

TOWN OF LAKEVILLE
Planning Board
Meeting Minutes
November 17, 2016

On November 17, 2016, the Planning Board held a meeting at 7:30 PM at the Town Office Building. The meeting was called to order at 7:30 PM by Chairman Hoeg. Planning Board Members present: Brian Hoeg, Sylvester Zienkiewicz, Peter Conroy, and Donald Bissonnette. Members absent: Janice Swanson. LakeCAM was recording the meeting.

7:30 PM Meet with Mike Renzi regarding the process for acceptance of Cedar Pond Preserve as a Town Way

Mike Renzi and another man were present for the discussion. Mr. Zienkiewicz stated that at the last meeting he was not clear with the information. It has now been updated, and he is all set. Chairman Hoeg stated that the money has been released for Cedar Pond Preserve. The clock starts on November 9, 2015 for the two (2) year waiting period, before the Town will take the project into consideration for Town Meeting. Usually the owner/developer petitions the Town to accept the road/easement, but the owner/developer is no longer available, therefore, this process is taking place, which is similar to what Woodland Ridge had to do. Mr. Zienkiewicz stated that the Planning Board will need to have this presented 45 days prior to Town Meeting. Chairman Hoeg explained that the Superintendent of Streets Jeremy Peck will need to review the As-Built Plan, and he will check the bounds. Mr. Renzi stated that the bounds should be finished within a week, and he should have the As-Built Plan within a week. Chairman Hoeg stated as soon as they provide the As-Built Plan, the Planning Board can accept them to close that portion out. Mr. Renzi stated that the sticking point had been determining the official start date, which was November 9, 2015. On page 32, he now complies with the regulations. Chairman Hoeg asked who they are working with for the tight tank. Mr. Renzi stated that the owner is working with Steve Geoso from Sitec. The As-Built Plan is 99% complete. Chairman Hoeg stated that when Sitec does the As-Built Plan, they need to make sure that they write in the design numbers, as well as, the as-built numbers on the drawing. That way it can be determined how close the construction was to the design, and if there is any trouble, the Board can tell if that is why there may be trouble with the road. Mr. Renzi stated that he will email Sitec this information tomorrow. Mr. Zienkiewicz cautioned that the old numbers are not removed, since they are needed as well. Mr. Renzi stated that, as part of the requirements for the Town, he needs to prepare a road acceptance plan for the Town, as well as, a bounds certification for the Town. Both will be prepared. The original mylar plan will need to be submitted to the Town, and it will be sent to Atty. Jacobi for finalization. Chairman Hoeg asked them to keep an eye on the condition of the road. Mr. Renzi stated that he will return in the spring to get the ball rolling on everything.

Approval of Form A Lot-60 Taunton Street-Harrison Lee

Chairman Hoeg noted that no one was present for the approval. A new drawing has been received with a check in the amount of \$200 from SFG. Mr. Conroy noted that this is a two (2) lot subdivision. Chairman Hoeg stated that it is two (2) Form As on one (1) lot. Mr. Zienkiewicz mentioned that there is a small cape there now. The fee is \$100 per lot. It doesn't seem to have the frontage. Mr. Conroy mentioned that this was one of the things that had been

changed at the Spring Town Meeting, the problem with the perpendicular property line. The 90 degree angle was struck so that a lot would not be lost each time a property was slightly skewed. Chairman Hoeg stated that it meets the 175 feet from any point, and the 175 feet from the set back line. There is no area that is less than 50 feet wide.

Upon a motion made by Mr. Zienkiewicz; seconded by Mr. Conroy, it was:

VOTED: To approve and sign the Form A Lot-60 for Taunton Street-Harrison Lee.
Unanimous in favor

Review and Discuss letter from the Board of Selectmen regarding the Scenic Road Continued Hearing for 78 Pierce Avenue scheduled for December 1, 2016

After a brief discussion, upon a motion made by Mr. Zienkiewicz; seconded by Mr. Conroy it was:

VOTED: To close the hearing for 78 Pierce Avenue without a finding.
Unanimous in favor

Review and discuss Memo from the Board of Selectmen regarding re-zoning of 12 parcels on Main Street

