

TOWN OF LAKEVILLE
Lakeville Planning Board Minutes
May 10, 2014 –8 A.M.
Town Office Building

On May 10, 2014 the Planning Board held a meeting at 8 A.M. at the Town Office Building in Lakeville. The meeting was called to order by Vice Chairman Sylvester Zienkiewicz. Planning Board members present were: Sylvester Zienkiewicz,, Donald Bissonnette, Peter Conroy, and Janice Swanson.

Zinc: at this time I would like to continue the hearing originally schedule for April 29, 2014 at 8:30 p.m. (Overlay District.

Overlay District

Don Bissonnette – I sat with Gene and discussed the overlay. He said he wasn't sure what he wanted to do. He said that he had a potential buyer who owns a business. The other two abutters said that they were in favor but I got no real answer from gene. Peter – It is a problem for the other two abutters. Janice – the other 2 properties are not 25 acres so I don't see how that will help them. Are we sure that they understand what the Overlay District involves. Brian arrives – Zinc – since our chairman has arrived I will turn the meeting over to him. Linda – do you feel that the other abutters were aware of exactly what they would be getting? Don – I asked and they said they were in favor of it. Gene said that he had to think about it. I asked for him to give us something in writing. He said that he has a potential buyer. I think that the overlay would help him. Janice – I think the overlay is beneficial to him. I don't know if the other abutters understand exactly what the overlay district is. Brian – It would make their land more beneficial if it were combined. Janice – Gene did not commit to it. Linda – the house is 1788 it would have to be demolition. Brian – it is not 25 acres unless it is incorporated. If Gene's is business others are residential. I believe it could be business. If the overlay goes in it will only be beneficial to the abutters if the properties are joined. Zinc – I am reading from the overlay district. It allows Special Permit and it would be completely under the control of the Planning Board. Janice – it should be looked at it from the Town's point of view. Nancy – if the 2 lots are not incorporated they can not do anything. Janice – it would not be beneficial to them. Brian – they can go business with the people that are business. The Whole thing could go business. They can combine. Nancy – we need to protect the abutters. Brian – they can do what they want as far as going with what is in the area. They have the option. Linda – it is residential – it is one thing , if you go business you are tying their hands. Janice – I think we need to protect the residents, Brian – making the whole thing business does not change what is there now. Linda – it ties them to Gene's property. If they don't want to go business and they want to stay where does it leave them. Zinc – what is before us goes to town meeting as an overlay district. It doesn't prevent us from dealing with the people. We have to deal with the 25 acres. The good part is we are the Special Permitting part. Frank Sterett --- is that going to be considered Spot Zoning. Zinc – I don't believe so but we may have to check further. Nancy – Gene's properties

stay as it is but what about the other people. Zinc – they are restricted. Janice – if they don't have 25 acres they don't have enough. They cannot benefit. Linda – they may not be able to use it as it is by an aqua fur. ????—that would be the same zoning as the mouth of the rotary. It allows the development to go forward and still protect the property. They are close to the water table there. We need to protect the resources. Frank S – does it make sense to go ahead at this time because we have not heard formally from the owners. Don't make it another 44. Why do we have to move forward on this at this time. Janice – the Overlay District is good because the Board has the ability to protect, it is the best protection but it is not protecting the 2 small owners. They came in in favor of it, if they are, it should go before the town. It is my personal opinion if they want it it should move forward. Nancy – I don't believe that the abutters understood. Do you feel they understood what the Overlay is about. Don – if they understand we should go ahead. Peter – I think if they are interested they would be here. Zinc – I would like to clear things up before we go to Town Meeting. I don't want it to look wrong. Again. Don – does it make sense if we go back to Gene and get a letter. Frank – Has Gene be given notice. Zinc – I make a motion that we close the hearing. Peter – 2nd the motion. Brian – all in favor. Vote was unanimous. Zinc – I would like to make a motion that we send this to Town Meeting with a favorable recommendation. Don – 2nd the motion. Zinc – I have talked with Gene and I personally have my own personal impression. I previously voted against it and I see it now as favorable. I think the town should be allowed to vote on this/. Don – having spoken to the other abutters I am not thinking of Gene only. Brian – we are trying to help. Linda – this is a zoning change and I believe that we need to poll everyone on the road. I am concerned about going to the public. Brian – last year everyone on the road was affirmative. Linda – are you going to go to everyone. Brian – I would say the people in town should be asked. Frank – I think it would be wrong to change the zoning on just Bartlett. There are 2 other house lots involved. Brian are we in control power. There are others involved. We are just governing the, the public to be heard. Janice I am in favor of the residents are given the opportunity to vote on this. Linda – I think they are the right to be rezoned but out of the overlay district. .

