

**May 4, 2010**

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

Present: J. Marot, K. St. George W. Healey, B. Hoeg and G. Kashgagian

**Release of Funds**

Pauline – I have a letter requesting a release of funds from Chaves & Cincotta concerning Demoranville Drive. The road was accepted as a Town Way at the November 30, 2009 Special Town Meeting. Jim – I would like a motion to release the funds being held. Brian – I make a motion that we release the funds being held. Walter – 2<sup>nd</sup> the motion. Jim – any discussion. As there is no discussion. All in favor. Vote was unanimous.

**SRPEDD REPRESENTATIVE**

Pauline – We need to appoint a representative for the term running from May 26, 2010 to May 31, 2011. Kevin – I make a motion that we designate Walter as our representative. Brian – 2<sup>nd</sup> the motion. Jim any discussion. No discussion. Jim – all in favor. Vote was unanimous.

**Linda Grubb**

I believe that the Board is aware that we are working with Horsley Witten Group concerning Local Code Reform. We did have an information night some time back and I believe that Kevin and Greg were present. Pauline – I did not have a quorum present so we continued on with an information meeting. Linda – We are working with Horsley Witten in connection with Storm Water regulations. They are working on zoning regulations and making recommendations for changes. Brian – who has made the recommendations. Linda – I believe the Selectmen. Joann Michaud is Chairman. I am a member and so is Nancy Yeatts. I feel that this is a good opportunity to get the Planning Boards expertise and recommendations on record. Jim – I have heard a speaker from Horsley and I was impressed. Linda – we are having a meeting which will be opened to the public on May 25, 2010. Chris – I believe that they are looking for information and changes. Brian – Do you know where they feel we need working? Chris – mostly concerning drainage and someone being site for paving. I believe, mostly drainage. Jim – Walter is going to a storm water meeting on Wednesday. Chris it will be good to see what we can improve on.

**Bills**

Jim – I have a bill from Kopelman & Paige in the amount of \$82.50 concerning Cedar Pond Preserve. 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.

Jim -- I have bills from the Middleboro Gazette each in the amount of \$169.06 for advertising concerning KCLS' hearing. Walter – I make a motion that we

approve the same for payment. Brian – 2<sup>nd</sup> the motion. Jim – all in favor. Vote was unanimous.

Jim – I have a bill for secretarial services for March and April in the amount of \$126.54. 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.

### **Chris Peck**

1. I met with Kenny concerning Can Pro and Commercial Drive. We have come up with a punch list but I do not have it available at this time. My big thing was the overlay of Commercial Drive.

2. My other concern is Cedar Pond and at this point what we know is that it doesn't work.

### **8 p.m. KCLS Hearing**

Notice as it appeared in the Middleboro Gazette was read by Jim. Notice appeared on April 8, 2010 and April 15, 2010. Jim – at this point I will turn this over to the petitioner. Present for the petition was Jonathan White and Peter Freeman – As you are aware this was a 40R. There is no change to the plan or design. Originally it was 204 of which 108 are affordable. Four buildings have been constructed. 100 are affordable. We would like it to have it be only 100 affordable instead of 108. The remaining 96 would be rental or condos. Thirdly, I think it is good forever concerning the time until finished since it has already been started but it makes sense to ask for modification to have the permit until October, 2012. Jonathan – it has been very successful so far – basically it is financial thing at this point. It is a rough road right now. Jim -- you are talking 96. Jonathan – 104 – we are looking for the market rate flexibility. Mr. Freeman—you should not be able to tell. Jonathan – outside appearance is the same. Brian – are there restrictions. Walter – You are talking 4 building and 100 affordable. Brian – do you have a start date. Jonathan – May be next year. It is beginning to get a little bit better. Jim – as it is now it is all affordable on one side and the other side is market value. It is only a matter of 8 units. Peter Freeman – What will happen is that it might be a change. If there is a unit that goes over the next would have to be affordable. Jonathan – appearance on both sides of the street would remain the same. Jim – you have to remember that is how we sold it to the town. Jonathan – the economy has done a job on us. Jim -- I understand over the year people have just walked away. Jonathan – as far as affordable is concern it is a certain amount of your income. We have 80 people who are looking at marketable. Brian – what is the figure. Jonathan – single around 38. I might come back to say do some affordable. I am just not sure. Jim – this is what the government is for. Jonathan – the federal has put in some 11 – 12 million and then the state has put in a share. It is around 14 million Peter Freeman – It is Jonathan's desire to finish as soon as possible. It is better to have mixed income. Jonathan – it is going to look like one. Peter Freeman – what is best for the town. Jonathan – it is already split It is easier on

