

Lakeville Planning Board Minutes
Meeting- September 13, 2011

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

Present: J. Marot, Kevin St. George and Sylvester Zienkiewicz

Honey Bee Farms

Jamie Bissonnette – I am here concerning a definite plan for Honey Bee Farms. As the board is aware I was previously in with a preliminary and I believe that I have covered most of the things that we discussed. This is a copy of the ariel map and the drain design. Chris and I were suppose to do something with the test pits but because of the rain last week we will do it on Wednesday. This plan is for 6 lots and there is already 1 house there. This is a lot for my sister and there is also a lot for me. The road is 750 feet and at this time we are asking for certain waivers for water, gas and street lighting. All lots are oversized. The driveway is off of Jamie's Way. We are increasing the garden and pumpkin patch. Mike Moriarity and the Sylvia's are impacted the most but they are aware of the project. Sheet 6 shows what we are planning. The water flows towards Pickens Street and 140. We have put in a catch basin area. We are ending up with a decrease. I talked to Chris Peck. He will observe the test on Wednesday. We are going to do roof drains. Jim – show us the limits of clearing because it will be helpful to Bob. Advertising in Middleboro Gazette on September 22, 2011 and September 29, 2011. Hearing is scheduled for October 18, 2011 at 8 p.m. Check in the amount of \$1,100.00 was received. Jamie – does the Board have any preference as concerns the trees. Jim – maple sugar or anything which is native to the area.

Curb Cut – Reed Farm Road

Jim – Please be advised that at the September 13, 2010 meeting of the Lakeville Planning Board it was unanimously voted to recommend to the Board of Selectmen that prior to acceptance of the curb cut to #6 Reed Farm Road that the petitioner present a plan to the Planning Board and the Highway Superintendent showing that the grading referred to as #3 in the Superintendent of Streets report has been addressed to the satisfaction of the Planning Board and the Highway Superintendent of Streets and that there will be no impact to Reed Farm Road from the runoff of said driveway.

Robert's Road

Jon Pink – Tara has reviewed the wetland line and they are all set with Conservation.

Bills

Jim – I have a bill from South coast in the amount of \$154.98 which is for the advertising concerning the Declaration of Easement. Kevin – I make a motion that we approve the same for payment. Zinc – 2nd the motion. Jim – all in favor. Vote was unanimous.

Quail Hollow Hearing continuance—Heather Hills Lane

Jon Pink – as you are aware the last time we had a few bugs to iron out. We were looking at the grass swales. We were planning on 2 feet with an 8" depth with check dams every 50 feet. There are trees at the right side of the entrance. Tony – any trees that die will be taken care of. I don't think if they are killed by the gypsy moths I don't think we should be held responsible. Jim – we had a problem across the street and I don't want to see that happening again. Jon – we have discussed the turn around with Chris. Chris has asked about a burm and compacted gravel. Jim – 50 feet would be better. Tony – we would like to pave it right away but I can do 50 feet of stone. Jon – you wanted a typical building. Jim – what is this elevation. You will fill in around it for the sake of storm water. We will accept this as part of the plan. If there is any change you need to consult with us before the plan is signed after the 21 day appeal period. ?? – is this going to be considered a private way and will you be responsible for placing a stop sign there? Jon – there will be a 15 foot no touch buffer down along the property line. Because of the confusion with Quail Run and Quail Hollow we have changed the street name to Heather Hills Lane. Jim – You have requested a waiver of the monuments. I don't think I would agree. I would like to say I do not have a problem with some of the waivers for the street but if there is any damage done I would expect that it will be taken care of. I will take care of the bounds. Kevin – I make a motion that we approve the same and place it in Jan's office for the 21 day appeal period. Zinc – 2nd the motion. Jim – all in favor. Vote was unanimous.

Robert's Road

Jim – is Chris okay with this. I would also like to be sure that you pave the apron as well. Bob P – yes. Jim – the state own that. Can we put the overflow into the state drain?

Adjourn

Kevin – I make a motion that we adjourn. Zinc – 2nd the motion. Jim – all in favor. Vote was unanimous. Meeting was adjourned at 10:25 p.m.

Lakeville Planning Board Minutes
Meeting- September 27, 2011

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

Present: J. Marot, Kevin St. George, Greg Kashgagian and Sylvester Ziekiewicz

Form A Basille Kyranos

SFG Associates – Form A Myricks Street – 2 lots – Check in the amount of \$200 was received. Greg – I make a motion that we approve the same. Kevin – 2nd the motion. Jim – all in favor. Vote was unanimous.

