

**TOWN OF LAKEVILLE
SELECTMEN'S MEETING MINUTES
Thursday, September 14, 2010
8:00 PM**

On September 14, 2010, the Board of Selectmen attended the Planning Board meeting at the Lakeville Library with Sysco. The Selectmen's meeting was called to order by Chair Yeatts at 8:00PM. Selectmen present were: Selectman Yeatts, Selectman Olivier and Selectman Maksy. Also present were: Rita Garbitt, Town Administrator, and Christine Weston, Recording Secretary. Planning Board members in attendance were: James Marot, Chairman, Brian Hoeg, Walter Healey, Jr., Kevin St. George and Greg Kashgagian. Also present was Pauline Ashley, Planning Board Secretary; Robert Mathers, Esquire; and Kay Doyle, Esquire. Frank Dunphy was video recording for Comcast, Cindy Dow and another man were recording the meeting.

Hearing on Industrial C Overlay District Regulations

Chairman Marot called the Planning Board Meeting to order at 8:15 PM. He then explained how the meeting would be conducted this evening. He stated that the reason for the hearing was due to the fact that the Town needs to rezone a number of parcels of land. Sysco will be moving to those parcels. Only general questions will be answered. First, there will be an overview presentation by Sysco of what they are going to do on the property. Chairman Marot then read the notice as advertised in the Middleborough Gazette on August 26, 2010 and September 2, 2010. He then asked for the Board to waive the reading of the article.

Upon a motion made by Mr. St. George; seconded by Mr. Healey it was:

VOTED: To waive the reading of the article.
Unanimous in favor.

Present for the discussion are: Fred Casinelli, President and Chief Operating Officer of Sysco; Thomas Bond, Chief Project Manager; and Chuck Fraser, Senior Vice President of Operations. Mr. Casinelli took the floor and gave a brief summary about what has taken place over the past six (6) months with Sysco looking to relocate to Lakeville. Sysco was founded in 1858 in Worcester, and then branched off to have businesses in Norton, Brockton, and Raynham. The present facility in Norton is 480,000 square feet and due to the growth of the business, there is a need for a new larger facility. The building being proposed for Lakeville is 650,000 square feet. It will be an \$1 billion investment. Sysco is very committed to the community and dedicated to support local programs. Sysco has a solid track record in the local communities of which their businesses reside. Sysco also supports programs for the elimination child hunger. The proposed Lakeville site will provide 75 new jobs; retain a major employer of this area; generate \$130,000 in excise taxes; and generate \$1 million in permits alone during the first year. If the zoning is approved they will have to demolish the hospital and clean up the site and grounds. Some of the perspective neighbors visited the facility in Norton and there were some concerns voiced. Some changes have been made to address their concerns.

Thomas Bond then took the floor and showed a power point presentation. The principal change is where the tractor trailers were parking. It was too close to the neighbors and the noise would not be pleasant for the neighbors so the parking area was reconfigured to have a barrier at the site. The trailers will be parked in another area. There is also a natural hill and that will help as a sound barrier. Sysco is still working through the Commonwealth of Massachusetts for a sound wall which will go past the building itself to block the neighbors. The access ways have also been modified. One access way has been narrowed down to accommodate just the fire trucks. Another access road has been narrowed down for exiting. They are working with DOT on the main public entry and then there is another area for the main truck entering and exiting the site access.

Mr. Casinelli stated that he would like to address the concern of why they are buying more land. A cry was heard from the public that more land is needed. Right now Sysco does not own anything; they do not own the banks or any of the properties. Some of the additional land is the potential site for the septic system. Then, it was heard that 148 trailers would be running all night long. That is a false statement; it would be 59-60 maximum. When the neighbors visited the site, they stood behind the barrier of the building and could only hear crickets. Regarding traffic and bottlenecks, the trucks leave between 3:00 AM to 6:00 PM. It is not felt that there will be a traffic jam. As far as the need to an increase for Police and Fire, the Norton Fire and Police have commented that the business has brought no need for additional personnel. There are also other misconceptions about endangered species. According to the National Development report, there is nothing there. Sysco is running its own tests to make sure.

