

May 7, 2007

Members present: J. Marot, B. Hoeg, G. Kashgagian and W. Healey

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

Bills

Jim – I have here a bill from the Middleboro Gazette in the amount of \$1,152.81—it covers the costs for advertising in connection with Lori Lane rezoning, Bissonnette subdivision and By-Law changes for town meeting. Greg – I make a motion that we approve the same for payment. Walter – 2nd the motion. Jim – all in favor. Vote was unanimous.

Letters

Jim – I have a letter from Attorney Michaud concerning Jerry Yarrigle. The letter was sent to the Board of Selectmen stating that the drainage system is not working. I wrote a letter to the Board of Selectmen stating that I have looked at the same during all of our recent rain storms and it is working. The Selectmen sent a letter back to Mr. Yarrigle that he should come in and take it up with the Planning Board. Pauline – he is scheduled to come in to our June meeting. all in favor. Vote was unanimous. Letter to be sent to the Board of Appeals.

Jim – I also have a copy of a letter which the Selectmen received concerning 2 Johnson Drive. The letter is from the Lakeville Firefighters Association. It states their concerns that the plaque in honor of Bob Johnson was removed and has not been replaced. It is my understanding that the Board of Selectmen have sent correspondence to Mr. and Mrs. Records concerning the same.

Collins Engineering – Spring Brook Estates. Jim – I have spoken to the Superintendent of Streets and he suggested that we have all the same lights in all further developments. He said that he would suggest driveway lights and that would make them the responsibility of the homeowner as well as the cost would be going to them. David (Collins Engineering Representative) We had originally shown a street light on our plans between lots 1 and 2. We are now requesting a waive of the street light and that we be allowed to put in driveway lights instead. Mr. Hinkel – I have taken some pictures to show you what we had in mind. Brian – what is the wattage? Mr. Hinkel – I am not sure. The lamp is nice but I am not sure it would comply with our Night Sky by-law. Brian – if it was a street light I believe that you would see them from everywhere. Something light this it would not show a great deal of light. Jim – I think you are asking for permission to omit the street light. I'll take a ridge4 over to look at it. Walter – I make a motion that we accept the waiver as requested. Greg – 2nd the motion. Jim – all in favor. Vote was unanimous. Jim – if you have not heard from me by May 22, 2007 you have our okay.

Bissonnette Hearing – 8 p.m.

Jim – Notice was read as it appeared in the Middleboro Gazette on April 19, 2007 and April 26, 2007. Jim – as you are all aware this is a public hearing and I would like to be able to give each and everyone a chance to speak but all questions will be through the chair. At this time I would like to allow Bob Rego of Prime Engineering to make his presentation on behalf of Jamie Bissonnette. Bob Rego – Prime Engineering – At this time we are here concerning a Form C Definite Plan. Previously we have been into the board with a Preliminary Plan and the Board has made suggestions and we have complied with all that the Board has asked. This is 3 parcels totaling 11.6 acres on the westerly side of Holloway Brook Drive – There are three lots – 1 is the existing lot, Lot 2 is for the new dwelling and Lot 3 is unbuildable. We are asking for waivers from the roadway requirements. Lots meet zoning. He is talking a dwelling, garage and shed. Perc has been done. We have done everything that the Board has asked of us. Judson – how many houses. Jim – one house. Engineer – one house and they plan to live there. Katherine – what is the circle for is it the upland circle. Engineer – no. Judson – what is the large building. Engineer – a garage. John Copleland Holloway Brook – has the Board reviewed this plan. Jim – yes we have reviewed the plan and did ask for some changes to be made to the preliminary plan. The Highway Superintendent, Conservation and Historical Society have looked over the plan and did not have a problem with it. After reviewing the plan we asked for 2 lots with one being unbuildable. He could have built a 2 lot sub-division. We have agreed to a 40 foot wide roadway rather than 50 foot. It is for one house with basically a long driveway. The town will not be responsible for the upkeep or plowing of the road. It will be a private road which will never be accepted by the town. Judson – that bridge should not be touched. This town is growing too big. As far as that garage is concerned that is an awfully big garage. What is he going to do with it? Resident – 12 Holloway Brook. Frontage is 175 feet how can you accept it? Jim – it is a waiver. If you would rather have a 50 foot road it can be done. Engineer – Mr. Bissonnette has enough land to build a fully conforming roadway and he will then build 2 not 1 house. He does not want to stay in the area if that is what he does. He wants the privacy that goes with the one house. Jim – it is the Board feeling that the 40 foot road would be beneficial to the town. It will never be accepted as a town road. ?? this looks like a pretty definitive plan. Engineer – We originally submitted a preliminary plan and the Board came back with some definite suggestions. We then filed a Form C requesting a hearing and at that point the abutters were notified. Katherine – if he were to change to the 50 could he then put in more lots. Jim – if he were to change the plan he would then have to come back to the Board for another hearing and all abutters would have to be notified. Jim – I think that any of the information that we receive from the public is helpful but we have to go according to the by-laws. If he is able to meet all of the requirements we have no choice but to give him the go ahead. You can tell us that you want us to make him abide to the 50 foot road but you have to understand that if that is the case he will then be allowed to make this 2 lots instead of one. The Board felt that it was more beneficial to the neighborhood and the town to go with the private road and only one house. Engineer – the frontage is here. It will be a private road layout. John Singleton – how many houses. Engineer – as I have said before it will be one house the other lot is being designated as unbuildable as long as the road is only a 40 foot road.

