

November 17, 2009

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

Present: B. Hoeg(Acting Chairman), K. St. George and Gregory Kashgagian

Form A

Jon Pink – I have here a copy of the original Form A that was signed on July 16, 2007. The same was not filed by the Trustee of Reservations concerning the Lydia Rotch property. I am here to ask the Board to resign the same. I have made new originals. Kevin – I make a motion that we resign the same. Greg – 2nd the motion. Brian – all in favor. Vote was unanimous.

Frank Coyle.

We are looking at taking away some of the mini golf for the landscaping and adding to the building here. Jon—when we were in he was just looking for some ideas. Coyne 2,900 square feet. We are thinking knocking out the golf course because it is an eye sore. I think McGee Chevrolet owns the lot across the street at this time. It is overgrown. We want to take it down and gravel it until we do something with it. Jon – we are looking for y our help. Coyne – at the present it is difficult to visualize. I have own it for 3 years. Brian – how is the drainage. Jon – it goes out the highway and across the street. We are looking to the state also. Greg – no problem with retaining the soil when he is working there. We also need him to keep down the dust. Brian – how much higher is that. Coyle we are going to go below it about 4” – 6”. Greg – is the building going to be 1 story. Coyle – yes. Jon – we had a separate building like it is now. We would like to let it stand alone. We are looking for your general blessing before he has to put out a lot of money on the project. We can meet all setbacks. Brian – we may look for something concerning the water on the site. Jon – can we have something in writing from the Board. Brian – get together with Pauline and she will work up something for you. The letter can go to either Jon or Frank Coyle, 12 Harding Street, Suite 203A, Lakeville, MA.

Cedar Pond Preserve

Jacobi – one of the things that the Board was looking for was the plan showing the lots as they are now since things have been changed so many times. I believe that is what I had sent to Pauline. Copy of plan was given to the members. Brian – I think that we also need an as built. Jacobi – I will get you what you need but that was not my impression of what we were asked to do. I believe the original was several pages. Chris – Lot 30 and 31 concerning the drainage. Jacobi – I believe that they asked for lot lines. If you want something more let me know. Brian – the road has to be plotted. ! – 50 or 1-40. You want

something to compare. Second – Dan could not be here but I have a letter from him. Greg – can you tell us what lots have been done. Ron I'll try 1, 3, 4, 5, 7, 8, 11, 12, 13, 14, 25, 26, 27, 28 and 29. Chris – my concern is the basins with all the silt. Jacobi – he has suggested we clean them. Ron – we were missing some covers but we have replaced them. I think that they are working except for Lot 26. Chris I would like to be on site. I want to see the condition right now. Arrangements will have to be made so that I will be available. Brian – you need to have someone contact Chris. Jacobi – we will take care of that. We will hire someone and make the necessary arrangements. The third issue is the bank and the letter of credit – the tri-party agreement. I have been in touch with the bank and they have communicated that they are ready to make the commitment. We at this time are looking for a release of some of the funds so that we can pay the asphalt company. As you can see Exhibit A has the numbers totaling \$211,250.00. We would be looking for a release in the amount of \$72,577.00 leaving the funds being held at \$138,673.00. If you approve this amount of the release the bank would reduce it and give us the amount for the asphalt. Brian – Chris will look at it and give us a report with the information that we would be looking for. Jacobi – In order to give you time and looking at my schedule I would be able to come back on December 15, 2009 at 8 p.m. I have sent a copy of the tri-party agreement to town counsel and I will scan a copy to send to Pauline from my office on Wednesday. We will also arrange for the pumping out and get you a plan to compare concerning the original plan that was filed.