Chairman Marot stated that at this point he will open the floor to questions. Nelson Pratt of Captain's Way, said regarding the additional pieces of property, what would that have to do with the proposal? Mr. Casinelli said at this point we have no plans until we actually have the land. The possible use is for the septic system if we need it. Mr. Pratt said the neighbors seem to think the property is not big enough, but the design of the building has not changed? Mr. Casinelli said correct. Mr. Pratt asked if there will be 150 trucks running. Mr. Casinelli said that is correct, but they are not running at the same time. Mr. Pratt said with 150 trailers with refrigeration units, he imagined they all are running. Mr. Casinelli said they load the trucks and then start leaving, but they are not all leaving at the same time. It is all staged throughout the night. Mr. Pratt said we were told they come in during the afternoon and then leave in the morning, so all the trailers are in the yard. Mr. Fraser said our trucks start departing at 9:00 PM, and then 30-40 trucks leave by midnight. They are not all loaded at the same time, some are in the process of loading, some trucks have loaded and departed. We never have 150 loaded at once. John Jenkins of Pickens Street said the truck traffic and noise is a huge concern for everyone, but are we differentiating from refrigeration units on the trailers and the trailers themselves. There are two different noises there. Is there no more than 50 diesel engines running or refrigeration units, we need clarification. Chairman Marot said the empty trailers are left quiet, as they are brought to the loading zone. Then they are loaded and then the refrigeration units turned on to maintain cooling until the truck comes to take it and move it off site. So at any given time, there are no more than 50 trucks getting ready to move offsite. He asked for an explanation of the truck movement.

Mr. Fraser showed the site plan. The tractor and the trailer are two separate units. The tractor is what the driver drives, they are staged in the lined area and left idling. They need to be left idling since they are hard to start cold in the winter. There is an empty staging lot and 79 loading doors. The units are moved to wait for their departure, the drivers come to get the tractor, then park their car and they exit up the top right corner (map displayed on power point screen) with their trailer. Selectman Maksy clarified that the tractors are not running or idling; they are plugged in to keep refrigeration units cold. Dick Anderson of Rush Pond Road said that when he and his wife were returning from vacation from Nova Scotia, outside our hotel at 5:30 AM, we heard a god-awful roar and it was a Sysco truck. It was unbelievably loud. Paul McGillis of Daniel Road said if 150 trucks are going out loaded, then the same amount is coming in to replenish the shelves. When they do come in, is there adequate parking so that they are not parked on the street? That is another 150 trucks so I am curious when they will be unloaded and what hours do they come on the site? Mr. Fraser said the numbers are not equal 150 to 150. The trailers are usually smaller that bring in the deliveries. 80 trucks a day come in; they are scheduled for their arrival at 5:00 AM to about 12:00 PM in the morning. We encourage them to arrive at non peak hours and their parking is similar to the staging areas. Unloading and receiving is done up to about noon.

Justin Ferbert of Captains Way said with a building the size of 650,000 square feet, how many roof top fan units are going to be running to vent the building? Chairman Marot said the refrigeration units face Route 105 and Rush Pond Road, so if there is any noise from the roof top it would be back towards the T station or towards other industrial businesses. The dry storage business faces the residential properties. Mr. Bond said everything is contained in the building so there are no roof top units. Mr. Ferbert said when Sysco had initial

discussions with the Police and Fire Departments, was the ammonia system discussed and would they be able to sufficiently support a leak if one occurred? Mr. Fraser said the Lakeville Police and Fire Department visited with Norton and discussed the added burdens and they can handle it. Ammonia is a safe chemical. It is a gas for the refrigeration units and is monitored by OSHA and there are other government regulations. Sysco is in compliance. Whether or not local officials can respond in an emergency, we would have them train in our facility and bring in experts to help train them as well. Mr. Ferbert said ammonia is classified by OSHA as a severe health hazard.