He can not do it with this plan. We would have to file a new plan and all abutters would be notified. John Singleton – why is the garage separate. ?? how big is the building? Jim – under our by-laws it can cover 20% of the lot. C. Lucas – as far as the unbuildable lot goes could they build a road. Jim – they would have to come in. Jim – how long is the road. Engineer – 691 feet. Judson – what about drainage where is it going to go. Jim – they are using a grass swale. The highway department will not be responsible for anything as far as the road is concerned. ?? Where is the swale going to be? Our land already takes on water from the street. Engineer – it will be in this area. Kevin Medeiros – how wide will the road be? Engineer – it is a 40 foot layout. Kevin Medeiros – Lot 3 is unbuildable. ?? Lot 3 is unbuildable. What happens if you widen the road to 50 feet? Engineer – it is not likely. In an event he would have to come back to get the approval of the board. ?? What is unbuildable. Engineer – Lot 3 – 88,000 square feet – 40% is wetland. Jim – they only have to have 52,000 feet of upland. Kevin Medeiros – why is the lot unbuildable. Engineer – it is being given in exchange for the road waivers otherwise we would have to go through the entire process. John Copeland – what will be the hours for construction of the property. Jim after 7 a.m. to 4 p.m. Judson – have you walked all the property. Jim yes. Judson – some of that was mine. Jim – why did you sell it. Judson – I didn't, he just took it. ?? If it were to go to 50 feet does he own more. Engineer – it works for 2. John Copeland – How much does he own? Engineer – 11 acres
John Singleton – how much is build able. Engineer – he is planning it this way. George Levy – who owns this land back here. Engineer – It is still Jamie's. Kevin Medeiros – why more lots. Jim – we will probably discuss this more after we have held on the hearings that are scheduled for tonight. I would also at this time to make it a part of the record that we received a letter from a Mr. Bois who would like to go on record requesting that this hearing be continued or that it be noted that he is strongly opposed to this sub-division. Letter was read in full by Jim.

8:45 P.M. – Definitions hearing. Jim – I have here the notice which appeared in the Middleboro Gazette on April 19, 2007 and April 26, 2007. Greg – I make a motion that we waive the reading of the complete article at this time. Walter – 2nd the motion. Jim – all in favor. Vote was unanimous to waive the reading of the entire article. Jim – what this does is to help us regulate fast food restaurants in town. Walter – existing establish would be grandfathered in. Jim – this also includes banks or anything like a pharmacy. Brian – I make a motion that we recommend acceptance of the same. Walter – 2nd the motion. Jim – all in favor. Vote was unanimous. Marcus Baptiste – what is the procedure. Jim – through the Rules and Regulations. Marcus – I am looking at a pharmacy and I can tell you that it will not go through with out a drive thru. Jim – you would have to go to the Board of Appeals.

9 p.m. Hearing – Outdoor Lighting Hearing – notice as it appeared in the Middleboro Gazette on April 19, 2007 and April 26, 2007 was partially read. Walter I make a motion that we waive the reading of the entire article. Greg – 2nd the motion. Vote was unanimous. Jim – this is to make our by-law comply with what we have been trying to do for sometime. Brian – I make a motion that we recommend acceptance of the same.

Lakeville Country Club – earth removal

Jim – he wants to reconfigure the 8th fairway. He has done all the necessary filing. Greg – how do we know what they are taking out of there? Walter – he is making this flush with the water line. Brian -- he is going to build a haul road. Can we have a survey done from there to whatever road he is going to take. Jim – the Selectmen are going to govern the route that they use. I believe it will go to Route 18. I believe that they will have a figure for a bond. Removal would be by March 31, 2008. Permit should not be renewed. Brian – do you realize that would be 4,000 trailers. Greg – 200 trailers a week. Brian – 40 a day with a possibility of 60 to 80 per day. Greg – traffic issues need to be addressed and we would be looking at the road to be redone at a later date. Greg I personally do not feel Clear Pond Rd is a good route. Brian – we could be talking as much as 8 trucks per hour. Greg – I believe that safety is an issue on Clear Pond Road with the trucks entering. Jim – it can stay as a golf course – then I say let's let them do it.

Jamie Bissonnette

Brian – I think what we did was in the best interest of the town for it to be a 40 foot road rather than 50 foot road. Greg – I did not hear a good argument that was strong enough. Jim – I don't feel we have the ability to deny. Walter – it's logical for people to wonder what would happen. I make a motion that we give the plan tentative approval and send it up to the Town Clerk's Office for the appeal period. Brian – 2nd the motion. Jim – all in favor. Vote was unanimous.

Meetings

Next regular meeting – May 21, 2007 at 7:30 p.m.

Walter – I make a motion that we adjourn. Greg – 2nd the motion. Jim – all in favor. Vote was unanimous. Meeting adjourned at 11:05 p.m.