

**Lakeville Planning Board Minutes
Meeting- September 11, 2012**

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

Present: J. Marot, Brian Hoeg and Sylvester Zienkiewicz

Mark Howland Plan – Kristen Way

Chris – Pauline asked me to go down and look at the property. I took these pictures today. Jima – as a roadway it was to be constructed and maintained with the approval of Conservation. Chris – it is paved at the beginning and the water from Howland Road is draining there. Emery Orrall – there is a road parallel to the wetland. Jim – the covenant states that Lots 1, 2 and 3 will be the responsibility of the owner until and if accepted by the town. Chris – it stops before the lots. Mr. Fountain – **First** - this is the previous plan – 2 lots. It is now 3 lots off Kristin Way. I have copies of the deed to the Howlands. Jim – I think we need to rescind the plan and the covenant. Mr. Fountain – It is from the land owners to the town. The Howlands' are making promises to the town. I feel that first you would have to rescind the sub-division plan because the agreement conditions have not been done. This can be done with the consent of the applicants to rescind it and it will go back to the 1 lot shown on this plan.

Second – we would like to have the Board rescind the covenant as the work has not been done and if it is rescind and the sub-division has been rescinded it is now null and void. Jim – I have no issue with rescinding the plan. It would be the simplest and quickest thing to do. Linda Grubb – I believe that a portion of this land was given to or sold to the Audubon Society. Mr. Fountain – this is not the piece that you are speaking of. Brian – I make a motion that we rescind the approval of the subdivision for the failure of the applicant to do the necessary work. Zinc – 2nd the motion Jim – all in favor. Vote was unanimous. Jim – we now need to address the second part concerning the rescinding of the release of the covenant. Brian – I make a motion that we release the covenant now that the plan has been rescinded. Zinc – 2nd the motion. Jim – all in favor. Vote was unanimous. Rita – to notarize the signatures.

Cedar Pond Preserve

Jack Jacobi – As the Board is aware I represent Ron Turowetz and the Tri-Party Agreement. As we discussed previously we are willing to work with the Board and replace the 3rd Party Agreement with a passbook. Jim – I understand that Chris has revised his figures and that Ron has also figures. Chris – the bottom 2 lines are general cleanup and runs about \$45,000. Ron – I have a couple of invoices that Chris has given me. Chris – I think we need to agree on what needs to be done. We need to talk about 1 ½" overlay. My concern is a level course that needs to be done. Your contractor said there are some areas that are thin. Ron we gave him some leveling. We spent about \$17,000. On the roadway. Chris – he knows the concerns that really concern me. Jim – the

original bind is 1 ½" thick. In areas where it is broken up it will not be that. The finished is suppose to be 3". Ron – This was discussed with George Mello from Tibbetts. We worked with P. J. Keating. We will give you a good job. Chris – maybe the thing is to test it before the top coats go on. Jim – we need to take care of this. Don – we need to go along with Chris' suggestion. Jim – you can get the report and get Tibbetts to certify what is there. Don – I think we need to check it if it is breaking up as Chris has said. Chris – it absolutely needs to be checked. The one thing is the raised structures. We need to put in the metal rings and you don't lose the stability. The price I believe would run about \$160. per structure. The cleaning would be approximately \$5,000. Jacobi – that would it takes off about \$40,000. Ron T – add to TK's plan -- \$200 plus. It is an increase of \$50,000. I can handle it. I want to be able to handle this one also. Jim – the testing needs to be done and further estimates need to be obtained. The other is to come up with \$200,000. That would be an increase by \$50,000. Jim -- we will need to have a new bankbook with the increase. The calculations would be \$48,750. Brian – how is this going to winter over. I am afraid of any great amount of snow fall and you will need more black top. Jacobi – he need to build to the town standards and we are increasing \$40,000. We will need to right to the bank and get the cash. I am suggesting we are trying to look to the future. Jim – it is better for us to hold the cash. I assume that you are looking for a release. Jacobi – you will be holding 4 lots with a no occupancy clause until the road is completed. You will also be holding Lot 6. Jim – normally we are agreeable with an amount plus 25%. We have been hold this for over a year. \$200,000 and a lot is a little of a plus. Chris – it is 30 more than the town has to pay. Ron – Sidewalks are heavy. Chris – the town is \$72.00 a ton and he came in at \$100.6. Jacobi – we will need a release of the Tri-Party agreement. Long is looking for 2. Ron – 20 and 22. We don't need anything as far as 31. 31 is in the back which has already been release. Jacobi – \$200,000 Jim – \$250,000. Jim – things change. Ron I feel the prices will come down. Jacobi - \$250,000. Ron I am willing to go \$225,000 and lot 6. Brian – I make a motion that we accept \$225,000 (in a bankbook) plus Lot 6. Don – 2nd the motion. Jim – all in favor. Vote was unanimous. Brian – I make a motion that once we have received the funds in the amount of \$225,000. We release Lots 20, 21, 22 and 24 for occupancy. Zinc – 2nd the motion. Jim – all in favor. Vote was unanimous.

Wetland by-law Study Committee

Emery Orrall – I am here to ask that you have a member of your board placed on the Wetland by-law Study Committee. This has nothing to do with the pass by-laws which were defeated at the Town Meeting. We would like a Planning Board Member and a Selectmen on the Committee. Jim – how often are they going to meet. Emery – The 3rd Thursday of each month. Scott has a problem with Thursday and we may have to change it to Wednesday. Brian – I guess my question would be what are you trying to do? Emery – we cannot enforce things as they are now. DEP can charge up to \$25,000 per day. Jim – if there is any reason I would say that it probably would give you teeth to what we have. Emery – there is a 25 foot no touch area. Some have appealed it , we would like it to be

a by-law. If you can fine it gives people cause. The old one was not well written or thought out. Jim – I would say me but I would like to know if someone could take my place if I was unable to go. Emery – it is a 7 member board and we presently have 6 at this point. Linda – I believe that it would depend on the committee. Emery – it will only be a study committee. I will volunteer. Zinc – I make a motion that we nominate Jim to be the Planning Board representative on the Wetland by-law Study Committee. Don – 2nd the motion. Jim abstained Zinc, Brian and Don voting in favor.

Woodland Ridge

E-mail from Gail MacKinnon concerning a bus route including Woodland Ridge Drive. Jim – to the best of my knowledge the island has enough of a radius for a school bus to turn around and as far as I know the bus company will not go down a private way. Have Chris check radius and then Pauline to write e-mail informing resident. Chris – I have been in contact with Gene and he has agreed to get some estimates and he has agreed to do the work necessary. He is going to raise the apron and put in an additional basin on Pickens Street. We will be adding a burm and it will run the water into his system. The rest seems to be working. Brian – the drainage on J. Oliveira is that still an issue. Chris – I am not a part of that and do not know what is going on in there.

Talbot – ZBA Petition

Pauline – I believe that the ZBA has already made a decision and are allowing it to go through. Jim – It is a pre-existing, non-conforming condition. It has 89,000 square feet with 106 of frontage and complies with the side lines. Brian – I make a motion that we recommend approval since we do not have any issues with it./ Don – 2nd the motion. Jim – all in favor. Vote was unanimous.

Bills

I have a bill for secretarial services in the amount of \$258.12 for July and August. Brian – I make a motion that we approve the same for payment. Zinc – 2nd the motion. Jim – all in favor. Vote was unanimous.

Meeting

Next regular meeting will be 10/9/12 at 7:30 p.m.

Adjourn

Zinc – I make a motion that we adjourn. Don – 2nd the motion. Jim – all in favor. Vote was unanimous.

Meeting adjourned at 10:30 p.m.