

January 8, 2007

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

Present: J. Marot, K. St. George, B. Hoeg, Walter Healey and Gregory Kashgagian

### **Bills**

Jim – I have a bill in the amount of \$1,650.00 for HML concerning the preparation of an affidavit in connection with the Justine matter. I believe that this amount has been approved by the insurance company and that a portion of it will be paid by them but I am not sure and would suggest that Pauline check with Rita. 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.

Jim – I also have a bill for Secretarial services in the amount of \$236.42. Greg – I make a motion that we approve the same for payment. Kevin – 2<sup>nd</sup> the motion. Jim – all in favor. Vote was unanimous.

### **Budget**

Jim – as I am sure you are all aware of there is a problem with storage in this building. I would like to try to get some flat files and have looked into the same. I think that we would probably need 2. Walter I make a motion that we ask for an additional \$1,000.00 in our budget. Jim - What I was looking at were 4 draw files at a cost of between \$550.00 and 600.00. Walter I would like to amend the motion to \$1,200.00. Brian – 2<sup>nd</sup> the motion. Jim – all in favor. Vote was unanimous. Budget request to be \$1,200.00 plus our usual \$250.00.

### **Drainage easements and easements**

Jim – we have a situation with the Board of Assessors concerning drainage easements. As it stands now the owner is paying for the same if it is on his property but if it is a lot we seemed to be losing the taxes on it. I personally feel that the owners of the property should pay or that a homeowners association should be produced to take responsibility for the lot and the easement. Brian – it should be designated as an easement. In Anderson Estates there is one large drainage easement. Jim – if the 2 abutting lots took half by both would that be of any interest to the Board. Brian – I don't think that we should start to take in it upon the Board or the town to start homeowners associations. In my neighborhood there is a pond I own half of it. Jim -- I think we should make them split the lot if we can. Brian – if there is a 5-acre drainage area what do they tax you at. Greg – how are we doing it right now? Jim – we are not doing it right now. I would suggest we postpone discussion to the next meeting and I will try to get some information from the Board of Assessors.

### **Land Use Seminar**

Jim – I have been in contact with the Board of Appeals and Kay Doyle from Kopelman and Paige and Kay is willing to come in and give us information on a Land Use Seminar. Would the Board like to have it on a special night separate from the Board's regular meeting. I will take approximately 2 hours. Walter what is wrong with having it on the same night. We could schedule the Seminar for 6 p.m. and have our regular meeting starting at 8 p.m. Jim – that is fine with me does the Board have a problem with that. Pauline – are we talking January 22, 2007 at 6 p.m. Jim is that okay with all of you. Brian – yes, Kevin yes, Walter yes, Greg – I will not be here on that date. Jim yes. – Seminar to be schedule for 6 p.m. at the Library on January 22, 2007. Jim – I will contact Donald Foster. Pauline will check on the availability of the library and if that date is acceptable to Kay Doyle.

### **Outdoor Lighting**

Jim – have you had a chance to look over the Outdoor Lighting by-law that was passed out at the last meeting? Greg – On the signage we did but how about the maintenance of the signs. Say for instance the company goes out of business who is going to police this matter? Jim – we need to add that to the Zoning By-law. Walter – I make a motion to approve the same and forward it on to the Board of Selectmen. Kevin – 2<sup>nd</sup> the motion. Jim – all in favor. Vote was unanimous Greg – are we going to enforce what we have in town now? Jim – I will look into it. All in favor. Vote was unanimous.

### **Ken Motta – CanPro**

Jim – you all have a copy of what Town Counsel and Jonathan's attorney have agreed upon concerning the 40R Ken – has this been sent to Jonathan and Peter. Jim – to the best of my knowledge yes. As you know I am concerned that there was no bond. As far as I know everyone has seen this. It was sent a couple of weeks ago. Ken – I don't have a problem with the first part of the paragraph about the road. What about the additional security – what will the value be. Jim – the bond will be on the remaining inter-structure. I also had a problem with the condition during construction I felt cleaning should be weekly and it has been done as monthly with additional work if necessary. Also we still do not have an Exhibit A. Ken – we have to add subsequently revised to January 8, 2007. Brian – I have a problem with the last part where we do not have the final say. It is taking it away from us. Corrections were made to the language by Brian and Jim. Brian – I make a motion that we sign the form with the changes. Jim – we will sign the agreement but I would like the first page initialed and it will be kept as part of the permanent file. Kevin – 2<sup>nd</sup> the motion. Ken – I would like the opportunity to talk to Jonathan. Jim – would you be able to contact him. Ken – yes. Jim – use my office and we will continue this matter after you have spoken with him.

### **Folkman & Zola (Farrell sub-division) Huckleberry Shores**

Folkman – As I am sure you aware we have not done anything since I was last here. We had had some success recently – we are presently now working on the sale of two of the lots. I have a Form J release – we will try to at least get the drainage in. We have a bond in the amount of \$64,000.00 as that was the amount that was agreed upon in February 2006. Jim – which lots? Folkman – Lots 2 and 4. Jim – are you going to do the whole change of the road. Folkman – yes I would like to do the overlay at the end. The roadway will be done in the spring. I came in the spring and we were asking to put up \$64,000.00. Jim – because we are holding Lot 8. Greg – I make a motion that

we accept the bond as writing. Walter – 2<sup>nd</sup> the motion. Jim – all in favor. Form J was signed and to be held by Pauline until the bond or bankbook has been produced to the Tax Collectors Office.

