

August 19, 2008

Members present: J. Marot, B. Hoeg, K. St. George, Walter Healey and Greg Kashigagian

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

**Al Perault/Brian Lewis – 1 Main Street**

Mark Swanson – I am here on behalf of Brian Lewis. We are looking for a change in use for 1 Main Street from residential to business. Initially we had planned to tear down the old house and put up a replacement building but we have since decided to renovate the present building. Al Perault – we are going to need additional parking. We will be taking down the hill. The handicap will be in the rear. The main entrance will be at the front. The driveway – will be crushed gravel. We will be adding a substantial amount of landscaping. The black top that is there presently will be taken up since it is in pretty bad shape. Greg – are we talking the same curb cut? Walter – I believe that it should be a right turn only. Brian – this does not show where the water will be held. We need to know the height of the wall. Do you just want to change the use? Jim – I think it is just a preliminary. Are you planning any changes to the building? Mr. Perault – only a handicap entrance. Matt – we are just cleaning it up and putting on new siding. Jim – we are looking for the impact to the surrounding area. We will be looking for information concerning the outside lighting, parking, changes to the site such as landscaping and signs. We would be looking for a monument sign which is externally lit. The sign between 6 – 8 feet. I would show the entire site even what is there at the present. Include all of the parking, size of the building. The lighting should be shown downward with a pole maximum of 20 feet.

**Form A – Carol Woodhouse**

Kevin – I make a motion that we sign the plan as submitted. Brian – 2<sup>nd</sup> the motion. Jim – all in favor. Vote was unanimous. Cash received in the amount of \$100.00

**E. T. Engineering re Taunton Street**

Engineer – I am here on behalf of Anderson – They are trying to get another house in here for another member of the family. They are looking to get a house out back. I have told them that they may have to go to the ZBA. We are hoping it will be a private road. Jim – it is not something that we have done. We only do a 2 lot with one build able and the other no build able. You have to show us the if it was necessary you could build the road and then we would give you certain waivers. I don't think that you could show us that you could put in a upland circle. I don't think they would waive the upland circle. We might possibly waive the road construction but there is no way that you could comply with our by-law concerning the upland circle. Brian – we could turn you don and you could then go to the ZBA but we have to tell you that we feel that would be a long short.

Brian – I make a motion that we turn the plan down and suggest that he could go to the ZBA. Walter – 2<sup>nd</sup> the motion. Jim – all in favor.

### **Discussion re Signal and Intersection Improvements Project**

Selectmen Evirs – this is 495 and these are the ramps. We attended a meeting with them. They are looking for input. We are hoping for this to all line up with the change to Route 79. They lose the 4' shoulder it goes to just sidewalk. There will be a signal at Clark St. the first street. SRPEDD it would back up traffic to 495. All the green is Field Engineering. All lights will be in sequence. Jim this is not put in so that you can walk up to the highway. The crosswalk could be up toward the bank. Chuck – we did not talk about a pedestrian crossing. All the lights will have the fixture for Fire and Police to change to red. Chris – what they have to do does not affect 79.

### **County Road Rezoning**

Mr. Doherty – we sent letters out to people between the church to Freetown Street. We had a storage place put in and feel that it has devaluated our properties. We are trying to relocate. Jim – I would like to have a public hearing and include the people need the higher end of Highland. We are talking residential to business. The difficult part is how it will affect the neighborhood. We would like to hear from the neighbors. I know that you are in favor of changing your area. Paul Rathburn 172 County Road. In the last 14 years from 1990 – 2004 we have had a number of attempts at business and nothing seems to make a go of it. If you looked at Exit 9 from 140 there is a traffic count of at least 30,000. I don't believe that business wants to come into an area where the neighbors object to them. I don't think it has anything to do with Bill's business. It does not make sense to add to the zone. Doherty – I never took part in any petitions. McCarroll – I wasn't involved in any petition and we did not vote at Town Meeting. I have been a neighbor a long time it has been business for a long time. We were talking for our property. Mullen Hill to approximately 1000 feet across from Markson's property. We went to the Master Plan. We were asked by the Planning Board to engage people from the Master Plan foot print which took in both sides to be zoned business. The Planning Board asked for the people in the foot print area. It would go to Town Meeting and it might be extended from Freetown Street to Route 140. Basically the vision of the Master Plan and Board of Selectmen. We are talking traffic from 9,000 to 40,000 on 140. There is a possibility of getting utilities to the site. Jim – everything is on. Paul R – there are just no buyers. You are putting us in a bad position. McCarroll – I am looking for the same benefits that they have across the street. Richard Cory – 171 County Road – I am building a new home and it seems to me to be a nice community. I would like to think that the area is not going to change. The real estate market is not there. If there is any change I would hope that it would not be a high volume type. The rezoning will begin the snowball and it will then start to look like 44. Doherty – you could have anything built there. The road is going to change. Cory – it is completely true. It was my idea that neighborhood business zoning would be limited to a home base type of business.

