

SELECTMEN'S MEETING
Wednesday, August 30, 2006

On August 30, 2006, 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 LaCamera at 7:00 PM. Selectmen present were: Selectman Evirs, Chairman LaCamera and Selectman Yeatts. Also present were: Rita Garbitt, Town Administrator and Christine Weston, Recording Secretary.

7:00 PM Meet with Haunted House Committee and Park Commission

Diane Garbetti, Treasurer of the Haunted House Committee and Barry Evans from the Park Commission – were present for the discussion. Ms. Garbetti took the floor and explained that the liability insurance is in place for the Haunted House to take place this Fall and a copy has been provided to the Town Administrator. The dates for the event will be October 13th, 14th, 20th, 21st, 27th and 28th. There will not be a hayride, just a walking tour. There will be the same number of police and EMT's in place as there usually is. All the safety lights and the loudspeaker system are still in place, and there will be no open flames. There are some small repairs being done due to the storms last winter and branches falling, etc. The Park Commission will be meeting on September 11th to discuss the Haunted House event further and review some details. The shed that is presently being used for storing items is falling into disrepair. If the Park Commission has no plans for this shed, the Haunted House Committee would like to continue storing items there and to also maintain the shed. As far as signs, the Town of Lakeville sign will be utilized. They would like to have two (2) banner signs advertising the event at both entrances to the park. Mr. Evans stated that the shed building and the banner signs will be discussed at the Park Commission meeting on September 11th, however, it is not thought that there will be any problems for either.

Selectman Yeatts asked about the hayride since she is typically in charge of bringing the cart back and forth from the Ted Williams Camp and Betty's Neck. Ms. Garbetti responded that the hayride was discontinued the year before since the few injuries that did take place were from people entering and exiting the hayride. Ms. Garbitt asked about the material for the walk. Ms. Garbetti explained that she had spoken with Mr. Evans regarding the road grindings to place on the path since there are a few holes to fill in and some roots to cover to make the walking tour safer and better. No permission has been received on this as of yet. Mr. Evans stated that this will be discussed at the Park Commission meeting as well. It should not be a problem to have this material spread on the paths. A reporter asked if anything different was being done this year due to the Triple E concerns? Ms. Garbetti explained that those working on the event will begin working earlier in the afternoon and if there is a need, more activities will take place during the day for safety concerns. Also, everyone is being sprayed with DEET. Chairman LaCamera added that it is hopeful that the mosquito problem will be gone by the time the event takes place in the middle of October. He wished the event a good season.

7:15 PM Review Request from MBC Development

Marcus Baptiste was present for the discussion. Mr. Baptiste took the floor to speak with the Board of Selectmen. He stated that he has a potential tenant (CVS) for his property on Main Street, who would locate on the southeast portion of the property which is across from the Canpro building and next to the future Stop & Shop. It is not known if there will also be an additional tenant since the typical CVS is 13,000 square feet, leaving an additional 7,000 square feet of space on the property. Since it had conservatively been figured for Title V standards that a 20,000 square foot building would need 50 gallons of water per 1,000 square feet, for a total of 1,000 gallons per day, there is an additional 5,000 gallons that will not be needed at this time. There is a good chance that an additional tenant would have their own freestanding building.

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

VOTED: To approve 650 gallons per day to MBC Development, Inc. with the contingency of up to 1000 gallons per day if needed. Mr. Marcus Baptiste will have to return to the Board, if the project needs more than 650 gallons.
Unanimous in favor

Chairman LaCamera mentioned that there is a new form that the Town has with respect to the water allocation that needs to be filled out by Mr. Baptiste. The form will be approved by the Board of Selectmen first, then approved by the Taunton City Council so that there is no question on the water commitment. Further, Mr. Baptiste may want to have copies of his redesign available to distribute to the abutters at the Special Town Meeting for clarification purposes.

Review 40R By-Law and Discuss Special Town Meeting

Chairman LaCamera stated that the Board has reviewed the preliminary draft of the 40R By-Law and made comments on the draft. It has also been reviewed by Kathleen O'Donnell of Kopelman & Paige and also by Don Schmidt of the DHCD (Department of Housing and Community Development) who made some deletions and changes as well. The final version is being presented as has been agreed upon by Town Counsel and DHCD.

