraling. Ms. Garbitt said the Circuit Breaker money does not help all that much when we have to deduct the first \$35,000, since we have to spend that amount first. Representative Quinn said the Governor has a plan for education and when he rolls that out, it will be interesting to see if there is anything in it that addresses Special Education.

8:00 PM Request for earth removal permit-118 South Pickens Street

Chairman Evirs read the legal notice for the public hearing into the record for the application for an earth removal permit for 118 South Pickens Street.

Upon a motion made by Selectman Yeatts; seconded by Selectman Maksy it was:

VOTED: To open the hearing on the application of Roberto Rubini for a permit to remove earth from property located at 118 South Pickens Street, Lakeville, MA.
Unanimous in favor.

Roberto Rubini and Gene Bartlett were present for the discussion. It was noted that they still were missing four (4) certified mail green cards. Mr. Rubini explained that there are two (2) existing bogs on the property. The bog further west will be taken down since it is not producing very well and will be replaced. Then he will move gravel and put in other bogs. Basically this is adding acreage and shrinking another bog down. Approximately 10-13 feet of gravel will be taken down. It is a high and dry bog, so it is not providing much production of cranberries. Chairman Evirs asked where the earth will go. Mr. Bartlett responded that about 15,000 cubic yards will go to the refrigerator plant. Approximately 120,000 cubic yards will be leaving the site. It will be going to all different locations. Selectman Maksy said if you were to guess, what is the most likely route that will be taken when the gravel leaves the site. Mr. Bartlett said it would go to County Street then to Route 79. Chairman Evirs said then on State roads most of the time.

Mr. Rubini said there will 4 ½ acres of bog and ½ acre of land that will be disturbed. Selectman Yeatts asked where Natural Heritage is on this. Mr. Rubini said he is outside of their areas. Selectman Yeatts asked if he had a sign off from them. Mr. Rubini said he has the map. Selectman Yeatts said there has been a new map every two (2) years, and this does not reference which map you got this from. Mr. Rubini said he used Plymouth County's most up to date map. Selectman Yeatts said it does say 2006. Selectman Maksy said Mr. Rubini may be exempt because it is an existing agricultural existing operation. Chairman Evirs went over the earth removal sample conditions. Mr. Bartlett stated they would use discretion on the weight of the trucks and would not make more than eight (8) trips a day. Selectman Yeatts said everyone has to tell us where they are going when they exit their sites with gravel; it is not just you with your project. Mr. Bartlett said he does not want to be held to it. Selectman Yeatts said we need to know where it is going. We are not asking of you more than what we are asking of any others.

With the Lakeville Country Club, we were specific as to where they were going. Selectman Maksy said the only difference though is that Lakeville Country Club knew where they were going with the gravel. Mr. Rubini does not know where he is going to go with his. We can ask him that anything over 10,000 yards he has to let us know which way it will go, but not one (1) truck here and there. How would we police that? Mr. Bartlett said they will build the bog as they go along. They have customers on Pickens Street and Howland Road. It will not all be in one spot. Selectman Yeatts said this feels like cart blanche to her. Further discussion took place on the routes. Selectman Maksy said since Mr. Bartlett does not know the routes, how could we have the route in there. Once he knows, he can get the information to the Town Administrator. Mr. Bartlett said TL Edwards will be the biggest user. Chairman Evirs said so they will take a right onto South Pickens to County Street and travel on State highways where practical. Mr. Bartlett said that is fine.

Chairman Evirs asked if any abutters or anyone else had anything that they wanted to say on the matter. A resident from Anderson Way said he just wanted to know how close to our backyards this will be, but it seems to be far away.

Upon a motion made by Selectman Yeatts; seconded by Selectman Maksy it was:

VOTED: To close the hearing.
Unanimous in favor.

Chairman Evirs stated that the Board will then ask that the majority of the trucks turn left onto Pickens Street, then to County Street and to take State highways wherever possible. Normally, the Board receives something from the Superintendent of Streets, so the Board should put in as a condition that the area shall be kept to the satisfaction of the Superintendent of Streets. The date for the bonds is 2010. The \$20,000 bond amount was discussed. It was decided that there would be a \$5,000 bond for restoration and \$10,000 bond for the road repair. Loaming and seeding will be stricken from the wording. Mr. Bartlett said he anticipated some screening on site. It is more cost effective. Selectman Maksy asked what type of machinery was going to be used. Mr. Bartlett said he will use the two (2) yard machine with three (3) inch screens. It is a Read Screen-All. Chairman Evirs stated that the hours of operation shall be 8:00 AM to 4:00 PM for the screening, since there are homes in the area. Screening will not permitted on Saturdays, Sundays or Holidays. Selectman Maksy said he would like to add in that the screening will be done in a remote location. Mr. Bartlett said they will not blast, but they may crush stones, since they are pretty large. Chairman Evirs said if you expose the rocks then we will come out and view them. Selectman Maksy said if there is a current Order of Conditions, they must follow it.

