

SELECTMEN'S MEETING MINUTES

September 21, 2010 – 7:00 PM

On September 21, 2010, the Board of Selectmen attended the continued Sysco hearing with the Planning Board at 7:15 PM at the Lakeville Library. Selectmen present were: Selectman Yeatts, Selectman Olivier and Selectman Maksy. Also present were: Rita Garbitt, Town Administrator and Christine Weston, Recording Secretary. Karen Foye was recording the meeting for Comcast and Cindy Dow of the Middleborough Gazette was recording. Chair Yeatts called the Board of Selectmen to order at 7:02 PM.

Discuss Water Connection/Betterment Fees

Chair Yeatts explained that there will be another meeting with Camp, Dresser & McKee on September 27th at 9:00 AM to discuss the water connection and betterment fees. She said that Savas Plaza needs to hook up to water. Savas is under a court order to get their new septic system installed. Town Counsel will be asked to draw up an agreement for Savas to sign. The Board cannot rush to set up betterment and connection fees.

Discuss Special Town meeting

Ms. Garbitt has confirmed that the High School auditorium and cafeteria are available. The gymnasium is not available on that night. The auditorium and the cafeteria has enough seating for 600 people.

Upon a motion by Selectman Olivier; seconded by Selectman Maksy it was:

VOTED: To schedule a Special Town Meeting at 7:00 PM at the Apponequet High School Auditorium on Monday, October 18, 2010 and to open the Warrant.
Unanimous in favor.

Upon a motion made by Selectman Olivier; seconded by Selectman Maksy it was:

VOTED: To close the Special Town Meeting Warrant on September 23, 2010 at 5:00 PM.
Unanimous in favor.

Ms. Garbitt then explained the articles that will be on the warrant for the October 18th Special Town Meeting as follows: the Industrial C Overlay District, an article for Budget Transfers, Acceptance of Commercial Drive as a Town Way, Acceptance of Riverside Drive as a Town Way, Acceptance of ChrisJenn Brooke Lane as a Town Way, and a petition regarding a hearing for Bruce Malenfant. Chair Yeatts stated that she felt that the Board should put the Regional Agreement Article back on the warrant. Otherwise the Town might need to have another Special Town Meeting in November. If it is not ready, it can always be taken off the warrant.

At 7:11 PM, the Selectmen's meeting was continued until after the Planning Board hearing.

Attend Planning Board Hearing regarding Sysco

Planning Board Members in attendance were: James Marot, Brian Hoeg, Kevin St. George, and Greg Kashgagian. Chairman Marot called the meeting to order at 7:30 PM. Also present were Katharine Doyle of Kopelman and Paige; Robert Mather, Esquire, Fred Cassinelli, Sysco President, Chuck Fraser, Executive Vice President of Sysco, Thomas Bond, Project Manager for Sysco, and Fred Buckland of Buckland Real Estate.

Chairman Marot stated that this is a continuation of the hearing on September 14, 2010. Chairman Marot would like to hear from those who have not had an opportunity to speak. Sysco is a big project, and it will have a large impact on the community. There will be general discussion and then the hearing will be closed. The Planning Board will then vote whether to place this article on the Special Town Meeting Warrant. We will not listen to repetitive discussion.

Randall Kenney of 10 Bridge Street said the representatives of Sysco have spoken already, so why are we hearing from them again? Chairman Marot responded that they have brought new information. Attorney Mather said there are three (3) things Sysco would like to address. First is the storm water management issue. Thomas Bond, Project Manager and Mark Bodry from Meridian Associates, will address this topic. There will also be something new shown in direct response to what was heard from the previous comments. Fred Buckland of Buckland Real Estate will speak on how real estate property values will be affected.