Hearing – Rezoning of Main Street Residential to Business

Brian – Sorry about the delay in opening the hearing. The newspaper ad as it appeared in the Middleboro Gazette on October 29, 2009 and November 5, 2009 was read by Brian. Brian – at this time I would like to tell everyone that is here that they are free to speak once they have been recognized by the Chair. At that time it will be necessary for you to give your name and address. James Richardi – 5 Woodview Drive – I have been collecting articles on this and it appears that even though we have previously said no to this it is coming up again. Nancy Yeatts – 19 Twin Oaks – When this previously was brought before the town it was for a Neighborhood Zone not a change from Residential to Business it is now looking for full business. We have been working with this area – 18 & 105 as a Historical Site. We were turned down in the spring that is why it is going forward at this time. Some parties wanted it on Route 18. They are now talking about the site across from the school. Cynthia Bissell – 235 Main Street. Darlene is my neighbor. I liked it when they were talking about a Neighborhood Business Zone I am opposed to it being changed to business. We tried Neighborhood Business Zone and it was turned down. My home is there. I want it to stay residential. I understand her point. She runs a nice clean business but the problem is we have no guarantee concerning what will be next. Who knows what will be next if the town decided to sell the property that it owns. We have a problem with parking as it is now. People stop even though it says no parking. My concern is what will it be next. Maybe a variance is what we need. Is there something that can be worked out. There has to be a compromise. Don Foster

– Tinkham Lane – I believe that if you are looking at the 3 properties rezoning you are actually talking spot zoning. The town already has the option of doing what they are doing. You would only be changing it for Darlene's property. The whole object to this is that you are making it better for one person. Originally the Zoning Board gave a permit for a catering business not retail trade. Shortly thereafter a sign went up for cut flowers for sale. I think we should consider historic and traffic. When a business goes from small to large they need to be looking into the areas that we already have in town. Brian – we will only be making a recommendation at town meeting. Nancy Yeatts – speaking for myself the Master Plan shows us as a rural community. I really do not want to see a Jiffy Lube in that area. We have areas for business and it is a very busy intersection. I am not in favor of business there. There are plenty places available. Don Foster – 8.2.2. variance is to grant a waiver for geographic reasons – no use variance is allowed. A financial reason is not a reason for a variance. Cynthia Bissell – if a variance is not allowed how does one get it changed. Nancy – I think we have to look at it since I feel that it was a hardship with 3 different Building Inspectors telling you three different things. Don Foster – it has to be a hardship of the land not a monetary hardship. If you can not fit there any longer then you should be moving to a business area. Richard LaCamera – 32 Old Powderhouse Road – the Master Plan shows that as the "Town Center" but not the church. It is a small business. This is an expanding business area. We have no business in the center of town. There is more and more mixed. Darlene's business is a great asset to this town. The town has two things the library and the assessors it can still be historical. We had hoped to sell the Assessors Office and be able to bring them back here. That has not happened. The future is for a town center with business able to locate there. Mr. Richardi – you do not have to live there. His view is not important. The Board of Selectmen seems to be in agreement. Richard LaCamera – a Home Occupation means no retail;. We know it is going on. Richardi – He should just let them know if it is not a business area. Cynthia Bissell – I just want to repeat what I said before I don't have a problem right now. I want it to stay residential. I have spoken to the people. They don't want it to change. Nancy Yeatts – as far as the Old Library is concerned it can not be listed at this time as Andrew Carnige because the wrong type of cement was used when it had repairs done. We are hoping with the funds received from the rental that we will at some point we hope to have it restore and try again for National Heritage. Darlene – if it passes the town can then decide what to do with there property. Don Foster – I think the question is about zoning not the Flower Shop. Darlene it is less than ½ an acre. Mr. Bissell – I agree that Darlene's property is fine right now. We are just against the zoning not the business. Justin – Violet St. – I am not against it. I would at this time like to say that my daughter is collecting coats for a drive. I think she is an asset to the community and would appreciate any donations. Mr. Richardi – I heard or read something about her selling Christmas Trees. Darlene -- What I said was that the Booster Club was more than welcome to put the trees at my place since there was some question about whether or not they were going to be able to use the Old Town House. Brian – Is there anyone else that would like to

Speak about any new issues that have not been discussed. Since no one seems to be ready to do so I will adjourn the hearing and the Board members will discuss it further and make a recommendation at Town Meeting.

Rita – Pauline would you please send Jim a letter about meeting with Bob Lafrate, one of the Selectmen and myself concerning the storm water problem.

Town Meeting 11/30/09 – post meeting for 6:30. Regular meeting at library on December 1, 2009 at 7:30 informational night with different boards Speaker – Nathan Kelly – Horsely Witten Group.

Kevin – I make a motion that we adjourn. Greg – 2nd the motion. Brian – all in favor. Vote was unanimous. Meeting adjourned at 9:55 p.m.