Upon a motion made by Selectman Yeatts; seconded by Selectman Maksy it was:

VOTED: To approve as amended the application of Roberto Rubini for a permit to remove earth from property located at 118 South Pickens Street with the condition that the Superintendent of Streets review the permit and conditions as revised, and if anything else needs to be added on then Mr. Rubini will need to come back before the Board of Selectmen.
Unanimous in favor.

8:30 PM Request for Call Firefighters & Junior Firefighter

Chairman Evirs read a request from Fire Chief Hopkins to appoint five (5) new Call Firefighters and a Junior Firefighter.

Upon a motion made by Selectman Yeatts; seconded by Selectman Maksy it was:

VOTED: To appoint Shaun P. Rocha, Wayne S. Morse, Wayne F. Costa, Spencer W. Drew and Joseph W. Sargo as Call Firefighters subject to the successful completion of a Department approved physical examination, PAT test and completion of a one year probationary period. Terms to expire on July 31, 2009.
Unanimous in favor.

Upon a motion made by Selectman Yeatts; seconded by Selectman Maksy it was:

VOTED: To appoint John T. Parlatore as a Junior Firefighter with a term to expire July 31, 2009.
Unanimous in favor.

Review Neighborhood Business and Accessory Apartment By-laws

Robert Doherty, Wallace McCarroll and Chawner Hurd were present for the discussion. Ms. Garbitt said the Master Plan Implementation Committee (MPIC) was going to have the proposed Neighborhood Business zoning bylaw redone; Jim Rogers was not able to get it done in time for the meeting tonight. They had to change the scenic roads and include Historical Protection. The County Road area from the Mullein Hill Church to the property of Chawner Hurd and maybe some past that. The Doherty's and the McCarroll's would like it rezoned to Business, not Neighborhood Business. The Master Plan has it as Neighborhood Business along, with some other areas in Town. Selectman Maksy said the Board's intent is to pretty much stay with the Master Plan, but it is subject to revisions and changes as various Boards see fit. A map was then shown and discussed with the Board of Selectmen.

Chairman Evirs said this all is a result of the petition that Darlene Donnelly was circulating to rezone her area as Business. That failed to have enough signatures on the petition. We do not want to rezone all the proposed areas of the Town with Neighborhood Business Districts. We should try a few of the proposed areas and where some development already is. The County Road area was one of the trial spots, but you want it to be business rather than Neighborhood Business. Mr. Doherty of 153 County Road said it is zoned Business across the street from his property. This is not an area for pedestrian traffic. He went to all the Planning Board meetings and the Zoning Board of Appeals meetings and opposed the current business since it would affect the property values. He had a preliminary subdivision done on his property for five (5) lots, and it was listed with a real estate agent. However, though it was beautiful, the agent did not think that they could market and sell it with what is across the street. The only way out is to get his side of the street zoned Business since it is only a matter of time that other businesses will be coming in similar in nature to the self storage place. Selectman Maksy said the other side of

County Street is Business Zoned, and a majority of that side is already developed. The intent was to have it rezoned to Neighborhood Business. Now the Town is not sure if it should be Neighborhood District or if it should be changed to all Business. Mr. Hurd said if you look at the proposed land use map, the red areas extended on both sides. The intent was to soften the Business use before that happened. That is long gone now.

