

TOWN OF LAKEVILLE
Selectmen's Meeting Minutes
April 13, 2009

On April 13, 2009, the Board of Selectmen held a Special Meeting to attend the Planning Board Hearing regarding National Development. The Meeting was called to order at 8:17 PM. Present: Selectman Maksy, Selectman Evirs, and Town Administrator Rita Garbitt.

Refer to the Planning Board Meeting Minutes for April 13, 2009.

At 9:05 PM, upon a motion made by Selectman Evirs and with Chairman Maksy stepping down to second and stepping back up to vote, the Board

VOTED: To adjourn their meeting.
 Unanimous in favor.

April 13, 2009

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

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

New Business

Jim – There was a seminar on the Cape on how it would adopt to client charges. Brian – it was a big topic—the earth was tilting and the pole is shifting. The plant is involving in its own right. I also have made a copy of the age restriction. In the Land Use portion it talked about Lexington. I thought this might be of interest to Kevin. Pauline – I have a copy of an e-mail that was sent to the Building Department. It concerns the placement of the Video Red Box on the exterior of Walgreens. Bob Iafrate jointed discussion. Jim – has anyone else noticed that they now have a Rhino propane display in t he front of the store. Bob I – I would suggest that you need to notify Walgreens that because you understand that they still have outstanding issues that have not been addressed and the Board will not act on anything else at this time. Jim – I will need Pauline to check with the Fire Department about the propane Rhino Exchange. Has the Fire Department given its okay. Greg – I make a motion that we check with the Fire Department and then notify Walgreens. Kevin – 2nd the motion. Jim – all in favor. Vote was unanimous.

Bills

Jim – I have a bill for Secretarial Services in the amount of \$330.41 for the months of February and March. Greg – I make a motion that we approve the same for payment. Brian – 2nd the motion. Jim – all in favor. Vote was unanimous.

SRPEDD Delegate

Jim – We have received a notice from SRPEDD concerning a new delegate for the coming year. At this time it is Walter but I don't feel that he can do it at this time. I would be willing to volunteer. Brian – I make a motion that we nominate Jim as our delegate. Greg – 2nd the motion. Jim – all in favor. Vote was unanimous.

Markson

Bob I – the Occupancy Permit concerning 156 County Road is about to expire. Does the Board have any thoughts concerning the same. I would like to have the Board take a look at the property and check on the landscaping project. Jim – will any of you be available to go take a look at what is going on. I would suggest Wednesday , April 15, 2009 at 7 p.m. Kevin and Brian – will be able to attend. Bob – the 4th building is not complete and neither is the office. The temporary permit expires on April 16, 2009. Brian – is propane considered a fuel. Jim – yes. Jim – yes. Brian – I make a motion that we meet at Markson's place on Wednesday, April 15, 2009 at 7 p.m. Greg – 2nd the motion. Jim – all in favor. Vote was unanimous. Pauline will have the meeting posted.

National Development Hearing continuation

Jim – as everyone is aware this is a continuation from March 2, 2009. It is concerning the request from National Development to eliminate the over 55 age restriction and the limitation on bedrooms and floor space. This hopefully will be the final meeting and direction and we can make a decision to move forward. Do we want to hear from National Development. Sherry – points of interest – we are talking the same thing as before. The only thing that I am looking for

is the elimination of the age restriction. We are trying to attract an adult household with a limit of 2 bedrooms, 1 on the first floor. We are looking for approval by a committee appointed by the Planning Board. We are looking at adult recreation, no playground or furniture. There will be a maintenance program and who ever has the contract will be responsible. You might want to have Town Counsel look at the agreement. The Planning Board will be looking for all of the information on a site plan approval. I have also been looking for some information concerning the question that Linda Grubb was looking for concerning control. I was looking for so sample language. I could not incorporate anything – nothing germane to being owner occupied. Also it was, I believe, outside of the Planning Board's jurisdiction. It is not going to extend to the legal document. Only was specific to the Site Plan approval. Mr. Scott – I believe that the purchase and sale agreement would have to have clarifying language. Zoning contains the language for seniors – we need covenants to protect the town. Sherry – the existing zoning is the enforcement. Scott – how do you enforce the zoning by-law? Sherry – it is part of the site plan. They can require the petitioner to do certain things with the landscaping which is part of the site plan. Certain things apply. It is probably not in the legal terms. Jim – -- I like this but I think development should be left out. Sherry – Nancy asked if we make the change how do you know? We were saying professional management. Brian – you are responsible now. Sherry – I am fine with striking development. Jim —the association is when everything is finished. I am looking at changing may require to shall require. Greg – As far as parking is concerned are we looking at 1 spot per dwelling? All units have a one car garage. One spot in and one out. Sherry – On street parking will be allowed. Mr. Scott – when all units are built and sold then the association would kick in. Sometimes there is not enough to support the association or some type of bonding should be in place to protect the town. I think you might want to make sure the town is not left holding the bag. Greg what is your plan? Sherry – we will have bonds and reserves until we have full occupancy. It will be still there. We have to pay the share until all units are sold. Jim – How is LeBaron working? As far as the association is concerned. Also what is the story on the burm? Chuck there will not be any burm until it is more completed. Jim – the burm should have been done. Chuck – we have talked about the plantings and what trees have been done. The burm will not be done until it is more complete. Sherry if you are still marketing we are trying to contact more people to buy. The person is still on the hook. Scott – suppose the company goes into bankruptcy, how do we prevent the town from holding the bag? I assume you would have the responsibility and you would then be on the hook. Sherry – the bank would be responsible not the town. The lender steps in. Scott – if it is ½ sold and the bank does not want to spend any more money, a lot can happy in 5 years. It sounds good but if the bank does not have the resources, what then? As we are hearing more and more changes I am very concerned. Sherry – I don't think that is any different then what we have now. 55 does not have any guarantee. Jim – I think we understand and we should take it in to consideration. LeBaron has been hurt to some degree. We need to check as it goes along to see how the phasing is going to work. Sherry – what do you do in a subdivision? We are talking one septic for each phase. We are talking each cluster would have its own. Brian – that would work because it would not be the responsibility of one. Bob – is that new. Brian – we have not gone to the site plan for residential. Sherry – there is nothing in the zoning. Scott – as far as the zoning – my understanding was that National was going to do the main part of the entire thing. We went away from this. We were told National would do it or see that it is done right. Sherry – we will keep the management. We will charge back the lease. The association will make the decision and they hire a management team. Scott I do not want it to fall back on the town. I think with the gravity of the budget crisis you are on the hot seat. Sherry – I have always been in that position. Scott – the concept is a good one. We need more retail than houses. Now we are proposing changing the age restriction—we need to think of open space and too many units. I am interested in putting up a trial balloon. We were talking 24 units – 20 cottages types and a