Kennel By-law

Steve, Derek, Scott, Jared and Bob lafrate were present. Bob I – currently kennels are allowed in a business zone only. I have presented the board with a 2 page document. The lines in yellow have been suggested by Town Counsel. There is a suggest that the permit process be put through the Board of Appeals which starts on Page 3. Steve – state law has the final word. Presently they can get a license and not get a special permit. Jim – we are talking about a license for more than 4 dogs. Derek – are existing by-laws say no but the state says yes. We cannot say no. Bob I – we could go over each one or just simply use the last 2 pages and make it by special permit. Jim – I don't know if the Board of Health has the authority to act. I think it should be by special permit and I think the Board of Appeals should handle it. I think one of the real questions is whether or not they have to obtain a kennel license or if they can choose to license each dog individually. Bob – it my understanding that the dog must be over 6 months. Jim – I think we should refer to MGL. Steve – I guess I don't understand, what do we gain if you can already do it. Does it comply with state law. Bob – you have to be in the area. We are only going to allow it in a Business Zone. We are restricting them by Special Permit. It also lets abutters to be notified. Steve – I am an owner of 20 dogs and I go and get a license. She gives me the license and they are going to then go to the ZBA for a permit. Why would they? They already have the license. Bob – you can get the license it does not mean that you will get the permit to open anywhere. I need to know how it is going to work. Rita – the state law says you have to give them a license. She then gives them the paper. We have a few kennels in town at this point. Jim – we have a kennel by-law. I don't see that she has to issue. Rita – they are trying to change it. Derek – I think it should be checked into more thoroughly. Jim – it needs to go through the process. Brian – it says issue it but I don't see how they can make you issue it. Jim – it doesn't mean she has to issue it. Linda Grubb – I have a problem with the lot size and the number of dogs allowed. Chris Poullas – Montgomery Street – we need to restrict the size of the dogs. What about setbacks. There should be some mention of limits. Jim – Board of Health – has the right to review. Anytime Board of Health needs to take

a stand. Bob I. – permit it with every board and they need to make comments during the review and it should also include the lot size. Town Counsel thinks restrictions would go against the state statute. Scott B – we are talking 4 dogs – more than that would require a kennel license. Derek – it is in the rules from the ZBA they would need a hearing after the abutters are notified. Jim – I think we should take a look at it before it goes to Town Counsel. Linda – my concern is that the Town Counsel is not in the best interest of the town's Special Permit. It needs strict guide lines. Jim – is there a fine or fee structure. We do not have complaints. Rita – the fees are set by the state. Steve – we need to make the decision on fines that the ACO will look in to it. Jim – we need to reference the fines so that people are aware of it. Zinc – what is the existing setback. Bob I – 40 ft front – 20 feet side and rear. As far as a horse is concerned I think 50 feet. Derek – ZBA can take it back. Steve – the ACO could collect it. Bob I – we have ACOs and an Inspector of Animals. What is the feeling of the Board, is the okay or do we need more work. Jim – I think it is a good document. Bob I – we need to add a fee structure. Jim – the fee is part of the kennel license. Violations is a separate issue. Bob – How about an exemption for personal pets. Jim – it needs to refer to what a kennel is. Derek – we need a definition. Steve – if there is a violation we need to know how many before we take back the license. Jared – we need to look into the definitions. Rita – Special Permit is approximately \$400.00 Bob I – it is going to say goes by definitions. Zinc – we are talking a commercial kennel in a residential district. Cindy Dow – it depends on what kind of dog. Steve – the safest way is to go by Massachusetts Law. Chris Poullas— what about 20 dogs plus. Would that be a commercial operation in a residential zone. Jim there will be two licenses, a commercial and a residential. If it is commercial it would also require a business certificate. Bob I – Special permit will be allowed in all zones. A special permit safe guards as far as individual locations. I disagree a kennel will be allowed in all districts. Steve – if I go ZBA they do not want me to have a dog day care. They would have to allow it with conditions. Linda – don't we do that with horses? Jim – it is 2 acres. Jared – private is 40,000 for one. You can have different size animals. They need different things. Bob I – they will need to take into consideration.