Selectman Yeatts stated that it was unclear about how long the affordable housing lasts or what would happen when it ended. Also, who determines what is reasonable? Ms. Garbitt responded that it is for no less than 30 years and is no different than the 40B. In the permitting process it can stay in perpetuity by the permit granting authority which is the Planning Board. Chairman LaCamera stated that the Selectmen need to meet with the Planning Board to further discuss this and to decide what is reasonable. Ms. Garbitt mentioned that the project has already gone through the 40B process and the peer review so they will not be asked to go through this again.

Chairman LaCamera stated that the Town Administrator is recommending that the Special Town Meeting be scheduled for Tuesday, October 10th in order that all the meetings and postings necessary have the opportunity to take place.

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

VOTED: To schedule a Special Town Meeting for Tuesday, October 10, 2006 at 7:00 PM at Apponequet High School and to open the warrant for the Special Town Meeting until September 6, 2006 at 4:00 PM.
Unanimous in favor

James Marot, Building Inspector, stated that the Planning Board does not meet again until Monday, September 11th and they had anticipated placing an article on the Special Town Meeting warrant. Ms. Garbitt stated that as Building Inspector, Mr. Marot could draft the article and submit it and then get the approval of the Planning Board at their next meeting. If it is not approved, the article can be pulled.

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

VOTED: To approve the 40R By-Law as presented and to place it on the Special Town Meeting warrant.
Unanimous in favor

Request from Chief Sorel to declare cruiser surplus

Chairman LaCamera read a request from Police Chief Sorel to declare a police cruiser surplus.

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

VOTED: To affirm the 2000 Ford Crown Victoria, VIN #2FALP71W7YX112038 as a surplus vehicle from the Police Department and to offer the use of this vehicle to the Board of Health.
Unanimous in favor

Revisit renewal of Anthony & Dorita Morris Auctioneer, Junk Dealer and Junk Collector license

Chairman LaCamera stated that the Board of Selectmen visited the Morris property on April 27th and then again in August of this year. Ms. Garbitt also did a follow-up at the property the day before and Mr. Morris has done all that was asked to be done at the follow-up site visit. The license is due to expire September 1, 2006.

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

VOTED: To extend the Auctioneer, Junk Dealer and Junk Collector license to Anthony & Dorita Morris from September 1, 2006 to April 30, 2007.
Unanimous in favor

Vote to sign Chapter 90 Contract

Chairman LaCamera noted that the Town has received an additional supplemental Chapter 90 apportionment of \$103,397 to complete more road repair and maintenance projects.

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

VOTED: To approve the additional FY2006 Chapter 90 apportionment of \$103,397 and to authorize the Chairman to sign the contract to accept the supplemental allotment.
Unanimous in favor

Discuss need for additional member for Master Plan Implementation Committee and Conservation Commission

Chairman LaCamera stated that with the retirement of Robert Darling, Building Commissioner, there is now a vacancy on the Master Plan Implementation Committee since he had held a seat with that committee. There is also a seat open on the Conservation Commission due to a vacancy and the press is asked to publish both these vacancies and to ask for letters of interest from the community to serve on either committee.

Review Zoning Board of Appeals (ZBA) petitions: Kinsella, Ng and Troiani/Lovuolo (revisit)

