

May 19, 2009

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

Present: James Marot, Brian Hoeg, Kevin St. George, Gregory Kashgagian and Walter Healey

CanPro

Ken Motta – I am here with Jeannine Alexander who as you know is the project manager for CanPro. We were here concerning the retail pad which has been discussed before. It will be a 12,530 square foot building. The restaurant will be approximately 7,236 and the balance will be retail space. We are looking at what you would consider on the required parking and allocating some of the existing 749 space. There are 20 existing in the retail pad area. We are looking at a 50 seat restaurant with 6 employees – approximately 68 spaces. 817 spaces which will meet the requirement for the restaurant and retail use. Jim – how are you going to allocate and regulate. All should be a paid spot. J. Alexander – as far as the restaurant is going it will have to be paid parking. The retailer will have to make good for it. Jim – You are trying to make the extra 68 spots. Ken – we would fill in the island. The parking is the parking, we can always use more spaces. We worked the lines here and here and the outer access – 7 spaces could be included in this green area. Greg – where will you put the snow in the winter. Ken it will be along the side and we will continue to do as we did last winter. Greg – How many businesses? Ken 5 or 6 including the restaurant. Jim – I would ask that you keep the green space instead of 6 spaces and add to it later if it is a problem. I think it is a good idea. Greg – any thought about a parking garage? Ken – not at this time. Jim – 3 – 12 what is there now? Ken – As far as the grass island is you would be losing part of that island. Jim – I would rather see the green space. Brian – is the T looking for your numbers. Ken – the plan shows one way but MBTA prefer you go to the town. We are still talking about parking issues. J. Alexander – they are at 80% usage now. Jim -- I would like to think we could plan now and phase in some of the parking areas. Ken – to establish the parking count take out 7 spaces and this and I still think that it is ample. Jim – I think they have to look at it. Greg – maybe take it out of the figure. You are talking maintaining the 749 and adding an additional 50 combined rather than 68. It would more than satisfy and I think it would help. Ken – take out 12 plus 7. Jim do you need something now? Ken if you could give us a decision on an additional parking. 50 would help us with the MBTA. Walter – I make a motion that we give them a favorable recommendation on the 50. Brian – 2nd the motion. Jim – any other discussion. All in favor. Vote was unanimous.

Brian Lewis

Jim – we are looking for information as to how you are progressing. Brian – I don't know if you are aware of it but the state is coming into tear it apart. They are taking a 5 year easement for 20% of the lot. I am hoping that within 2 weeks I will have the mulch and planters in. Greg – what about the drainage pipe? Brian – it will be done within the next couple of weeks. I am planning on putting in some blocks as you come in. We have dressed it up. We are hoping we could use the decorative block. We are planning on power washing and then shellac the stones and then put in some selective plants. I would ask that you give me a little more time to accomplish what I have in mind.

8 p.m. Neighborhood Business Zone (create)

Jim – read article as it appeared in the Middleboro Gazette on April 23 and April 30, 2009. The purpose and intend is to create an overlay zone. Joe Beneski – as far as the intent of the NBZ is am I correct when I say that it would be using the existing homes and not tearing down the homes and building something in there place. It would be a home business that it would have some one living there. Some one should be living in the home. I believe that was the intent not a case of just putting the business there and not living there. We need to be sure that we have it correctly because people don't do what they say. It would be a very busy area. Charles Monahan– why do we need this? Jim – this is to go along with the Master Plan. It said it was needed within the community. It is to help the town move forward. Charles Monahan—if this goes through what will it do to my taxes. If one or two care and the building inspector says no and the ZBA gives its permission what is the difference. Jim – the purpose is to allow small business. It is to remain small it allows retail sales. It is only by special permit. All abutters are notified of the specific rules. The special permit can not be given to a new owner. They would have to come back to get a new special permit. It is the only way it would work. They are standard lots. It will allow lots of 20,000. It will have a maximum of 5000 square feet. Special Permits will not go with the property. Joe B – how can you insure that the person will do what you intend. Jim – I don't think it would always be the owner who lived there. Brian – if you are a doctor how would it work. Derek – one of the conditions if the Special Permit. The ZBA could pull the permit. Joe B – unless it is written as such I think you need some strong language. Derek – it can be made a condition by the ZBA. Darlene Darling – I thought it said existing dwelling. I think it would address Joe's problem. Brian – I don't think it would have to leave there. ?? is there a list of business types? Bill – what are they going to do about parking? Brian – when we do a site plan review they have to show parking. The petitioner will have to come in with a plan. Bill they need to expand the septic. Jim – they would not be able to do it. No service vehicles will be allowed before a certain time. We would recommend that bait and tackle be taken out. The by-law is for the creation of the overlay district and it is the hope that it will fit a number of

areas in town. Luke Leonard – if the overlay district is allowed in the area that you are discussing then I am against. Jim – this hearing at this time is not for the area but for the creation of a by-law to cover the NBZ. If there is no one else who would like to speak on the creation of the area I will close the hearing at this time. Brian – at this time I would endorse the overlay district by-law. Greg – 2nd the motion. Jim – I would recommend that we remove bait and tackle from the list. Brian – I make a motion that we recommend the overlay district by-law but omit the reference to bait and tackle. Greg – 2nd the motion. Jim – any further discussion. Hearing none – all in favor. Vote was unanimous.

