

**Planning Board
Lakeville, Massachusetts
Minutes of Meeting
Thursday, September 26, 2019**

On September 26, 2019, the Planning Board held a meeting at the Lakeville Senior Center. The meeting was called to order by Chairman Hoeg at 7:30 p.m. Ms. Murray, recording secretary, was audio recording and LakeCAM was making a video recording of the meeting.

Members present:

Brian Hoeg, Chair; Sylvester Zienkiewicz, Vice-Chair; Peter Conroy

Members absent:

Mark Knox, Barbara Mancovsky

Continued-Meet with Zenith Consulting Engineers regarding Site Plan Review for 5 Harding Street.

Mr. Jamie Bissonnette was present for Zenith Consulting Engineers. He advised they had been in front of the Board two weeks ago and since that time they have revised the plans based on various comments from the Boards. He has also spoken to Mr. Lanney from HML Associates. They have filed with Conservation and spoken with the peer review regarding the drainage. He will also sit down with the Fire Chief and make sure that he is comfortable with fire protection on the site. He would be happy to answer any questions the Board might have.

Mr. Zienkiewicz said that he had not been present at the last meeting but he did look over the plans. Having Nick Lanney and the Fire Chief look over the plan would satisfy any questions that he had. He understood by the next time they saw this they should have scale elevations. Mr. Conroy was satisfied and thought it was a good use of the space.

Meet with Zenith Consulting Engineers regarding ANR Submittal connected to 5 Harding Street.

Mr. Bissonnette said they also had a Form A plan for Harding Street and Cross Street. They are going to have the commercial site and then the back piece will be residential. There will be three single family houses with large lots. Mr. Zienkiewicz said they will need access from Cross Street to Lot #2. He also noted that the lot was large enough that

they could leave a dedicated path there and it wouldn't have to be an easement. Mr. Bissonnette said that would be part of the Form C which would be coming forward soon. Was the Board comfortable with him moving forward with Mr. Lanney, Conservation, and the Fire Chief and satisfying their concerns? Mr. Hoeg said they were.

Mr. Zienkiewicz then made the motion, seconded by Mr. Conroy, to certify and sign the Form A plan as submitted. The **vote was unanimous for.**

Mr. Bissonnette said that he wanted to make sure he was doing the correct thing in regards to the fee. They had been unsure if this was a major or minor project. Mr. Zienkiewicz said this would be considered a major review. Mr. Bissonnette said that he would then bring in the additional fee.

Continued-Meet with Bill Logan regarding Shamrock Estates and a bond for the Planning Board

Mr. Bissonnette advised he had been in front of the Board two weeks ago when they spoke about a surety for Shamrock Lane. At that time, he was directed to reach out to Nick Lanney. He spoke with him this week and was advised that Mr. Lanney would contact Mr. Hoeg for clarification on tasks. They will return to the Board as soon as they hear something.

Meet with Brian Grady from G.A.F. Engineering for an informal discussion regarding 82 Lakeside Avenue.

Mr. Hoeg advised this item had been withdrawn.

Meet with David Maddigan from Maddigan Land Surveying regarding an ANR Submittal for 3 & 5 Cranberry Lane.

Mr. David Maddigan from Maddigan Land Surveying was present. He advised this was a Form A plan for two lots on Cranberry Lane. These are existing lots with houses on them. They are doing an even land swap and just changing the interior lot lines.

Mr. Zienkiewicz then made the motion, seconded by Mr. Conroy, to endorse and sign the Form A plan as submitted. The **vote was unanimous for.**

Meet with Paul Turner and Outback Engineering regarding street tree changes at Ledgewood Estates.

Mr. Jason Youngquist from Outback Engineering was present. Mr. Paul Turner was also present. Mr. Youngquist advised this was in regards to Ledgewood Drive which had

been designed a few years back. It is all constructed and the houses are all in. Mr. Turner was looking to complete the project and finish up with the street trees. For the design plan, it did not show a location but just indicated to go with the regulation which is a tree planted every forty feet unless there is existing vegetation. Mr. Youngquist advised they went out and did a survey to locate the existing trees. He displayed on the plan where the existing vegetation was located. He noted that it did not make sense to try to put trees where there is vegetation but there are areas where they are needed. He showed on the plan where the proposed trees would be located.

Mr. Youngquist advised the second thing they would like to discuss with the Board is during the design plan there was some concern where there is a shoulder on Pierce Ave., that Ledgewood Drive would block any runoff that was in that shoulder. During the construction process it was noted that nothing was blocked there. There is a piece of ledge that prevents them from putting in a drainage pipe but there has been no runoff in all the years this road has been in. They feel at this point the proposed infiltration system is not necessary and installing it would not be beneficial. Members were in agreement that the additional drainage was not needed and the tree plan was satisfactory. Mr. Hoeg did recommend speaking to the Highway Superintendent regarding his thoughts on planting trees in the cul de sac and any proposed impact there might be on snow plowing. Mr. Turner replied they would do that.

Mr. Conroy then made the motion, seconded by Mr. Zienkiewicz, to accept the tree planting plan and the changes to the culvert pipe that was discussed. The **vote** was **unanimous for**.

