

Lakeville Planning Board Minutes
Meeting- May 8, 2012

Meeting called to order at 7:30 p.m.

Present: Full Board Present

Bills

Jim – I have an advertising bill from Middleboro Gazette (South Coast) in the amount of \$850.89. Brian – I make a motion that we recommend payment of the same. Greg – 2nd the motion. Jim – all in favor. Vote was unanimous.

Gene Bartlett

Pauline – I received a request from Gene Bartlett concerning Woodland Ridge. He is looking to receive any interest above \$156,450. Brian – I make a motion that we release any funds over the \$156,450. Greg – 2nd the motion. Jim – all in favor. Vote was unanimous.

Cedar Pond

Pauline – I received a phone call from Debby Desrosiers. She is complaining about the dirt pile which is across from her house 9 Cedar Pond. It is on Lot 6. She said that they cannot even go outside with the wind blowing the sand around. She wanted to know whether or not there was anything that could be done. Robert lafrate – I went down to check and there is not much that can be done. Right now with the rain that we have had the pile is moist. Brian – Calcium Chloride would do it. Jim – He has a right to keep the materials on his own lot. Pauline – she also complained about the speeding. Chris asked that I suggest a speeding sign but when I contacted Jacobi, he said that there was nothing that they could do about it.

Town Planner

Jim – I think that I pretty much told the Board how I felt about a Town Planner. It is something that the Town needs to think about. John Powderly – I believe that they have a Town Planner in Bridgewater. We did not have anything prepared. Jim – Other than a brief discussion nothing further has been said. I think the town needs to have one and we need to start thinking about it now. We have had a discussion sometime ago. We need either a part-time with another town or we need to start thinking about a full time planner. We need a full-time planner. We have not had a lot of discussion about how we can move forward. We do not have the expertise. We need to do something with this. I would encourage all of us to move forward. Scott – I think we need to look at part-time. We have looked at Norton. John P – is the casino or big development to share the expenses. Jim – I felt when the town voting for the Tliff -- I didn't realize it would be so controversial. The Town needs to move forward. J. Powderly – we would need to look to them to write grants that help pay for our expenses. Rita -- this is

just an example of some of the postings. Norton is one that we were looking at. The Green Community application is being worked on. Scott – how long will it take for them to earn their salaries. J. Powderly – if we were looking at 15% I would like to see it grow to 20%. Jim – a good planner would be a good investment for the town. He or She would need an office to work from. Rita – a planner writes the grants to help, not their own salary. They mainly try to bring in funds to the Town. Scott – we are missing an opportunity. Jim – at one time we had a part-time planner but then it was a case of financial problems.

8 p.m. Hearing – Water Extraction

Notice as it appeared in the Middleboro Gazette was read by Jim. Ad appeared on April 12, 2012 and April 19, 2012. My understanding is that the Board of Selectmen has pulled this off of the warrant. Scott – I believe that the Board had some questions concerning taking water from their own property and how that would be affected. J. Powderly – Questions were coming at us from all angles. Jim – we are talking withdrawal out of the ponds. I agreed we should look at it for commercial purposes and the town receiving nothing for it. Scott -- There was some question concerning truck or tank. Rita it might be a tank today. Scott – the language was changed. We approved and it went to Town Counsel and it never came back to us. We were questioning as it was first and then it came back different. Why was it changed?

8:15 p.m. Hearing Animal Control By-Law

Notice as it appeared in the Middleboro Gazette was read by Jim. Ad appeared on April 19, 2012 and April 26, 2012. Scott – it is my understanding that this is a general by-law. Is that correct? Rita – right now we only have a hearing. Tracie and I have been trying for the last 2 years to try to give us something for the Animal Control Officers to work with. The Finance Committee and the Board of Selectmen want input for the Board. These 5 items cause a lot of calls. We have had as many as 11 calls concerning goats in one day. We are hoping that the Board will work with us and put in something. The Master Plan wanted something included. Scott – it is general not zoning. Rita – they have been holding hearings so that people are aware of what are going on. Jim – I think the town is overdue for something like this. We have an ACO in Acushnet and I have never heard of a dog complaint since I have been there. Rita – do you have a general by-law? Jim – yes. Mr. Powderly – I don't think we are against it. We need to have a fine in place. Jim – Do you have repeat offenders? Powderly – I think we just need signs which state no dogs allowed. People walk the animals and just do not pick up after them. Zinc – is the existing law consistent. Don Bissonnette – I have looked at the law it makes common sense but the fine is low. A \$100.00 fine seems to be good. The present fines are too low. I agree with John it takes common sense. Scott – people just let the dogs run free. Brian – you can post at the parks. This can be a general by-law for the area that is not parks. The Park Commission could post the area. Powderly -- these are people that are going to be mad about it. Jim – it is something to start with. I think Rita is right with reasonable fines. The last part gives them the discretion to

waive the fine. Rita – We wanted that in for the things that are out of the normal. There are a number of problems but it will be fixed. Jim – he has the ability to not give the fine. Jim?? -- I sat here and I have to say I agree with the leash law and saying no dogs seems as though it would be simple. Brian – I make a motion that we recommend this. Don – 2nd the motion. Rita – I appreciate that it is being left on the warrant. Jim – all in favor. Vote was unanimous.

