

March 17, 2008

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

Present: J. Marot, K. St. George, Walter Healey and Brian Hoeg

Board of Appeals – Harrison Lee

Pauline – some time back we had a petition from the ZBA for 60 Taunton Street. The ZBA would like a letter stating whether or not there has been a plan signed for this property. We previously gave them a letter of disapproval but they want something stating whether or not the Board has signed a plan. I checked the file and we do not have a plan that sub-divides this particular parcel. Brian – I make a motion that we send the Board of Appeals a letter stating that we do not have a letter on file. Walter – 2nd the motion. Jim – all in favor. Vote was unanimous.

Form A – Arthur Mahoney

Paul Turner - This was originally 4 lots from Arthur Mahoney. I am purchasing lot 3A and 3B. Brian – I make a motion that we sign the plan as presented. Kevin – 2nd the motion. Jim – all in favor. Vote was unanimous. Check in the amount of \$200.00 was received.

Curb Cut

Paul Turner – I have the form from the Board of Selectmen concerning the driveway cut on Highland Road. Jim – what is the distance to Clark Road. PJ – engineer – it is approximately 150. Kevin – I make a motion that we recommend approval provided that the Highway Department does not have any major concerns. Walter – 2nd the motion. Jim – all in favor. Vote was unanimous. Original form was signed and given back to Paul Turner.

Satucket Trail - Roan Barber

Braydon Marot – we are back so that the Board is aware that because of the 25 foot no touch policy we have had to move the road but it does not in anyway affect the buffer. We have revised the drainage and Conservation then did a peer review. Conservation will be issuing an order of conditions. The turtle study has been completed. Walter – I make a motion that we give the plan tentative approval and send it up to the Town Clerk for the 21 day appeal period. Kevin – 2nd the motion. Brian – all in favor. Vote – Brian, Walter and Kevin in favor. Jim abstained. Plan to be sent up to the Town Clerk's Office for appeal period.

Bills

Pauline – I have a bill from W. B. Mason for supplies in the amount of \$49.90. Walter – I make a motion that we approve the same for payment. Brian – 2nd the motion. Jim – all in favor. Vote was unanimous.

Old Back Road Estates

Pauline – I received notification from Board of Health that mound systems were approved for this area and that has made a difference in the drainage. Also Conservation says that the plan that they have is different from the plan that the Board signed previously. Jim – I think it would be best to inform Outback that we would like the engineer to come in so that we can discuss this further.

Harrison Lee – 60 Taunton Street

Mr. Lee – this property is presently before the ZBA. I was told to bring in a new plan for the Planning Board to see. Jim – at this point all that we can do for you is to look over the plan. You would need to have linen for us to sign and since this does not meet zoning requirements we would only be able to sign it for conveyance purposes only. As I am sure you are aware this does not meet our current zoning concerning frontage and acreage.

Trinity Lane

Todd Pilling – this is being referred to as a modification. Jim – I see it has a modification. Todd – I will revise the plan one more time if that is what you want. Jim – I would like the plantings plan attached. Arter – I have a copy of the regulations concerning the extension of Trinity Lane. Jim – I don't see that as an issue. Arter – it seems to me that it is a question of the easement as an extension. The Beale case was to layout to the Board that they have the discretion to the by-law to make the street longer. It is also a frontage issue. In the Beale case it shows you that you have the discretion and that the by-laws need to be complied with. You need to consider what the voters want. The people who live in this sub-division are all in opposition to it. Atty. Reservitz – this letter from Kopelman & Paige does not cover the rights of the grantor. The easement on this way was given to Lakeville – the road in fee is still with Long Home Builders. I think that in looking at the bylaws if you allow this it will be a violation of the zoning by-laws. These by-laws are suppose to be for the protection, health and safety of the taxpayers. As taxpayers we are against it and it is of no benefit to the town. Arter – when we were sold the property on Trinity Lane in 2001 we were all told that the cul-de-sac would not go into Freetown. You seem to be looking for a way to pass it. We thought it would never be built up. He has enough for 2 homes. It is a fair compromise. Jim – there are Rules and Regulations to comply but they can be waived – they can be used to the benefits of the abutters. We have tried to make him do what is best for the abutters. I have looked at it and it is my feeling that they can still built the lots in Freetown. Brian -- I object to this gentlemen saying that he feels that we are looking for ways to pass this. Jim – we are saying if the road was at a maximum of 750 we would not be here. Arter – you have to modify it. My point is we have put a compromise in front of them. Jim -- I have been on the board for 27 years and abutters objections are always the same. Arter – you are dealing with Freetown land. Atty. Reservitz – this is not a public way that is owned by the town. All Lakeville has is an easement. I don't believe that you can extend that easement to Freetown where this will end up. Robert Raymond