Joshua Estates

Jon Pink I- I have gone over this with Jeremy and I believe we have addressed most of what is in his letter to the Board. . Letter was made a part of the file. #2 is more important. Brian to Jeremy are you and Jon okay with the changes? Brian – there is also a letter attached that was addressed to Jim Marot date April 11, 2014. Jeremy -- #3 concerning less than 1% change has been changed. – the original design is super elevated – there will now be 2 grates instead of one and it has been agreed to. Linda – there was a drainage issue on that road. Peter – is this going to be a problem Jon Pink – I don't believe so. Jeremy Peck -- #5 –there were no tees. We have asked for HPDE tees and they have agreed. Brian – we don't need hood's here. Jeremy – no I am fine with it. As far as the April 29, 2014 meeting is concerned \$" Dense Graded Crushed Stone is better for compaction and grading. It is a better product. Type B is typical. Jon Pink – they are fine with these changes. As far as #2 is concerned he is okay with the extra 35 feet. Nancy – this was a problem in the past. Jeremy Peck – I think it has been explained. Jon – We will have these included in the asbuilt. Jeremy – I would

think a report on a monthly basis. Peter – I make a motion that as long as all of Jeremy's concern that we approve the changes. Don – 2nd the motion. Brian – all in favor. Vote was unanimous.

Curb Cuts

Alan Butler – Highland Road – Zinc – I make a motion that we do not recommend the approval of the driveway as it is not owned by the applicant. Jeremy – is this the right of way? The town owns this and allowed it. The bridge land locked the property. Linda – I believe he created this hardship. Brian – when the State took the property it was his property. It is not his property now. The driveway is on town property. It is actually the state that caused the problem. You can look at it 2 ways – he is crossing the right of way. Zinc – I wouldn't let them do it. Don the property is own by the state. Zinc – you are taking away property from the parking for the cemetery. It should be no. Don – I rember doing a site distance. My driveway is closer. Jeremy – there is an active driveway there for the cemetery. Don – In you opinion straight out would it be a problem? Jeremy – that ios the right of way parking for the cemetery. It depends on the other area . May be it would be best to ask for more information. Brian – I have not had a 2nd to Zinc's motion. Zinc – I will withdraw my motion at this time. Brian – I would suggest that we request more information. Zinc – the driveway is in the right of way and that we have no authority on this. Brian – you can cross the right of way. Don – I make a motion that we semd a letter requesting more information. Concerning the placement of the driveway and the location of cemetery parking. Peter 2nd the motion. Brian – all in favor. Vote was unanimous.

Walter Egges – Jeremy – there is one there. Janice – this dates back. The laws were put in in 2003. We had no by-laws when Egger put them in. Don – I sold to Elliot. Walter Egger had some on my side of the road and we swapped. Janice has a result of these we put in the cub cut by-laws. Brian – it is just to make it legal. Jeremy – I can see they might use the exising. One. Zinc – it is unsafe. Don we can do a site review. Janice this was blocked. I wanted to see how it was. Zinc – It does not describe were the curb cut is. Linda – I would hope the driveway would parallel the roadway. Brian – we need a better plan. Zinc – I make a motion that we recommend more information. Don – 2nd the motion. Brian – all in favor. Vote was unanimous.

Brian – at this time I would like the members to just review the letter from Attorney Ryder concerning Robbins Lane. I don't believe that we need to take any action at this time.

Invoices

Secretarial services - \$63.36 -- Peter I make a motion that we approve the same for payment. Don – 2nd the motion. Brian – all in favor. Vote was unanimous.

Nancy Yeatts - \$70.95 – Peter – I make a motion that we approve the same for payment Don – 2nd the motion. Brian – all in favor. Vote was unanimous.

Middleboro Gazette -- \$1187.46 – Don – I make a motion that we approve the same for payment. Janice – 2nd the motion. Brian – all in favor. Vote was unanimous.

Tree Removal

Brian – what is the feelings of the members concerning the tree removal referred to in Jeremy's letter May 1, 2014. Zinc I make a motion that we waive the hearing. Peter – 2nd the motion. Brian – all in favor. Vote was unanimous. Pauline – in looking through the state laws concerning this I would suggest that we check with Town Counsel. –

June meetings

June 9, 2014 and June 14, 2014

Adjourn

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