8:30 P.M. Animal Kennel By-Law

Notice as it appeared in the Middleboro Gazette was read by Jim. Ad appeared on April 19, 2012 and April 26, 2012. This definition was checked out by Town Counsel. Chris Poulis – my concern does not distinguish between kennels or private pets. We cannot treat them all the same. We need to say what the definition is going to be. We have to define it. We need to say what it is now. I understand that this is three dogs or more. We need to know the difference between a household kennel and a commercial kennel. Jim – what is a hobby? I have seen some towns that do not allow any kennels. A commercial kennel is something that needs to be looked into. Wells and fences need to be considered. We are going from one extreme to another. We are opening up a can of worms. With definitions there are no restrictions. Bob -- all of the issues that are being brought up are valid but this is just the definition. I took it on because we have an issue. The Town Clerk says that she has to issue them according to the State. She issues the license and it can only be in a business district. We need to get pass the definition. It will be the ZBA who will police this. This is one the safe guards that are there. Brian – I make a motion that we recommend acceptance of the Animal Kennel By-Law. Greg – 2nd the motion. Jim – any other discussion. As it is now Jan will issue for 3 or more dogs if they ask for it. Rita – at present I believe that there are 4 that are grandfathered. According to State Law if they ask for them Jan will have to issue. Jim – I believe that it is for dogs 6 months or older. Brian – I make a motion that a kennel license will be issued for 3 dogs or more that are 6 months or older. Zinc – 2nd the motion. Mrs. Poulis – the definition is provisional – if we need to comply – it is only provisional – it is an option. Jim – we are looking at a definition and it is needed. Bob I – we need to start with something simple. Jim – we are taking baby steps. Jim Rogers – the definition is the definition. All in favor. Vote was unanimous.

9 p.m. Zoning Bylaws – Section 4.1.2 and Section 7.4.6

Notice as it appeared in the Middleboro Gazette was read by Jim. Ad appeared on April 19, 2012 and April 26, 2012. Bob lafrate -- we are looking at the types of kennels and uses. We need to look at the safeguards. This will be handled by the ZBA and they will take in all of the corners. Each will be taken by the ZBA by it's merit. Town Counsel spend a lot of time on this. Hopefully all concerns were looked at. This allows the ACO to make recommendations. Jim – Are we talking ACO and Inspector. Bob I. – Strike BC & ACO or Animal Inspector. Section A – 2 – 3 cross reference with Board of Health 4 – 5 – 6. Zinc – Will the Special Permit be issued by the ZBA. Do they have comments that they have not made?

I would think that they would want to speak on this. Bob I – I have told Don Foster about the meeting. I don't know if he has seen this one. Zinc – so they have no comment? Jim – 4 foot fence seems to low. Normal I think would be 6 feet. Bob I – The ZBA can make recommendations. Jim Rogers – as far as some of the town's are concerned it states no less than. Bob I – Sec B – Safeguards are in there. Special Permit will require that the neighbors will have to be notified. I think it is a good starting point. Jim – John do you take in dogs from out of town. John – they have to have a license. Rita – we need some kind of animal control law? ?? – A-2 100 feet plus from my house? Bob I – many lots in town could not make this part. It is to restricted – typical 175 feet wide. You do not have a lot of options. Jim – this is dealing with barking dogs. If you read it 100 feet from the nearest dwelling. Zinc – this is going into the warrant as is. The Town Clerk shall issue a kennel license. Is this locked with the kennel license and the Special Permit. Zinc -- the Town issues the license – State says it must be issued. Everyone who has more than 3 dogs. They will need to go to the ZBA for a Special Permit. Mr. Powderly – we do horse boarding. Board of Health wrote the existing stable permit which was granted. Jim – the existing things would be grandfathered. Jim Rogers – if they charge they have to comply with the standards. Brian – As far as Mass 40A Section 3 does it have a renewal provision in it. There is no protection. Jim Rogers – no. Jim Marot – 48 Sec 3 is exempt. Mr. Powderly -- most stables were noncomplying – as long as a permit is no longer than a year. It was grandfathered. It carried on to the next owner. Bob I – the grandfather clause was not included. Jim – maybe it is good to make them comply. Mr. Powderly – there is nothing on the state level. Greg – I make a motion that they come to see you. Bob I – if this passes it will be there. Jim -- I have the motion as amended. Brian – I make a motion that we pass the motion as amended. Greg – 2nd the motion Rita – Don Foster – is at the end of the semester but I am sure that he is aware of what is going on. Jim – all in favor. Vote was unanimous.

Storm Water Management

Copies of notice was given to the members.

Gateway Commons

I recently received an e-mail concerning High Rock and a traffic study. Do you have any information concerning this project at this time as to what exactly is going to be put there. Jim – we have asked a number of times and have been told that they do not have a definite tenant at this time and are unable to tell us what exactly will be going into the building.

Housing Production Plan

Zinc – I have looked this over and it is nothing that I would be interested in. It is a good idea that we understand about affordable housing. There are 31 units to comply with 40B. We have 2 years at any rate. We do not seem to have to worry since only 2 have to be affordable. I don't think it is a problem. Jim – we

have the ability to maintain our affordable. Zinc. - I thought we were further behind. We are in pretty good shape.

Master Plan - Member

Brian – I make a motion that we nominate Zinc as our Planning Board Representative. Greg – 2nd the motion. Jim – all in favor. Vote was unanimous.

DO By-law

Meeting

Jim – next regular meeting will be June 12, 2012

Adjourn

Zinc – I make a motion that we adjourn. Greg – 2nd the motion. Jim – all in favor. Vote was unanimous. Meeting adjourn 10:45 p.m.