

**Town of Lakeville**  
**PLANNING BOARD**  
*Meeting Minutes*  
**Thursday, November 8, 2018**

On November 8, 2018, the Planning Board held a meeting at the Lakeville Senior Center. The meeting was called to order by Chairman Hoeg at 7:30 PM. Ms. Murray, recording secretary, was audio recording.

**Members present:**

Brian Hoeg, Chair; Sylvester Zienkiewicz, Vice-Chair; Peter Conroy, Barbara Mancovsky, Janice Swanson

Lorraine Carboni, Town Coordinator, was also present.

**Public Hearing (7:30) – Amend the Zoning By-Law relative to Adult Use Marijuana Retailers**

Mr. Hoeg opened the hearing at 7:30 and read the Public Notice into the record. He stated they have an amendment to the Zoning By-Laws, and he believed there was someone present who would speak to it. Mr. Richard LaCamera of Old Powderhouse Road was present. He advised that a petition that had been signed by over 130 people to bring this Zoning change to Town Meeting. The following were the reasons this had been brought forward:

1. Most people thought that the Town should have given residents the opportunity to ban recreational marijuana. That had not been done and the Selectmen brought forth an Article to just do a Zoning change.
2. A lot of people felt confused at Town Meeting, and they didn't know what they were voting on.
3. The Zoning is not just for the Industrial Park but in all Industrial which includes areas on Crooked Lane, Route 18, an area on Route 105 at the intersection, an area on Howland Road, and all the land across from CVS where there is presently a lot of housing and more expected.

He felt if the Board of Selectmen wanted to put it in a specific area, it should have been more of an Overlay District rather than all of the Industrial area in Town.

Selectman Mitzi Hollenbeck then spoke. With regards to this citizens' petition, she noted there had been a hearing in March with the Planning Board, Board of Selectmen, and Board of Health, as well as Town Counsel, Atty. Katie Laughman, so they could talk about what they were going to do and what they wanted to have for a proposed zoning area, if anything. This public meeting was to explain to anyone that wanted to attend what the options were. She advised that marijuana has special zoning attached to it by the State, whereby, if you don't zone it somewhere, it can go anywhere so your options are to either ban it or to zone it in a specific area. Otherwise, it can generally go wherever the most likely use happens to be.

Selectman Hollenbeck said this was explained and talked about at that meeting. They didn't really hear a lot of opposition although a couple of people did talk about a ban. They were told to bring forth a citizens' petition for the Annual Town Meeting. That did not happen. They had the meeting where the Zoning was set for the Industrial Zone. At that meeting, they also talked about an Overlay District. Creating an Overlay District with certain specific rules and regulations would have been a longer process but it was still something they could do. That was brought up at that meeting but did not come to fruition.

Selectman Hollenbeck stated that one issue she had with this petition was the Board of Selectmen still hold control over who can come into the Industrial Zone for marijuana, as it is controlled by the Host Community Agreement (HCA.) If you don't have a signed HCA, then the individuals who are applying cannot be in compliance with zoning regardless of location. This additional layer of control allows for more time, if they need to, to create a Marijuana Overlay District. When a ban came up on Town Meeting floor, two of the Selectmen stated they would not sign an HCA if the Town voted down the zoning. The zoning did pass, but they still have time.

Selectman Hollenbeck said her biggest concern from the monetary perspective is when they negotiated the HCA as a Board of Selectmen; they were negotiating knowing they had zoning in place for Adult Use Retail. They probably have some of the most favorable terms to any marijuana grower in the State with regards to the HCA. The retail sales could give them the 3%, a local option tax, and the 3% mitigation fee. Instead, what they did was negotiate a \$25 per pound fee of what was produced there and sold somewhere else. If this ban goes through, they will wind up with around 1% of the revenue, as opposed to 3% of the revenue that they could have had.

