

**Planning Board
Lakeville, Massachusetts
Minutes of Meeting
Thursday, October 24, 2019**

On October 24, 2019, the Planning Board held a meeting at the Lakeville Police Station. 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, Mark Knox, Barbara Mancovsky

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

Mr. Jamie Bissonnette was present. He distributed an updated Site Plan and advised it was the plan that had been approved by the Conservation Commission. Mr. Knox then made a motion, seconded by Mr. Conroy to accept the plan as their new plan of reference. Mr. Hoeg wanted to hear the changes before he called the vote. Mr. Bissonnette explained they should have a letter from the Fire Chief. The Chief asked that they add a hydrant, as well as a connection to the front of the building. Both items have been included on the updated plan. Mr. Bissonnette stated the other change was that Conservation wanted to make sure they were protecting the cold water fishery adequately. Therefore, they upgraded storm scepter units and added them in a couple of other places.

Mr. Hoeg asked if everything was good with the crossing driveway. Mr. Bissonnette replied they were not impacting any wetlands but the culvert is being replaced so it will be structurally sound. It would be a pipe going through a double ended headwall. Ms. Mancovsky said there was a letter from Conservation expressing concern about the sensitivity of the surrounding wetlands, the importance to the ecosystem, and it being a priority habitat. They wanted to make sure the area was kept shaded and runoff was cool and unpolluted. Mr. Bissonnette said that letter was from before their meeting. They were able to convince Conservation they did meet those standards. They have been working for about a year with the endangered species people and Natural Heritage. They are also working with Wildlands Trust on a conservation restriction that will take up approximately two thirds of the property.

Mr. Zienkiewicz asked what the acreage of this particular parcel going to the Trust would be. Mr. Bissonnette replied they are negotiating that now. They are getting a majority of

the land in the back. The endangered species people are more concerned with the woodland rather than the river. He estimated a total of 20 acres would be set aside. Mr. Zienkiewicz noted there was still curb cut information pending from the State, but if anything changes they will have to return to the Board. Mr. Hoeg then called the vote to accept the updated plan. The **vote was unanimous for.**

Mr. Zienkiewicz read the following condition that had been added by Conservation into the record:

- The applicant shall prepare a list of significant milestones for review and approval before construction by the Commission.

He noted that because there is a Form A abutting this and a Form C will be abutting it; he would like a copy of anything that goes to Conservation also be submitted to the Planning Board. Mr. Poillucci said they will be notifying Conservation when they start various phases of the project. Mr. Hoeg added that the Planning Board also wants to be notified at that time.

Mr. Zienkiewicz made the motion, seconded by Mr. Knox, to approve the updated Site Plan revised on October 21, 2019, with the following condition:

The Planning Board will be copied on any information the applicant submits to the Conservation Commission.

The **vote was unanimous for.**

Meet with Zenith Consulting Engineers regarding Site Plan Review for 296 Bedford Street

Mr. Knox recused himself from the hearing review for this Site Plan Review. Mr. Bissonnette advised tonight they had a Site Plan for the old Police Station. In their packet the Board should have an existing conditions plan, site layout, grading and drainage, etc. Currently, the property is entirely paved. There is a septic system on site and the well is shared with the abutting property. The existing sign is actually in the highway layout. All of that has to be modified.

Mr. Bissonnette stated their proposed layout is to raze the existing structure and to build a new building 35 feet back from the property line which is an improvement from presently. They will remove the sign and construct a new sign that meets zoning requirements. They will construct a walkway on the front portion of the site and install a Mass DOT compliant entrance. There will be a small fenced in area toward the back for their dumpster location and an increase in the amount of green space. Regarding the drainage, they will be collecting the water via a trench drain in the front and a catch basin with a First Defense treatment unit in the back. They will then be infiltrating under the pavement in the back towards the fenced in storage area.

