

March 5, 2007

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

Present: J. Marot, Kevin St. George, Walter Healy, Gregory Kashgagian and Brian Hoeg (arrived late)

### **Joshua Estates**

Pauline – I was contacted by Kevin Walker and he said that the previously plan that was signed was not accepted by the Land Court because it was the wrong kind of linen. Jim – do we have the previous plan that was signed. I am sure that it is the same but would like to be sure. Plan was reviewed and found to be the same. Greg – I make a motion that we re-sign the plan. Kevin – 2<sup>nd</sup> the motion. Jim, Kevin and Walter voted in favor of signing the plan. Walter abstained since he had not signed the previous plan.

### **Trinity Lane**

Pauline – This is a copy of a letter recently received by Jim from Attorney \_\_\_\_\_ concerning Trinity Lane. Jim – as you will recall they did come in with a sketch and had some questions concerning the same. I have spoken with the Attorney and I told him that this plan could not be changed without them coming back to change the subdivision. If he takes away the circle he would be taking away the frontage from the lot on the cul-de-sac. Greg – I remember that. We did talk to him but I don't recall that he was told that he would not have to notify the abutters. I believe that he was also told that he would have to go to the Freetown Planning Board as well.

### **Form A – Neil Pelletier & Linda O'Buchon.**

Henry Souza – I am a attorney here to represent the petitioners. This property is on record with going back to 1930. It was built on in 1930 and pre-dates zoning. It is a hardship to do anything unless it is separated from each other. It is a family owned property and they cannot be sold independently as it stands now. We do not have enough frontage or area. I will need to go to the Board of Health. We are looking for separate wells and septic. If we find that we cannot separate the wells and septic we are going to try separate wells and one septic system. If the Board of Health wants to change the line I will be back with a new plan. Jim – the lot that you are subdividing is to keep the septic on lot 2. It makes lot 1 extremely nonconforming. I don't think that we have signed anything like this except for conveyance purposes only. Attorney – I am sure that Board of Health has seen common septic systems before. We could change the property line and end up with no street frontage. Jim – I don't doubt it is legal. I have a question of how it is legal. Attorney – we will make an attempt to make one lot conform if possible. It is not possible here. We are trying to create something that both parties can live with. Greg – what happens if they try to sell? Attorney – we want to separate the wells and septic or separate wells and one septic. Roy DeLano (John W. Delano Associates) we have put a great deal of thought into this plan. We are willing to work with the Board. Attorney – Your Board of Health indicated that the property can be divided and a Title 5 will have to be done. Jim – it was my

understanding from them that you have gone away. Attorney – I think you are right it is asking a great deal of questions. We are facing the same questions with the Board of Health. Jim – I have a problem with the septic on Lot 1. The locations of the houses are our concern. The property would be as conforming as possible. This just does not do that. Brian – how far is that from the house? Engineer – we are asking for a waiver. Attorney I had planned to go to the Board of Health first but Board of Health wanted me to come to the Planning Board first. I would like to convince you to sign the plan tonight. I became aware of this late last week. I would hope that you find that the buildings existed before zoning. Jim – I would like to suggest to the Board that we take this up with Town Counsel and that we put off making a decision to our next meeting, which is still within the 14 days that we have to act. Attorney – I will be going before the Board of Health.

### **Pittsley – Form A**

Pauline – Kingman Real Estate Trust is Bay State Septic. Jim – It is my understanding that Bay State will pay the back taxes that are owed to the town and that they will put in a septic system for the Pittsley. Walter – I make a motion that we sign the plan. Kevin – 2<sup>nd</sup> the motion. Jim – all in favor. Vote was unanimous. Check received in the amount of \$100.00.

### **Board of Appeals Petitions**

#### **Tom Lynn**

Jim – This is a petition on behalf of Tom Lynn. He went directly to the Zoning Board of Appeals on this. As you know we had discussed this previously and there seems to be a question as to whether or not the streets are correctly designated on the plan. He is requesting that he be able to build a garage on the same lot as he leaching field. There appears to be enough area so that he can meet the set backs and as such I think he should have to do this. The lot is adjacent to the lot that his home is built on. I think that he should be made to conform as much as possible and that the lots always stay in common ownership. I also believe that there should be some restrict concerning a bathroom. Greg – I make a motion that we recommend that is approval is given that it be required that the lots be kept in common ownership, that they are made to conform as much as possible and that a restriction be placed on the garage as to a bathroom.

#### **John Olivieri**

Jim – as part of the packet on this you will find a copy of the letter that I have sent as Building Inspector to Mr. Olivieri. Letter was reviewed by members. Walter – I make a motion that we send a letter to the Board of Appeals, which supports the information provided in the letter from the Building Inspector to Mr. Olivieri. Greg – 2<sup>nd</sup> the motion. Jim – all in favor. Members voted in favor. J. Marot abstained.

### **Bills**

Jim – I have a bill for secretarial services in the amount of \$222.91. Kevin – I make a motion that we approve the same for payment. Brian – 2<sup>nd</sup> the motion. Jim – all in favor. Vote was unanimous.

Next regular meeting will be March 19, 2007 at 7:30 p.m.

Walter – I make a motion that we adjourn. Brian – 2<sup>nd</sup> the motion. Jim – all in favor.  
Vote was unanimous.

Meeting was adjourned at 9:45 p.m.