Selectman Hollenbeck said there also might still be some confusion as to what will happen in regards to the Zoning that is in place at the time the completed application is received by the State. They have two applicants in front of them and the State has received a completed application from one of them so they are in kind of a grey area. She stated that if people really didn't know that it could go into any Industrial Zone, they still have time to create a Marijuana Overlay District. She will state on Town Meeting floor that she will not sign an HCA until this is squared away. There are other options as they could also limit the amount that they have.

Mr. Hoeg asked Town Counsel, Atty. Katie Laughman, if this amendment was successful how would it affect the facilities for adult use marijuana? Atty. Laughman replied that under the Zoning Act there is grandfathering that occurs for a use. In order for that grandfathering to be able to be claimed, an applicant has to have secured either a building permit or have in hand a Special Permit prior to the date the Public Hearing was advertised for the zoning change in question. There are no applicants that have that as of the date this Public Hearing was advertised so under 40A grandfathering, there is no protection for those uses. There is a provision in the marijuana law that talks about the fact that applicants are governed by the local zoning in effect at the time they complete their application. That is where the Town is in a little more of a difficult position in the respect whether that provision of the State law creates any kind of additional protection for these applicants. That is an issue that has not yet been explored or resolved.

Mr. Hoeg wanted to state for the record that the Planning Board had offered to place solutions to Town residents through zoning. They offered the following options:

1. To be allowed anywhere they wanted to place it through the townspeople.
2. That it be offered in the Industrial or Business Zone.
3. That they offer it through an Overlay District.

4. If they wanted to put a moratorium on it.

Mr. Hoeg stated that this was brought up at a meeting, and they were asked to not put the moratorium option on the table. They did bring up the other options and were told that it was going to be handled through the Municipal Agreement. Now they have this amendment in front of them and they have to allow the townspeople to vote on this. Atty. Laughman then clarified that the Planning Board's obligation this evening was to hold the Public Hearing and take the comments. They will then close the Public Hearing and vote a recommendation to Town Meeting on behalf of the Planning Board. They can choose to recommend to adopt this zoning or not. They could also make no recommendation. Atty. Laughman stated that under 40A, §5, the Planning Board does have an obligation to vote one of those options as their recommendation.

Ms. Mancovsky noted that this had been talked about a lot but when they discussed revenue back in March the negotiated amount had been \$15 per pound but now it has been said that it is \$25 per pound. As she remembered it, the revenue had been estimated at \$300,000 per year with 5,200 to 6,000 pounds and 1,000 square feet for a \$1 million. Selectman Hollenbeck replied at 5,200 pounds that would be \$130,000. The big piece comes from the 3%, which is the mitigation money, and the additional 3% local option tax. She explained that if there are \$10 million in retail sales, the Town would benefit from that operation by \$600,000. If that organization is just cultivating and shipping to other locations, at 5,600 pounds per year, the Town is going to receive \$130,000.

Ms. Mancovsky said it was her understanding that if they didn't have zoning, facilities could go anywhere. Atty. Laughman clarified that under the State Marijuana Law, there is an "opt out" provision as opposed to an "opt in." It will be presumed the community allows for these uses unless they follow the statutory procedure that is required for opting out. For a Town like Lakeville, that would be a NO on Question 4. The opt out is through a specific bylaw provision that would designate marijuana retailers as not an allowed use within the Town. If the bylaw was silent in regards to marijuana retailers, did not designate them into a particular location, and did not expressly prohibit them, then you would have to interpret the bylaw as allowing for that use. You would look to the most closely related category so it would go wherever you allow retail.

Ms. Swanson said that she did not understand why they had never gotten that opportunity, and why they had not been able to present that, as then they were forced to zone. Atty. Laughman said that she could not speak to policy behind how these Articles were presented just the legal effect of what was presented. Selectman Hollenbeck replied when they held that initial hearing, they really didn't hear from the people about a ban. When the debate was held on Town Meeting floor, essentially it was said that if the Board of Selectmen doesn't sign the HCA, it's a no. However, it allows for a ban to be put forward at the Fall Town Meeting.