Mr. Bond took the floor to address the storm water management issue. Sysco has hired Mark Bodry, Professional Engineer, from Meridian Associates to prepare civil schematics, and he will explain what will happen to rain water when it hits the site. Mr. Bodry then distributed a copy of the schematic in reduced scale. Last week there was discussion about potential storm water impacts related to the project. He will address the concerns and give assurances that Sysco is very conscientious of this issue. Storm water will be mitigated so that it will not impact the community, the wetlands, the environment, etc. The project could generate increased runoff from the areas that are being developed. Dealing with DEP regulations, there is a requirement to mitigate the impacts from water quality and amounts so that the area sees no increase from the site. The soils are mapped as sand, gravel and permeable soil. The site will not generate a lot of runoff with existing conditions other than what is already shown for the retail use. The peak flow is 14 cubic feet per second (CFS), which is not a lot of runoff. It will generate 40-49 acres of impervious surfaces, including the roof. That is a runoff volume of eight (8) million gallons. The eight (8) million gallons will be taken and collected around the site. It will be discharged into storm water treatment units, then to a water quality area. Instead of open basins, subsurface storage will be built and a recharge system. For every one (1) acre, 121 chambers will be needed, and they have a capacity of 500 gallons. There will be 4,500-5,000 storage containers will be under virtually very part of the parking area. The chamber systems will be spread throughout the project site. This is basically taking eight (8) million gallons of runoff into this storage system, and it will reduce it to 95,000 gallons when it enters the wetlands. That would be a half inch in the wetlands. The peak flow rates go from 295 down to 14 CFS that is being realized at the wetland system right now. Massachusetts Department of Transportation does not

want additional runoff to these sites. They would prefer no runoff, so they are actually taking a lot of the runoff from the site to go into the wetlands. The front of the site is being redirected to the back of the site, so there will be a reduction in the flow at the Route 105 side. The runoff that is going over the areas right now will be going through a cleaned area, so the quality of the runoff will be improved. We will be submitting a comprehensive site plan report, showing all the pipe designs, the water quality improvements and it will all be presented to the Board before we move forward.

Attorney Mather stated that Sysco has been listening to what the residents have been saying. They have relocated the truck parking site and have looked further into mitigating the sound. Mr. Bond then spoke on the sound wall. Looking at preliminary information, the sound wall being proposed is not going to be enough, so we are proposing another sound wall. This will fully screen the noise within the limits of Massachusetts Commonwealth Regulations. Attorney Mather stated that another issue brought forward was about the property values and what effect would Sysco have on the properties located near the site. Fred Buckland, Real Estate Appraiser since 1973, has been hired to speak about this issue. Mr. Buckland said he has been into the neighborhoods twice here in Lakeville and did an analysis of the properties within the area of the potential Sysco site. The average assessment for the Rush Pond area is approximately \$315,000. Properties along Rhode Island Road and Main Street have a median assessment of \$288,000 assessment. He went to the Norton Sysco site and did a limited analysis. There is a subdivision that was put in opposite the entrance to Sysco; their median assessment is about \$400,000. Ten (10) years ago, a developer was willing to put a road there and build houses in the \$400,000 price range. So, in terms of Sysco's impact in a residential area, he did not see any there. He will take a side by side comparison and see if there will be impact from traffic, sound, etc. But, from what he sees right now, he does not see any. Chairman Marot stated that concludes the new information from Sysco. Now he would like to hear from anyone who has something new to add.

John Brennan of 31 Sherwood Lane said he is a Health Care Administrator and has been doing business with Sysco for 15 years. This is a good company, and these are good managers. When they say they are going to do something, they will do it. They have good leadership. Chairman Marot asked what kind of impact would the hospital have if it did re-open. Mr. Brennan responded that there are a lot of forms of health care facilities. He would rather have Sysco in Lakeville than a large healthcare facility. Clare LaPointe of 61 Main Street asked about the five (5) lots that were added. If Middleborough does not provide sewage, does that mean the overlay will include those five (5) lots? Chairman Marot responded that in the zoning article, the five (5) lots are included, but the presentation tonight has no bearing on the sewage with Middleborough. Ms. LaPointe asked about a specific building. Chairman Marot responded that it is the sewage treatment facility for Kensington Court. If you go down to Commercial Drive, you will see a small building and that is what that is for. Also, there is one behind the tennis courts at the High School. That sewage treatment facility is designed for 2,100 students. Almost all the treatment takes place in chambers underground.