Mr. Conroy stated that the EDC (Economic Development Committee) had held a meeting at the Library on November 1, 2016, and the Chairman of the Committee, Aaron Burke, had invited the property owners and abutters to discuss eliminating the 200 foot Business Zone restriction. There are a total of 48 parcels; however, only 12 of them are affected with the 200 foot restriction. The owners were told that if they do not want any changes made to their property, then no changes would be made. The difficulty is that with some properties; i.e. Dewey's, the 200 feet goes through the middle of the restaurant. This would be fine if someone was going to rebuild in the existing area; however, to do anything different, with the normal set back lines, it cannot be done. Thus, right now the 200 foot restriction prevents someone from doing anything else. Chairman Hoeg stated that he would be willing to put this in front of the townspeople at Town Meeting. Mr. Conroy explained that Ms. Garbitt has asked to table this until February/March 2017 for when the Planning Board will need to start scheduling hearings on the change. Notices will have to be sent out to the owners and abutters. The Planning Board was in agreement that Lots 6, 7, 8, 9, 10, 13, 14, 18, 28, 41, 42, and 43 could potentially have the 200 foot restriction lifted. This item will come before the Planning Board again in February/March 2017 for scheduling hearings, etc.

Review and discuss Memo from the Open Space Committee regarding 303 Kenneth Welch Drive

Mr. Zienkiewicz stated that he has volunteered to write a letter in response to the memo from the Open Space Committee regarding 303 Kenneth Welch Drive. He will bring it to the next Planning Board meeting for the Members to review and approve. Basically, the Planning Board is not a permitting board. It is a Planning Board and 25 foot setbacks are not done by the Planning Board and cannot be enforced by the Planning Board. It is not within the jurisdiction of the Planning Board.

A motion was made by Mr. Conroy to allow Mr. Zienkiewicz to write a memo on this to present to the Planning Board for review at its December 1, 2016 meeting. There was no second to the motion.

Approve Meeting Minutes September 29, 2016

Upon a motion made by Mr. Conroy; seconded by Mr. Zienkiewicz, it was:

VOTED: To approve the Meeting Minutes of September 29, 2016 as presented.
Unanimous in favor

Distribute Sanitary Survey Report and Notice of Noncompliance from DEP regarding Back Nine Club

Chairman Hoeg stated that the non-compliance is against the Back Nine Club, since it appears that their water was tested. Mr. Zienkiewicz stated that he had read through the extensive document and did not see anything about coliforms and how it failed. It might be that they are breaking the rules by having put a parking lot on top of his well. When you have a commercial well you are not supposed to necessarily do that. The Planning Board did not receive this for Site Plan Review. These well heads require much more space than a home well. The DEP is not asking the Planning Board to do anything. The Board of Health said that most of the public water supplies in Lakeville have some problem with the DEP due to distance, and this a pretty routine thing. Chairman Hoeg stated that it would be grandfathered in. Mr. Zienkiewicz noted that on page 10 it lists non-conforming activities, which are the paved parking areas. They did a lot of work there this summer. Chairman Hoeg stated that Zone I is all restricted. There are probably standards about machinery that could be used to cut the grass in such an area. It does seem though that the DEP wants them to sign a new sampling plan as part of their requests. Mr. Zienkiewicz stated that the Planning Board had asked them to provide a plan for the Site Plan Review, if they were building the fences, and it had to do with the driving range aspect. It was going to the Appeals Board for comment, and it was thought it would then come back to the Planning Board for Site Plan Review; however, nothing was ever heard back.

Distribute Notice from KP Law regarding recent Amendments to Chapter 40A

Mr. Zienkiewicz noted that with one of the Amendments to Chapter 40A, they are changing the length of time from six (6) months to not more than twelve (12) months, and they are changing the word "shall". This is something the Planning Board will have to do. This is on the first page, the inset paragraph. They want to give the applicant six (6) more months. That will be state law. The second amendment is allowing the Planning Board to give up to three (3) years of allowing a lapse, before they exercise a special permit. It seems that the Planning Board is at one (1) year right now, so it can go anywhere in between 1-3 years. The last one is not understood. Through speaking with Attorney Robert Mather, if something was there for ten (10) years, and even if they did not have a permit, it will be grandfathered as a non-conforming use. The structure shall be deemed, for zoning purposes, to be legally non-conforming subject to section 6 and in accordance with any local ordinances and bylaws relating to non-conforming structures. So if someone has not filed an action with the court in that first ten (10) years, then nothing can be done. The Planning Board will review these amendments at length at a later time.