Mr. McCarroll of 147 County Road said the Doherty's were his neighbors and he was here due to them trying to sell their property. They were very upset as Mr. Doherty has stated. Ms. Garbitt guided him to the Master Plan and the MPIC, then to the Planning Board and now they are here. It is felt that the Town should be the advocate for this with the history of the area and the zoning, since all decisions have been Town decisions before in that area. But the cat is out of the bag now. Looking at the Master Plan, it identifies that this area should be business. Basically, changing the residential zoning to Neighborhood Business as described in the Master Plan does not fit there anymore. We ask that, at a minimum, that it be rezoned Business with the same depth as across the street. That is about 400-450 feet. It may be deeper on Freetown Street. The Dohertys and the McCarrolls want to make it clear that we are speaking for our own properties and that we are not speaking for any of the neighbors. Our plots are directly across the street from the storage area which starts and travels right down to Highland Road. The Planning Board basically led us to build a neighborhood consensus. If we could get all the neighbors to buy into it, then they would be the advocates for this, and we would not necessarily have to do it by petition. So, we will put together a little mailer and get a consensus from the neighbors. But at a minimum, we want our properties rezoned to business. The Town fathers can do it at a Special Town Meeting with a petition of ten signatures or over 200 for a regular Town Meeting. That scenario failed for Darlene Donnelly. We will bring facts back to you once we speak with neighbors. If there is a Special Town Meeting in September, then we want this as an article on the warrant to rezone the Doherty's and McCarroll's property. The Dohertys are under a timeline.

Chairman Evirs said there is already Business zoning on the other side of the road, but we cannot do spot zoning. The larger the area that you encompass the better it is, but it is also subject to review by the Attorney General. Mr. McCarroll said they have about four (4) of the neighbors in agreement with this. Mr. Doherty said the Planning Board did not feel this would be a problem. Chairman Evirs said it is still subject to the review of the Attorney General even if the Town votes for this. That is a cautionary word that the Board needs to put out. Mr. Hurd said it breaks his heart to see this, since we have been fighting the good fight for almost 25 years in this area. It is one of the oldest parts of Town, one of the more picturesque parts of Town. The self storage facility is a permanent change. That was the death note for that area. Spot zoning is what happened across the street and this may have been a mistake. So, in the interest of fairness of what the McCarrolls and Dohertys are requesting, this is reasonable. You should just make sure it faces the Business District. Further discussion then took place on the matter.

Chairman Evirs said he would be supportive of straight Business zoning. Mr. McCarroll said this has been a learning process for him, and he has read many documents and listened to the Town fathers. The message you are sending is that you want Business and Commercial development in order to increase the tax base and not to increase the school burden. But, that area is struggling for business. There does not seem to be a plan to promote successful business.

The only business working there is the bank and it has a drive-thru. He would suggest that development be required by a Special Permit. Whatever is developed there should make the area pleasing to the community. Mr. Doherty said he would like the Town to consider that with this increase in gas, no High School kid will drive far to a job with it costing \$4 a gallon for gas while only making \$8 an hour. So, this would benefit teenagers looking for work. Chairman Evirs said the Board has been targeting Business development in successful areas of Town like the Lakeville Hospital site and are trying to identify industrial type areas of land for the Town. Mr. Doherty said it is about 90 acres from the McCaroll property to the Hurd property.

Ms. Garbitt said in the interest of saving time, should they go right to the Planning Board when they have the consensus of the neighborhood, since they have a timeline and hearings etc. Selectman Maksy said that is a great idea. We want to follow this, but the Planning Board needs to look at this. Mr. Hurd said there is more land to look at in this area. It may go all the way to the VanLaarhoven property. Selectman Maksy said so we should not hold the map as gospel, there is a lot of flexibility there.

Upon a motion made by Selectman Yeatts; seconded by Selectman Maksy it was:

VOTED: To have Ms. Garbitt send a letter to the Planning Board with the Board of Selectmen's support.
Unanimous in favor.

Discussion took place on the Neighborhood Business zone and Accessory Apartment By-laws. Selectman Maksy thought that anything done in a Neighborhood Business zone should be by Special Permit. Discussion occurred on this. Chairman Evirs said we need to add architectural review in the Site Plan review when it goes before the Planning Board. Selectman Yeatts said we have no enforcement on this. Selectman Maksy said a Special Permit is a Special Permit. Selectman Yeatts said she wanted time to think about this before she made a decision. She wants to see more enforcement on what we have before we allow another zone. It just does not make sense to put all these wonderful things into words, if we cannot enforce it. Selectman Maksy said we just want to make sure we are heading in the right direction with this for the MPIC. Chairman Evirs said let's look at a few areas to see how it works out. Selectman Maksy said the MPIC suggests no more than three (3) locations. Selectman Yeatts said it should be only two (2). Chairman Evirs said he would like to look at Main Street. Then see it go up Bedford Street for Neighborhood Business. Discussion then resulted about changing from Business to Neighborhood Business. Lori Lane may have been more suitable as Neighborhood Business. Ms. Garbitt said we may need to speak with the residents on Bedford Street first before making the recommendation. Chairman Evirs said let's put out feelers for those areas with the residents. Selectman Maksy said let's go with two (2) locations, even though we can only come up with one (1) right now. Chairman Evirs said County Road would be straight Business.

