

TOWN OF LAKEVILLE
Planning Board
Meeting Minutes
December 15, 2016

On December 15, 2016, the Planning Board held a meeting at 7:30 PM at the Town Office Building. The meeting was called to order at 7:30 PM by Chairman Hoeg. Planning Board Members present: Brian Hoeg, Sylvester Zienkiewicz, and Peter Conroy. Members absent: Donald Bissonnette and Janice Swanson. LakeCAM was recording the meeting

Meet with Paul Turner regarding Ledgewood Estates

Paul Turner was present for the discussion. Chairman Hoeg stated that the base coat is down, it is all to rough grade, and everything is good to go. Mr. Turner now needs to get an estimate from a paving company to do the top coat, an estimate on having the bounds done, and an estimate for the sidewalks. Mr. Zienkiewicz stated that the As-Built Plan is part of the job. Mr. Turner stated that the basin has been done for 6-8 weeks and all the drainage to it. Chairman Hoeg asked that all the information he specified be provided to Mr. Peck, Superintendent of Streets, so that he can review it and make comments. Once a letter of recommendation has been received from Mr. Peck, the Board will vote on the matter. Then the Board will need a bond or money in a savings passbook of 1.15% or 15%. The 15% estimate is for finishing the work. Then Mr. Turner can pull Building Permits and get going. Mr. Turner stated that he is not going to put the top coat on until the four (4) lots and the Form A is done. Outback Engineering could do the bounds.

Mr. Turner asked about the process, since he had spoken with Ms. Garbitt the other day regarding the lot lines going to the middle of the road and then giving the Town back an easement. Ms. Garbitt explained that Attorney Robert Mather and Attorney John Ryder are familiar with this process. The Town does not take a deed for the road, just an easement in order to plow and to maintain the roadway and drainage easements. Ms. Garbitt stated that she would contact Town Counsel for Mr. Turner regarding obtaining an explanation of how this takes place before Mr. Turner starts selling the lots. The deed should be to the middle of the road for each homeowner, but Ms. Garbitt will get clarification regarding that. Mr. Zienkiewicz stated that it doesn't have to be drawn that way. Technically this is correct; however, who owns the road is much more complicated than that. It isn't anything to be concerned about. The person could never re-sell the road. The Town just needs the easement.

Chairman Hoeg stated that Assessor John Olivieri was supposed to get in touch with him to discuss this matter. At this time the Assessors are trying to collect taxes on a liability, and this is taking place throughout Town. However, the Town will never collect taxes on a liability. Ms. Garbitt mentioned that other towns do not approve drainage lots. Each abutting parcel owner owns part of the drainage parcel. Lakeville receives an easement to maintain the drainage, and it will be on the owners' deeds. Mr. Turner asked who is responsible if someone walks on the easement and breaks their neck, the Town or the Homeowner. Ms. Garbitt responded that that is a question for the Town's Insurance Agent. Mr. Turner stated that he is trying to make sure that everything is done correctly, and he is trying to sell the lots. Is the purchaser's attorney going to have difficulty with this? Chairman Hoeg explained that it has been changed from the Town

accepting the deed to the roads to receiving an easement so that the Town can plow and maintain the. Mr. Turner asked what the advantage is for the process to take place in that fashion. Mr. Zienkiewicz stated that he will find the copy of the letter from Town Counsel, who gave a judgment for Woodland Ridge. The center of the road cannot be used for setbacks or lot lines. Ms. Garbitt noted that she could have Town Counsel come before the Board to explain this. There was further discussion regarding the process to accept roads as town ways and the assessment of drainage lots. Chairman Hoeg suggested that Mr. Turner bring this to Outback Engineering and have them take the drainage and split it between the two (2) house lots. Ms. Garbitt stated that she will call Attorney Bob Mather tomorrow. Chairman Hoeg stated that he is not sure about the layout of the road vs. the town accepting the road. Before, the Town would accept the road and the responsibility to maintain the road, to pick up the kids for school with the school buses and allow the Fire Department to access it. Mr. Zienkiewicz stated that it is all done the same; however, there is now an easement on the road. Ms. Garbitt explained that the layout procedure is simple after the As-Built is completed, and the Superintendent of Streets is in agreement with what has been done. Mr. Turner stated that he will ask his Attorney to deed it, rather than bother Outback. Ms. Garbitt stated that Mr. Turner's Attorney can call Attorney Bob Mather, and she will call Attorney Mather tomorrow and go over it with him.

Distributed ZBA Decision regarding 13 Central Avenue

Chairman Hoeg noted that the ZBA Decision for 13 Central Avenue has been approved. Mr. Conroy asked if the work has been done. Chairman Hoeg responded that yes, this is notice that they did it. Mr. Conroy noted that at the very end of the correspondence there are three (3) stipulations behind it being granted. It is to remain a two (2) bedroom dwelling, the petitioner will meet with the property engineer, and it will meet all BOH (Board of Health) requirements.

Distribute Sanitary Survey Report for Island Terrace Nursing Home

Chairman Hoeg stated that the Sanitary Survey Report for Island Terrace Nursing Home is affirming that they have adequate capacity. The Planning Board receives a non-conforming report each month. Looking at page 10, it is the same on the Zone 1 compliance. The parking lot, and now facilities, were built too close to the well. If they expand the well, they have to notify DEP. Mr. Conroy noted that they have a 26,000 gallon tank, which is about a two (2) day supply of water.

Distribute ZBA Notices from the Towns of Berkley, Freetown, Raynham, and Rochester

The ZBA Notices were briefly reviewed and discussed by the Planning Board.

Fact Sheets from Mass Audubon regarding LID Solutions

Chairman Hoeg asked if the Members wanted copies of the Fact Sheets from Mass Audubon regarding Low Impact Development (LID). Mr. Zienkiewicz asked for the original and will return it next week.

New Business

Mr. Zienkiewicz provided an update regarding the Zoning Map. It was ready yesterday in two (2) layers. There is no border or title block on it yet. It should be ready about mid-January. It

will be the correct Zoning Map, and it is hoped to get it electronically as well. Chairman Hoeg stated that if the Zoning changes take place for the lots on Main Street, maybe Mr. Zienkiewicz can handle those changes himself. Mr. Zienkiewicz explained that the difficulty has been that some parcels were not attached to lot lines, so the information couldn't be attached. It had to be done separately. The lady from SRPEDD was able to do that. That is important with well heads and overlays. That is radius' not property lines, so it is being set up that way.

Adjournment

Upon a motion made by Mr. Conroy; seconded by Mr. Zienkiewicz, it was:

VOTED: To adjourn the meeting at 8:15 PM.
 Unanimous in favor