Henry Dennis of 39 Rhode Island Road asked if the back entrance exits onto Rhode Island Road. Chairman Marot responded that is an emergency exit only for fire access and it will be gated. There will be no truck traffic diverted to Route 79. Justin Ferbert of 30 Captain's Way is

a Facility Director for a hospital in the Boston area. He would much rather see a hospital on the site than a large distribution area. This is a large misuse of the land. John Ayers of 21 Rush Pond Road said he knows Sysco is a good company and a good name. His concern is that the site is right in a residential area and will probably cause noise approaching city levels and also with traffic. He noticed in the final draft of the Development Agreement that there is only a general requirement in there for noise. After listening to the presentation, I understand that the State has a sound requirement that has to be met. Do they have one for a residential versus industrial? Mr. Bond said yes. Massachusetts has a statute with a specific definition for noise pollution for wherever you are. John Ayers asked if the Planning Board looked at any acoustic analysis that was done by Sysco. Chairman Marot said the Planning Board has not yet, but right now we are having the hearing on the overlay zone. There are other components. A Development Agreement will be set into place to develop some mitigation, including noise, and then there will be Site Plan approval. It is not a guarantee that Sysco will move there even if the zoning is approved. We will address some mitigation, as they have in the development of their sound walls. Noise comes under the Board of Health's purview. We will reiterate that within the Site plan review and in the Development Agreement. Mr. Ayers said he thought if it is not in there, it is something that the Town should consider putting in there. Chairman Marot said he agreed.

Mr. Ayers asked if there would be 150 trucks leaving between 3:00 AM and 6:00 AM. Chairman Marot responded that that would be in a 24 hour time period. Mr. Fraser pointed out that the major traffic period is during that time. Mr. Ayers stated that that is a lot of traffic going to the traffic lights. Chairman Marot stated that right now there is only one (1) traffic light proposed. Selectman Maksy stated that MassDOT has proposals for a traffic light at each exit ramp from Route 495 and they will coordinate with each other to keep the traffic going. Mr. Ayers asked if there will be four (4) sets of lights. Selectman Maksy responded that there would be one (1) at Bridge St, one (1) at Commercial Drive and two (2) for the exit ramps. Mr. Ayers said so there will be no traffic light when they pull out of their driveway. Chairman Marot responded no. Their entrance is opposite Riverside Drive. Mr. Ayers stated he has a safety concern about all those lights and the train traffic. Chairman Marot stated that right now there is not a light there. Mr. Ayers stated that if you have 100 trucks leaving the driveway, and if there are lights, you will not get them out in the time allotted. Chairman Marot stated that MEPA and State law will address the traffic issues. Mr. Ayers asked if it is possible that the projected traffic lights will never go in. The State has a \$2 billion shortfall. Chairman Marot responded that he does not have that knowledge and that is not related to the overlay zoning. Mr. Ayers asked if the trucks will come back at 3:00 PM to 6:00 PM. Mr. Fraser responded that most of the trucks are back by 4:00 PM. Mr. Ayers said if there are 600 employees, and they have three (3) shifts, the first shift gets out around 5:00 PM when hundreds of cars pull out of the train station and that creates a traffic nightmare. There are only two (2) main routes going into Middleborough, Route 18 and Route 105, so no matter which way they go into Middleborough, you will have long delays and it will affect everyone in Lakeville, not just the abutters.

Heather Vaudeville of 13 Rush Pond Road said she did not understand how the traffic congestion has nothing to do with the overlay zone. It has everything to do with the overlay zone. It needs an independent study. No one is listening to the traffic nightmare. We will not be able to take a left off of Route 495. Route 105 will be a nightmare. The truckers will be smart

and take exit 5 instead. Chairman Marot stated that the State studies the traffic. Selectman Maksy stated that the State does study the traffic as part of the MEPA review through the Department of Transportation.