Mr. Bissonnette advised that overall the site is very flat so the grades are insignificant. They are running at 2% pitches. He also displayed the Erosion Control Plan, Detail Sheet, and the Lighting Plan. He noted the Lighting Plan shows they are not sending out much light except for in the front at their entrance. They will not be sending light off of their site either. They do have some wall pack units as well as a couple of pole units in the parking lot. They want the parking area safe and comfortable to walk around but not too bright. The plan does meet the dark sky bylaw. He stated that included in the plan is a listing of the heights, quantities, and types of the proposed lights.

Mr. Bissonnette stated the architectural plan includes the front elevations and layouts. Right now the proposal is to have the main entrance on the backside towards the parking area. He then displayed the view from the street and the shop side entrance. Ms. Mancovsky said it was a very nice design and maintains the character of their community. It would be a welcome addition to their downtown. She asked is runoff treatment would be necessary because of the higher usage of the parking lot. Mr. Bissonnette replied they have the trench drain as well as the First Defense unit which is a Best Management Practice (BMP) treatment unit. It provides an extremely high level of treatment prior to infiltration. It is a technology that separates out oils, sands, etc.

Mr. Zienkiewicz noted they will next be going to the ZBA. They will be asking for a side setback, the front setback, and the lot coverage. Mr. Bissonnette said that was correct. Ms. Mancovsky asked for more information about the sidewalk. Mr. Bissonnette replied the sidewalk was on their site so people could walk from their site to the Sedell's site. The sidewalk would go to each property line but if the Board only wanted it on one side, they could do that instead.

Mr. Hoeg asked if anyone present had any comments or discussion items on the Site Plan. No one spoke. Mr. Zienkiewicz then stated in the case a monitoring well has to be installed at the site, it must be marked on a plan and the Planning Board must be notified. Ms. Mancovsky agreed that was a good point. Mr. Bissonnette said they had no problem with that. Mr. Hoeg asked if there was any other discussion. He noted that because the drainage and the issues they have there are so minor, he did not feel there was a need to send this out to their consulting engineer.

Ms. Mancovsky then made a motion, seconded by Mr. Zienkiewicz, to approve the Site Plan Review for 296 Bedford Street.

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

Distribute tentative meeting dates for 2020

Ms. Murray asked that members take the schedule and look it over for their next meeting. She was looking to see if there were any potential conflicts where there would not be a quorum.

Mr. Knox made the motion, seconded by Mr. Zienkiewicz, to continue this item until their next scheduled meeting. The **vote** was **unanimous for**.

Old Business-Update on Shamrock Estates

Mr. Bissonnette advised that he did speak to Mr. Nick Lanney from HML Associates today. Mr. Lanney had driven by the site, and made the point a roadway as-built had not yet been submitted. Mr. Hoeg said that is not usually done until they are ready to apply for the roadway acceptance. Mr. Bissonnette said that Mr. Lanney would like one to review before giving comment. He advised his client is okay with having the roadway as-built done, and they could have that done within the next two weeks. The holdup is they would like to get a foundation approval for the remaining lot before the frost. They would also like to post a financial bond of some type. He would like some guidance on how to move forward with that process.

Mr. Zienkiewicz said that right now they are holding nine lots. He explained that they have a thousand foot long road plus or minus five feet. If they could agree it was 1,000 feet that would be \$15,000 which is \$15 a foot which is what their bylaw allows. They could then release all nine lots.

Mr. Zienkiewicz then made that a motion. Mr. Knox seconded the motion which he clarified was to release all the lots when a financial bond for \$15,000 is posted by the applicant. The lots in question are one through seven, nine and ten on the plan. The **vote** was **unanimous for**.

Mr. Bissonnette said he would return with the check.