one stand along. Walter – have you got money for the 100. Jonathan – we are only good for 100. Jim – you are looking for flexibility. Jonathan -- I think it is almost impossible. I originally said 108. This is still the highest percentage of affordability. Jim – even if it is one it should be tied together better. It takes it out of the program. It is important to do. Jonathan – If I can't get the money to build it I would not be able to go forward. The bank is very nervous – no money on the market rate side. I believe separating it makes it people more at ease on the marketable side. These projects are best as one. You do not make a profit on the affordable. Peter Freeman – it is a lower rate because of the affordable part. The investors loan less money. The investors will say it is worth less. Greg – you have brought the option to the bank. Jonathan – yes. Jim – I would feel better if you would mix in the affordable. Jonathan – when it comes to this project the state came through. They stepped up for the town. 108 out of 204 was extreme. Jim – I would greatly appreciate the opportunity to think about it. Peter Freeman – would you consider acting on just the extension at this time. Jim – you are talking allowing it to go to October 10, 2012. Brian – what are the soil conditions? Jonathan – we have a gravel permit. Brian – are you going to mitigate the soil? Jonathan – we have to do some work in this area here. We are presently looking at the end of May. Walter – I make a motion that we extend the only the time to complete agreement to 10/12/2012. Kevin – 2<sup>nd</sup> the motion. Jim – you understand that this is only concerning the extension of time. All in favor. Vote was unanimous to continue time to complete the agreement. Walter – I make a motion that we continue the remaining articles as advertised to June 1, 2010 at 8 p.m. Greg – 2<sup>nd</sup> the motion. Jim – all in favor. Vote was unanimous to continue the hearing until 6/1/10 at 8 p.m.

#### **8:45 p.m. – Cedar Pond Preserve**

Present on behalf of Cedar were Attorney Jacobi and Ron Turowitz. Kristen Jensen (on behalf of Mark Carroll) . Jacobi – Dan is unable to attend the meeting tonight because he had to appear in Westport on another matter but he has come up with an idea and wanted to put it before the Board. He asked that it be put before you to get your comments and see if you feel that we should be going in this direction. Ron – this would hold more than the two that are there now. Jim – we have a 100 year standard. When he first was involved he had an old book and that issue was brought out then. We let it go through and he at that time assured us that even with the overflow he felt it was more than adequate. He has designed it with just what is there. It had the same elevation. Has he actually figured it out mathematically. Ron – I was in there during the storm and did see what was going on. He believes that this will work. Chris – someone needs to take responsibility. Jim – we want something that says it will work. He told Chris and I that these would not be built upon until the drainage issue had been taken care of. Jacobi – it was our understanding that they would be able to build upon one. Jim – we are still looking for a resolution. Chris – it has not happened. Walter – we need a full plan showing that it will work. Jacobi – are we addressing the circle and Quequechan Circle. I did not know that he has not given them to the Board. Chris – when we had the meeting with DEP he did not

show. Jacobi – can Dan go ahead with this and at the same time I will suggest to him that you are looking for more information on Quequechan Circle. Brian – did he do test pits. Ron – Maybe a couple of dry wells so that when it gets here it will filter in. Chris -- the ground water is very high. I believe that you will find that the foundation that was put in is in water. You need 2 feet between the ground water and the elevation. Jim – what are the lots that Mr. Carroll has purchased. Ron – 2B, 9B, 15B, 30 & 16. The best thing to do is have him give us a plan and figures. Ron – Are you going to be able to allow Mark to build on any of his lot. Jim – I don't see a problem with that but it can not be 30 or 31. Walter – personally I would not be willing to give anything around the circle area until there is a plan for the drainage system and that it is working. Jim – I might suggest that if at all possible he can give us the lot plan and where the house should be located. I have no problem with one or two lots being released. There is enough land in this area to take care of the drainage. Chris – we need to know if the burms would work. Kevin – I think that it would be a good idea to get Nick Lanney involved since he worked on this plan originally. Brian – I make a motion that we release Lot 2 only. Greg – 2<sup>nd</sup> the motion. All in favor. Vote in favor Jim, Brian and Greg. Against Walter and Kevin. Motion passed. Jim – we are looking for a plan stamped and calculations that it is going to work. I understand that the purchaser/developer would like 2 building permit. We are also looking for something addressing Lots 15 and 16 will have no implications on the drainage system. Brian – I would want to see an entire plan of the sub-division that has been stamped and shows that it will work. Jim – Quequechan Circle is still with Conservation. They have not moved on it. I would not accept anything unless the pond is closed off. Something else needs to be designed. The land is there it can be done. Brian – it needs to come in with an explanation. Jacobi – you are looking for drainage on the circle and that there will be no implication the drainage system from lots 15 and 16. I will be speaking with Dan and hopefully will be able to have all of the information that you are requesting by your next meeting. Pauline – next meet is June 1, 2010. I can put you down for 8:30 p.m. Jim – Pauline will send a letter to the Building Inspector advising that we have no problem with a building permit being issued for Lot 2.

Bruce – Quequechan Circle is still flooded. It has at least 6 inches. Ron – I believe that is the catch basin. Chris – it is completely in failure. We are still looking for documentation. SITEC was suppose to provide a plan. Bruce – when will bounds be put in. Jim – they are required and must be put in place before the road is completed.

### **Kensington Court**

Jim – just as a note before we leave, I am personally not in favor of dropping the 8 affordable units. Brian – a private investor would not want the affordable units. I don't like the division of one on one side and one of the other. The buildings are very different then what was once suggested. I don't like fact that concessions are continuously asked for and are freely given. Walter – we just

gave him 2 years and hopefully the economy will be better. Jim – they will be coming back on June 1<sup>st</sup> so we have time to review it.

Walter – I make a motion that we adjourn. Kevin – 2<sup>nd</sup> the motion. Jim – all in favor. Meeting adjourned at 11.05 p.m.