Selectman Maksy said he will bring suggestions back to the MPIC when they meet on July 17th. Chairman Evirs said put it on the Board of Selectmen's agenda again on July 15th to then send something to the MPIC for their meeting on the 17th. The Accessory Apartment By-Law will be tabled until the next meeting. It needs to be compared to what Lakeville presently has.

Mr. Hurd said he would be not in favor of the Electronic Message Sign (EMS) by-law. That does not keep the rural character of the Town. Maybe the Town cannot stop the ones that are there already, but the Town can stop more from coming. It says in the by-law there will be no flashing lights, no moving lights and the one on County Road is both. There is case law on it, and the Town cannot restrict the content since that would be restriction of speech. That is free to be challenged for offsite advertising. The Board of Selectmen has the power to say that that is not what Lakeville wants. He thinks it is a misinterpretation of the Building Commissioner of those types of signs being able to be permitted. If this happens everywhere, then what we have done is counterproductive. Chairman Evirs said something similar to that is already in the bylaw, but it was written before Electronic Message Signs were ever thought of. It was for the Temporary Message Boards. Further discussion took place on the topic.

Revisit memo on three (3) year budget request for Department Heads

Chairman Evirs brought up the issue of the Local School Committee wanting to bring in a contingency budget at the recent Town Meeting. The Board has been concerned about making ends meet for the current Fiscal Year. The Board would like to develop a plan going forward three (3) years, looking at the current situation, restoring the cuts that were made in the past few years, and looking at expected growth. Selectman Yeatts and Ms. Garbitt are charged with coming up with a memo to send to Department Heads about this three (3) year budget request. Selectman Yeatts said they have distributed a maintenance budget, a restoration budget and now we have included the additional needs budget. The restoration budget is for personnel and hours that have been cut, like in the Treasurers Office and the Selectmen's Office. The Additional Needs budget would be restoration, plus any new personnel that might be needed from expected growth, which is going slow right now. Ms. Garbitt will talk to Department Heads and make sure everyone is on the same page. Further discussion took place on the proposed memo. Selectman Maksy suggested maybe give them a template format for them to follow. Ms. Garbitt said she will include that as an attachment.

Upon a motion made by Selectman Yeatts; seconded by Selectman Maksy it was:

VOTED: To send the amended memo out to the Department Heads and the School Committee for their three (3) year budgets.
Unanimous in favor.

Discuss changing July 14th Selectmen's meeting to July 15th

Chairman Evirs stated that he asked to change the Board of Selectmen's July 14th meeting to July 15th and to also have it begin at 7:30 PM on Tuesday evening rather than 7:00 PM. The change was made.

Request for appointment to Police Station Building Design Committee-Tim LaChapelle

Chairman Evirs read a request from Tim LaChapelle to be appointed to the Police Station Building Design Committee. Ms. Garbitt said she also received another request today from Paul Bourgeois.

Upon a motion made by Selectman Maksy; seconded by Selectman Yeatts it was:

VOTED: To appoint Paul R. Bourgeois and Tim LaChapelle to the Police Station Building Design Committee with an expiration of July 31, 2009.
Unanimous in favor.

Revisit appointments of Police Station Building Design Committee

Chairman Evirs said Ms. Garbitt has contacted the Police Chief about those appointed to the Police Station Building Design Committee. They are as follows: Mark Sorel, Police Chief, Matthew Perkins, Patrolman, Christopher Peck, Superintendent of Streets, Robert Iafrate, Building Commissioner, David Morwick, Capital Expenditures Committee Member, Jay Catalano, Assistant Plumbing Inspector, Rita Garbitt, Town Administrator, Daniel Hopkins, Park Commissioner Chairman and Fire Chief, Gary Mansfield, Finance Committee member, Kevin St. George, Planning Board member and electrician and Nancy Yeatts, Selectman.

Upon a motion made by Selectman Yeatts; seconded by Selectman Maksy it was:

VOTED: To appoint the following people to the Police Station Building Design Committee with the appointments to expire July 31, 2009: Mark Sorel, Police Chief, Matthew Perkins, Patrolman, Christopher Peck, Superintendent of Streets, Robert Iafrate, Building Commissioner, David Morwick, Capital Expenditures Committee Member, Jay Catalano, Assistant Plumbing Inspector, Rita Garbitt, Town Administrator, Daniel Hopkins, Park Commissioner Chairman and Fire Chief, Gary Mansfield Finance Committee member, Kevin St. George, Planning Board member and electrician and Nancy Yeatts, Selectman.
Unanimous in favor

Request from Town Clerk for letter to Democratic State Committee regarding election workers

Chairman Evirs read the letter from the Town Clerk, requesting that the Selectmen send a letter to the Democratic State Committee regarding the appointment of election workers.