New Business-An Act to Promote Housing Choices (H.3507) informational

Members reviewed the handout that had been distributed. Ms. Mancovsky explained for anyone in the audience that this was an Act to promote housing choices. It is a legislative movement to try to affect the Chapter 40B regulations, and it has to do how Towns regulate affordable housing. Chapter 40B means if a community does not have 10% of their affordable housing met and/or is not in compliance with their Housing Production plan then a builder can come in and provide a plan to put in units and get a plan approved. The community does not have any ability to deny that plan. The State is proposing to change the Town Meeting vote from a 2/3 majority to a 51% which would really change the dynamics of the way that whole process happens. She advised this was just a point of information to let people know what they were talking about.

New Business-Meet with Stantec for informational meeting regarding 57 Long Point Road

Mr. Jon Delli Priscoli, and Mr. Kevin Klein from Stantec were present. Mr. Delli Priscoli stated for those present that this was in regards to the Island Terrace property. He then gave a brief history of the site. He noted the owners of the site, the Tolles, had embarked on the process of bringing the site into compliance, primarily with wastewater and things of that nature. That became a complicated, involved, multi-year, and multi-million dollar investment into the property. In order to make all this happen, they received an incremental loan from a bank for the project. They had to put in a substantial amount of site work before they could actually expand the nursing home to accommodate the additional beds. He did not know the details but the bank took the property over. However, the wastewater, water, and safety were all upgraded but the facility never got expanded.

Mr. Delli Priscoli advised that for the last year he has been working on the property. He does have site control. They worked closely with the Zoning Board of Appeals and were ultimately approved for 74 units which was a reduction from their original request of 84 units. He noted that DEP has a huge role in this site. There are a lot of issues because of where it is physically, the water, the Zone A, and the Zone 1. Every possible constraint is on this property. DEP worked hard with the Tolles' who invested almost \$5 million to straighten out the wastewater and water systems. These systems are now state of the art, but DEP has to reapprove because a change of use triggers another review. Ultimately, they required the project be reduced to 66 units with 20% or less of impervious which they may not exceed.

Mr. Delli Priscoli then began an overview of the project. He stated it would be an upscale 55+ condo project. It would be one floor living with parking underneath the buildings. He said they would have liked to come to the Board sooner but they spent a lot of time with DEP because of the change of use. Their review is complete and they now have the signoffs from them. A plan of the existing site was then displayed. It was noted that everything was to be removed. In its place, would be two buildings with 33 units each on three stories. Every unit is two bedrooms. There is some outdoor parking but a lot of the parking will be underneath the buildings. They will be able to use 99% of the existing infrastructure and in some cases enhance it. Mr. Delli Priscoli said that a traffic analysis had been done and traffic was greater with the prior use. He noted the buildings would be fully sprinkled. The cistern already exists. He then turned over the presentation to Mr. Kevin Klein, the engineer.

Mr. Klein advised he had been working at this site for approximately 15 years. Over the years, it has been incrementally improved and upgraded. The Tolles' put in new parking, new storm water, and a new waste water treatment system. This system was designed for 12,540 gallons per day. They also did water supply improvements. There was an existing well and half the site is in a Zone 1 for the well and the entire site is in a Zone A for surface water supply. In order to maximize separation distances to the pond and

because of the location of the leaching field, they had to get rid of the back up well which will now be used for irrigation. In order to do that, they had to design a whole water treatment system. The water comes in gets neutralized, disinfected, and goes out to a 35,000 gallon storage tank. It then gets pumped back in and goes through another round of disinfection and gets distributed. A fire vault was also built where they have fire protection pumps so they will be able to sprinkle the buildings. That can draw off the drinking water tank.

Mr. Klein stated when they went to the ZBA; they got approval for 74 units. Mr. David Johnson from the DEP had attended that meeting and advised them they had to meet to discuss how they were going to permit water and wastewater on this site. They have a non-conforming public water supply and have to make it as good as possible. They met with Mr. Johnson a number of times and met all the following requirements:

- They had to reduce the impervious coverage to less than 20%.
- They had to reduce the flow to less than 10,000 gallons per day.
- They had to move everything as far out of the Zone 1 as possible.
- They had to protect the Zone A as much as possible.
- All of their storm water from impervious parking and roadway will now be collected and go through hydrodynamic separators or storm scepters and be recharged.
- All of the storm water runoff from the roofs has to be recharged on site.