Mary Murphy of Lori Lane said in the last paragraph of the zoning overlay, the Planning Board may incorporate....design. Can we change that to: shall require, instead of may, since if it is may, they may or may not take that into consideration. If it is shall, then they will. Chairman Marot noted Ms. Murphy's comments and thanked her. Lois Neilson of 51 Harcourt Avenue said she looked up the zoning bylaws and where we have all of those protections. Now we are going to negate them? We all agree that Sysco is a good company, and we already see that they have displayed that they will help out causes. Most of us will welcome them in Lakeville, just not at this site. We have a bylaw 5.2.2.1. - 7.5. maximum coverage. We hear that this will be 80% coverage. With 5.2.2.1 it exempts requirements and it says any portion of a lot that falls within a wetland... will include a detention pond...will not be included in the ... From what she understood, we are using the wetlands as part of the coverage in the calculation of how much impervious coverage will be on this land. Why are we exempting this company from all the bylaws that so many have worked so hard to put in to protect the residents? Chairman Marot responded that you may need to take into consideration that the maximum percent lot coverage is 25%. If the Planning Board were to actively impose 60%, then there would be no business in Lakeville. A large part of what the community needs to understand is that it is one of our jobs to look at development and see how it benefits the Town. Ms. Neilson asked then why can't we have 60%? Chairman Marot responded that the Planning Board has the authority to allow bonuses, 10% for architectural and another 10% for a maximum of 80%. We do not give that for a residential property, but we do for industrial. Ms. Neilson asked what about the protections already existing in the industrial zone. You did not really answer my question. Chairman Marot responded that there are four (4) or five (5) different zones within each area, and they all have different protections. We have an Industrial A and an Industrial B, but this is for Industrial C. Ms. Neilson said this seems to allow a whole lot more. That lessens the control. You say we are strengthening the control, but she didn't see that. Chairman Marot explained that there is a Development Agreement in which we are addressing some concerns. We will be meeting with the Selectmen Monday night about the Development Agreement and it is very very involved, with pollution, light, traffic, noise, etc. It includes what we do and do not have in the Industrial A and B zones.

Robert Poillucci of Roberts Road said he does not think that people understand that this is part of the process. When this property was going to be a Target and a Stop and Shop, the traffic would have been unbelievable, especially around the holidays. Mr. Poillucci said he had recently received an email from a friend and they had a lot of incorrect information. People are entitled to their opinion, but everyone needs to look at the correct facts. This is a great town, but at some point something has to go there. What else could go there? Kolleen Carchio of 8 Valley Road said she made sure that she got the facts. She went to the site in Norton. Sysco is a great company, but it should be in an industrial park. She has heard about the wall, but there is still a section that will push noise out. She heard two (2) trucks starting up and it was so loud. Linda Grubb of 22 Pierce Avenue said an acreage amount of 40-44 acres impervious coverage was mentioned. Ms. Grubb said it may go as high as 53.5 acres, so any calculation should be worked on that figure. She wanted to make sure that everyone is using the same figures.

Chairman Marot stated that Sysco would present their plan, and then the Planning Board's consulting engineer would review the numbers. Ms. Grubb asked what this does to the existing wetlands. She did not understand why we have to go to the 80% coverage. Chairman Marot stated that the amount was 80% before the zoning change the Town did two (2) years ago. Ms. Grubb it was 80%, but now it is 50%. We are not asking for much to get it up to 70%, so why are we going to 80%. This could not be built in our own industrial park. Chairman Marot responded that most of the businesses in the industrial park were built with the 80% coverage understanding. Ms. Grubb said asked why in the world would we want to do this. Why can't Sysco come in and abide by our rules and bylaws?

Mr. Kenney said he is also a member of the Conservation Commission. He asked to see the wetlands depicted on the overhead schematic. Chairman Marot showed the depiction of the wetlands. Mr. Kenny asked if they have taken into consideration the no touch zone. 35 feet is a large no touch area. Chairman Marot responded that it is a schematic. They need to go through the Conservation Commission. Mr. Bond said the wetlands delineation is marked. Mr. Kenney asked if they had taken into consideration the 35' no touch zone. Attorney Mather said this is a schematic. When it comes before the Planning Board and the Conservation Commission, it will comply with the regulations. Mr. Kenney said the 35 foot no touch zone is a boiler plate item that he has been enforcing since he was appointed to the Commission. Mr. Kenney said it is a yes or no question. Chairman Marot said no. Mr. Kenney said Mr. Cassinelli last week spoke about the fact that there are no endangered species located on the property. He did not believe that. This is a bad plan for the Town. A resident said that Massachusetts Wildlife was at Rush Pond and they have verified that the Eastern Box turtle is there, along with certified vernal pools. She said that Mr. Cassinelli's comment is false as far as the statement that there is nothing there. She thought it would be hard for the general public to make a decision on the 18th of October when there are a lot of unanswered questions. This is such a big issue. More of these questions should be answered before we have to vote on it.