Mr. Zienkiewicz noted the Planning Board had offered a ban as one of the options, and they were all aware of that. It sounds like that was being weighed against the opinion of what was heard from people. It also troubles him that the mitigation money is being counted as income. It is not income, as you must prove where you spent the money in mitigation costs, so in the end it is a net of \$0. Mr. Zienkiewicz said Town Counsel had prepared all the options, and that option was taken out. Ms. Mancovsky disagreed. She felt they had a lot of people present to have different conversations and whether or not other groups took the advice they made, they still did make that advice. They gave this a lot of consideration, and there were things presented to them that they did not agree with.

Mr. LaCamera said the surrounding communities were all given the opportunity to decide if they wanted to ban this. They were the only community that was not. He felt that was wrong, and he was disappointed that the Board of Selectmen had not allowed them to do so. He also agreed with Mr. Zienkiewicz concerning the mitigation. Any mitigation costs have to be justified to the State or you do not receive anything. He wanted to clarify with Town Counsel what would happen if this Article is approved at Town Meeting. Atty. Laughman replied that marijuana sales would be banned but it would apply only to retail sales, which is the direct to consumer sale. Mr. LaCamera also asked what would have happened if the present zoning that had been approved at the previous Town Meeting had been rejected. Atty. Laughman responded if the Article proposed at Town Meeting that allowed retail sales in the Industrial Zone had failed, and the Town took no other action zoning these uses and no other action in respect to banning them, then they would be allowed to go in any area where a similar or like use is allowed to locate. The control that is in place to regulate that is the HCA and negotiating through the Board of Selectmen.

Selectman Hollenbeck then asked the attorney what the implications were if the zoning was in place at the time of the receipt of an application by the State. Atty. Laughman replied they have one applicant that has completed a State application which was submitted in reliance on zoning that was in place at the time. A HCA was negotiated in reliance of that zoning. There may be some legal implications having gone through the processes under a presumed zoning scenario and then changing it at the last moment. There is no grandfathering under 40A, §6, because they do not have a Special Permit or Building Permit, but there is a provision of State law that says an applicant is governed by the zoning in effect at the time an application is filed with the State.

Selectman Hollenbeck then noted that in regards to mitigation money, it can relate to a lot of things that have been neglected, especially in and around the Industrial Park, with regards to the road and road conditions around there. It is not known whether or not the revenue related to mitigation, to be offset by the expense, will stay consistent at 3%, or will diminish over time. The 3% retail option is what will go into the General Fund. If you have two retail dispensaries that are doing \$10 million in revenue in a given year, you are looking at \$600,000 on an annual basis. The HCA is for five years so you are really looking at \$3 million over its span and those funds will be available for other items within the Town. She really disagreed with the perception that the Board of Selectmen was trying to "pull the wool over anybody's eyes."

Selectman Hollenbeck stated that if they had heard that people didn't want it, then they were willing to not sign a HCA. She was unsure what will happen in regards to the State zoning versus local zoning, or if the affected applicant will want to pursue legal action. She questioned if the concern was the Town wanted a ban which is different from if the Town wants it zoned someplace else or not in all Industrial areas. That is something she felt should be talked about. Although she would not be in favor of a ban as she looks at the long term budgetary impacts of this particular type of revenue. If it is a moral issue, then the Town will soon have an establishment on their borders with Middleboro and there will be no mitigation money.

Mr. LaCamera asked how much the per pound price is right now in the State of Massachusetts. Selectman Hollenbeck responded that it has not really been established in the marketplace as they are not yet at the point where they have enough data to determine a wholesale per price and that is the \$25 per pound. This will be on the retail sales which currently on the medical side is going about \$350-\$450 an ounce. She would not be surprised to see between \$6 million and \$10 million in retail sales by these operations in the first year or two. Mr. LaCamera felt those estimates were way off compared to other states, and the mitigation issue was a real unknown.

