

April 28, 2009

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

Present: J. Marot, K. St. George, Walter and Gregory Kashgarian

Form A

Jon Pink – re Form A for Poillucci for property on Robert's Road. The line has been moved. It is basically a parcel swap. Kevin – I make a motion that we sign the plan as submitted. Walter – 2nd the motion. Jim – all in favor. Vote was unanimous.

CVS

Gary McCoy – Poyant Signs re CVS Pharmacy. When the site plan was approved the signs were not a part of it and it was suggested that they should come back to the board. We are talking standard lettering which is what we use on all of the CVS projects that we work with. As I understand there is to be a monument sign on the corner. We are talking enter and exit signs. Are we able to deal with letter signs. Kevin – what is this pylon Sign. Gary – it is free standing and it meets the code. Greg – we prefer that all of our signs show the light down. Light up top facing down. I believe that we will need a little give and take here. Derek – our signs are 64 square feet – 32 for each sign. Greg – that is total. Gary signs on the canopy are not lit. All others are lit. Have you ever seen the halo light—it is white behind the sign. I am willing to also down size what is on the building. Kevin – you are talking a halo light on the building. Gary -- I will be happy to bring in some pictures of the halo light. I think that the Board will be happy to see what they are like. If this is approved by the Board would I still have to go to the Board of Appeals. Jim – yes or else you would have to cut down on the number of signs. Gary – 12,900 square feet. Jim – how much more do you need. Gary – this is the entrance to the pharmacy. We really need signs near the entrance. Greg – this is the drive thru. That is important. Gary – in some area's we have two. Once is a pharmacy drop off and the other is full service. We will also need a sign which says exit. Walter – do you need the signs to face the parking lot. Why do you need this sign? It seems to me that it is overkill. Gary – My object was to try to get some feedback from the Board. Greg – I don't believe we have seen the halo light that you were referring to. Gary – it shows the white light toward the back. I will bring in pictures to show you when I return. I have some very good pictures of the halo light at the office. Walter – you are also talking reducing the pylon sign. Kevin – how about a 6 foot. Jim – 10 feet is good. Gary we could do the halo on the monument as well.

Greg – how much can you reduce. Gary – It would seem the sign 36” CVS Pharmacy 18”. That is based on what was signed last June. Derek – I know Stop & Shop had to go to the ZBA for the additional signs that they were looking for . You will need the ZBA to act on this. Greg -- I think that Walgreens is within the guide lines. Gary the signs are the biggest thing. If I breakdown the halo and return the pylon to 10 feet with halo. Jim – I thing you are on the right direction. Greg – if it more money to do the halo. Gary – yes, I think that when you see it you will see that it is not a big beam of light. Walter – why do we wait to see what you have to offer. As Jim said you seem to be going in the right direction. Gary – we will cut it to 10 feet. I will check in before I come back. Derek – I believe that there was a variance with National Development. How does it work with the sign? Jim – signs are the same. Nancy – new construction should have to follow all of the rules. Derek – I am cross the street. Jim – Walgreens’ lights go off when the store closes. Gary – when can I return. Pauline – our meetings in June are June 1, 2009 and June 16, 2009. Gary – I will try for June 16, 2009 at 7:30 p.m.. Pauline – call received from Poyant Signs requesting that he be put on the agenda for June 1, 2009 .

County Road – Rezoning

Jim – as everyone here is aware this is an article which was brought by petition. It is to appear on the Town Meeting warrant on 6/15/09. When this originally came before the Board we had suggested that it included down to 140 but the reception by the residence was not received that well. We now have the two petitions and one includes beginning at the VanLaarhoven property to the Mullen Hill Church property. The second petition is for the McCarroll and Doherty property only. Both petitions are requesting that they be zoned 430 feet back. Ms. Breault -- Highland Road. Business has come and gone in that area. I personally would prefer no more business then what is there at the present time. I prefer no additional. Doherty – the zoning of the north side has been on the Master Plan for years. We moved here 25 years when it was a country road. We have public storage and the land goes beyond Highland Road. Jim – we noted your point. We will have to vote as a Board at Town Meeting. We have felt this was a good area for commercial development. My own feeling is that I would be in favor of the larger one since it involves a lot of area. Greg – how many residents. Jim – I have a question for the Board of Selectmen. Have you thought about the new NBZ? Nancy – it is straight business across the street. Derek – we did talk about it briefly. But we felt full business would be the better and I personally feel the larger one as well. Jim – the thing that concerns me about the Master Plan and/or the NBZ is that you could create rental apartments over the business. If you have some huge lots held empty my personal feeling why wouldn’t you be able to put a nice office building? We talked about the Will Property – I think at one time they were talking a convention center. Walter Scholz – what is going to happen to my back land. McCarroll – you will still be able to use it as residential. Nancy – you do know that you can’t access residential through business. Jim – that is correct. McCarroll – I did not know you could not access residential from business. When we approached the Board of