John Jenkins of Pickens Street said he is not an abutter. He does not think this is a good deal for the Town. I think the general idea is that once this goes to Town Meeting it is a done deal, and Sysco is coming to Town. He asked who Mr. Buckland was compensated by. Chairman Marot stated that Mr. Buckland is compensated by Sysco. Mr. Jenkins said Mr. Buckland said that there was a positive effect in Norton homes in the area. Brian Hoeg said the developer built the subdivision when Sysco was already there. Mr. Jenkins said he did not hear of comparable property; he heard value. Also, with the Perry Mason debate that seems to be going on, a lot of people are coming here to make an educated decision by learning. It seems that a lot of people are trying to get the Planning Board to say it is not a good deal. If we go out and get 100 signatures on a petition that are against this project, does that influence your decision at all or is there no influencing your opinion at this point? Chairman Marot responded that the Planning Board would not be having this discussion or this hearing and Sysco would not have brought back information if we (Planning Board & Sysco) were not interested in residents' comments and concerns. He is listening to abutters that have issues and concerns over how this project will affect them. We will take that into consideration, but as a board we need to consider how this may affect the Town and what it may mean if Sysco does not develop there. In the 1990's we worked hard with State Representative Pacheco on what would happen if the hospital was closed. There were a lot of people employed by the hospital that went out and found other jobs.

The State decided that they were going to sell the property, and we feared what would come in. Chairman Marot said National Development was a good company that tried to develop a good agreement for the project to move forward. The bad economy hit the State and other issues stalled the project. National Development has never come back to say they have someone else to develop the property. The Planning Board would then have to sit back and say, "is the devil we know better than the devil we do not know"? There was a lot of negative comments about what was going to go in there before. Was that more beneficial to the community or does Sysco have the potential to be more beneficial?

Mr. Jenkins said he thought the Planning Board would be voting to say if they were in favor of the project. He wanted to know if he could influence the decision that you make. Even though he is not an abutter it will affect him. You have given your best effort to shoe horn these guys into an area that is too small. So would a petition influence your decision if the signers were opposed to this? Chairman Marot stated that the Planning Board is taking a look at a lot of information. We are trying to have the best of both worlds. Chairman Marot said Mr. Jenkins probably could not influence him on how he would vote on the overlay zone. He saw the National project as one that would be a commercial need to satisfy the Town, but that has not happened. Right now he sees a large derelict piece of property that gives nothing back to the Town. Now we have this business that he doubted, until he went to see their Norton property and had discussions with his fellow Board members and the Selectmen. Now we are discussing having a Development Agreement that is twice as long and is more restrictive than National Development's was. The difference is that this company is using more of the site than National Development. My other Board members have not seen the Development Agreement. The Selectmen will vote on it, and when we vote on it, it will be made available to the public. The other part is Site Plan Review. The zoning bylaw puts a tremendous amount of restrictions on whoever the developer is on the property. Sysco has gone on record saying that they will do whatever the Town asks them to do. They are putting their strongest effort into mitigating whatever the concerns are.

Mr. Jenkins said he would expect them to do that. It is a great location for them and is for all the right reasons for Sysco. He did not think it is all the right reasons for Lakeville. At the last Town Meeting we could only speak to the TIF. Here we can only speak to the lot, but not the bigger picture. Then there is the next meeting and then it goes to Town Meeting. If the vote is yes, then it is a done deal. One of the things that was brought up was that over the first two (2) years, there would be \$1 million in building permit fees paid by Sysco. When you have someone paying permit fees, you need to have Inspectors go out and inspect the wiring and plumbing etc. Does Lakeville have these people on staff? Chairman Marot responded yes we have Inspectors on staff. They are under the supervision of the Building Commissioner. Mr. Jenkins asked if the people signing off on the project are Lakeville's employees? Chairman Marot responded in the affirmative. Mr. Jenkins asked if we needed to go out and hire a 3rd party. Chairman Marot stated that the Town has the ability to contact the state if the Building Commissioner thinks that there are issues that none of the inspectors can handle. Selectman Maksy stated that with a project of this size, an architect actually certifies all of this, and the Building Commissioner oversees it. Mr. Jenkins asked if the Town will incur any expenses in the permitting process. Chairman Marot responded, no, not at all.

