

**Planning Board  
Lakeville, Massachusetts  
Minutes of Meeting  
Thursday, November 14, 2019**

On November 14, 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

**ANR Plan – Meet with Maddigan Land Surveying, LLC regarding submittal for Rhode Island Road**

Mr. Derek Maksy was in attendance to present the plan. He advised the purpose of this plan is to add the note which states that this is a land fill, and have it be identified on a plan. This is something that should have been done several years ago. The wording being used is directly from DEP, and this will then be recorded at the Registry of Deeds. Then people will know there was a landfill on this site. DEP recommends a 100-foot buffer zone so what they have done is reconfigured Lot 3, moved the entrance to the other side, and created a buffer zone around the landfill site. This is all indicated on the Form A plan.

Mr. Maksy also advised the Board there are ten monitoring wells on the site and they have all come back clean. Therefore, except for the landfill which cannot be designated as clean, the remainder of the site has been certified clean. Ms. Mancovsky said she noticed the locations of the monitoring wells were not confirmed but rather estimated. Mr. Maksy replied that was from a plan prior to this. She noted it would have been nice to have that located on this plan. Although she did appreciate the time and effort that had been put into trying to correct this situation. Mr. Maksy did not think that was part of the Form A process. Ms. Mancovsky agreed but said with residents now going to be living in this area and children potentially walking around the site, she did have some concerns about that.

Mr. Zienkiewicz noted that an abutter had just gone through this same process a couple of months ago and a portion of the lot had been clipped off. He was unsure why the 100-foot buffer zone did not continue through the corner. Mr. Maksy said he did not own that piece of the property. He explained the buffer zone was only a policy not a regulation.

He had volunteered to do this, and he believed the reason the abutter had done it was in order to obtain bank financing. He said that lot was not really his concern because he did not own it. Mr. Maksy noted again this was not a regulation but rather a request from DEP to prevent future concerns of people going out there. It was asked if the landfill had been capped. Mr. Maksy said it is still up for discussion what is going to happen to the landfill. Right now, there is a permit to remove the landfill but it comes with multiple contingencies and because of its proximity to the wetlands it might be better to cap it. The real priority is to get this note indicated on the site.

Ms. Mancovsky asked in respect to the small pathway if it needed to be capped would there be access for traffic to get in and out? Mr. Maksy said they did have an approval for a wetland crossing, and he showed on the plan where there would be access. He also advised for their information, he had sold four lots on Route 105 last month. One was to the funeral home that is coming in and then hopefully they will see something happening fairly quickly on the other three lots.

Mr. Zienkiewicz then made the motion, seconded by Ms. Mancovsky, to endorse and sign the ANR plan as submitted. The **vote** was **unanimous for**.

**ANR Plan – Meet with Zenith Consulting Engineers, LLC regarding ANR submittal for Long Pond Shore Drive and Lakeside Avenue**

Mr. Jonathan Pink was present. He advised this was a piece of property that borders Lakeside Avenue and Long Pond Shores Drive. It has frontage on both roads. They are just putting a line in and dividing the lot in two. It was a very straight forward plan.

Ms. Mancovsky made a motion, seconded by Mr. Knox, to endorse and sign the ANR plan. The **vote** was **unanimous for**.

**Meet with Cheryl Ervine regarding Fuller Shores drainage plan**

Ms. Murray advised she had spoken with Ms. Ervine the previous day. Ms. Ervine was looking for some type of drainage plans so she could explain to the Board what her issue was. Ms. Murray said that she had gotten some plans from the Highway Department but was unsure if they had been helpful to Ms. Ervine. She had suggested she come in and discuss what she needed and was waiting to hear back from her.

**Review the following Zoning Board of Appeals petitions:**

1. Twisted Growers – 415 Millennium Circle

Ms. Mancovsky said there is currently an investigation going on in the U.S. Attorney General's office into any Town that has entered into a Host

Community Agreement with a marijuana developer. Her only comment would be to make sure the Zoning Board of Appeals was aware of that ongoing investigation.

Ms. Mancovsky then made a motion to make her comment the only response for the Zoning Board of Appeals. It was seconded by Mr. Zienkiewicz. The **vote was unanimous for.**

2. Davis – 113 Nelsons Grove Road

Mr. Knox made a motion, seconded by Ms. Mancovsky, to make no comment on the Zoning Board of Appeals petition for Davis – 113 Nelsons Grove Road. The **vote was unanimous for.**

3. Knox – 296 Bedford Street

Mr. Knox recused himself from the review of this petition application.

Ms. Mancovsky made a motion, seconded by Mr. Zienkiewicz, to make no comment on the Zoning Board of Appeals petition for Knox – 296 Bedford Street.

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

**Review letter from the Department of Conservation & Recreation (DCR) regarding The Forest Legacy Program (FLP)**

Ms. Mancovsky advised this was asking them to express their interest in participating in The Forest Legacy Program. It is part of a Federal and State partnership to protect legacy forests. She noted she had friends that owned a very large forested property and the things they learned from participating with some of these programs was good for them and their business, as well as the environment. She would love to tell them they were interested in participating, and there was no obligation. She advised there was no regulatory structure imposed on the area and no landowner is obligated to participate. Mr. Knox said that he would also be interested in learning more about the program.

Mr. Knox then made the motion, seconded by Mr. Conroy, to send a letter of support for The Forest Legacy Program. The **vote was unanimous for.**

### Review Environmental Notification Form (ENF) for 5 Harding Street and 39 Cross Street

Ms. Mancovsky noted it appears they are going to meet next week on the site. Her recollection was the developer working on this project donated land to a conservation trust. Mr. Hoeg asked if anyone could attend. Mr. Knox suggested this be forwarded to Conservation if they had not already received it. He did not feel the Planning Board had to be involved in the conservation aspects of the property at that level but he would follow up with Conservation.

