

**Lakeville Planning Board Minutes**  
**Meeting- May 17, 2011**

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

Present: J. Marot, G. Kashgagian, K. St. George, B. Hoeg and  
Sylvester Zienkiewicz

**Bob Poillucci – Fuller Shores**

Bob Mather – I am here with Kevin Walker on behalf of Bob Poillucci. I think that you will remember that this plan goes way back. Originally we came in with a 13 lot subdivision it then went to 8 and then 6. A suit was filed against the Planning Board by the Selectmen and then a suit was filed against the Planning Board, Bob Poillucci and the Woodhouses by the Fuller Shore Association. The Association claimed that we did not have the right to use the roadway. The heirs of the prior owners retained ownership of 20 feet along with the right of way to use the remainder. Bob P. Has since signed a p & s to buy the 20 feet along with an option concerning the extension. When he purchases he will have the right to use the same. We are now talking 2 lots of approximately 6 ½ acres each. He would be looking for a waiver of the road construction. His house is in this area. At this point he would like to go ahead with a 2 lot. Kevin Walker – this originally was 13, then 8, then 6 and now 2. As Bob Mather explained it is approximately 6 ½ acres each. Parcel A would be going to Bob P. To go with house lot this is approximately 5 acres. We are looking for a waiver of some of the road construction. We would be looking for 12 – 14 feet of pavement with minor drainage. It is a very flat area. We would also be looking at a cul-da-sac with sufficient room and approval from the Fire Department. It would need to be drivable for emergency vehicles. There are some wetlands in the back. We would have to re-file. If this is agreeable we would like to draw up some preliminary plans and come back to see the Board. Kevin St. George – what is Parcel A? Kevin Walker - it would go to Bob he will combine it with what he has. Bob Mather – Should we go forward? Jim – I have no problem with it. Fuller is a private way which means you will need to go with a Form C. You will need to give us a plan and show it as complete. Then you could request waivers. We need to have a plan which shows that you could complete what was necessary. Kevin W – Septic wise we could have put something outback but now we are only asking for 2. Jim – just give us the complete information. Kevin W – you would want a full plan? Bob Mather – the own 20 feet and a 20 foot easement. Jim – there is some kind of complication. Bob Mather – we are going to go directly to the association. Greg – should these two lots go before the association? Jim – if it was me I would keep them informed. You need to give us the application and the original plan. Bob Mather – we will be willing to do all of the necessary work.

### **Commercial Drive & River Side Drive – CanPro**

Bob Mather – as you are aware the first time it was on the warrant at the last minute the Planning Board did not recommend approval of the acceptance of the roads. The next time it was presented to the town it was turned down by the voters, which I believe was due to confusion. The last time it was discussed I believe most of it was cleared up. Ken Motta – One of the things that was brought up at the time was the maintenance and upkeep of the island, signs, the layout, undeveloped lots and damage to the roadway. Bob Mather – I believe that we have taken care of most of your concerns. As far as the damage to the roadway is concerned the Selectmen have the authority to request a bond if and when any work is done on the undeveloped lots. All the utility stubs are there. We want it accepted. Do you have any other concerns? As Ken said one of the things was the landscaping of the island. I believe that the town has a letter stating that it would be taken care of by CanPro. Further, I have suggested a restrictive covenant and it would have to be recorded. Jim – I think it is a good idea. It give us something for sure. It would be binding on the present and any future owners of the property. It would be a 50 year guarantee. 30 than an additional 20. Greg – I think that the town's people were concerned with the damage to the road. Jonathan—all of the utilities are in. There is no reason for them to drive on the road. Jim – that is true but there will be construction equipment there. There was some discussion concerning the signs and the gates. Jonathan – they are open. Jim – Are they suppose to remain? There is a liability. Kenny – CanPro is responsible. Jim – If you come up with a maintenance plan and we talk it over with Chris Peck it should be okay.

**8:05 p.m. Hearing – Expedite** – Jim – this should have been included with the original by-laws that we previously approved for the Green Community Act. The notice appeared in the Middleboro Gazette on April 28, 2011 and May 5, 2011. Bob I. This is one of the by-laws concerning the Green Community Act. One of the things that we have to consider is the grants that will become available. Jim – any comments? No additional comments were made. Brian – I make a motion that we recommend approval. Greg – 2<sup>nd</sup> the motion. Jim – all in favor. Vote was unanimous to recommend approval at Town Meeting.

### **Earth Removal – New England Rental**

Jim – we are looking at a large amount of earth removal. According to them every tree needs to be removed. This will have a high impact on the plan. We need to show grades and the loss of the vegetation. We need to look at the rules for the proposed conditions. Scott B. – Jamie was at our meeting and we asked him to contact Conservation regarding the trees. We are concerned with the strip that is being kept. Jim – I think it need more than trees. You are issuing the permit. We are only making a recommendation. They need to give us more information before we can make a recommendation. This is over a 3 year period; it needs a plan in place. I would suggest either the Board or someone retains

and engineer. Steve O – he is planning on doing this in stages. The front is the first. He is talking woodchips on a 3 to 1 slope. Brian – loom does not provide stabilization. Greg—why over 3 years? Steve O – I believe that he has 2 ½ years left on his National Heritage permit. Jim – why does he have to break it up into 3 years? He needs to show us how he is going to reclaim the land. Without seeing a plan we cannot say. Is there a vernal pool in that area? Greg – how much frontage does he have on 79? Steve O -- I don't know I believe about 270.