A resident from Anaconda Drive said before it was National Development and there was a parallel system that was going to take place. If you go there you can see there is a big system being built for portable water that we plan to sell to Sysco. We are anticipating a bunch of commercial developments in Lakeville and he was in support of that. This does not work out right with the numbers and the gallons since it was set up for National Development and they (Sysco) cannot be blamed for it. They only need one (1) hook up and the tower costs \$4.8 million and we got a \$900,000 stimulus discount and basically we have this on a credit card for \$4 million. We lost our biggest customer, National Development, which was going to pay for it. Sysco does not need as much water as National Development. He wanted people to remember that if Sysco comes in, in order to pay for the water tank, we are also going to have to build National Development someplace else. It would be better to put this in the Industrial Park and use this site for National Development. Chairman Marot said his own sense is that you are way off base on that. The Selectmen will answer that. We did not have a project with National Development. The townspeople will pay since there was no project there. Selectmen Chair Yeatts said the water tower was not built for National Development. It was built since the Town had water at Town Hall that was contaminated from a spill at an adjacent property. DEP was going to start fining the Town. Also, the Town did not have any water suppression in the industrial park. Taunton was concerned about water pressure. This is something that we had to do; DEP was mandating us to do this. The Town received mitigation money due to a lawsuit that we joined onto of \$1.8 million. That will help pay the loan back. We will not be bonding for it and so none of it is coming out of taxpayers' pockets.

Martha Schroeder, member of the Open Space Committee, read a memo into the record on behalf of the Open Space Committee. Randall Kenny of 10 Bridge Street said according to the plan, what is going to be the lot coverage of buildings and pavement? Mr. Bond said 72% lot coverage as see on the board. Mr. Kenny said then we need the overlay. Chairman Marot replied that is correct. Mr. Kenny said when we had the Special Town Meeting for the TIF, why was not an overlay mentioned there? This is a typical bait and switch. Chairman Marot said he would have to disagree with Mr. Kenny on that there was no misinformation. Everyone realized that in order to do this, we had to rezone the property. If Sysco cannot move forward, we do not want to rezone a piece of land and not be able to return it to its original zoning. Thomas Connolly of Hitching Post Road said we do have noise regulations. Have we taken a baseline before they come in and build so that we will know, or will we just say oh gosh it was always that noisy? Chairman Marot said the development agreement would add language to establish a baseline noise level. He did not know if it will be independent, the Town has the ability. It is State law which is governed by the local Board of Health. The Board of Health has a sound meter and is able to take readings. It has been asked by the abutters to address the noise. That is why we offered to have the abutters come to the site and actually hear the noise so this is something that we can monitor and we will. Mr. Connolly said when the train comes in at 5:20 AM, it shakes my house. I need sleep at night and am dealing with the vibrations of the train.

Mr. Scott said at the last meeting, he asked about the Overlay C and our existing overlay zoning. He would like to ask Sysco if they have ever done any noise measurements in Norton or as a global corporation. It would seem that they would with the nature of their business. They have back up alarms, back up generators for refrigeration. Have they ever done noise testing in Norton at the source, since if we know the source, then we will know what the boundary will be. If we paid Town Counsel or if Sysco paid Town Counsel to write the overlay, he wished they had not paid attorneys to interpret it and had it more in layman's terms. He would

hope that we could all understand it. Chairman Marot replied that the basic difference and the current zoning is A and B. There are no real requirements in entering into a development agreement. That is the key issue here. We do have the ability. The development agreement has to go through the Board of Selectmen, and we will take the zoning change to Town Meeting. The neighbors have asked that maybe a development agreement could be drafted prior to Town Meeting. Beyond that is Site Plan Review, as a regular course for Industrial A and B and does not require a public hearing. The zoning change does and we have done that not only in cooperation with National Development, but with Sysco and that would be for any developer of this district and that is the key difference with any of our industrial districts and that gives us considerable more control than a standard district. Mr. Casinelli said Sysco has spent thousands of dollars in studies to help our neighbors in Norton. If you look at the area in 1979 for houses, and what is there now, there are many more houses and we have done a lot to mitigate the noise level. Lynn Huntoon of Captains Way said she heard the word crickets and is choking on that. She attended the site visit and she did not hear crickets.