John Olivieri of Woodland Ridge Drive said he thought that the Planning Board had done a tremendous job in letting people speak their mind. He thought everyone knows what they are in favor of. He would recommend that the Planning Board vote in favor for the next step of this process. Frank Sterrett of 5 Crest Drive asked Mr. Bodry where all the absorption land is on the diagram. Mr. Bodry said NICS has mapped it and it is virtually the entire site, except for the lower right hand corner. Mr. Sterrett asked about the slope of the land and the loading docks. Mr. Bodry replied 3% max and 2% max. Mr. Sterrett asked for Crest Drive and Rush Pond Road to be pointed out. Chairman Marot pointed out where they were in the diagram. Mr. Sterrett said those 220 houses draw from that same aquifer and have wells. You said the runoff will improve the existing water quality. Where do the trucks park and refuel? Do they ever drip and spill? Mr. Bodry said anything that has surface runoff will be directed into an inlet that will be treated prior to going into the recharge areas. Mr. Sterrett said the runoff will go into the wetland system, as well as, into the ground water.

Mr. Pratt said the overlay district, in terms of percentage coverage, has 32% more coverage than in our current bylaw coverage. That is where the 70% and 80% get a little distorted, where you take into the consideration of coverage or not for the wetlands. He would offer a different view of the derelict property. The last approved development was approved by all abutters. He has not heard anyone say that they want a park there. We all know it needs to be improved, but is this the right project. His view is a little different. He thinks this is one of our most marketable resources, though it has not happened. We toured the loading dock section in Norton and spoke to the neighbors, but there is not a neighbor abutting the loading dock in Norton and that is different here in Lakeville. Also, he wanted to know if Sysco was still in negotiations for waste water with Middleborough. Chairman Marot responded that he has heard nothing to the contrary and has not been part of any of that.

Mr. Pratt said what he thinks he heard is that they had no desire to have negotiations with Middleborough on that. Attorney Mather said it is still an option, but not the primary option that we are looking at. Mr. Pratt asked about the five (5) additional properties under agreement. What does that mean? Chairman Marot responded that it was his understanding that they are under agreement just like the hospital property. Mr. Pratt asked if Town staff will be stamping all the drawings with this project. Chairman Marot responded that the Town staff supervise a project from a supervisor standpoint, but does not stamp. The Town's Inspectors are paid per inspection and the Building Commissioner is on salary. Mr. Hoeg said the consulting engineers are paid by the developer through the Town, but they work directly for the Town. Mr. Pratt asked what is the formula of how the town got \$1 million for building permit fees. Chairman Marot responded that it is through square footage. He did not know off the top of his head. Chairman Marot stated that the Electrical Inspections and the Plumbing Inspections are all based on the cost of the project and it can get quite high. Mr. Nelson said nothing is ever \$1 million, so he is skeptical that is a real number.

Sylvester Zienkiewicz of 6 Anaconda Drive said you have to accept that a company that big and that successful has to be good at what it does. He took some addresses from their other sites and looked them up on Google Earth. As it turned out, most of the time Sysco builds in an Industrial Park or right next to a railroad. In Atlanta, they are located near an airport. He thought that anyone from Sysco would say that this is the one facility that they will have with the

closest neighbors. Mr. Zienkiewicz presented a computer presentation. Anyone that looks at any other of their sites can see they are kinder than they are to this site.

Christine Blumenthal of 4 Cushman Street said she is not an abutter, but she lives in between here and the site. She moved to Lakeville eight (8) years ago since Lakeville is a small town with a small town feel. She was excited that there were only two (2) traffic lights in the Town. Now with this huge facility, she was concerned with the increased traffic. Will there be buses that will take people to the MBTA Station. She is concerned about being late picking up her child at school due to all the truck back up. It's a small town and she wants it to stay that way.

Paul McGillis of 6 Daniel Road said he is not an abutter, but for eight (8) years he has had an experience that has directly impacted his life and his neighbors' lives. He has 60 statements of what happened with a company that developed behind my residence. He has noise decibel readings. He has met with the Board of Selectmen within the last year about this. He wants people to be aware of potential impacts. He has heard agencies say they will do things, including the DEP, our state senators, congressmen, etc. Chairman Marot stated that that is a preexisting, non-conforming business, which is behind Mr. McGillis. That is a completely different issue. Chairman Marot said he heard that they are trying to address their issues at their particular site. He wants to keep the discussion relative to this overlay zone. Mr. McGillis said the company he is referring to is not in compliance with State noise levels and a judge's order. He has reports from the Police Department and also from Robert Iafrate, Building Commissioner, and has received no resolution to his problem. The abutters need to be aware of potential issues.