I would be more in favor of a neighborhood zoning. I would think it would be up to the people who want it to prove that rezoning is the best objective. Jim – it has not been turned down. Brian – we are trying to do good planning. We are looking for to what is going to happened down the road. We want to hear every ones thoughts. We don't want to run in to opposition at the Town Meeting. Jim – the feeling that I am getting is some people feel all or nothing. The other thing would be rather than rezoning a portion to do a Neighborhood Zoning. It would be an overlay of the residential by special permit by the ZBA with a public hearing. It would be a much smaller zone with small buildings in a residential. I am hearing a split thing. McCarroll – basically I have been looking for a plan of success not failure. The bank on Freetown Street has a drive through. The storage building was built with a variance. Bill Markson – as far as the buildings are concerned small buildings look better. Our side needs special permit and variances. It is good because you would get public input. Paul R. I think that you need specific language. Bill M – My site plan was approved in March, 2006. This Board saw it as a good thing for the area. Cory – If rezoning is the answer for the north side then I would think it should be the same as the south side. I do not believe that the book value would be brought into this. You would have to plan for the future. Tom Crown – we do not have strong feelings either way. I think we have to think of what is best for the town. We are here to gather information. We are not sure what we want to do. Everyone has a self interest. We need to look to the future. Bill M – In 1978 property was rezoned. It would have. been spot zoning and it was determined to do both sides of Freetown Street and part of County. Doherty – if the water main was run up to Highland would it help your property sell? Rick Walker – 174 County Street – what is the advantage? What are my rights can I always keep it. Jim – I am going to close the discussion. The process to establish an area to be zoned by petition, present the petition to the Board of Selectmen. They in turn will forward the same to the Planning Board. The Board would then set a hearing date, place an ad for the hearing in the Middlelboro Gazette for two consecutive weeks. The petitioners will have to obtain a certified list of abutters. Once the Board receives the list a mailing will be done Certified Mail Return Receipt Requested. The hearing will be held and a recommendation made by the Board at Town Meeting. The article requires a 2/3 vote and approval by the Attorney General.

### **Bill Markson – County Road**

Bill – I went to Bob (Building Inspector) for a Temporary Occupancy Permit for an additional 60 days. I understand that the Board has questions concerning the landscaping. Jim – we expected to see some action on the site. The plan shows a monument sign not the sign that you have there. Bill – what is the problem with the sign. Jim – it is not what you agreed to. You asked for a occupancy permit based on what was on the site plan. This does not conform with the site plan review. Bill – it is substantially in compliance. I have tried to build something which is attractive. This is the first that I have heard that there is any issue about the sign. The sign is an attractive sign. I am not going to take it down. I am prepaed to do the trees. Jim – you asked months ago if we would let the Building

Inspector issue a Temporary Occupancy Permit. Greg – do we have the sign plan that was submitted to the town. Jim – I did not bring it up at the last meeting because I did not want to start another issue with the abutters. Bill do you have a problem with the sign and is it an issue for the temporary occupancy permit? Jim – we are looking at monument signs. Bill if it was an ugly sign I could understand it. Brian – as it stands now the next person will have to be driven through the needle. Bill I put up exactly what was on the permit. Jim – I issued the occupancy permit to Walgreens and after I was told that I had the right to stop it. I am not included to let this go by again. When you signed this plan it is what we expect you to do. Bill - The sign has to be the size it is because of the fence. The trees will be planted in the fall as I agreed to do. Jim – you are looking for a 60 days extension. Bill – the other thing is that it is the lowest possible use and it will give the town taxes. Jim – I felt it was a good use. Your occupancy is being based on what you agreed to have happen. Bill – the grass is in and the trees will be put in the fall. Jim – I will agreed to an occupancy but no further buildings until the trees are in. Bill – I am waiting for the final plumbing inspection . In about a month I will be looking for Temporary Occupancy. I would like to put them in until the end of October. Brian – We are talking about the completed buildings. Bob (Building Inspector) – What happens to the two buildings that they are working on now. Bill – I would like to extend the present and extend when the buildings are completed. I believe it is the beginning of October to the end of October. Greg – where are we at with the sign. Bill – if you are talking me taking it down I am telling you I am not going to take the sign down. I disagree with you. The plan shows them in the swale. Walter – He is asking form some point in October to the end of the months. The trees will be in by the end of October. Bob – any work will need to be checked with our Highway Surveyor to make sure that it is completed. Jim – I am looking for a cash bond or completed project. Bob – we need to work out something to go by. Bob – so the cash bond if not before October 20<sup>th</sup>. Jim – if it is not done by October 20 a cash bond of \$150%. This is for everything. Bob – are we talking 3 Temporary Occupancy permits. We need to meet at the site on October 21 at 7 p.m. Jim – all in favor. Four in favor. Greg – opposed. Bill – there has been a question about the lights off at 9 p.m. Why am I different then Mayflower. I am thinking about changing it.

### **Captain Bob's Waterway application**

Walter – I make a motion that we approve the same. Brian – 2<sup>nd</sup> the motion. Jim – all in favor. Vote was unanimous.

### **Meeting**

Jim – we are going to try for only one meeting in September.  
Next meeting September 23, 2008

Walter – I make a motion that we adjourn. Greg -- I second the motion. Jim – all in favor. Vote was unanimous. Meeting adjourned at 11:35 p.m.