Chairman LaCamera noted that there were three (3) petitions from the Zoning Board of Appeals that the Selectmen had been asked to review. The petition of Jeanne Kinsella of 16 Dunbar Road was discussed. The petitioner is requesting relief from 6.1.3 of the zoning by-laws. They are looking to enclose their deck as a sunroom. They have been previously granted a special permit by the ZBA for the construction of a garage which extends into the setbacks on a non-conforming lot. Mr. Marot stated that there is no increase in the footprint, however, the petition seems to be incomplete since the petitioner is actually asking to put a sunroom over a sunroom, thus what is the interior configuration of the building? Also, how many ZBA approvals can be granted to an already non-conforming lot? The room will become part of the master bedroom on the second floor. Their previous plans show that they already have a sunroom below the deck of the second floor. The Planning Board has not received this petition as of yet. Chairman LaCamera added that they also added a 10 x 12 kitchen addition to the footprint of the building which is in non-conformance. Selectman Evirs stated that it seems as though the living area is just being increased. Ms. Garbitt stated that the Board of Health and the Conservation Commission have signed off on the petition. However, have they made a recommendation to the ZBA? Mr. Marot responded that he has not received a copy of any recommendations. Selectman Yeatts asked how many bedrooms the home had and what the septic system was designed for? She also asked to see a Title V on the property as well. Chairman LaCamera stated that the Building Inspector could draft a letter to the petitioner on behalf of the Board expressing these concerns and also go out and look at the site. Mr. Marot stated that he has drafted a letter with basically all the concerns as addressed. He added that he thought there may have been two (2) sheds on the property initially and one was taken down to satisfy the requirements of one (1) of the as-built plans.

The petition of Robert and Crystal Ng of 457 Bedford Street was discussed. The owners have a single family home on 2.87 acres of land and run a business from the home known as Cape Cod Compost and a worm farm which is registered. There has been a complaint with respect to the smell emanating from the property. The State feels that the compost business is a solid waste business, and they need to be licensed and/or registered with the State. A license would only be granted if they met all the local Board of Health and Zoning Regulations. Mr. Marot further explained that the neighbor who wrote an extensive complaint explained that they have a child with asthma, and the child is not able to play out in the yard due to the odors. Mr. Marot had looked at the site with Larry Perry, Health Agent, and met with the owners and their attorney. Mr. Darling had written a letter to the owners letting them know that what they are doing is not permitted and that they were to cease and desist within 30 days. They are advertising on their street that raw materials can be brought in. These raw materials are then processed on the site, packaged and marketed on the internet. This would then be considered an industrial business. The primary concern is the noxious objectionable odor. The odor is more apparent when the raw material is turned over during its processing. The site is also located on an embankment which is over Cedar Drive. Manure is brought in from horses and other barn animals for processing at their site and this should not be permitted in a residential area.

Selectman Evirs stated that he had a lot of issues with the petition. If the owners are looking to have consideration for a farm, then they need five (5) acres of land since the Town by-laws claim that a farm is considered five (5) or more acres of land. Thus they are operating in a residential area. They are also trying to claim that they have a Home Business, but according to the Town by-laws and the restrictions that the Town has in place, no part of a Home Business can take place outside of the home and the business cannot be visible outside the home. Mr. Marot added that other restrictions include no offensive odors with a Home Occupation Business. The owner is also claiming that they have livestock, referring to the worms, this then would mean that they would still need a five (5) acre parcel or more. Selectman Yeatts stated that she would like to put in a call to the USDA regarding worms being referred to as livestock. Mr. Marot stated that the owners are filing to appeal the letter that was sent from the Building Commissioner. Chairman LaCamera stated that the Board needs to send a recommendation to the Board of Appeals stating that the Board of Selectmen does not approve of what is taking place at this residence and let them know that the Building Inspector will be representing the Board at the Board of Appeals hearing.

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

VOTED: To uphold the original decision of the Building Commissioner and to let the Board of Appeals know that the Board of Selectmen does not approve of the business taking place on the property and are recommending denial of the petition.
Unanimous vote.

Chairman LaCamera discussed the Troiani/Lovuolo Petition with the Board. The petition was reviewed by the Board previously, but it was felt that there was not enough information provided to make a recommendation on the petition. The owners have a 22,000 square foot lot, and they have a two (2) bedroom home. Mr. Marot explained that there was a letter sent on August 23,

2006 explaining that more information was needed to represent their petition before the ZBA. The floor plans do show that there is an increase in the footprint. The owners were spoken with regarding putting an enclosed stairway on a footing, which does increase the size of the footprint. Chairman LaCamera noted that they are within five (5) feet of the property line. Also, what is going on with the two (2) wells? Mr. Marot explained that the second well is on the neighboring property. Most people generate their plans from the Board of Health since they need to locate all wells within 80 feet. Their well is under the house and many people have them that way. Selectman Evirs stated that they are technically increasing the footprint and it is also a one (1) bedroom house. Ms. Garbitt stated that the Board of Health is most likely reviewing the petition this evening due to the bedroom matter. Mr. Marot stated that the Planning Board denied the petition since the petitioner did not apprise them of what the first floor plan would be. The change would allow for a more livable environment and it is hard to classify what is a bedroom and what is not.