Mr. Jaimie Bissonnette asked what happens after the five years in regards to the HCA. Atty. Laughman replied at that point communities have the option to renegotiate those agreements. However, because these are mitigation community impact fees, that portion of it is statutorily capped at five years. That gives the community and the applicant an opportunity to look at what the expenses have been and renegotiate the impact fee so that it accurately reflects what the community's mitigations are. Mr. Bissonnette asked if it would be possible to end the agreement at that point. Atty. Laughman responded it would be very difficult to shut down an operating business based on a failure to get a new HCA. There is a provision in the statute that says any entity that wants to operate or continue to operate a marijuana establishment needs to have one of these agreements in place but she didn't know if the Cannabis Control Commission (CCC) will be revoking licenses if there is a failure to agree to one. It is something they will have to see how it plays out.

Mr. Hoeg asked if there was anything further from the Board. No one spoke. Mr. Zienkiewicz said that choices at Town Meeting should be easy for the residents to understand. It was very confusing as had been stated. Ms. Mancovsky said she is cautious when it comes to revenue because they don't have any business sources that are providing anything to the community, so she did feel it was worth consideration. Ms. Swanson said she did not think that they ever wanted to take that option away from people but that they did want the residents to have a choice.

Upon a motion made by Mr. Zienkiewicz and seconded by Mr. Conroy, the Board

VOTED: To close the hearing.  
Unanimous in favor.

The hearing closed at 8:10.

Mr. Zienkiewicz then made the motion, seconded by Ms. Swanson, to recommend and support the Citizens petition.

Mr. Conroy asked how he would go about making a recommendation that the Planning Board enter into it with no comment. Mr. Hoeg replied Mr. Zienkiewicz would have to rescind his motion. Mr. Zienkiewicz would not.

VOTE: Mr. Zienkiewicz, Ms. Swanson, Mr. Hoeg, Mr. Foster – AYE  
Ms. Mancovsky - NAY  
Mr. Conroy – ABSTAIN

#### **Meet with Ken Motta from Field Engineering regarding a conceptual plan review for 14 Harding Street**

Mr. Ken Motta, Senior Project Manager, from Field Engineering was present. He was representing Farrell Storage, who recently acquired the property at 14 Harding Street. Over the last couple of months, they have been working on a development program. This involves a building expansion component, as well as a redevelopment component; they would like the Board to consider. In the narrative, he went through each, point by point, with respect to the density bonus credits for the architectural design standards and the building design standards.

Mr. Motta had displayed a plan comparison of the existing conditions and what was proposed under the development program. The site currently has 11 self-storage units and a small office area located in Building B. Approximately 51% of the site is already paved and impervious. The balance of the site is devoid of any vegetation. The rear portion of the site has been cleared and graded and is currently under a lease agreement with a dealership on Route 44 for outdoor storage of new vehicle inventory. There is a substantial vegetated buffer along the westerly side of the property that abuts the City of Taunton.

Mr. Motta stated that the proposal is for the addition of an additional 60,000 square feet of storage area and a new office area. The first two buildings will be demolished and replaced with a two-story building and two other detached buildings. One will be to the rear and one to the easterly side of the lot. There will also be a small building to the westerly side. There will be two additions to the existing building for a combined total of 95,000 total building square feet. Mr. Motta noted that in order to implement this they would be looking for a density bonus credit up to the 70% maximum.

Some of the improvements that will be made to the site are enhanced buffer zones around the northerly and easterly sides. There will be an access out to Millennium Circle which is a private way. They have tried to take as many landscaping opportunities as they could within the developed portion of the site, with the primary focus being on the line of sight from Harding Street. They have reconfigured the front parking of the new building and set the new building back to allow for this. It will be more properly aligned with the front office building, and will also give them an opportunity to create a landscape feature around the parking areas.

