

March 3, 2008

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

Present: J. Marot, K. St. George, Walter Healey and Gregory Kashgagian

Hamilton Lane

John Ryder – I am here on behalf of the Estate of Lillian Hamilton and the property on Hamilton Lane. Back in 2005 a plan was submitted for a 3 lot sub-division wherein Lot 2 was for Frank Oliveira, Jr. Lot 1 was the remaining land and house at 105 Main Street. The plan being submitted by Glen Reed shows Lot 1 going to Roger Hamilton and Lot 1A to Norma Roby consisting of 4.2 acres and being shown as not a build able lot. Glen Reed – the petitioners are requesting that they not have to complete the road unless Lot 1A is built upon at which time the road will become the complete responsibility of the owners of Lot 1A before any building can be done. We are talking a paved driveway. Frontage for Lot 1A would be on Main Street and Hamilton Way. Jim – Proposed Parcel A does have the required frontage although it is being shown as not a build able lot. Greg – how long is Hamilton Way. Walter – 475 feet. Reed – the driveway is paved concerning Lot 2 and 3. Jim – why do you show Lot A is not a build able lot? Reed – because of the waivers on 2005 plan. Jim – they are further subdividing the lot and it is build able no matter what it says. I would like to take one copy of the plan to see what the notation should be as concerns the new plan goes forward. I would like input from Town Counsel on the wording. Reed – we have not done any field work. I think we need wording until the road is built. Jim – I think in the future that at some point in time that there is the possibility that the road may be finished. Roger – I don't think she plans on building. I know that it would mean that the road would need to be finished prior to anything being done. Jim – I think we need to look down the road. Walter – I make a motion that we get wording from Town Counsel. Greg – 2nd the motion. Jim – all in favor. Vote was unanimous.

Peggy Gross – Form A

Jon Pink – This is a plan to correct the property line as Kenneth Erickson is over the line. The Building Inspector did not feel it would have to go to the Board of Appeals. Kevin – I make a motion that we approve the same. Walter – 2nd the motion. Jim – all in favor. Vote was unanimous. Check in the amount of \$200.00 was received.

Kevin Marino

Kevin – I would like to have an informal meeting concerning the 3.3 acres. – I just wanted to expand the house. Is there some way that I could build the house in the back. Jim – you need to have an engineer look at it. They should be familiar as to whether or not you are able to comply with the zoning by-laws.

Trinity Lane Extension Hearing

Jim – at this time I would like to continue the hearing concerning Trinity Lane. I have here copies of the communication that was received by the Board from Town Counsel.

Basically, Town Counsel said that the Beale case does not apply in this case. Todd Pilling – after discussion with the Planning Board in Freetown test pits were done. I have shown the location of the homes on the plan. We are using a scupper in the drainage. We have located the burm on the outside of the curb. We are showing two entrances in place of one and we are showing maintaining the cul-de-sac. Jim – you do not have a list? Does Freetown have storm water management. Greg – you are leaving a buffer around. Pilling – I have several copies of the plan if there is someone who did not get to see one. Arter – I received my copy of the plan. Jim – I believe that this is a legal issue and we should forward the information to town counsel for review. I think we need to wait for Town Counsel's reply. Pilling at this time are there any other issues or anything further that is outstanding. I believe we have done whatever has been requested of us. Service will be underground. Jim – do you have any information as to what the entrance will look like? Pilling – we are trying to leave as much as we can. Jim – we would like to see the entrances dressed up. We need something on the plan and the vegetation along with what will be removed. Greg – we need numbers to mark the entrances for Fire and Police. Pilling – we could do granite. David M – we will be putting in some lighting. Pilling – we will add something showing plantings and posts. Attorney Edward Reservitz – I am here representing Mr. Andrade who lives on Trinity Lane. We feel that to allow this would be a violation of the dead end streets by-law. We believe it is more than 750 fee and that the easement was given to Lakeville (page 37 – dead end streets) Arter – 7 Trinity Lane – the case that I had sent to you shows that you have the discretion that you follow Lakeville's Rules and Regulations. The issues of the length and the easement. We do not believe that you can not give an expansion of the easement. We are looking for consideration to the owners who live on Trinity Lane. We were told that there would only be the number of houses that are presently there. We have no objection to one house. This case gives you the discretion to deny the project. This project is of no benefit to the Town of Lakeville. Pilling – that is correct this project is of no benefit to the Town of Lakeville. The homes will be Freetown. Arter -- The road is 727 feet to the circle and 797 to the end. You do not have frontage for 3 lots. Jim – we looked at that a long time ago. We asked for it to be presented in this manner. Arter – I would hope that you would listen to Town Counsel. We could deny them. It would be okay if it went through Freetown. This does not comply with the Rules and Regulations of Lakeville. The residents have the right to bring up their concerns. Jim – that is true but if he can meet all of our requirements we can not just turn him down. There has to be a reason. Atty Reservitz – these people are taxpayers of Lakeville. Lakeville does not get any benefit from this project. It violates the Rules and Regulations of your Board. The people on Trinity Lane do not want it. Pilling – we originally presented a different plan and were told this would be more acceptable. Are you asking us now to go back to the original proposal. Atty. Reservitz – the easement prohibits it. Arter – you are giving access to Freetown. Jim – the law firms says all it does is eliminate liability. Atty Reservitz—the town does not own the way. Pilling – we are a partial owner of the road. Jim – we will have to move forward at this time. Pilling – On behalf of the petitioner I request a continuation of this hearing to March 17, 2008 at 8 p.m. Robert Raymond – I am presently on the Freetown Planning Board but am attending this meeting as an individual and not on behalf of the