8:45 – Hearing re Declaration of Reserved Easement. Notice as it appeared in the Middleboro Gazette on September 8, 2011 and September 15, 2011 was read by Jim. This would be added to our Rules and Regulations. This was a form that would be added to the plan. Rita – this will make things easier as far as road acceptance and it will be a part of it. Jim – yes. This document will be recorded. This of course will be added to our cost of recording but the Planning Board can request it from the developer. Kevin – I make a motion that we add this to our Rules and Regulations. Greg – 2nd the motion. Jim – all in favor. Vote was unanimous.

Mike Renzie – Outdoor Lighting

Mike – I have gone through most of this and have tried to make this easier for everyone to understand. 6.1.3 Non-conforming – it is less than 20,000 it will

need to be altered or extend to the house. It will need a special permit. We have many lots under 20,000 square feet. We would need to change the language. Greg – we need to stay in the foot print. This is part of the ZBA terms. Mike – We need to remove 6.1.8 and follow 6.1.3. Jim – these are fine. Derek – it is confusing. Bob I. 6.1.3 replacement covers demo. Jim – 20,000 is a Board of Health figure. Are you now saying it is 15,000 now? Bob I. – to make it easier we could look at 6.1.2 – 105% is the state statute. It shall not exceed 105%. Derek – 65,000 are not conforming. It just makes it more easier. If you had a house destroyed by fire you would need to come back. Derek – State law was created so that you could stop them if it was destroyed by fire. Jim – I think it works. We would need a package for town meeting. Zinc – deleting 6.1.8 would be if you just tear down. You would then use the same foot print. Bob – on a tear down 15,000 or more. You could not make it more non-conforming. Jim – 5.1.3 easements are an issue as to access easements. It makes the frontage non-conforming. It has created some issues with Septic Systems. We are looking for a way to clean up the language without making it non-conforming. Derek – we have made them non-conforming. Bob I – at times a septic made it non-conforming. I'll come back with some kind of language. Jim – you could almost just add a date. Let us think about this. Derek -- as far as the lot on Precinct Street -- the Form A – it made the lot non-conforming. Steve – time should be indicated. Mike Renzi – the last time we talked about the by-law revision you had indicated that you needed an update and we want to do it right. I would do something between the current by-law and the new revision. The existing 6 sections shows the changes. No changes to Section 1. Definitions – lighting zones – 5 different zones. Jim – you are using 5 different. Mike they are a guide line. Greg – is there a meter than can check it out. Mike – yes. Greg -0-how can Bob enforce this. Section 3 – ordinances recommendations. Bob – are we designating as commercial and residential. Mike we are using guidelines. Mike – my recommendation would be commercial is close to what is proposed. It should be a grandfathered aspect. Bob – you need to have this so that a layman could understand it. Could there be rules and regulations for site plan approval. Jim – we do that now. Bob I. – can it be used for non-residential to have guidelines. This should be simplified. We need to have something that is easy to understand. Jim – we need something easy to understand. I do not agree with the lighting zones. Derek – if you are going to zone it, it would require a special map at town meeting for approval. Bob I – as residential I am seeing the right turn. How do we feel about more rules and where does it stop. Jim – I think you're missing the point. We need something less complicated. We need it simplified and easier to enforce. Lighting zones are not going to be easy to enforce. Mike – this is just to provide guidelines. It provides information. Jim – as far as commercial goes I think we are okay. Residential is something that we could start to work on. I am try to help you so that we can enforce them. I don't see how we can apply them. We have to know where the zones are. We need something simple to enforce and understand. Derek – he is saying simplify it so that we understand what exactly it is. Bob I. – let's try for a one page explanation so that I could put it with my package. Derek – wattage is important.

Mike LED lights are powerful lighting. Jim – we can come up with something which is easy to understand. Bob I. – write up something and we will work with it. Jim -- We need something that is easy for Bob to enforce.

Open Space

Copy of report give to Jim to review.

Bills

Jim – I have a bill for secretarial services in the amount of \$227.20. Greg – I make a motion that we approve the same for payment. Zinc – 2nd the motion. Jim – all in favor. Vote was unanimous.

Vital Med

Bob I – I was wondering if the Board would be available to walk the Vital Med site. Jim – how is Friday, September 30, 2011, at 4:30. Bob that would be good. Members to meet at site.

Meetings

Pauline – I am leaving for Florida on October 3th and will be back on October 25th. I have made arrangements for Christine to cover the meetings that are scheduled for October 4, 2011 and October 18, 2011.

Adjourn

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