They have created some landscape islands in front of the office area, and they are going to try to do as much as they can within the portion of the front island area that they own. On the easterly side where there is an overhead utility line, they are somewhat limited as to what they will be able to plant. One of the other features is they will move the unscreened dumpster pad. It will be pulled further back from the line of sight on Harding Street. Another advantage to this is going to be the creation of more green space. Presently the back area, as well as a side area, is all gravel. They are only using a portion of the rear area to accommodate the new building L and the pavement around it. The balance of the area and any other areas will be loam and seeded which equates to 45,000 square feet of additional green space in addition to the landscaped space.

Mr. Motta noted that you could really see the difference when you compared the plans. He felt it was an opportunity for the current owners to expand their business and at the same time visually it will be much improved from what is there now. They are leading up to the Site Plan Application. He was hoping tonight to get some input from the Board and get a consensus as to how they're approaching this and the expansion of the density to 70% so they could move forward and start to prepare the final permit plans.

Mr. Conroy asked if the distance between the existing buildings and the new one story building and proposed area from lane to lane allowed for the turning of fire trucks. Mr. Motta replied he was going to put a template on it, and see if he might have to soften the radius. Ms. Mancovsky asked when the application was submitted would there be a review by the Fire Chief. Mr. Motta said there would be. Mr. Conroy also asked if the area where the new dumpster pad is located would be paved. Mr. Motta replied it would be gravel.

Mr. Motta also wanted to point out the Storm Water Management System for Millennium Circle was designed by his office in 2006. The flows from this site in this condition were taken into account in the sizing of that basin. They will have to do their own pre-treatment system before they discharge into the piping system; and they will have to hold back a little of the water because of the increase in the impervious area. They feel comfortable they can do this underground within the grassy area which is all sand. The rear access to the property was also discussed. It would be a key access as it was in the front.

Mr. Hoeg advised there had been some architectural features that had been offered as well as some additional landscaping and plantings. He noted that this would be back again under the Site Plan Review. He did not see any problem with it. He asked Members if they had any comments. Mr. Conroy requested input from the Fire Chief, and Ms. Mancovsky wanted a confirmation of the 70% lot coverage.

**Meet with Jamie Bissonnette from Zenith Consulting Engineers, LLC, (ZCE) regarding ANR submittal for 9 Harding Street**

Mr. Bissonnette from ZCE was present. He advised they presented a Form A plan done by Mr. Jonathan Pink. It is the Asian Cuisine place that is still under construction. They are wrapping things up there but there are still some things that need to be completed. This plan is to put that building, parking, and septic on its own lot and to open up the lot next door to a new project that will be coming before them under Site Plan Review. Mr. Hoeg asked members if they had looked at the plan and if they had any questions. There were none.

Upon a motion made by Ms. Mancovsky and seconded by Mr. Conroy, the Board

VOTED: To approve the ANR plan for 9 Harding Street.  
Unanimous in favor.

**Meet with Jamie Bissonnette from ZCE regarding drainage for Paska Estates**

Mr. Bissonnette first submitted for the record the tippings for the asphalt for Shamrock Estates. He advised the topcoat has been put down, and he believed it had been inspected. Therefore, they would like to start the two year clock on the topcoat. That being said he went out last Saturday and took some photos as he knew there had been some concern. Down at the entrance there is some water that comes in after the basin and from the area that pitches down to it. It is coming down and not getting to the catch basin as intended but bypassing it. If they look at the first photo, they can see there is a small hump in the road. The paving company was supposed to have an infrared company come and heat up the pavement to level it and fix it. They are telling us that will happen next week now.