Janet Scott of Rush Pond Road said that she knows this is a very serious thing for the whole Town. She wanted to remind everyone that we were told by Fred Casinelli that they needed to have the TIF or he was not going to consider coming here. People listened to the financial aspects and made a decision. It did not mean to me that all who voted for the TIF were sold that they wanted Sysco coming here. They just wanted to hear the plan. The second thing was that they needed to have a change in the zoning. They told us that they had all the land that they would need, and that it would be a tight fit. What I think is important to remember is that we are here to try and understand exactly what the plan is, and what the consequences will be to the whole Town of Lakeville, not just the northern section. A lot of people are considering what that means and its long term effects. Ms. Scott presented a list of 290 signatures, from residents throughout Lakeville, not just the abutters, who are not in favor of the project. Chairman Marot stated regarding safety, he had received a letter from the Acting Police Chief and the Fire Chief. He read the letters into the record.

Chair Yeatts stated that it seems that there is a lot of negative publicity being brought forward. There are almost 6,000 voters in town. We are trying to look at this for the whole town. Chair Yeatts spoke about real estate taxes and permit fees that Sysco would be paying, approximately \$6 million over the next 13 years. This income is desperately needed. That is tax revenue that will enable the Town to restore vital resources to all Town Departments. Sysco will only generate one tenth of the traffic that the shopping center would have generated. Much of National Development's traffic would have been at peak hours and Sysco traffic is not at peak hours. They will exit the town in just 700 feet. There will be no increase in local traffic. There will be no more Sysco trucks passing the elementary school than already make deliveries locally.

Sysco has changed their configuration of the building for noise control; they will further address noise control with sound walls. Lastly, Lakeville residents will get preference for any jobs created.

Richard Scott of Rush Pond Road said he would like to address the issues that were brought up by Sysco at the beginning of the meeting. He would also like to address the concerns that were brought up prior to tonight. How tall will the sound walls be? Mr. Bond said the engineering study has not been done yet so he did not know. Mr. Scott asked what will the sound levels at this site be. Mr. Bond said the study is not 100% done. Mr. Scott asked can Sysco indicate what the background noise will be during the day or at night time. Mr. Bond said part of what we have to submit to the State is a sound study. They have specific rules on how to develop the baseline and that has been done and is in compliance of the regulations. Mr. Scott said at the meeting prior to this, it was asked if they would consider a 10db standard and the Board did say that they would. Boston has a noise ordinance and it is lower than Lakeville's. They have 50db at the receiver and that is a high number. He has researched on the Internet and found that sound pollution by definition is a health hazard, as low as 35 db is disturbing sleep. Mr. Scott provided information about decibel levels in India and Bangladesh. We were told that there would be no adverse impact on the abutters. He provided a study that was done at a truck firm in Webster, Massachusetts, which articulates the sound that would occur in that facility. The backup alarms on the trucks were heard by those who toured the plant in Norton. There are OSHA requirements, and they indicated that audible alarms can have varying sound levels. Last week he was in my yard and heard back up alarms originating over a mile from my house that I could hear inside and outside my house with the windows open. He would challenge the Planning Board regarding what db level Sysco could live with and what the Board would enforce. If they really want to be a good neighbor, let us design what the sound wall would keep out. The major flaw is that the wall does not address the entire perimeter. Mr. Scott said the second issue, the coverage and the runoff. Where have designs like this been used in the Commonwealth of Massachusetts? Mr. Bond responded that this is a standard throughout the Commonwealth. Mr. Scott asked for what kind of facilities. Mr. Bond responded that it is with this type of a facility all the way down to a single family home. Mr. Scott asked if this is a hypothetical design. Mr. Bond responded that the testing is being done at this time. Mr. Scott said so we are being asked to vote on several maybes. We were to have the Development Agreement before Town Meeting. Chairman Marot responded that the Town will. Mr. Scott said we were also told that we would have significant input in that agreement. Chairman Marot stated that there is a draft agreement that will be presented at a public meeting. Mr. Scott asked if the citizens will have time to vote on it before it is voted on. Chairman Marot responded that he cannot comment on that. Mr. Scott stated that there was a great deal of input when the hospital closed in 1992. They did not dispose of the property for the first ten (10) years. In 2002 it took about two (2) years to acquire all the preplanning and input from abutters and the MEPA report, which is a very high standard of review. All concerns were addressed in the final MEPA and that was not concluded until March 2005. So from a Brownfield perspective what has been done has been very minimal. The vision for that property was mixed use, low impact, senior housing, rental and affordable housing, and the Open Space Committee has definitely spoken. The vision for this property is a senior village with minimum impact retail, and we are losing the chance of what that property could be.