Mr. Klein advised the existing nursing home building is in the Zone 1 as are the septic tanks, the grease tanks, and the old cess pools which will all come out. The new building is in the Zone 1 with underground parking. Storm water runoff from the roof will be outside of the Zone 1. Some of the storm water from the access roadway will be recharged at the entrance and the rest of it will be recharged in the back. They tried to save as much as they could. For example, three quarters of the leaching field will be saved, but they do have to remove a couple of sets of the chambers and build some new ones. They will be doing test pits with the Board of Health a week from Monday for the new leaching and they will uncover some of the existing part that is going to come out to see the condition of it. Now that they are moving a little bit further away from the pond, it will be a little bit smaller.

Mr. Klein stated the parking will be reduced as most of their parking will be underground although they still need some parking to meet the bylaw. The existing parking lot will be removed. Storm water from that is recharged now but they will be taking those chambers out and moving them and adding to that. There will be trench drains at the entrances to the garage. That will flow through the separators to the leaching. There will be a drainage system in the garage for any dripping. That will get pumped to double walled industrial waste holding tanks.

Mr. Klein advised the treatment system will all remain. They will have to redo the collection system piping. The collection will be outside of the Zone 1 with a short pipe into the septic tank and into the treatment system. They will have a new forced main coming out of there. DEP did make them do a redesign and resubmittal for this. It is the

reuse of everything and moving from one building to another. It will be in a better configuration because there is a new spot in the basement of the building where they can build the water treatment system. It could not be 100% compliant but it is the best that could be done on this site. Nothing would be allowed in the Zone 1 other than water supply requirements in order to be 100% compliant. This was submitted and reviewed by DEP and they got the permit. That package has also been submitted to the Board of Health. The waste water treatment system had previously been reviewed by the Board of Health. It was permitted through the DEP because it was over 10,000 gallons a day. It will now be less than 10,000 gallons a day and the permit for the revisions to it is through the Board of Health.

Mr. Klein said they are working with the architects to move these plans along but they wanted to have the opportunity to bring the Board up to speed so they knew exactly where they were at. Mr. Hoeg asked if anyone had any questions. Mr. Zienkiewicz said they did not object to the concept but he recalled when the proposal had been 84 units they had written a letter stating it was too large. It was good that it had been reduced to 66 units. He stated that the flow design had originally been 12,500 gallons per day but now they were down to 9,900. He asked if anything had been written down or if they had any type of summary from DEP. Mr. Klein replied they have the Water Supply Permit which is a new source approval permit that outlines the fact it is 66 units at 9,900 gallons per day, and they may not exceed that. Mr. Zienkiewicz asked if that would be going to the Board of Health. Mr. Klein said that was correct, and they could also submit a copy to the Planning Board. Atty. William Pezzoni advised the Zoning Board of Appeals' Decision required them to go to DEP and make adjustments as necessary. They will be getting a copy, as will this Board. Part of the ZBA Decision also required them to come to the Planning Board and comply with their regulations

Mr. Knox asked if there would be a vehicle restriction. Mr. Delli Priscoli replied he has built hundreds of these units and the average amount of vehicles winds up being one and a half cars per unit. Mr. Knox said his concern would be the downhill slope, the causeway, and drivers possibly going through the cranberry bog. Who is responsible for that roadway off the causeway? Mr. Delli Priscoli said he and Decas are responsible. He felt they could look at this and work together to make enhancements if necessary.

Mr. Zienkiewicz said he thought something would have to be done. If you drive down the road, it is dark for the last three quarters of a mile. There isn't any way a Planning Board can allow a dike between two cranberry bogs to be considered a roadway. He advised the last public street that Lakeville owns will have to be on a drawing that also has this site on it. It needs to show how you get from that street to this site. He wants to see Long Point Road on the plan.