Mr. Bissonnette said what he would like to do is report back to them and also the DPW. He noted that this is something they want to take care of and he did not think it was anything major. He included the two other photos to show them how well the system they put in to collect the off-site runoff to fix that culvert was working. He advised it was functioning great. Ms. Mancovsky asked if this was the finished appearance of the drain. Mr. Bissonnette replied they still need to loam and seed the shoulders and vegetate. He also had noticed on the back side of this berm there is still a lip

of asphalt revealed. That is going to be loamed and seeded and brought to grade so the water will run off nicely through the grass so it won't have sediment, and it will get into the drain system like it is supposed to. That will be put down in the spring.

**Meet with Jaime Bissonnette from ZCE regarding ANR submittal for Taunton Street and Cross Street**

Mr. Bissonnette advised on this project they were working with Rick Reid of Lighthouse Land Surveying. They have before them a Form A plan. They are looking to create a buildable lot, an existing house on a lot, and a non-buildable lot. They intersect both Taunton Street and Cross Street. He advised it was a very simple plan, but he was happy to answer any questions they might have. Members did not have any problem with it.

Upon a motion made by Ms. Swanson and seconded by Mr. Conroy, the Board

VOTED: To approve the ANR plan for Taunton Street and Cross Street.  
Unanimous in favor.

**Meet with Jaime Bissonnette from ZCE regarding making minor changes to the Site Plan for 56 Main Street**

Mr. Bissonnette advised they had a prospective tenant for the restaurant at 56 Main Street which they had previously brought in for Site Plan Review. It does not require a drive-thru at this time. They are asking if the Planning Board would require them to come back in for a modification. He explained the prospective tenant for the restaurant would need a 10' x 14' cooler in the back. It would be out of the parking lot but within the curbing in their landscaped area. They would square off the building. They have been to the Building Inspector who suggested they come back to the Planning Board for approval before they moved forward.

Members felt it was a minor change. Ms. Mancovsky asked if this was to be sold and the plan was approved, to put in a drive-thru they would have to go to ZBA. Mr. Bissonnette replied that was correct unless zoning changed. The area in the back was then discussed. It was questioned if there was not to be a drive-thru was there sufficient parking. Mr. Bissonnette was not sure of the restaurant type, but it was something they could talk to them about and find out their needs. If there is a need for additional parking, they would then return to the Board.

Upon a motion made by Mr. Conroy and seconded by Mr. Zienkiewicz, the Board

VOTED: To make a finding that the modification to the Site Plan for 56 Main Street was a minor change and that appropriate notification be sent.  
Unanimous in favor.

**Meet with Trichome Health Corp regarding a modification to the existing Site Plan for 475 Kenneth Welch Drive**

Mr. Stephen Garvin from Samiotes Consultants was present. He advised they were before them for a modification to an existing approval. He stated there was proposed to be a two-story building but

what was now being proposed is a single story addition. They are also looking to have a dumpster and carbon dioxide cooler so the pad for that has gotten larger. This does remove three parking spaces. He advised that as they as they have looked into operations, they continue to refine where equipment will go, and that is what has required this adjustment.

It was noted that in regards to getting funding for the project, they want to make sure they have enough space accommodated so they are not coming back before them again. They want to consider everything beyond their needs now. There are two four cubic yard dumpsters which will handle the facility and a 40 cubic yard put in as a place holder in case they need that expansion. Mr. Conroy asked how tall the retaining wall is. Mr. Garvin replied it was about 30 inches. Ms. Mancovsky asked how high the granite curb was. Mr. Garvin said it was six inches.

Mr. Conroy asked where they were losing the parking spaces. Mr. Garvin said two were at the ramp and one was at the stairs. Mr. Hoeg asked what the two cubic yard on the side of the building indicated. Mr. Garvin said that was the space they will have their recycling and general waste for the first year or two, and they will then move to the four cubic yard. It was a fenced in area, not just the dumpster but the whole block.

Upon a motion made by Mr. Zienkiewicz and seconded by Mr. Conroy, the Board

VOTED: To make a finding that the modification to the Site Plan for 475 Kenneth Welch Drive was a minor change and that appropriate notification be sent.  
Unanimous in favor.