Upon a motion made by Selectman Yeatts; seconded by Selectman Maksy it was:

VOTED: To send the letter to the Democratic State Committee regarding election workers.
Unanimous in favor

Request from Park Commission to rescind one day alcohol license-July 12, 2008

Chairman Evirs read the request from the Park Commission to rescind a one-day alcohol license for the Ted Williams Camp. The event was cancelled.

Upon a motion made by Selectman Yeatts; seconded by Selectman Maksy it was:

VOTED: To rescind the one day alcohol license for July 12, 2008.
Unanimous in favor.

Vote to accept resignation of Robert Marshall from the Cable Advisory Committee

Chairman Evirs read the resignation letter from Robert Marshall into the record. Mr. Marshall has been on the Cable Advisory committee for about 24 years and will be missed. He has done a lot of work and has been instrumental in the Verizon License. He even went to the State House to speak out on behalf of the residents of Lakeville. He suggested asking the current members of the Cable Advisory Committee if there is someone they know of that would be interested in serving on the Committee. Also, he asked for the press to put an article out there regarding the vacancy. Selectman Yeatts asked that a letter of thanks be sent to Mr. Marshall for all his work and time spent on the Cable Advisory Committee.

Upon a motion made by Selectman Yeatts; seconded by Selectman Maksy it was:

VOTED: To accept the letter of resignation from Robert Marshall from the Cable Advisory Committee and send him a letter of thanks for his years of service.
Unanimous in favor.

Request to appoint Marjorie Cleverly to Council on Aging Board

Chairman Evirs read a request from Marilyn Mansfield, Director of the Council on Aging to have Marjorie Cleverly appointed to the Council on Aging Board.

Upon a motion made by Selectman Yeatts; seconded by Selectman Maksy it was:

VOTED: To appoint Marjorie Cleverly to the Council on Aging Board with an expiration date of July 31, 2011.
Unanimous in favor.

Schedule August and September Selectmen meetings

Chairman Evirs read the suggested August and September meeting dates. It was decided to meet on August 11th and August 25th, September 8th and September 22nd, 2008.

Review Zoning Board of Appeals Petitions: Ieronimo, Prevette & Sakwa

Chairman Evirs stated there were three (3) Zoning Board of Appeals (ZBA) petitions for the Board to review. The first petition was for Nick Ieronimo for the former Courtyard Gardens property located on Main Street. He wanted to make sure that the ZBA knows that they have the authority to consult Town Counsel and ask for them to be present at this particular hearing. Mr. Ieronimo has been before the Selectmen previously and discussed the frustrations that he has been having. We also discussed discontinuing Briarby Lane. There is still the issue with the

other right of way that goes down to Keene Shores. Discussion took place on the matter. Ms. Garbitt said the Board of Selectmen had talked about discontinuing Briarby Lane and then the road would revert back to the abutters. Further minor discussion took place.

The second petition was the Prevet Petition for the property located at 4 Carrie Street. The petitioner is looking to construct a 220 square foot three (3) season porch on a 10,000 square foot lot. Mr. Iafrate issued a letter of denial under 6.1.3. The present residence is a one (1) story cottage style dwelling containing 571 square feet of living area. Chairman Evirs said we do not have engineered plans. We do not know total lot coverage on this tiny lot, and they want a three (3) season porch. That increases the foot print of the residence, so they will need a Title V. We also do not know the location of the well. Three (3) season porches become living spaces very, very fast. The Board of Health has not seen this application yet. The applicants are not demolishing anything, so they are not entitled to the 105% bylaw. This seems to be about a 40% increase to the total lot coverage. They have not been to the Conservation Commission yet either. The map does not show the septic, well, or driveways. There is a lot coverage limitation to consider as well. It was the consensus of the Board of Selectmen to uphold the Building Commissioner's recommendation for this property. The Board of Selectmen really cannot make a recommendation without the Board of Health's or the Conservation Commission's recommendations.