– Freetown Planning Board – could you address the matter of the waiver concerning the length of the road. Is it over the 750 feet. Are you prepared to address the waiver. Jim – there are no waivers as of yet. We posted a meeting for tonight here. Robert Raymond – I am gathering information. Just in general it is a public way easement. This has all the language I would expect to see – what is left. Arter – the easement is governed by the grant to the Town of Lakeville. It can not be enlarged. Once it was granted it can not be enlarged by the grantor. They would have to allow Freetown to come in. R. Raymond – there is no enlargement. The land is beyond the easement. Arter – it is 6 house or 7 if you count David. 2 more houses is a 30% increase in the easement. R. Raymond -- as far as the road and access easement is concerned I could not find anything that will stop this. Atty Reservitz – the easement is like a license it is only to Lakeville not Freetown. R. Raymond – the houses are in Freetown they are the ones getting the big advantage. It is commonly owned land. The road frontage is Lakeville. Arter – I know that Freetown is along it. We want our Board to look at what is better for Lakeville. We would like you to turn it down. Todd Pilling – We will be going to Freetown with it. Atty Reservitz – we feel as though we are running around in circles. Jim – according to Town Counsel a fee in the road has no bearing. (letter from Town Counsel read by Jim) Arter – if you are approving 2 lots are they going to be single family homes. Jim – we have no provisions for 2 family homes. R. Raymond – as far as Freetown is concerned they would have to 40,000 plus and additional 50 feet. Jim – it can be done to the determinant of the area. Anthony Saxton. We were told a 7 lot subdivision. Marilyn Saxton – if you approve their extension will they be able to put in a different type home? R. Raymond – if it is not a single family they will have to do 40,000 plus and additional; 50 feet. Todd – we can not put it on this plan. Jim – it could be signed by the parties that it will only be single family. Todd – we could put it on the deeds. Marilyn Saxton – what have you done in Lakeville? David M – I have built homes in Rochester and my own home at 8 Fieldstone Drive.. Todd – can we put it on the covenant. David M. – the homes will be of equal or grater value. Jim – we are going round and round with this. It is to your benefit not his. We are trying to make landscaping a part of it. We asked Kopelman and Paige and based on what they gave us back I do not see a problem with it and as such I am going to close the hearing. Todd – I have to do a revised plan – do you want to say modification. Jim – they are going to put on the landscaping. Todd– I will do it in a blow up. Walter – I make a motion that we give the plan tentative approval and send it up to the Town Clerk's Office for the 21 day appeal period. Brian – 2nd the motion. Jim – all in favor. Vote was unanimous.

Board of Appeals – Ronald Mello

Jim – this is a copy of the plan concerning Ronald Mello. As far as I can see this is no different than John Olivieri's plan. Walter – I make a motion that we send a letter to the ZBA recommending disapproval of said application as basically this is the same situation as previously submitted on an application from John Olivieri and should be considered two nonconforming lots. Brian – 2nd the motion. Jim – all in favor. Vote was unanimous. Letter to be sent to the ZBA.

Next regular meeting April 14, 2008.

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