**Meet with Paul Costello from Costello & Greydanus regarding the release of the 1998 Planning Board covenant for 3 Lemoire Avenue**

Mr. Costello was not available but Mr. Greydanus was present. He advised this was regarding a Form E covenant for Lemoire Avenue which was recorded about twenty years ago. About a month after that four of the lots were released by Attorney John Ryder, but the other lots including lot three for some reason were not released. They represent Mr. Cieplik who just sold that property. It came up in a title search that it had not been released 20 years ago. They are here tonight to see if they can get a release of that Form E covenant. He suspected what happened was when the last couple of houses were built, it had been assumed that the Form E was completely released. For whatever reason, this lot had been overlooked.

Mr. Hoeg asked what lot it was. Mr. Greydanus replied it is Lot #3 which on the June 1998 plan was a very small lot that was combined with a registered land lot behind it to get the full 70,000 square feet. On a later plan there had been modifications to make Lots 3 and 5 buildable. Ms. Mancovsky noted this was simply a housekeeping matter.

Upon a motion made by Ms. Mancovsky and seconded by Mr. Conroy, the Board

VOTED: To approve the release of the covenant for 3 Lemoire Avenue.  
Unanimous in favor.

**Review the following petition from the Board of Appeals for:**

1. GAM Realty Trust

Upon a motion made by Mr. Conroy and seconded by Ms. Mancovsky, the Board

VOTED: To make no comment on the Zoning Board of Appeals petition for GAM Realty Trust.  
Unanimous in favor.

**Discuss Special Permit procedure, including form and fee structure**

Mr. Robert Carr of Nature's Remedy was in attendance. He advised he was present in regards to adult use marijuana cultivation. They would like to move forward in the Special Permit process but are waiting for the checklist and application to be completed. He asked if there was anything they could do to help out and move the process forward which would be beneficial to them.

Members then reviewed the draft Special Permit package. Mr. Zienkiewicz said that in their bylaw was a list of eight items that were needed. A lot of these instructions were internal documents. He noted what made this process different was they were used to Site Plan Review where they only look at the outside of the building. Now they would be looking at the inside of the building which was rare to any of the land use Committees. They will get a full set of plans including site drawings, architectural, electrical, plumbing, HVAC, and structural. He would want to look at the interaction with the Fire Department. He would also look at the structural plans. They will then need to figure out if they need help reading the plans and getting a peer review consultant.

Mr. Carr responded to questions regarding security. They have security drawings and a team. They have the Chief come in and have all three shifts go through the site so they know the entire layout. Regarding the Fire Department, they come in and do a total walk through and sign off. Mr. Zienkiewicz said they would have to see those drawings. Mr. Carr clarified that Mr. Zienkiewicz would want to see everything that Inspectional Services has already seen. Mr. Zienkiewicz said that was correct.

After further discussion, Mr. Hoeg suggested they go through the checklist. Ms. Mancovsky said the question is should the items being discussed be added to the checklist? Ms. Carboni responded that the checklist was taken from the By-law. Ms. Mancovsky asked if a timeline should be added to the package or if it was dictated by the law. Mr. Zienkiewicz then distributed to the Board an informational sheet which gave the timing for the Special Permit process. The timing of the Peer Review was also discussed. Ms. Mancovsky stated that this was still just a draft and up for discussion. They need to make sure whatever documents they want are incorporated into the checklist. Secondly, does the checklist reflect the documents they need, and if it doesn't will it require a bylaw change.

After further discussion, Ms. Carboni then noted this form was simply the tool that would be used for a Special Permit application. It was taken directly from their bylaw which she did not deviate from. They might find after they go through one Special Permit, it needs to be changed. Mr. Zienkiewicz said all they have is their Planning Board rules, and he felt this was adding to them, especially regarding adding a Peer Review Consultant. Mr. Hoeg explained the Peer Review

Consultant was simply Mr. Lanney. He stated that they did not change the rules, and he would not allow them to be changed arbitrarily. Mr. Zienkiewicz said he was fine with it then.