Selectmen nothing was ever said about it. Jim – it is part of our by-laws. I would hate to close the door on something that would benefit the town. Derek – can they use it as residential? McCarroll – you could access off Highland Road. Nancy – that would be a potential for the future. Jim – I would rather see a nice office park. Nancy – I think we are all thinking the larger. Derek – we don't have a lot of teeth there. Doherty – how was the hospital done? Jim – it is business zoned 600 feet. Walter – I make a motion that we recommend approval of Petition 1 and that Petition 2 be withdrawn. Greg – 2nd the motion. Jim – all in favor. – Vote was unanimous. Greg – I personally am not in favor of Petition 2 and would recommend that we recommend disapproval of the same. Walter 2nd the motion. Jim – all in favor. Vote was unanimous.

8:15 p.m. – Hearing re Accessory Apartment

Notice as it appeared in the Middleboro Gazette on April 2, 2009 and April 9, 2009 was read by Jim. Derek – I am here as a representative of the Master Plan Committee. We will be meeting on Thursday. Nancy – In one place it says 2 years and in the other 1 year. Derek – 10.5 is giving anyone the chance to come forward. Nancy – if it is deleted I don't have a problem with it. Jim – you still have to file with the ZBA. The other issue 10.3.2 – 1000 square feet is a big area. The deal with Bob is it includes common area. Greg – you don't need that much common area. What is the importance? Derek – we have 700 in common area not included. Bob – is saying 1000 area. He is trying to tighten up the area. Derek – either way they are going to do it. Jim – 1000 square feet is a lot it is almost a 2 family. Derek – Would you want to add not to exceed 25%? Jim – if we take what Town Counsel says I am okay with it enforcement is the Building Inspectors responsibility. I don't know what we are going to gain here. Greg – we are sticking with the limitation of 1 bedroom. Walter – what are you saying at this point 25% not to exceed 1000? Derek – I personally do not have a problem with it. 10.5 purpose won't come forward with this it could generate some tax revenue. Greg – I thought we were willing to give him 1000 square feet including common area. Are we now saying 25 – 35%? I think we need a definition of common area. Derek – 1st page says independent. Derek – I want to be sure that I understand what is being said. Are we saying no more than 25% of the entire structure and not to exceed 1,000 square feet? Jim – that seems to be the feelings at this time. Jim – It will also have to be renumbered. I think that 10.5 is going – 10.3.7 if left in if possible. 10.3.8 needs to be deleted. We will wait to hear from the Master Plan and then make a final decision.

Water Tower

Nancy – I am here to discuss the water tower site. One of the sites was our well site. Taunton is going to pressure LeBaron to put in all of the piping. Jim – they have not done a lot of what they were suppose to do. Nancy – we are working with Taunton. Another site is in the Industrial park—this is basically what we are at now. It is across from Talbot's. It is an extra lot from the landfill. They are talking a booster at the highway barn. Derek – didn't the town get sued? Nancy – they have said this was the best place. Derek – what is the process? Nancy

CVM is doing what it needs to do. Jim – that seems to be a good. Nancy – we need to meet the dead line. We have to vote to pick the site. The water here was bad. An attorney came to us and asked if we wanted to join in on the suit. We have received 1.82 million. If we stop DEP. We would be eligible for SRF Loan. They have decide and we have to show how we are going to pay it back. The tower is expandable—1/2 million gallons. That is 5 times more than we use now. It is cheaper and maintenance free. Jim – this is great. Nancy – next time I will bring the pictures. They have been in business for over 30 years. Jim – we need to be in control of our own water.