Distribute ZBA Notices from the Towns of Rochester and Raynham

The Planning Board briefly reviewed and discussed the notices that they had been provided.

New Business

Chairman Hoeg stated that the Board has received the Inspection Report for Ledgewood Drive from the Superintendent of Streets. It is all paved and there is still a telephone pole in the middle of the road. It is assumed that once they pull the pole out to put on the final top coat they can pack the hole, but it must be frustrating with the pole there now.

Old Business

Jamie Bissonnette of Zenith Consulting Engineers was present for the discussion. Mr. Bissonnette explained that the last time he had met with the Planning Board regarding 303 Kenneth Welch Drive discussion had taken place about the impervious coverage. It was thought to be correct; however, it was not. Mr. Bissonnette met with Mr. Darling, the Building Commissioner, today to go over the calculations. The total lot area is 122,000 S.F. Then the wetlands are 25,000 S.F. The detention basin with berm and the drainage with oil water separator were compiled and subtracted from 122,000 S.F., and it leaves 84,110 S.F. Then the impervious areas were added up and divided by the new adjusted area of lot, and that gives the 43%. It is worded saying that wetlands and drainage areas cannot be included in the calculation for it, but when this was discussed with Mr. Darling, it was felt that this was the best way to do it, and he felt comfortable with that. This is then within the parameters.

Then Mr. Peck, Superintendent of Streets, provided a few comments that have been addressed. This went before the Conservation Commission on Tuesday. They did approve it pending Planning Board approval. Mr. Peck asked that a silt sack be placed at the downhill side of the catch basins at Kenneth Welch Drive. This note has been added on the erosion control plan. This language has been added to the first pair of catch basins. Mr. Peck also recommended changing the slopes on the wheel chair ramp, and that has been done on the detail sheet. The 7.5% was done, but not the 1.5%. It will also be ADA compliant. There will be 6" of crushed stone which is good practice. The striping will meet MEDC specifications. The slope of the sidewalk was provided on the sidewalk detail and done with the 1.5%. Mr. Peck asked to show the saw cut lines on the plans, and this has been done. Then there is the Dewatering note. Since the project is so high above ground water, it does not seem that there will be any problems with water; however, a note has been put on the plans, and it is the Contractor's responsibility to set into place any necessary dewatering.

Mr. Peck must have spoken with Ms. Yeatts on the erosion control plan regarding the silt sack with a silt fence, and those details have been added. There will be a silt fence on the steeper areas. The Conservation Commission asked that both be provided. The limit of grading is being shown with the limit of work. There was a pipe labeled RCP, and that has been switched to HDPE. The existing grades will not be touched or cleared. Mr. Peck has said that all stormwater standards have been met. There is also now a lighting plan, which has been included. The details were put right on the plan from the manufacturer. There will be wall mounted lights. Mr. Knox had spoken with his electrician, and he contacted the distributor about the light fixtures. They came up with a plan, and so it has been presented on the plans with a note that it was designed by others and overlaid onto the plan. All the lights point down, and it meets the Night

Sky By-law. Mr. Knox may need some additional lighting in the future, and he will have to come back and talk to the Board, if that is the case.

Upon a motion made by Mr. Conroy; seconded by Mr. Zienkiewicz, it was:

VOTED: To approve and sign the plans for 303 Kenneth Welch Drive as presented and described by Zenith Consulting Engineers.
In favor 3, Abstain 1 (Don Bissonnette), Absent 1.

Adjournment

Upon a motion made by Mr. Zienkiewicz; seconded by Mr. Conroy, it was:

VOTED: To adjourn the meeting at 9:00 PM.
Unanimous in favor