The third petition was the Sakwa Petition for the property located at 305 Pond Lane. The petitioner is looking to demolish an existing dwelling and replace it with a new dwelling on a 24,327 square foot lot. Their plan shows square footage of 21,830 which may be more accurate. The current dwelling contains 1,746 square feet. It will be two (2) stories: the first floor contains a kitchen, dinette, dining room, family room, living room, great room, a two-piece bathroom and a two-car garage. The second floor contains a master bedroom with master bathroom, two bedrooms, full bathroom, and laundry room. They have had a Title V done in January 2008, and it is permitted for a three (3) bedroom house.

Chairman Evirs said the petitioner loses the non conforming set back when they tear it down, and that is what they are doing. They have a corner lot with frontage on the side and front. It is 40 feet each way. So, it must now conform when they reconstruct, unless they get a variance. They are not looking for a variance on the application. They are looking for a special permit. They will need a special permit and a variance since according to the Assessors map. It is a corner lot. Whether the road is there or not, dirt or pavement. The Board of Selectmen is not recommending approval or denial. The Board needs more information.

Any other business that may properly come before the meeting.

Ms. Garbitt spoke about the Memo of Understanding for the Route 79 Relocation. The Superintendent of Streets is working on this at the request of MassHighway. Once the road is dead ended, the Memo will discuss who will maintain it. Mr. Peck has put together a draft that he forwarded to the Middleborough DPW Director to see if he wants to add anything else to it. Chairman Evirs said he would like an approximate dollar value of what it is worth. Selectman Maksy said this does not include any infrastructure repairs. Chairman Evirs said it should be pothole repair, not pavement replacement.

Upon a motion made by Selectman Yeatts; seconded by Selectman Maksy it was:

VOTED: To approve the Memo of Understanding for the Relocation of Route 79 with the amended changes.
Unanimous in favor.

Ms. Garbitt said she received a letter from Mr. Peck regarding a culvert on Kingman Street. He talked to John Beech about replacing the drainage culvert. The existing culvert is located at the roadway low-point, approximately 1000 feet west of Jennifer Lane. Selectman Maksy said right now it does not allow the water to leave the bog which is not good for cranberry bogs. Selectman Yeatts said Gene Bartlett fixed it so there is no water coming out of Jennifer Lane. She would like to walk it with Mr. Peck and make sure that the bog is not contributing to it. We should do a site visit, especially during a time that it is raining. Selectman Maksy said the height of the culvert may also be too high. Chairman Evirs said we should notify Mr. Peck that John Beech should be there as well and the rest of the Board.

Ms. Garbitt said she had received a notice from SEMASS regarding a \$2.04 per ton increase, effective July 1, 2008. They are now waiving it since the Town already set the price of bags, but we will be subject to any other change in law.

Other Items

1. Copy of Planning Board plan modification approval-Kensington Court
2. Letter from Board of Health regarding Medical Reserve Corps agreement
3. Letter from Board of Health to ZBA regarding 67 Rhode Island Road
4. Letter from Department of Interior regarding Route 79 relocation
5. Letter from Outback Engineering regarding Notice of Intent – LeBaron Residential LLC
6. Notice from DEP – release of oil – 1 Nelson Grove Road
7. Old Colony Regional Vocational Technical High School newsletter
8. Cranberry Country Perspective
9. Plymouth County Commissioners meeting agenda-June 17, 2008
10. SRPEDD meeting notice-June 25, 2008 (Comprehensive Economic Development Strategy for 2008 is in read folder)
11. Letter from DEP – State Revolving Fund for 2009
Selectman Yeatts said this is the State Revolving Fund. She will get in touch with the appropriate people at CDM to put it off for another year.
12. Mass Wildlife News for June
13. Comcast Massachusetts Overview
14. Thank you letter from Tuesday Club of Assonet
Chairman Evirs said he wanted to express thanks and appreciation to the Strawberry Festival. The Board of Selectmen allowed them to put up a sign at the intersection of Precinct Street, but it is only because the students at Apponoquet benefit from scholarships from the event and it is also on the community sign.
15. MMA Action Alert
16. Memo from Town Counsel regarding recent changes to Family Medical Leave Act

17. Letter from the Attorney General regarding Outdoor Lighting By-Law

Chairman Evirs said the Attorney General has finally accepted and approved Lakeville's Outdoor Lighting Bylaw, however, a correction still needs to be made at the next Town Meeting.

At 10:30 PM, upon a motion made by Selectman Yeatts; seconded by Selectman Maksy the Board unanimously:

VOTED: To enter into Executive Session and not to return to Open Session to discuss contract negotiations with non union personnel. Polled vote: Selectman Yeatts – aye, Selectman Maksy – aye, and Selectman Evirs – aye.
Unanimous in favor.