Ms. Swanson asked if they were supposed to accept these forms tonight or are they able to look at them again. Mr. Hoeg suggested they were not too far off from what they have in their Rules and Regulations and their Zoning By-Law. Ms. Swanson asked if they had to approve the forms. Ms. Carboni recommended they adopt the use of them. She advised that she had modeled the form from what they now have for Zoning and taken it one step further with the checklist. She felt the checklist would help the Board, staff, and the applicant.

Ms. Mancovsky made a motion to accept the checklist for use by the Planning Board and applicants coming forth for a Special Permit with the amendment to add a disclosure "nothing contained herein shall limit or alter the requirements contained in the Zoning By-Law. It was seconded by Mr. Conroy.

**VOTE:** Mr. Conroy, Ms. Mancovsky, Ms. Swanson, Mr. Hoeg – **AYE**  
Mr. Zienkiewicz – **ABSTAIN**

Ms. Carboni noted there was a filing fee for a Special Permit although it had not yet been established by the Planning Board. That would become part of a change and a Public Hearing would have to be held. She was not sure what should be instituted at this time and would have to check with Town Counsel in regards to this. Ms. Mancovsky noted that some sample proposed fees had been included in the Special Permit package that had been distributed at their last meeting. She was in agreement with Mr. Conroy's thought that these were not sufficient and the fee structure should be higher for this type of Special Permit. Mr. Conroy clarified that he was not out to get any businesses but he felt that the Town should not bear any financial burden. Members agreed they would put this on their next agenda for further discussion. Ms. Carboni said she would research to see if a Public Hearing would be required.

#### **Receive SRPEDD update from Board Member Barbara Mancovsky**

Ms. Mancovsky advised members of the following items that had been discussed at their last SRPEDD meeting:

- They received a handout of the Route 79, Davol Street Corridor Improvement Project in Fall River, which she passed around for their review. She said the project could be viewed online.
- In regards to the Marine Technology Corridor that is going into effect for the South Shore, the ocean economy is presently \$1.5 trillion, and expected to grow to \$3 trillion by 2030. This a huge economic potential for their area.
- She also noted that there would be a Public Hearing on the Route 6 Corridor Study on Wednesday, November 14<sup>th</sup> at the Old Rochester High School.

#### **Approve Meeting Minutes for October 11, 2018.**

Ms. Carboni stated the phrase "LakeCam was video recording" would need to be included in these minutes.

Upon a motion made by Mr. Conroy and seconded by Ms. Mancovsky, the Board

VOTED: To approve the Meeting Minutes for October 11, 2018, with the amendment.  
Unanimous in favor.

### **Next Meeting**

Mr. Hoeg stated their next meeting would be Thursday, November 29, 2018, at 7:30 PM at the Lakeville Senior Center.

### **Old Business**

Mr. Zienkiewicz stated he would like to report on the solar field. It is worked on every day but the fencing still needs to be put up. They also have some roadway that needs to be built. Things do not seem to go very quickly there. He also noted that they, as the Planning Board, belong to a Plan Approval Authority. They had signed this document and according to it, they are supposed to hold monthly meetings. This is in regards to the 40R project. He would suggest that they have this meeting before their regular meeting. Members then discussed how this should be posted.

### **New Business**

Ms. Mancovsky advised that she would like to make a suggestion that agendas cannot be revised after a certain point. She feels this is happening a lot, and she does not have the proper amount of time to review the revisions. It was recommended that agendas close one week prior to the meeting.

### **Adjournment**

Upon a motion made by Mr. Zienkiewicz and seconded by Mr. Conroy, the Board

VOTED: To adjourn the meeting at 10:26 p.m.  
Unanimous in favor.