Mr. Knox asked if there was an easement filed between the two properties. Mr. Klein responded there was a twenty foot easement with a fifteen foot access. Mr. Zienkiewicz said he was sure they would be able to work something out with the Decas'. This will have to be drawn by the engineer and brought to the Board, but it needs more width and lights. There also needs to be a way to prevent people from driving into the bogs. He

noted that in the last two months there have been two serious accidents. Mr. Delli Priscoli said that besides those two accidents it has been used without incident for as long as the nursing home was open but they are willing to make it better.

Ms. Mancovsky asked how big the units were. Mr. Delli Priscoli said they were about 1,000 square feet. They were all handicap accessible. Ms. Mancovsky asked about security. Mr. Delli Priscoli replied it was independent but there would be a project manager and housekeeping for the common areas. There will be someone on call for emergencies.

Mr. Conroy questioned the use of the term average height. Mr. Delli Priscoli replied that is the way the Building Inspector interpreted it. It is based on when you go around the building all the heights are a little different. Atty. Pezzoni added they cannot exceed 45 feet. Ms. Mancovsky asked if the concerns of the City of New Bedford had been resolved. Atty. Pezzoni responded it had to do with the water. They are in the process of putting together a Stipulation of Dismissal. After they looked at what DEP had done, the City added they do not want people to have access to go down to the water. They want signs posted that there is no swimming allowed. He noted once they received DEP approval the City did not have standing but they still want to work with them. Mr. Delli Priscoli added the City was happy with the progress with DEP and although they technically don't have standing, he would rather show them the care they took in the design of the project. They met with them on site and they were satisfied. Verbally, it is resolved, but there are some technicalities with the paperwork but that would be for the attorneys to work out.

Mr. Knox asked when they would be ready to return to the Board with plans. Mr. Delli Priscoli replied they hoped to have a formal hearing soon. Mr. Zienkiewicz noted that when the applicant was in front of the ZBA, funds had been submitted for peer review. There are some funds remaining, and the Planning Board will need permission to transfer those funds for their own peer review. Mr. Delli Priscoli nodded his agreement and said to take it a step further if there is any deficit there, they will make the Town whole. They do not want to put any burden on the Town but are looking to get this property clean, demolished and thoughtfully removed in a safe manner, and begin.

An audience member had several questions and first asked if anyone had raised any concerns to National Heritage regarding turtles on the property. Mr. Delli Priscoli replied no. The setback was also questioned. Mr. Klein stated the setback for the buildings is greater than 100 feet and some of the storm water for the roof recharge is less than 100 feet. The next question was in regards to the height of the buildings. Mr. Knox noted that the existing old mansion is two and a half stories. Mr. Delli Priscoli said that was correct and there was really no difference in the massing but the project is actually getting tighter with a smaller footprint. There will be only 20% development of the site with 80% of it to be put back or be left in its natural state. The last question was concerning the trees on the site. Mr. Delli Priscoli said there will be minimal cutting of trees and none of them will be in the buffer.

Ms. Mancovsky asked if they had been to Conservation yet. Mr. Klein replied they had attended a meeting with Departments heads. Mr. Bouchard had said at that meeting that he thought they would only need an RDA for this project. Mr. Hoeg asked if there was anything further from the audience. No one spoke.

Ms. Mancovsky made a motion, seconded by Mr. Knox, to continue Item 4b, Peer Review discussion, to their next scheduled meeting. The **vote** was **unanimous for**.

The Board then accepted checks from Mr. Bissonnette to be deposited with the Treasurer.

Next meeting

The next meeting is scheduled for Thursday, November 14, 2019, at the Lakeville Police Station.

Adjourn

Mr. Zienkiewicz made a motion, seconded by Mr. Knox, to adjourn the meeting. The **vote** was **unanimous for**.

Meeting adjourned at 9:06.