### Informational handout from Citizen Planner Training Collaborative (CPTC) Use of Design Review workshop

Ms. Mancovsky said some time ago, they had talked about architectural standards. She thought this information might be a good starting place. She and Mr. Knox would be working on this and when they had put together some information, they would report back to the Board.

### Approve Meeting Minutes

Mr. Conroy made a motion, seconded by Ms. Mancovsky, to approve the Meeting Minutes from September 26, 2019.

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

### Update on Shamrock/Paska Estates

Ms. Mancovsky stated this was exactly what she had been worried about when this development was approved. Was it correct that it would become the Town's responsibility to keep this clean once they accept the road. Mr. Hoeg asked if they had received a response to this letter and/or a check. Ms. Murray replied there had not been a response but she had received a check for the bond. Ms. Mancovsky said they would also have to authorize this to be re-inspected when the items from the letter are acted upon.

Ms. Mancovsky then made a motion, seconded by Mr. Knox, to confirm and/or send the letter to the contractor to get started with the items when it is seasonably possible. The **vote was unanimous for.**

Members then discussed the Invoice that had been sent from HML Associates for the review. Ms. Murray advised the bill had been sent to them and no funds had been collected for peer review. Ms. Mancovsky then said that is why they need to get a procedure down for peer review. There was a discussion regarding their past procedure which had been having the Highway Superintendent do inspections.

Ms. Mancovsky then made a motion that they follow Nick Lanney's guidelines from HML Associates and they wait to have an accurate cost and As-built be provided before they release the lots.

Mr. Zienkiewicz said at their last meeting, they voted to sign the Form F for lots 1-7 and 9 and 10. They were one step ahead from their last meeting. Regarding the recommended amount of \$75,000 in the letter, if you read through the bullet points the cost would not add up to that amount. Ms. Mancovsky felt they shouldn't sign the Form F until the work was complete. What if it is done wrong? Mr. Zienkiewicz said they still have to accept the road, and they are still holding \$15,000. Mr. Conroy asked if \$15,000 would be enough to finish the list if the developer walked away. Mr. Zienkiewicz believed that it was. Mr. Hoeg agreed.

Mr. Hoeg said they should sign the Form F if that was what had been agreed and voted upon. He suggested the engineer be invited to their next meeting to come in and discuss the peer review letter.

Mr. Conroy made a motion, seconded by Mr. Zienkiewicz, to take a short recess. The **vote** was **unanimous for**.

Mr. Knox made a motion, seconded by Ms. Mancovsky, to resume the meeting. The **vote** was **unanimous for**.

#### **Old Business-Discuss tentative meeting dates for 2020**

Ms. Mancovsky said she didn't know how other Board members felt about this, but she thought they should consider adding another week to their agenda submittal deadline. She felt the process was still rushed and they continue to get last minutes items they don't have the proper time to review. Mr. Hoeg thought that was a good idea. Mr. Knox asked Ms. Murray if she thought that would be helpful. She replied it would be but was unsure if there would be problems with ANR plans which had to be heard within 21 days. Mr. Conroy suggested ten days as a compromise.

Ms. Mancovsky made a motion, seconded by Mr. Conroy, to change the submittal dates for meetings from seven days prior to ten days prior to the meeting date. The **vote** was **unanimous for**.

Mr. Knox made a motion, seconded by Mr. Conroy, to approve the meeting dates as presented. The **vote** was **unanimous for**.

#### **Old Business-Review the draft Airbnb letter to be sent to the Board of Selectmen**

Mr. Zienkiewicz explained this had been discussed at a prior meeting and he had updated this letter which is going to the Select Board. When they took into consideration they

have so few Airbnb operations and they haven't had any complaints for fifteen months, their recommendation was to take no further action at this time. He did add and commend the Board of Health for taking action regarding inspections for rental properties. He noted that the latest version of the Act was attached.

Mr. Zienkiewicz made a motion, seconded by Mr. Conroy, to send the memo to the Select Board. The **vote** was **unanimous for**.

### **New Business – Review November 8, 2019, letter from the Board of Selectmen**

Mr. Hoeg read the memo into the record. It was in regards to the scheduling of a Special Town Meeting. The Board of Selectmen had not yet done so but was cognizant of the advertising requirements for any Planning Board hearing. Ms. Mancovsky noted a freeze had been voted on signing any additional Host Community Agreements. What was the time limit of that? Mr. Knox said he thought it had been for six months. Ms. Mancovsky said her concern would be that would expire before there was a Town Meeting and additional Agreements could be signed.

Selectman Lia Fabian was present. She advised knowing they had been short one member, they had not put some of these items on the agenda. Now that they have a full Board, she is hoping that some of these issues will go on their next agenda. Mr. Knox said he would ask they would consider extending the moratorium until they have a Town Meeting and/or at least put it up for discussion. Ms. Fabian said that was something that she was going to suggest be put on the agenda.

Mr. Zienkiewicz noted there are two other clocks running. The moratorium they are talking about was created by the Selectmen. The moratorium they also have is on changing zoning on properties they had identified in their proposal. Before they have a vote at Town Meeting, they have to hold a public hearing. They are okay until March but they will have to hold another public hearing if Town Meeting is in June. Ms. Fabian said she believed that timing had been addressed at the meeting from where this letter had been generated. Previous to that it had been voted there was not a reason to have a fall Town Meeting but this will have to be revisited.

### **Next meeting**

Mr. Hoeg advised the next meeting is scheduled for Thursday, December 12, 2019, at the Lakeville Police Station.

### **Adjourn**

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

Meeting adjourned at 8:50.