

**TOWN OF LAKEVILLE**  
**Planning Board**  
**Meeting Minutes**  
**January 12, 2017**

On January 12, 2017, the Planning Board held a meeting at 7:30 PM at the Town Office Building in Lakeville. The meeting was called to order at 7:30 PM by Chairman Hoeg. Planning Board Members present: Brian Hoeg, Sylvester Zienkiewicz, Peter Conroy, and Janice Swanson. Members Absent: Donald Bissonnette. LakeCAM was recording the meeting

**Meet with Thomas Hardman regarding Tammet Brook Subdivision**

*Mr. Thomas Hardman was present for the discussion.* Mr. Hardman was representing the Horton family. He stated that a lot has happened since the approval with the Planning Board. An Order of Conditions to construct a road had been given by the Conservation Commission, which has been appealed by an abutter. The owners have received costs for the road construction, and they are significantly higher than they expected. Alternatively, they would like to scale things back. What is being proposed is a two (2) lot sub-division around the existing concept. The Planning Board would be asked for waivers on the road construction. This change will minimize wetland impacts, only impact the buffer zone, and provide more separation with the septic systems, if necessary. Then the present plan would be pulled out of the appeal process. Another definitive application would be provided, and what has been presented would be withdrawn. We would then come back to the Planning Board and show a proposed sub-division very much like this. The road would remain private with no approval or acceptance by the town. There is an existing driveway, and it would allow an area in the back for a house.

Ms. Swanson stated that the proposed is much better than what had been previously intended. Mr. Conroy asked what the waivers were on the road. Mr. Hardman stated that it will service just this one (1) house and be a driveway. It will not service the other. There is already a driveway for that house at Lakeside Avenue. Chairman Hoeg asked that the Planning Board be provided with a cross section of the driveway. Mr. Hardman responded that he would and asked about minimum width. Mr. Zienkiewicz replied 14 feet. Chairman Hoeg stated that 14 feet is good. Mr. Zienkiewicz asked what happened with DEP. Mr. Hardman explained that it has not finished yet. Mr. Zienkiewicz stated that before it was as of right, and Mr. Hardman conformed with the rules, and the Planning Board was satisfied that there were no waivers. Now Mr. Hardman is asking the Planning Board to approve waivers. What is this business? Is there a letter or anything? Mr. Zienkiewicz stated that he wanted to know what DEP didn't like about the project. Mr. Hardman explained that it was not DEP. A neighbor appealed the OOC (Order of Conditions), so that is being handled by the Regional DEP Office, which is located in Lakeville. DEP will issue a superseding Order of Conditions. An onsite meeting took place. If the owners don't like what DEP issues, it can be appealed to Boston for an adjudicatory hearing, or the appellant can appeal the DEP decision. Chairman Hoeg asked if the plans are withdrawn, does it void everything. Mr. Hardman responded that it would. At this time the former plan required filling in wetlands to construct what was approved. Mr. Zienkiewicz asked about the abutter. Ms. Horton stated that it is Anthony Podesta. The new plan takes all the wetland stuff off the table and removes those issues. Now the project is only in the buffer. An appeal can be a long arduous process and expensive. The appellant is represented by counsel.

Chairman Hoeg stated that once the former plan is pulled, the one that the Planning Board had agreed to goes away. Mr. Zienkiewicz asked if Mr. Hardman filed the other plan. Mr. Hardman stated that the Planning Board approved it, but it was not filed at the Registry, since the Planning Board did not endorse it. They were waiting on the Conservation Commission to see if there were changes to be made. Now the whole Conservation filling of the wetlands can be taken out of the equation. Chairman Hoeg stated that when they pull the plan, then there is no plan. Mr. Hardman stated that they would then return with an amendment to the subdivision. Mr. Zienkiewicz stated that it would be the easiest way. Then the Planning Board charges \$100 for a change. Mr. Hardman stated that the project is being reduced to two (2) lots rather than the four (4) that were shown originally. At this time the owners were looking for input from the Planning Board. Mr. Hardman explained that presently the DEP is acting on the appeal, and based on the conversation tonight, he will let them know that the plans are being changed. A cross section of the driveway to the extent that it lies within the layout will be provided to the Planning Board. Mr. Hardman asked if a turnaround was needed. Chairman Hoeg responded that it would not be needed. Mr. Hardman thanked the Board for their input.

#### **Meet with Mark Knox regarding the Site Plan Review fee for 303 Kenneth Welch Drive**

*Mark Knox was present for the discussion.* Ms. Garbitt noted that Mr. Knox is present this evening because he never submitted payment to the Planning Board for Site Plan Review. Ms. Swanson explained that the Planning Board typically charges \$250 for minor projects and \$1,000 for major projects. The project that Mr. Knox is proposing appears to fall in the \$250 category.

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

VOTED: To charge Mark Knox \$250 for Site Plan Review for his project at 303 Kenneth Welch Drive.  
Unanimous in favor.

Mr. Knox submitted his payment and requested a signed copy of the plan. It was suggested that he get a signed copy from the Engineer.