Review the following petition from the Board of Appeals for:

1. Thomas – 20 Main Street

Mr. Zienkiewicz made a motion, seconded by Mr. Conroy, to make no comment on the Zoning Board of Appeals petition for Thomas – 20 Main Street.

2. Needham – 6 Plymouth Street

Mr. Conroy made a motion, seconded by Mr. Zienkiewicz, to make no comment on the Zoning Board of Appeals petition for Needham – 6 Plymouth Street.

Airbnb Bylaw discussion update from Board Member Zienkiewicz

Mr. Zienkiewicz advised the Airbnb law went into effect in Massachusetts in July. There were a couple of options available for municipalities. The first would be to increase Lakeville's tax on the room rate. In 1995, the Town voted to have a 4% room rate tax and it went through Town Meeting. As the Town does not have any hotels or motels they

don't collect this tax. He was going to propose to this Board that they take no action on increasing the rate from 4% to 6% unless they were approached to do this work.

A resident asked where they would find that information regarding the 4% tax. She had not seen it in the bylaws. Mr. Zienkiewicz replied he was not sure but possibly the Department of Revenue. The resident asked if they could go to Town Meeting and eliminate the tax. Mr. Zienkiewicz said that you could but it would have to be drafted correctly. The resident asked what had changed in the State that this was now coming up in the Town. Mr. Zienkiewicz said that an Airbnb law had been passed by the State.

Mr. Zienkiewicz said the second item he would like to discuss is the option that Lakeville can impose an up to 3% community impact fee on some short term rentals. The Town would have to collect this directly. Although not written very clearly, Mr. Zienkiewicz thought the intent was if the Town felt these rentals were causing additional work and impacts they could receive the 3% fee but it would have to be justified. He noted this was not part of the State fee but in addition to it. He would propose the Town maintain just the 4% unless they are told otherwise. He will write up something for the Selectman indicating that. It was suggested to not take any action until that is done. They could then vote on it as a full Board as they were missing two members tonight.

Approve Meeting Minutes

Mr. Conroy made a motion, seconded by Mr. Zienkiewicz, to approve the Meeting Minutes from June 27, 2019. The **vote was unanimous for.**

New Business-Review letter for Selectmen regarding Zoning amendment for Town Meeting

A resident asked what zoning change the Board was asking the Selectman for. Mr. Hoeg replied the Selectmen want the Planning Board to have a meeting for a Zoning bylaw change. He said they are sending the Selectmen a memo asking them if they are going to have a Town Meeting. Mr. Hoeg explained the Planning Board would have to advertise and hold a hearing for any Zoning change. Members then discussed the proposed change which was just to correct a clerical error on the temporary license bylaw. The authority had been changed from the Board of Selectmen to the Building Commissioner but in one area it had remained as the Board of Selectmen. Mr. Hoeg then read the proposed letter into the record.

The resident then requested a copy of the paperwork that had been sent to the Attorney General. She was questioning if some of the language had been removed as it had been voted on at Town Meeting. Mr. Zienkiewicz replied that she should have been given a copy when she went into Town Meeting. After discussion, it was suggested that she ask the Town Clerk for a copy of the packet sent to the Attorney General.

New Business-Review procedure for 40R changes to an approved plan

Ms. Murray explained at the last meeting Mr. Poillucci had come in and requested to make a change to the 40R project. After speaking with Counsel, it was determined that this request would have to be considered in a PAA meeting and not a Planning Board meeting. The Board will then have to determine if it considers the change to be major or minor. Mr. Conroy asked what would happen if it was a major change. Ms. Murray replied it would have to be advertised, abutters notified, etc. Mr. Conroy noted the change would be going from townhouses to duplexes.

Mr. Conroy asked if they needed to schedule a meeting for the PAA. Ms. Murray said that a meeting is scheduled for October 10, 2019. Mr. Conroy noted that they had scheduled that at their last meeting to give Ms. Mancovsky and Mr. Zienkiewicz the opportunity to provide their comments on the rules and regulations. Ms. Murray said she would let Mr. Poillucci know that he would have to come in on that date. Members decided to schedule that meeting at 7:00 p.m. to allow for adequate time to address all the agenda items.

Next meeting

Mr. Hoeg advised the next meeting is scheduled for Thursday, October 10, 2019, at 7:00 for the PAA and 7:30 for the Planning Board at the Lakeville Police Station.

Any other business that may properly come before the Planning Board

The Planning Board had been asked if they wanted to schedule a brief meeting with the engineers regarding 57 Long Point Road. Ms. Murray explained the engineers had come into Town Hall and there had been a brief meeting with the Health Agent, Conservation, the Building Commissioner, Town Administrator, etc. They explained the vision for the property, what they are working on, what is going on with DEP, and a brief overview of the proposed project. They asked if the Board would like that same presentation but at their convenience. After discussion, members thought October 28th or October 29th could work. Ms. Murray said she would reach out to Mr. Knox and Ms. Mancovsky and the engineers to see if either date would work.

Adjourn

Mr. Conroy made a motion, seconded by Mr. Zienkiewicz, to adjourn the meeting.

Meeting adjourned at 8:28.