condo building. I do not want to see more than 24 cottages and open space and office space. That would have room for a compromise where the town would not suffer. I do not want to go to the town meeting not knowing exactly what we are looking for. The time goes by pretty fast. If there is no zoning change the project will not go forward. Is there some way to go to residential that does not hurt the town and still gives her what she wants and make everyone happy? The campus 24 cottages with open space and protection for wetlands seems good to me. I just don't think that 2 bedroom units for \$300/\$350,000 are not going to sell. With real estate they way that it is it will not work. Sherry – you have given me a lot to think about. How many units – open space. Previously I had shown plans with MEBA of 100 units. I had said not more than 75 at this time. I don't think the number of units is the question. The open space is the same. It is not going to change the amount of open space. Some of the things are the same issue. No matter if it is over 55 or not. Jim – the purpose of all of this is 7.5.3 #4. It is my understanding that we are trying to deal with the zoning by law that is in place. We could just ask for the variance and not change the by-law. My question would be do we want to change the by-law. Rita – this is just for the Lakeville Hospital site. Jim – we could do a variance. Sherry – I would have to show a hardship. Something that is unique to that situation. I have a hard time thinking that it would be considered a hardship. I think it would be very difficult to prove a hardship. Chuck – I don't know if the ZBA could act on this. Sherry – you do have a definition for age qualified. Jim – If we have no further questions I believe that I will close the hearing at this time. Janet Scott – if and when this goes to Town Meeting will you have any plans to show us at that point. Brian – there is a lot she needs to figure. J. Scott – it is different as Sherry knows. We took some of our comfort from the fact that Sherry did such a good job of showing us what was going on. Sherry – I don't think I would have something to show at this point. All of the buffers would still be in the plan. Everything would still have to go through all of the steps along the lines that it does now. Scott – are you talking 3 units per acre? I presume that is where you will be at. Whether or not you get the change you are going to have a certain level of design. Jan is saying if she were you the more detail you have to give the town for specifics the better it will be for you. If I were you I would stay with the seniors. The system is there but give us something to sink our teeth into. Chuck – as far as the price range is concerned you can buy homes for less money. It is my understanding that what you will be trying for with the site plan review is so that it does not make it more attractive to children but older without children. I don't think you will see a desire from people with children to move there. It is not always affordable for someone over 55. LeBaron is having a problem with affordable. I think when it goes to town meeting the people will then decide what their feelings are. Linda Grubb – I have just spent 2 weeks in an area that was age restrict – there was one rental and now there are children there. People without children are moving – it does not work. Scott – I would rather see it stay the way it is. Jim – I don't know how the Board feels but I feel that I would rather discuss it at the next meeting to think about the wording. It is a zoning by-law at this point. We need to put something in the wording. Greg – we need to come up with more substantial wording. Sherry I think we should send it to Town Counsel. Brian – we are going thru all this so that we can go one way or the other. Sherry – the system has to be bigger if it not over 55. We are looking for the opportunity to come to the Board. Chuck – does the wording as to how many houses per acre. Scott – Site plan review is not as powerful zoning. Sherry – do you want to continue rather than close. Jim no. I haven't heard anything new. I just want the opportunity to go over it with my Board. Brian – I make a motion that we adjourn the hearing. Greg – 2nd the motion. Jim – all in favor. Vote was unanimous. Bob Iafrate – As far as the signs go it is my understanding that the Board wants the light to shine on the ground. Will the Board entertain that thought. Greg – the sign look better if they are not lit. Are you going to allow a shingle on the door or a small sign to the entry door of the business. That is why we need a check point. Greg – do we have anything in there.

Gravel Removal – Ted Williams Camp

Jim – I have an application from the Lakeville Park Commission concerning work to be done at the Ted Williams Camp. I do not have a problem with this but I would want to be sure that the money is going to become available only for use in the Park Department. Greg – I make a motion that we approve the same with the stipulation that the funds received will be reserved for the Park Department. Brian – 2nd the motion. Jim – all in favor. Vote was unanimous.

Jim – ask Dan to come to our next meeting so that we can clear up some of the issues that the Board has concerning the gravel removal.

Greg – I make a motion that we adjourn. Brian – 2nd the motion. Jim – all in favor. Vote was unanimous.

Meeting adjourned at 10:45 p.m.