Selectman Yeatts stated that the septic system is for a three (3) bedroom house. Also, where is the Title V for the petition. All improvements and additions require a Title V. Mr. Marot stated that he did not have any difficulty with the petitions that come through not increasing the non-conformity, it is the ones with the additional additions that there is a concern with. How many times should a petitioner be allowed a variance from the ZBA? Another concern is what type of impact is this going to have on the neighbors by increasing the height by ten (10) feet? Chairman LaCamera agreed, the additions continue to take up lot coverage and how many times should a petitioner be allowed to return to ask to use up more of their lot coverage? The Town has a good list of by-laws in place and they just need to enforce the list, also considering the 5% ruling which the ZBA is aware of.

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

VOTED: To recommend denial of the petition with an explanation from the Building Inspector of the Board of Selectmen's concerns.
Unanimous in favor

Any other business that may properly come before that meeting.

Chairman LaCamera stated that the Propane Gas bid was closed on August 25th. Two (2) bids were received with Roby's Propane being the lowest bidder.

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

VOTED: To award the Propane Gas bid to Roby's Propane with a price of \$.38564 for a period of two (2) years and to authorize the Town Administrator to sign the contract on behalf of the Board of Selectmen.
Unanimous in favor

Chairman LaCamera stated that the Request for Proposals for the Public Safety/Town Office Building Feasibility Study was received and the Board needs to review it prior to the next meeting on September 11, 2006. Only one (1) proposal was received and it was from Kaestle-

Boos, which is a very good company. They had designed both the High School and the Middle School.

Other Items

1. Letter from Dr. Furtado regarding canceling of outdoor activities
2. Email from Jeannette Gomes regarding topiary on Precinct Street
Selectman Yeatts asked what was attached? Ms. Garbitt responded that it most likely was a picture. The email can be forwarded to the owner of the topiary.
3. Memo from Town Clerk regarding rezoning request-Marcus Baptiste
4. Memo from Park Commission regarding reorganization
5. Memo from Board of Health regarding their new Connection to Municipal Policy
Selectman LaCamera explained that the Board of Health is looking to be notified when an existing well is changed over. It is a new policy that is being instituted for public health and safety reasons. It will make sure that water lines are not near septic lines, etc.
6. Stormwater Annual Report for 2006
7. Letter from City of Taunton regarding bathymetric study of Elders, Assawompset & Pocksha Ponds
Selectman Yeatts explained that the bathymetric study is mapping the bottom of the ponds to show where the weeds are. This was done in 2000 and a new study will show how much the weeds have spread or grown since the initial study. This should be done to the Quittacas Ponds as well.
8. Letter from Office for Commonwealth Development regarding FY06 Commonwealth Capital application
9. Letter from US EPA regarding NPDES General Permit
10. Notice from DEP Waterways Regulation Program-207 Hemlock Road
11. Plymouth County Commissioners meeting agenda-August 16, 2006
12. Notice from DHCD regarding 2006 subsidized housing inventory biennial update
Selectman Yeatts asked if the Town was now up to 8.48%? Ms. Garbitt responded in the affirmative. Chairman LaCamera added that they are not all built, but they have been permitted.
13. Notice from MEMA regarding EMS training
14. Notice from DLS regarding Realistic Planning for Recertification and Tax Rate Setting
15. Notice from MMA regarding statewide essay contest for 6th graders
16. Notice from MMA regarding photo contest
17. Letter from EBS Foran
18. Notice from Suburban Coalition
19. Notice regarding coastal pollutant remediation grant

Adjournment

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

VOTED: To adjourn the meeting at 8:30 PM.
Unanimous in favor