Linda Grubb spoke about the zoning and the concern is the amount of impervious coverage. Only 50% of coverage for the Industrial A and B, this is 60% with the 20% density bonus. Though the plan may only be covering 72%, they would have the right to cover 80% if they were to go full compliance of the density guidelines. Other communities give density bonus for better drainage and we will have a pretty building, but a wrecked environment. Chairman Marot said we modified the bylaw a number of years ago since the normal lot coverage was 80%, but we allowed it to go down to 50%. If a developer would do the design standards and the landscaping, which is the storm water runoffs, no one presented to us environmental concerns. Mr. Pratt said the current zoning allows 50%, and then if they meet the standards, they get 10% more and then there is a higher standard which would allow another 10%, so this is giving them up to 80% of the total acreage. If you do the math, 66.8 acres, you then take 70% of the upland coverage of what could allow. If take Industrial C overlay and 80% of coverage, then you are allowing 54 acres of coverage. To me 32% of anything is a lot, why would we allow our max from 32% to this 80% to accommodate this? Mr. Ferbert said why would we allow that for them to come in and do what they want to do? Chairman Marot said what we are looking at and what we are allowing is a company that has an extremely good track record to come in and pay a lot of taxes to the Town. He has to go on the basis of what we observed at Town Meeting when the TIF was approved. My initial thought was that this might be a big project for the site and might industrial better serve the site than commercial. The Town took the vote and moved forward and this will do something for the Town that will work for everyone. You can enter a site that seems noisy, but when you get beyond the building you are on a site that is just as quiet as Precinct Street so this may be the very best use of the site. When I look at the control they have over their drivers and their facility, the distance that the trucks would be driving in Town is small to getting back to the highway. Robert Poillucci of Roberts Road said in terms of the additional property, would that reduce the lot coverage even further? Chairman Marot said that is correct. He believed their perspective is that by increasing the size of the property under their control, the percentage for lot coverage would be reduced. It also appears that the sewer negotiations with Middleborough may not happen as soon as they would like, so there is a need for the development of a treatment facility. We have one for Kensington Court and one at the High School already. The High School plant is for 2,000 people in the facility. It is a small brick building and no one knows it is there. The one at Kensington Court has a higher use, but it is designed for twice the size that it is. The building is still small and has no impact to surrounding communities

Daniel Cooney of Main Street said he recalled at an earlier meeting, the minimum amount for the acreage that Sysco needs is 75 acres. Mr. Bond said we typically shoot for 65-75 acres. We do have one on a smaller site in Texas which is 53 acres; sometimes there is just not enough land. Mr. Cooney asked why the overlay only covers 50 acres when the ideal is 75 acres. Why not change that to 80 acres to guarantee you can move it back to make it more aesthetically pleasing, less noise, etc? Chairman Marot said 50 acres is quite a bit of land. The overlay districts we currently have are 25 acres and mixed use is 30 acres. 50 acres is a lot of land for an overlay district, so we were quite comfortable with that. This is for a zoning change for an overlay zone

that we do not currently have in Town. In reality it could be for someone other than Sysco. Mr. Cooney said this seems like a practical change. Chairman Marot said we will take that under consideration.

Valerie Glenn (Surrey Drive resident) from the Cranberry Country Chamber of Commerce stated that she was in favor of Sysco. She then read several supporting points in the record:

- 1) *On behalf of the business community, I want to register my strong support for Sysco's move to Lakeville and urge residents to vote to approve the zoning change on October 18th.*
- 2) *Sysco is a successful company that is creating 75 new jobs and investing millions of dollars in this community. There are not many companies that are in a position to make such a big investment in our region.*
- 3) *Towns like Lakeville need a diverse tax base to support basic services. Residents cannot afford to shoulder the entire tax burden. We are fortunate that Sysco wants to come in and develop a site that has been abandoned for two decades.*
- 4) *Sysco's plan is the right development for this site. Its location is ideal for a company that needs access to Route 495. Sysco's trucks don't need to travel on neighborhood streets, because they can head directly onto Route 105 – away from school bus routes and residential streets.*
- 5) *Sysco is a well-known company that we hope is not going anywhere. It's in no danger of going out of business, like some companies in the state have done in recent years. It will provide steady jobs for local workers and a steady revenue stream for the Town. That stability is another great reason to support this zoning change.*
- 6) *The Chamber of Commerce is proud to support the growth of great businesses like Sysco. The food service and equipment business is expanding, and we want their growth to be part of our regional success.*