Bonnie Moran of Crest Drive said last week she sat and listened to a few business people speak about a distribution place bigger than life. To make a decision along the lines of the best and the least evils of all that has been proposed. She agreed with Mr. Evirs that we have to make a decision, but does it have to be based on economic factors? How about the human factor? There are all these people that call this home and are you taking into consideration the human factor. Chairman Marot responded that yes, we listen and take into consideration the human factor. As a member of the Planning Board, he is an unpaid elected official. He can make his own decision. He thinks that Planning Board is one of the best Boards in the community. These are very intelligent men, and they do not make a decision that helps them or their family. We have contractors, engineers, educators, all of which are members of the Board. It has been a joy to sit with them and plan the community. The issues that we have to deal with are human issues. Regarding the property, we have a lot that we can mitigate. What we cannot, we have to sit and judge and make a decision. This is a very viable project for the community. Are we turning our backs to you as abutters? No, this is simply a recommendation on Town Meeting floor. We will vote on this and will recommend it to the Selectmen. It a very hard decision to make. We have to take into consideration the many factors which have not been presented here, and they may or may not benefit the community. We are not looking at this for just 250 people; we have to look at it for the 6,000 registered voters and over 10,000 people in our community. Everyone has the opportunity to attend Town Meeting. This would be a 2/3's vote. We have made a lot of recommendations that have been turned down on Town Meeting floor due to the human factor. So we do take the human factor into consideration. Ms. Moran said she is a business person too and knows that it usually is a business decision. Mr. Hoeg asked if Ms. Moran lived in Lakeville when we had two (2) police officers, and we had to send them home at night. Ms. Moran responded that she has lived in Town for 21 years.

Chairman Marot stated that he was going to close the hearing at 9:51 PM. He thought that the Board had heard everything that they needed to make a decision. The Planning Board will be meeting on the Development Agreement before the Selectmen's meeting on Monday night.

The Planning Board then discussed the project with Town Counsel. Mr. Hoeg stated that his concern is that he thought the Development Agreement has a great bearing on what we are doing, but we do not have the agreement. That is between the Selectmen, Sysco and Chairman Marot at this time. Chairman Marot stated that they have started out with the Development Agreement the Town had with National Development. It has been developed further and expanded. It is twice as long as National Development's agreement and it is still a draft. He suggested that the Board members take home a copy and read it. A meeting would be scheduled for the Planning Board to speak their thoughts on the Development Agreement. It would then be presented to the Selectmen shortly before the Selectmen's meeting on Monday. It does specifically state a lot of what will happen and what will happen due to requirements of MassDOT. There is a lot about buffer zones, sound mitigation, lighting, etc. He would like the Board members to take a copy and read it and use our bylaws to understand how this relates to the development of the site. Mr. St. George said it sounds good on paper, but in real life if it breaks down, that is his fear. Chairman Marot asked how binding is the Development Agreement. Attorney Doyle responded that it is enforceable as a contract. There are provisions in there that the developer would attempt to cure whatever the violation is. Also, there is a provision that if they are diligent and working to correct matters, but if it cannot be done within

30 days, that they can be given an extension since sometimes things cannot be fixed in a particular period of time. If it cannot be fixed, then you get into a breach of contract.

It was decided that the Planning Board will meet on September 27, 2010 at 6:30 PM in the Conference Room at the Town Office Building. Chairman Marot asked if the Board was ready to vote tonight on the zoning article. The Planning Board has closed the hearing.

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

VOTED: To postpone the vote until the Planning Board reviews the Development Agreement .
Unanimous in favor.

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

VOTED: To accept the layout of ChrisJenn Brooke Lane.
Unanimous in favor.

Adjournment

Upon a motion made by Selectman Maksy, seconded by Selectman Olivier, it was:

VOTED: To adjourn the Selectmen's meeting at 10:10 PM.
Unanimous in favor.