Board. Freetown is canceling their meeting and waiting to hear what Town Counsel's opinion is.

Board of Appeals- Marzelli

Jim – I would ask that the Board look at the Marzelli petition that was given to us by the Board of Appeals. Walter – I personally do not feel that the petition is complete and that we could not make an informed decision and as such I make a motion that we informed the Board of Appeals that the petition is incomplete and does not have an attachment. Kevin – 2nd the motion. Jim – all in favor. Vote was unanimous. Letter to be sent to the ZBA with vote.

Board of Appeals – Urbansky

Jim – this has a long history. Part of the problem is that his buildings have been there for sometime and they do not conform to our by-laws. I think that it would be wise to concur with Bob Darlings letter. He would need to abide by the 40 foot regulation which would require to building to come down or to have a survey down of the property showing the existing buildings. The outer green house complies. If the town gives up Briarby Lane the other buildings must comply with agricultural only. This is a pre-existing non-conforming use for years. Greg – I make a motion that we recommend approval provided that the following items are addressed:

1. That the greenhouse on the property needs to either by taken down or needs to meet the 40 foot setback. This could be accomplished by the petition either purchasing or acquiring Briarby Lane fro m the town.
2. That the property needs to be surveyed showing the existing building.
3. All of the outer buildings must comply with an agricultural use only.
4. Petitioner should be required to follow all recommendations in the letter of the Building Inspector dated September 25, 2007.

Walter 2nd the motion. Jim – all in favor. Vote was unanimous. Letter to be sent to ZBA.

Board of Appeals – Paul R. Bourgeois

Jim – As far as I can see this appears to only be an improvement. Walter – I make a motion that we recommend approval of the same. Kevin – 2nd the motion. Jim – all in favor. Vote was unanimous. Letter to be sent to ZBA.

Curb Cut – Jamie Bissonnette

Jim – I have a curb cut notice as concerns Jamie Bissonnette. From what I can see we are pretty much in agreement with the letter from Chris Peck except for #2. It was my understanding that the utilities were to be underground. Walter I make a motion that we sign the curb cut notice. Kevin – 2nd the motion. Jim – all in favor. Vote was unanimous to recommend the same with the added notation that the wiring is to be underground.

Bills

Jim – I have a bill for secretarial services in the amount of \$316.94. Walter – I make a motion that we approve the same for payment. Greg – 2nd the motion.

Meeting

Next regular meeting March 17, 2008

Walter – I make a motion that we adjourn the meeting. Greg – 2nd the motion. Jim – all in favor. Vote was unanimous. Meeting adjourned at 10:30 p.m.