John Olivieri said he has been to every single meeting and at this point, he is hearing the same things from both sides. Three quarters of the residents who attended Town Meeting voted in favor of this. At this point, we are expending a lot of hot air and a lot of time by bringing up the same issues. He would like to know when the Board is going to take a vote. Chairman Marot said the Planning Board discussed previously that what we would expect tonight is that we would handle this in two (2) sessions, this evening and then a week from now so that it would allow everyone to voice their opinions for and against, and for us to hear some of the concerns. We are not hearing anything different. We also wanted to know how to work on the development agreement. That is something we had done with National Development so that everyone had a clear understanding of what we would allow them to do and how they would proceed, no matter what phase they were in. We would do the same with Sysco. We knew that would be a process that would take a few weeks and that we would have much more to put on the table for the next meeting. We will end this at 9:30 PM and continue the hearing. We will not make a decision until next week.

Nancy Lee of Stetson Street said it seems that when we first heard about this, there was not a lot of information out there. Now that more and more information has come out, some people may have changed their opinion. She understood that you think you are doing what the citizens want but maybe that has changed? Chairman Marot said this matter is going again before the townspeople for a vote, so we are gathering information for what this would mean to the community and then we will let the town vote. We are given the responsibility to gather the information and then we will present it on town meeting floor and say how we feel. Mark Bodwell of Rush Pond Road asked if the Town had done a traffic study of all the trucks that come in. Chairman Marot said the Town has not, but National Development has done one. Mr. Bodwell asked if the Town will do one. Chairman Marot said that would be part of site plan approval and that will be a public hearing. Abutters will be notified by certified mail. He heard Mr. Casinelli mention that he would do whatever it takes to work with the Town to make sure we have a good project. My experience is that he seems to be relatively true to his word. So we will listen to comments and take in the information and do that best that we

can to interpret and we hope to have the finalized version next week. Kevin Thorley of Teesbury Lane said what the Town voted on is the Lakeville Hospital property and any overlay that would have been needed was for that time. Now we have something extremely different. This now boxes in a lot of houses and it is a different scenario. Frank Sterrett of Crest Drive said as a user of well water, it bothers me that they do not show the 22 houses and we are on the back side of the building and we will get the noise. He is worried about the run off. They put buildings on 53 acres, and so with the run off water, how will that be handled? Will there be safeguards built in to prevent it from running down? Arnie Shorrock of 8 Haskell Circle, a retired civil engineer, did some calculations on runoff. Mr. Shorrock showed a board that depicted his information. For coverage of Option A, 53 acres (44,000 square feet in an acre) would have a total square footage of 2,300,000. There would be an estimated 600,000 gallons of runoff or 80,000 cubic feet of water. For Option B of 61 acres, there is a total square footage of 2,600,000. There would be an estimated 700,000 gallons of runoff or 92,000 cubic feet of water. He stated that he has, through his work in the past, done hundreds of these and has never seen so many of these things quite so condensed. Mr. Sterrett said he will probably get quite a bit of water and noise from where that funnels off. That is where the noise and water will go. No one has addressed the back portion. It will create a whole new lake. Hopefully a lot of it can be kept away from Haskell Circle.

