

February 2, 2009

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

Present: J. Marot, K. St. George, and Gregory Kashgagian

**Master Plan – continuation of Neighborhood Business Zone**

Jim – this is a continuation of the Neighborhood Business Zone. Bob lafrate – what you gave us shows area to be rezoned. We started with a plan you proposed and a different set. We came up with a new set which you have given to you and hopefully get it in to Town Meeting. Jim – since we just got it and are going through it now. The one that we were looking at was for a small scale or impact. We believe that it is covered under the document. We are looking at a Special Permit thru ZBA with a public hearing. Bob lafrate– we are looking at allowable uses. The last is guidelines for the ZBA. I believe that one of your concerns was with animal daycare and vet’s office. There is no place in town where it would be allowed. Jim – I don’t have a great concern with day care. It is exempt by law. Animal day care is a different matter. It should not be transferred. Is the ZBA making the statement it can not be transferred. It is very important that we have this power. Bob I. – The Special Permit goes away with the person. Jim – only if you make the specific statement . Otherwise it stays with the land. If the ZBA makes the statement it can not be transferred. It is very important that we have this. Jim – I think we are saying that if it is not listed it would not be allowed. Bob I – this will have a heavy impact – . We don’t have a potential business. We are giving the ZBA the authority to deny or approve. Jim – according to the by-law it is the ZBA. Linda Grubb – would I have to worry about somebody doing it in the backyard? Derek – the ZBA tries to get all departments to sign off. I have two and it does not say enclosed facility. Bob I – as far as density we are looking at the areas and lot sizes. Minimum 20,000 would be right. We are targeting smaller lots. Jim – this is a separate zoning by-law. It is separate from the location. If someone has a larger lot it could be made into smaller lots. You are establishing a zone with small lots than zoning. Derek – we are looking at a secondary residential zone. Jim – you need to keep the lot area. Pre-existing are eligible with 24,000. Bob I – set backs already exist. Jim – Are we talking Special Permit for 20,000 if they have to comply then they would need a variance if the setback is not there. Bob I – existing non-conforming would only apply to a new structure. The test area is part of the package. All are existing non-conforming. One lot is 18,700 square feet. He would need a Special Permit – he is existing non-conforming. It would be according to what is needed for the Special Permit. Derek – should we put it in a present residential zone and then as a disclaimer. Would the Board be comfortable with that? Jim – we thought it would be an overlay zone. All

requirements would have to be met for anything other than this. Bob I. – Town Counsel will be able to address some of these problems. Home occupation is shown so that it can be compared. The next step is to have another public hearing and something to show the zone. Jim – to establish the zone we would need a description of the lots. Bob I – I think it is only 18 and 19. Derek – the Town Administrator is going to check on the meets and bounds. Jim – we have always need it in the past. I understand that the area is in black. How come Old Main and Crooked Lane? Bob – I understand that they are scenic roads. Jim – they need to address hours of operation. Bob I – we have discussed that the ZBA to handle it with the Special Permit. Jim Rogers – the reason we left day care and adult daycare is because we need a certain amount of flexibility under certain areas. Jim M – my only thought is day care are exempt by state law. There should be things that are set. We need to consider hours of operations. We need to consider it is a residential area. Jim Rogers – you will always get some business that customers need to show up at 7. You need to control the services but not so much the customers. Jim – you need to have set hours for vendors. How early and how late should be set by the ZBA. Linda Grubb – you need to take into the animals and whether or not they will be outside. Jim M – dog grooming is inside. Linda – animals on the outside would be a problem to the neighbors. I think that you would have to consider making the animals be inside – not outside next to a resident neighbor. Jim M – this is some of our concern. Greg – can we eliminate the Vet's Office? Jim M – once we have a more definite plan we need and will be posting another meeting. We still have some work to do on this before it goes to Town Meeting. Nancy – with all of the problems concerning the budget we need to think about getting something in return for making certain allowances. Bob – we have talked about a fee schedule but have not made any real decisions. Derek – would you like to add fees. Jim – sure if you guys can come up with some discussion and suggest some of the fees. I think at this time that we should continue this discussion to a date sometime at the end of March or early April. Bob I – How do you want my committee to go? Jim – we need more information as to how it would work and we would also have to have a date certain to schedule another meeting. Derek – Would you want it to go to Town Counsel?

**8: 05 p.m.**

**Hearing – Petition #1 re County Street – Van Laarhoven to Highland Road**

Jim – Notice as it appeared in the Middleboro Gazette on January 1, 2009 and January 8, 2009 was read. Mr. McCarroll – basically we have been dealing with the different departments. This originally was done with just the Dohertys and myself when the public storage was put in across the street. We met with the Selectmen and were looking at what was in the Master Plan which shows it to Freetown Street. As it stands one side is residential and one side is business. Linda Grubb – 22 Pierce Avenue -- there are 4 or 5 areas which are consider historical and we have 3 cemeteries. What will happen to those properties? The rural character and scenic view would be lost or be zoned out of existence. Paul Rathburn – I am opposed to it. Chuck Evirs – when this came before it we felt