Jim – what benefit does the town get from the removal of all of this soil. Steve O. there is some revenue. I have no problem put I think we should have some control put into place. The 4 foot strip does not seem as though it will be enough. Jim – we can ask for anything we feel is necessary. How they handle the slope needs to be addressed. Bob I – the town has 40 feet between residential and business. 40 feet would be the minimum. Jim – we don't have the information. Derek – it seems that what we are saying is that we look for some information from the different boards. I think we need to continue it until they address your concerns.

### **8:20 p.m. Outdoor Lighting By-law**

Notice as it appeared in the Middleboro Gazette on 4/28/2011 and 5/5/2011 was read by Jim. Derek -- is this what we have on the warrant. Pauline it is what we sent to Town Counsel. Jim -- in 2008 on May 12, 2008 a night sky by-law was approved by the Attorney General. This was done in an attempt to control outdoor lighting that was shining on the abutting property. Mike Renzi is trying to promote something more effective. Bob I – This dates back to December, 2008. It was on the books for 6 or 7 months before I came. I originally thought that most of it would be commercial development. I have since taken the time to meet with Mr. Renzi and found that it deals with it all. I have since made up some packets and given out to contractors that are looking for more information. We have had several issues of lighting not being readily available. It is very problematic. It has to comply within 2 years. How are we going to police that? Mike Renzi – the only way that you would probably know would be if one of the abutting neighbors complained, otherwise they would not have to comply. Only if someone complains will anything be done. If no one complains it does not have to be changed. It has to be reasonable. The other way would be through permitting. At the present fixtures could prove to be a problem. Home Depot has nothing. Lowe's and Bristol Lighting have some. It is a win win situation. Jim – I have a strong feeling that you are trying to make it easier for us but it is a lot for the people to understand at Town Meeting. You need to have something to enforce. The town and business are going to have to make the changes. Tony Raposa – 4 Anderson way – you will not see anything in my back yard. I am a runner but it does not make sense. I am trying to see where I am running. Bob Canessa – Baker Lane – more lighting is better for older people. I would think that insurance company would want the more lighting. Jim – the lighting that we have been working with on the sides of building are having down lighting. You have to look but you can find lighting. A good development has lighting going

down. You just have to direct it down. Bob I – it seems to me that all of Lakeville's By-laws end up in my department. I personally believe that this is hard to understand and it is way too long. People do not understand – this needs a lot more work including taking out all of the big words, it needs to be simplified. Derek – I like the one on the left. It needs to be what the residents want. I like Bob's suggestion to separate this and it needs more work. The time for lights to go off already is set by the ZBA, Board of Selectmen and Planning Board. Janet Stone – there is not a good selection. You are limiting the residents. Jim – we are not restricting the fixture. Don Healey – is this only permanent lighting. It seems to open up as a subjective call. Linda – you can have too much lighting. Bob Canessa – I don't agree you cannot have too much lighting people need to be able to see where they are going. Linda – the by-law is complicated as it is. Bob I – can he turn down lights. Derek – the new LED is in the Industrial Park. Bob I – I think it is very difficult to understand plus I feel that it is way too long. Derek – I am agreeable to put it into two parts. Residential and Business. Bob I – they need to have some work done on it. Derek – 34.4 it basically says no street lights. Don Healey – it is getting more confusing. It either is or it isn't. It virtually leaves an open door. Derek – how does the grandfather clause work. Cindy Dow – what are the costs. Steve I can only find commercial violation of outdoor advertising. Derek – the statement does stand because you can't go against a current home owner. Bob I -- I guess my question is how are we going to measure and how can it be enforced. Mike R -- it is a common sense thing. Steve O – Sec 6 violation. Is it considered a civil infraction. Bob I – I would ask that this be tabled and we have time to come up with more information and hopefully it will be simplified and easier for everyone to understand. Jim – I think that Bob's suggestion has a good deal of merit. Brian – I make a motion that at this time we table this lighting by-law to allow us more time to review it. Kevin – 2<sup>nd</sup> the motion. Jim – all in favor. Vote was unanimous.

### **Tri-Party Agreement – Cedar Pond Preserve**

Jim – I have a copy of the addendum to the Tri-Party Agreement. The same has been reviewed by Town Counsel. At this time we need to review and to then send it to the Selectmen for signature. Brian – I make a motion that we recommend approval by the Selectmen. Kevin – 2<sup>nd</sup> the motion. Jim – all in favor. Vote was unanimous.

### **Tony Chaves – Doherty Property**

Tony and Jay – we are interested in the Doherty property which is across from Markson – 2 lot sub-division. We wanted to come before you to see if the Board had any problem with what we are thinking of doing. Tony – this will always be a private road and we are not looking for it to be accepted as a town road. We would be looking at 18 feet of pavement. Jon Pink – this slopes away from the road. It would be treed. Jim you are looking for guidance to proceed? Tony – yes – we would like a buffer in this area. Jim – I don't have any issues with it. You need to do a plan. We need a fully laid out plan and then you would request the waivers at that point. You need to show us that you could do whatever is

necessary if you had to. You will also need a letter from the fire department. Tony – the houses will be up front. Jon – Let me understand this. You want me to do a full blown plan and then request the waivers. Jim – that is correct.

### **Planned Opportunity**

Jim – at a later date I would like the Board to consider the possibility of wiping out our Industrial B and replacing it with a Planned Opportunity Zone.

### **Meeting**

Next regular meeting June 7, 2011

### **CVS**

Greg – has anyone gone by CVS at night and seen how the back is lit up? I think it might be a good idea to have Bob I. take a look at it. Jim – Pauline give a heads up to Bob to check it out.

### **Adjourn**

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