Chuck Evirs of South Kingman Street said the Town needs something on that property. What is approved for there right now is a grocery store and a department store. A traffic study that was already presented depicted 1400-1500 cars an hour on the weekends, with typical community hours there would be 800-900 cars. Each time when see Sysco it is 100-200 vehicles. That is from 5:00 PM to 6:00 PM. Somewhere along the way we must decide as a Town what is best that we want for that property. We have to make a decision, what do we want, what is the least evil of it all. And what else might be coming down the road if we do not allow this. We need to understand that something is going to be on that property, this particular proposal will not shy people away from driving through that area. Honestly my feeling is that this is a good alternative. As a Selectman, I saw a lot of options coming and going for that property and this seems to be a valid business. Bill Comeau of Vaughn Street said he keeps hearing that commercial and industrial development is the right way to go for a Town for increasing revenue. He would like to turn that idea on its head. The fact is the more commercial and industrial development you have, the higher the tax rate is. That holds true for Plymouth and Bristol Counties. This is supported by Brighton 1999 studies from here to Maine. Property values declined also. We keep hearing the target for residential versus commercial/industrial development is 15.4%. Now the target is 20%. He then showed a chart. For every 5% increase, \$20,000 is lost in property value for houses and that is why the taxes have to go up. Also, reports say that we need money for the schools. He agrees, it is the same with Police and Fire but the reality is, the more commercial and industrial the less spending there is for education. It is counter intuitive, this is reality. Chairman Marot asked that his information be submitted for the public hearing to be part of the record. Mr. Comeau said he moved to Lakeville two (2) years ago and want to be here for 30 years. Some of the people here will lose more than \$20,000 in property value and if you are putting kids through college and need home equity to pay for it, then that will be a problem. He thought the Planning Board had been fantastic so far and hoped that continues and that they take seriously all that is going on here.

Selectman Olivier said he found Mr. Comeau's presentation pretty interesting, but he left out a lot of factors that are taking place with the economy. In 2008, property values tanked, so that needs to be taken into consideration. Lakeville has a 13% commercial/industrial base right now so it is no where near the 20%. It has happened already with the economy and property values going down and the rates have to go up. For the sustainability of Lakeville, we need to bring in additional revenue. The State has increased our assessments and decreased our aid. Health care costs have gone up, it was 1% of the total budget and it is now 10% of the total budget. The cost for Lakeville to sustain itself is unsustainable at the way it is going. Sysco is willing to work with us to make it palatable for everyone in the Town. This is a rural town and we want to keep it that way, but we cannot if we do not have additional revenue and hold the line on expenses. Chairman Marot said he would like to add that this particular company is making a move from one area into our community. When have large

community development move into a community without its own staff, then you have increased the housing burden and that brings more children to the schools. That would then be a negative burden, but 80% of their staff lives locally already and that makes this particular situation very different than the particular situation given here.

Richard Scott of Rush Pond Road he would like to apologize for any personal attacks in the past he may have made. He has looked at the Master Plan, the Open Space Plan and Affordable Housing Plan and we have about 50 people that have worked on the financial, quality of life and environmental aspects. We have learned a lot and we are now at a nexus. We have never had an industrial business this big go into a residential area. What I am trying to say is that we all know the realities of our strengths, but if we get this wrong we will deal with it for a long time so I do not want you to close the hearing until you get all the facts. If this project is not allowing people to express their views, then we have a grave risk of dividing the Town for a long time. In the past we have made good decisions, like the Ted Williams Camp, which now houses the Library and Senior Center. We have also been asked to make zoning changes throughout the Town and the townspeople have spoken. They want to have low impact business and maintain the rural character and that means do not adversely affect your neighbor. He felt that the Planning Board's number one concern is protecting abutters. The last meeting when he lost his temper was because he thought Sysco was not giving you the best engineering knowledge. With his background, he believed many of the items can be mitigated, but not truck traffic. The bottom line is that the community needs to make a decision as a whole. Please do not close this hearing. Some people may be thinking it is just hot air. He is willing to listen to the other side, but wants to hear all arguments. No quality of life issues have been spoken about, only environmental issues. So please do not close the hearing until we hear all issues.

Chairman Marot stated, at 9:40 PM, that the hearing will be continued to 7:30 PM on September 21, 2010 at the Lakeville Public Library. A considerable amount of information was heard this evening and everyone can return with more information, since there is still more information to gather.

Adjournment

Upon motion made by Selectman Maksy, seconded by Selectman Olivier, the Board:

VOTED: To adjourn the Selectmen's meeting at 9:42 PM.
Unanimous in favor.