that if the residents were in favor we would support their effort. Jim – Memo dated July 29, 2008 from the Town Administrator citing the vote of the Board of Selectmen was read by Jim. Jim – I also have letters from Paul Rathburn and Corey Richards which basically are in opposition to the change. Nancy Van Laarhoven – what is being said is correct when we were first approached we did not want the change and we did try to put a stop to it and we lost. Paul tried for a gas station and we were able to stop that but now we see business across and down the street. We attended the hearings on the golf and to try to stop the alcohol and we lost. We now have the golf, alcohol and the bank. What's next.? We asked and you said if it met the requirements you would have no choice and that is why we want to have the option. We have taken care of our animals and our land. We just want an option. Chawner Hurd – What Nancy said is right. We fought and we lost. It is just of case of giving up to what is going to be there. We are just going along with it. It seems as though it is becoming a small business strip. Chuck – if the zoning is changed it does not have municipal water and that pretty much means that you will not have a gas station or large stores as they are only zoned 400 feet. Bob Staples – 164 County Street. My feeling is do all of it or nothing. I do not like spot zoning. Mr. McCarroll – Originally when we approached the Board we were just talking the McCarrolls and the Dohertys as I stated before. The Board suggested that we check with the residents in the area and look into doing all of it including Freetown Street to Route 140. All we are asking for is what is across the street. I think the object is to make it as consistent as possible. Frank Scholoz, 159 County Street. – originally the Planning Board was against spot zoning and felt that the feelings of the residents should be considered. Now from what I understand this would be from 140 to Highland and I personally am still against it. I still think of it as spot zoning. Jim – I personally feel that the second petition would be spot zoning if it was not zoned across the street. We were looking for the feeling of the majority of abutters. It is a main road with some possibilities. The way the zone is now on one side of the street it would have more of an appearance of spot zoning and we would like to see the larger of the two rather than the smaller. If there is no further discussion I would like to continue the hearing at this time to continue the hearing to March 24, 2009 at 8 p.m. Frank Scholz – I have a problem with the depth of 430 feet. I have 1000 feet part of which would be useless. I think if you are going to do it the whole thing should be included. R. Staples – 430 also leaves a lot of land that would be totaling useless. I think it should cover the whole thing. McCarroll – the property that remains in the back would be residential. It could be very good planning for the future. Jim – at this time I will continue the hearing to March 24, 2008 at 8 p.m. Kevin – I make a motion that we continue the hearing to March 24, 2008 at 8 p.m. Greg – 2<sup>nd</sup> the motion. Jim – all in favor. Vote was unanimous.

### **Hearing – Petition #2 re County Street – Doherty & McCarroll property**

8:45 p.m. – Notice as it appeared in the Middleboro Gazette on 1/1/09 and 1/8/09 was read by Jim. McCarroll – as I informed the Board previously this is what we had originally presented and were then asked by the Board to look into extending

the zone to Route 140. We are not looking for the full depth. Basically we would like to be able to have it zoned as it is across the street. I think that in the prior hearing we pretty much covered all of thoughts. Basically without public water there won't be a gasoline station. Jim – if we have no further comments I would suggest that we continue this hearing as we did previously to March 24, 2009 at 8:15 p.m. Kevin – I make a motion that we continue the hearing to March 24, 2008 at 8 p.m. Greg – 2<sup>nd</sup> the motion. Jim – all in favor. Vote was unanimous. Jim – after the continued hearing we will then make a recommendation.

### **Lakeville Open Spaces Adjacent to South Coast Rail Project**

Jim – as the Board is aware we received a letter December 23, 2008 concerning Lakeville Open Spaces and we ask that Linda Grubb look into and report back to the Board. At this time I have a letter that Linda drafted and would like the Board Members to look it over and if we are in agreement I will sign the same and have it mailed to the appropriate address. Kevin – I make a motion that you sign the same. Greg – 2<sup>nd</sup> the motion. Jim – all in favor. Vote was unanimous.

### **ZBA**

#### **Saia – 4 Fuller Shore Road**

Jim – this is concerning the Saia at 4 Fuller Shore Road. I have a copy of the Building Inspectors letter here for your review. He is talking demolishing it. It is right on the bond. It is at the very end of Hemlock Shore Road. Kevin – I make a motion that we recommend approval . Greg – 2<sup>nd</sup> the motion. Jim – all in favor. Vote was unanimous.

#### **Smith- 325 Pond**

Greg – are they in the existing foot print? Jim – the square footage does not conform. 700/800 square feet is not shown on plan. Greg – I make a motion that we recommend denial. Kevin – 2<sup>nd</sup> the motion. Jim – all in favor. Vote was unanimous. – Send letter to ZBA commenting on the fact that there is not enough information and some of the information shown is incorrect. Lot is only 7,000 square feet.

### **Bills**

Jim – I have a bill for Secretarial services for December and January in the amount of \$485.02. Kevin – I make a motion that we approve the same for payment. Greg – 2<sup>nd</sup> the motion. Jim – all in favor. Vote was unanimous.

### **Meeting Dates**

Next regular meeting 2/24/09 at 7:30 p.m.

Kevin – I make a motion that we adjourn. Greg – 2<sup>nd</sup> the motion. Jim – all in favor. Vote was unanimous. Meeting adjourned at 10:30 p.m.