#### **Meet with Paul Turner regarding Ledgewood Estates**

*Paul Turner was present for the discussion.* Mr. Turner stated that he had read through the information provided to him regarding the center line business, whether the lot line went to the center line in the road. Ms. Garbitt explained that Mr. Turner is now asking about the amount for the bond. Chairman Hoeg pointed out that it would be \$42,000. There was discussion regarding the cost of the As-Built Plan. The cost for the As-Built Plan is \$4,500 the bounds are \$2,750 and acceptance plan is \$1,200. Mr. Conroy stated that he agreed with Mr. Peck's estimate, since he probably used a graph to cover it. Mr. Turner explained that the basin is done, seeding is done, compacted, etc. The top coat of the pavement is what remains. Chairman Hoeg stated that in order to get the lots released a passbook or a bond in the amount of \$42,000 needs to be provided and given to the Town Treasurer. The Treasurer's name has to be the signatory on it, and then she goes to the bank with him. Mr. Zienkiewicz added that then Mr. Turner would receive a release on all four (4) lots. Mr. Turner asked what the amount would be if he only wanted two (2) lots released. Can an attachment be put on the other two (2) lots? Ms. Swanson stated that it could be done, and the Planning Board has done it before. Ms. Garbitt stated that the Release Form will need to be filled out. The Release Form was printed out for lots

7 and 8. It was filled out by Chairman Hoeg and signed by Mr. Turner. It was found that the deed has been recorded at the Registry so the book and page were filled in on the Release Form. The copy of the recording will be kept in the file.

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

VOTED: To sign the Certificate of Performance to release Lots 7 and lot 8 of  
Ledgewood Estates.  
Unanimous in favor.

Ms. Garbitt stated that it is up to Mr. Turner to record the document at the Registry of Deeds.

Ms. Garbitt provided an update regarding the discussions she had had with Town Counsel and Mr. Olivieri at the Board of Assessors regarding the road and drainage easements. She had asked if they could both attend a Planning Board Meeting in the future to go over the details. Basically, there should be no value given to drainage lots. Drainage easements should add minimal value to the lots. The question of liability comes up after the road is accepted by the Town. The Town wants an easement to plow and maintain the road and to maintain the drainage structure. If the Town does not maintain the drainage structure, it is the Town that is liable. The Town does not want the interest in the road and neither do developers, so as Mr. Turner is selling the lots, as long as he does not retain an interest in the road, he will remain silent. His Attorney will talk to the Town's Attorney about this. His Attorney will also have to do the Certification of Title within 120 days after the Town Meeting. Mr. Zienkiewicz noted that that is 2-3 years from now. Ms. Garbitt agreed. This is what Attorney John Ryder and Attorney Robert Mather have been doing right along. The Assessors need to be aware that they should not be putting any value on these lots. The developer and the Town do not want to own them. The Town just needs to be able to maintain the roadway and the drainage structures with an easement. The school buses will not go down the road, until it has been accepted by Town Meeting. After the two (2) years, when the final coat is done, the As-Built Plan is needed. Then Mr. Turner can petition the Board of Selectmen to layout the road. Once the Selectmen vote to lay out the road, it goes to the Planning Board for their recommendation. Then the Selectmen vote to approve the layout of the road, and it goes to Town Meeting for approval. Ms. Garbitt stated that she will call Town Counsel Shirin Everett, since she has Mr. Turner's Attorney's name and number, and tell her that Mr. Turner will not maintain an interest in the road.

#### **Review revised listing of parcels for re-zoning on Main Street**

Ms. Garbitt provided an update on the revised list of parcels for re-zoning on Main Street. There had been 12 parcels on the first memo; however, one (1) parcel had been left off, 20 Main Street. The Board discussed scheduling the required hearing. Mr. Conroy suggested that it take place at the Library, since there is a likelihood that a lot of people will be attending. Ms. Garbitt stated that she would contact Ms. Viveiros at the Library and inquire for dates in March. Mr. Zienkiewicz asked if everyone wants to have their lot re-zoned. Ms. Garbitt responded that almost all of the owners are in agreement with the re-zoning. Mr. Zienkiewicz stated that he felt that the property owners should receive personal contact through a phone call or a letter. Mr. Conroy agreed. Ms. Garbitt stated that she will reach out to anyone that she has not spoken with and make sure all the owners have been called. She will then report back to the Planning Board.

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

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

### **New Business**

Ms. Garbitt stated that the Master Plan Implementation Committee (MPIC) met last night and has been meeting with every Board and Committee in Town over the past year and a half to update the 2005 Master Plan. The MPIC had worked diligently for many years on the strategies and recommendations contained in the Plan. Many of the strategies and recommendations have been completed, or are no longer relevant. The MPIC felt that as a part- time Committee, they do not have the expertise to update the plan. They have requested funding at the next Town Meeting. Public Workshops will need to be held. The MPIC would like to meet with the Planning Board to discuss updating the 2005 Master Plan. Maybe the February 9, 2017 Planning Board meeting would work, since there is nothing else on that Agenda at this time. Much of what is in the Master Plan is what needs to be done through the Planning Board. Further information was provided by Ms. Garbitt regarding what has taken place with respect to gathering information from Town Boards about their sections of the Master Plan. It is hoped to obtain some funding to help the MPIC update the plan, since the Town cannot expect the Boards and Committees to do it. The original Master Plan took three (3) years to do with a 12 person committee. Daylor, the consultant at that time, knew what towns need, since they have had the experience in this area. They did the first Housing Production Plan (HPP) in the State for the Town of Lakeville. The cost was roughly \$65,000 for both the Master Plan and the HPP to be done. If there is any money left over, it would go back into Free Cash. However, the Committee has decided on \$100,000 due to looking at what other towns have been paying. The 2005 Master Plan will be put on the website, and there is one to borrow (Mr. Conroy borrowed the available copy).

### **Adjournment**

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

VOTED:        To adjourn the meeting at 9:10 PM.  
                  Unanimous in favor