National Development

Jim – I have spoken with Sherry and I believe it is in line with what we spoke of and she does feel she will move forward at this time. My own feeling is it would be the right thing to do to keep things moving. It gives us more control. I think it will be a show place for the town. It would be my suggest ion to move forward and approve it. I would like to see the buildings come down. Greg – the basis is good and it would be good to put some limitations until she does certain things coming in from 105 to 79. Brian – it would be all from 79. Jim – we requested a pedestrian entrance. Greg – how far? Brian I don't think we have this at this time. Bob Marshall – by dropping the 55 what impact on the school system. Jim – I think the impact is not as high as people might think. It is more of an adult type unit. It is very small. No matter if it was 55 and over. Some of it is going to come from our own community. If we have someone in our community that sells their home and go into a 55 over community you have no guarantee that the person who buys there home does not sell to someone with children. We have control over the site. It says 2 bedrooms. She has to comply with Title 5 and the restrictions around the pond. Walter – I make a motion that we recommend the article. Kevin – 2nd the motion. Jim – any other discussion? Hearing none – all in favor. Vote was unanimous.

Neighborhood Business Zone – (area)

Notice as it appeared in the Middleboro Gazette was read by Jim. Notice appeared on April 23 and April 30, 2009. Bob lafrate—I am on the Master Plan Committee. We have several different locations and we were asked to review and focus on a target area. We thought the best target area would be in this area since there are already businesses in the area, a coffee house, flowers and the assessors. We are looking at 13 parcels from Bedford Street, Old Main Street and Crooked Lane. Darlene – 13 parcels from the police station to me. Jim – one parcel south. Charles Monahan – has anyone thought about the additional traffic. Bob lafrate – the traffic issue will be address through the Special Permit. C. Monahan- - why the school of all areas. Bob lafrate – we thought it would be a lesser impact. David Piasecki I am opposed to it and I believe that Mr. Couet is also opposed. I do not understand why Main Street beyond Darlene's. I do not understand why you would want to go across from the school. I think I would object to 4. Darlene – I don't know. I don't object to Bedford Street. Bob lafrate – this plan has been the same. They were a part of

it from the very beginning. We did not feel it was ever going to get off the ground. Walter – by adding 3 you feel it would get you more. Derek – we are following the Master Plan map. Jim – if you eliminate those 3 everything would be on Bedford Street. We thought of the school and asked for after 9 a.m. Darlene – he is talking about the hours. Derek – you will have to make the motion from the floor. We can take part of it away but we can not add to it. Bob Marshall – if we include those lots it would help. I did not know about the 9 a.m. starting time. Jim – the way it is written it gives the ability through a Special Permit to limit the time as well as other conditions the ZBA would feel are necessary. We want to set it to the ZBA with a Special Permit. Luke – I think we need to look at the area more closely as I said before I believe that this area is a historic area and it is the core and heart of Lakeville. I am afraid it will allow much more, I would be against it at town meeting unless I read up more. It's not in the best interest of that area and Lakeville in general. I am suggesting that we talk about it with the people. Darlene – will this be on the Town Meeting Warrant. Jim – yes and we will be asked to make our recommendation. Jim – at this point we are considering only the zoning overlay by-law not a specific area of town. Walter – I make a motion that we recommend approval. Kevin – 2nd the motion. Jim – all in favor. Vote was unanimous.

Water Tower

Jim – It is my understanding that Nancy would like us to vote on the Water Tower site. Walter I make a motion that we recommend the proposed site which is in the landfill. Kevin – 2nd the motion. Jim – any further discussion. All in favor. Vote was unanimous. Walter – I make a motion that we recommend the pump station which I understand is to be located at the highway department. Kevin – 2nd the motion. Jim – all in favor. Vote was unanimous.

Accessory Apartment

Jim – they have addressed our concern by changing it to 33 1/3 of the entire structure and not over 1000 square feet. Kevin – I make a motion that we recommend the same. Brian – 2nd the motion. Jim – all in favor. Vote was unanimous.

Jim – Article 28 needs to be amended – table of use should remain the same. Walter I make a motion that it remain the same. Kevin – all in favor. Vote was unanimous.

Walter – I make a motion that we recommend that the letter B is inserted after the word Industrial in 7.8.2. Greg – 2nd the motion. Jim – all in favor. Vote was unanimous.

Deerfield Estates

Pauline – we are presently holding a letter of credit in the amount of \$32,500.00 from Community Bank. Derek Maxim has requested a reduction in the bond amount. I called Chris and asked him to review it for us and he gave me a letter

which I have given to Jim. Jim – read the letter to the members. Chris has stated that we would need to keep \$8,450. plus \$2,112.50 a total of 10,562.50. He is recommending that we keep \$18,000 which should be held for approximately 2 years after the road has been completed. Walter – I make a motion that we reduce the bond to \$18,000. Greg – 2nd the motion. Jim – all in favor. Vote was unanimous. Pauline to send letter to Community Bank. Jim – one of Chris' concerns is the wall and landscaping with house #10. It is his feeling that the town should not be put in a position where it will be held liable for damage that may occur to the landscaping. We need a letter from the owner as to no liability to the town.

Bills

Jim – I have a bill in the amount of \$467.25 for advertising of hearings from the Middleboro Gazette. Greg – I make a motion that we approve the same. Brian – 2nd the motion. Jim – all in favor. Vote was unanimous.

Board of Appeals

DeMoura petition – Greg – I make a motion that we recommend disapproval as we do not have sufficient information on which to vote. Brian – 2nd the motion. Vote was 3 voting for disapproval and Walter and Jim abstained as they live in the area.

Meeting

Next meeting June 1, 2009

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