### **Ken Motta – CanPro**

I have spoken with Jonathan and he is fine with the changes. Walter – I would suggest that we take a vote on Brian's motion which I believe was seconded. Jim – all in favor. Vote was unanimous. Ken – this will be the final plan – changes were made in the utilities. I have corrected the zoning district lines. Jim – is the landscape on the approved document? Ken – I am not sure. Jim – yes it is noted. We need to sign the Form J if it is agreeable to the Board. Walter – I make a motion that we sign the same. Greg – all in favor.

### **Site Plan – 30 Riverside Dr DEP Lot**

This is the plan for the State Crime Lab – 34,000 square foot building. The preliminary subdivision plan of 6/04 predates big box so they are grand fathered for 8 years. Drainage system is drain to an area to accept all drainage from these lots. These 2 lots are standing alone lots. If they go over they will have to do something on site. Jim – on this lot we are fine. I feel that you could comply anyway. The buildings comply with what is there. Greg – 2 floors no basement. Ken – yes Brian – I make a motion that we approve the site plan. Walter – 2<sup>nd</sup> the motion. Jim – all in favor. Vote was unanimous

### **John Broden – Howland Road**

Darrin Outback Engineering – I am here on behalf of John Broden. He has 22 acres—It is Lot 6. There is an existing dwelling out front with a garage in the back. We are looking for some input from the Board. There could be an 11-lot subdivision with waivers or 7 lots with a 750 roadway. An 18-acre parcel with a 50 foot right of way for 1 dwelling with 230 foot of frontage for the existing dwelling. We would be look at 1 lot to rear with driveway. Brian – I make a motion that we give him the okay to start to work on a plan. Walter – 2<sup>nd</sup> the motion. Jim – all in favor. You need to show us the design and then ask for the waivers and we need to be sure that there is no water from the new road to Howland Road. Vote was unanimous.

### **Form A – Lakeville Country Club**

Allen Grady from GAF Engineering. I am here with a Form A on behalf of Mr. Mosca and the Lakeville Country Club. It is a 6 ½ acre lot which is being taken out of the golf course. It is not build able because of insufficient frontage. I will be returning with a Form C in the future. This is for conveyance purposes only. Brian – I make a motion that we sign the plan Kevin – 2<sup>nd</sup> the motion. Jim – all in favor. Vote was unanimous.

### **Jaime & Tracie Bissonnette – Subdivision – 16 Holloway Brook Drive**

Bob Rego – Prime Engineering – I am here with Jaime because he is not comfortable with the Conservation Restriction that you are requesting. He is not comfortable with it because it will allow public access to his land. Jim – that is true but you can put in restrictions. Bob – who will it be Lakeville Conservation. Jaime – I just am not comfortable with it. Rego – if you are going to put in this restriction he would not want to live there. We understand that you are giving him waivers but do not understand why you are insisting on the Conservation Restriction. Jim – because of the value of the land, the bridge and the brook. I don't understand why you have a problem with it. If you are not doing anything wrong or plan to do anything different what are you afraid of. Jaime – I spoke with my attorney and he has told me to stay away from it. He said to stay away from the liability that would be involved. Jim – we are not willing to give you

waivers without you giving the town something in return. We have had land deed to the town in some instances. Rego – what are your concerns the brook and the bridge. It has been in my client's family for years and they have been doing a good job of taking care of it. We have paid special attention in staying away from the brook and bridge. We would like to go the other route if we have to have the Conservation Restriction. Jim – any restriction is normally given to Conservation Restrictions. Jaime – I ma going to be living there. I don't want people walking thru my back yard. I spoke to an attorney and he said there would be liability. I want the right to throw them off my property. I would like to have the same rights as any one else. Don Bissonnette – I am highly insulted – that property has belong to our family for over 100 years not once has anyone been called to task for anything happening on the property. The bridge is the same as it has always been. Why does the Board feel it needs to police it? Jim – this is not personal. We have seen this thing happen before we allow something to a family and then the next thing you know the land is sold and the family is no longer here and the new people can do what they want with the land. We are not going to grant waivers without the town getting something in return. Substantial waivers are being asked without the town getting something in return. Don – maybe the Board should look at our record with the town. I could see if you had a problem in the past. Jim – most people are asking for Conservation Restrictions to protect the property. It protects the property forever. Don – I have not had to police the property. How about the owner who lives on the property. Rego – you have been granting waivers what the town gains. How does a CR protect it. We understand we need the okay of Conservation. Jim – I need to look at this no matter who owns it. The bridge is owned by 3 people. Jaime – I just want to build my house back there. Jim – whoever buys your house would own a part of it. Greg – are you concerned about what happens if he sells. Maybe we need some type of document. Jim – it would need to go with the land. Greg – may the need to look at some language. Brian –that is to the next sale of the property. Greg – we need to work something out – does hw need to give us something else? Walter – Maybe it should be the family. Brian – Maybe a Conservation Restriction with him being the custodian. Jaime – are you still interested in me flagging it and then you can walk it with my father. Jim – that is fine Saturday at 10 am. – Walter, Kevin and Jim will walk the property. Jim – our next meeting will be January 22, 2007 at 8 p. m. at the library.

### **Walter**

I have made copies of some information that I found on line which I feel may be beneficial. In the information that is on line there is some information as to Kopelman and Paige.

Walter – I make a motion that we adjourn. Kevin – 2<sup>nd</sup> the motion. Jim – all in favor. Vote was unanimous. Meeting adjourned at 11 p.m.