Anderson Way

Jim – we have a request from the Board of Selectmen concerning our recommendation concerning the acceptance of Anderson Way as a town road. Kevin – I make a motion that we recommend the acceptance of Anderson Way provided that all of Chris Peck's concerns have been taken care of. Greg – 2nd the motion. Jim – all in favor. Vote was unanimous. Letter to be sent to the Board of Selectmen.

Bill Markson – Lakeville Storage

Bill Markson – I am sorry that I was not able to be at the site when you were there the other day but as I explained to Pauline it was a Jewish Holiday and the anniversary of my father's death. Pauline was good enough to send me a copy of the concerns that you had.

Jim: Our concerns were as follows:

1. There still exists a section within the compound, just to the left of the office building which shows on the plans as being landscaped. The area was discuss with Bill last year and we were told electrical wires needed to be identified as buried under this area, but the landscaping still needs to be done.
2. There is a pile of junk or debris to the right of the office within the compound, adjacent to the street which needs to be cleaned up. Is this project finished or not?
3. Rental trucks need to be parked within the compound fence and not used as advertising.
4. The final coat of pavements needs to be placed or the lip created by it not being there it won't meet building code or ADA code.
5. The selling and processing of cord wood is not an appropriate business for this area and was not part of the application for site plan review.
6. The office building as submitted had a porch on the north and east sides.

How is the building to be left? Why do we approve a site plan if the site is not constructed according to the plan?

Bill -- The final coat of pavement will be done and I want the Board to know that I have reviewed the slot drain with Mr. McCarroll that will be in place in the front which will go to the basin and the radius on the easterly side. I will then put on the top coat. Walter -- what is the story with the firewood that you have on the site? Are you planning on selling what is there? Bill -- I was selling it for \$300. but I have reduced the same to \$275. Selling is not part of the storage business. It is another business. Bill -- it came from clearing the lot. Walter -- are you saying that this is a temporary thing? Bill -- yes. Jim -- if we were to look at National Development it would be like while they sell off the top soil. Greg -- How much longer -- Bill another year probably by next spring. Jim -- the engineer included a porch but when he looked at it did not work. Quite frankly I am broke. I don't think the porch is a big matter. Walter -- I am saying you didn't come back to us. The purpose to a site plan is to follow what has been agreed upon. Bill -- I got approval from the Building Inspector. I liked the porch but I can't afford it right now. I am looking to survive. How do you feel about the trees? Jim -- good. Drainage goes under the street. There is an area where anyone can walk in from the street. I think you would want to do something in that area. Bill -- I was told I could not do it. Jim -- I believe that it would be just for your own safety. Bill -- I will see what I can do. Jim -- the landscape area behind the fence -- it was suppose to be blocked from view. Bill -- I am just about done. The drainage is working great. The down sprouts go under the ground into the basin. Jim. Bob has asked that we get a bond. We are looking for some guarantee that it is completed. Jim -- it is a day's effort to get the junk moved. The rental trucks need to be moved behind the fence and not used as advertising. Greg -- I do understand that it was going to be there. Jim -- it is advertising and I did not understand that it was going to be that way. Bill -- the front truck is rented from the front. I will move the truck to the back. Jim -- we might be agreeing to something economical. Do what you can do and then come back to the next meeting. Jim -- what is the boards feeling concerning the occupancy permit. Walter I make a motion that we request that the Building Inspector give him a 90 day temporary occupancy -- with the stipulation that the rental trucks are moved, garbage is gone and the slot drain is put in place within 30 days. Kevin -- 2nd the motion. Jim -- all in favor. Vote was unanimous.

Bills

Jim -- I have a number of bills which need to be approved for payment.

Copeland & Paige - \$288.00 re Fuller Shore

Copeland & Paige - \$256.00 re Cedar Pond.

Walter -- I make a motion that we approve both bills for Kopelman & Paige. Greg -- 2nd the motion. Jim -- all in favor. Vote was unanimous. Jim -- I feel that we should attempt to get the money concerning Cedar Pond. Walter -- I make a motion that we have Pauline send a bill to them.

W. B. Mason -- \$34.08 for supplies. Greg – I make a motion that we recommend payment of the same. Kevin – 2nd the motion. Jim – all in favor. Vote was unanimous.

Brian Lewis

Letter to be sent requesting that he be present at the next meeting (5/4/09)

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