

**Planning Board
Lakeville, Massachusetts
Minutes of Meeting
Thursday, January 23, 2020**

On January 23, 2020, 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; Mark Knox, Barbara Mancovsky

ANR Plan – continued - Meet with Outback Engineering regarding ANR submittal for Hickory Lane

Mr. Hoeg advised there was an email from Mr. Maroney who had asked to continue.

Mr. Knox made a motion, seconded by Ms. Mancovsky, to continue the ANR plan submittal for Hickory Lane until their next scheduled meeting which was on February 13, 2020. The **vote** was **unanimous for**.

Site Plan Review – 310 Kenneth W. Welch Drive

Mr. Jonathan Pink, Mr. Rich Rosier, and Mr. Zac Cooper were present. Mr. Rosier advised they were petitioning the Board to have this Site Plan for 310 Kenneth W. Welch Drive approved for a marijuana cultivation facility and product manufacturer. These plans have been updated per the Board's request to incorporate the addition of the dispensary to the property site. He noted they were not in any way involved in that dispensary. He asked if they had any questions.

Ms. Mancovsky asked if they had been available when the property was visited by the Conservation Commission. The building owner was present. He advised that Mr. Bill Logan who was installing the septic system had informed him about Conservation. There had been some issues regarding the hay bales, the catch basins, and some sand they had near the wetlands. These issues have all been taken care of.

Mr. Hoeg said he had a communication from the Fire Chief who wanted to make sure the fire lanes were not blocked. The plan also shows five spaces on the northwest side of the property for Seatrade. There is supposed to be access there so the Fire Department can come through and go along the back of the building. It was noted where the walkway and railing end there is no parking and a fire truck could go by there. He noted that the

Board has told Cold Storage, Munroe, etc., there is no parking in that area but it is still showing on the plan. The Board will need an amended plan which shows the fire access. Ms. Mancovsky stated one of the concerns of the Fire Department beside making sure that area stayed clear was the increased demand for parking. Would they consider putting up 'No Parking' signs in certain locations if that was necessary? It should be made clear they want no encroachments on any current fire lanes or access. Mr. Cooper said that seemed reasonable.

Mr. Robert Bouchard, Conservation Agent, was present. He wanted some clarification on some concerns that he had. He stated on the previous plan that had been submitted, he had asked it be indicated on the plan where snow removal stockpiles would be made to make sure they weren't adjacent to or within the buffer zone. The owner said they would abide to wherever it needs to be put. He did know they did not sand or salt the driveways. Mr. Bouchard said he would like that designated on the plan. He advised the problem with the catch basins, even if you are not using salt, is there is going to be oil and grease associated with that raw material. If it is getting into the storm drain, it is getting into the wetlands and there has to be some way of preventing that. He did appreciate the hay bales around it, and that was one of the conditions that had been worked out with the engineer.

Mr. Bouchard stated that some of the other issues were the stockpiled materials along the front of the building and along the roadside. The hay bales should also take care of that. It was noted the other pile had already been relocated. The final issue was the excavation in the parking lot which was uncovered, and it was border line if that was within the 100-foot buffer. The owner replied they had moved some hay bales today where the sand pile had been. Mr. Bouchard said that was fine then. He said if there is to be any additional work of this nature in the future, they should consult with Conservation in the event that an RDA or an NOI would be necessary.

Mr. Zienkiewicz asked about the septic design. The owner said he did have copies of the plan if the Board needed one. Mr. Zienkiewicz replied that whatever was in the ground is usually on the Site Plan. Ms. Mancovsky felt that when the plan was amended that could be added to the plan. The septic plan was then submitted for the record. Ms. Mancovsky said the Board of Health has approved this plan. Is it customary for the Planning Board to see the septic design characteristics and important points on the plan? If so, do they want that information added before they see the next plan or is that not necessary? Mr. Zienkiewicz said he thought it could simply be referenced on the plan. Members agreed to that.

Mr. Zienkiewicz then made the motion, seconded by Ms. Mancovsky, to have the following adjustments made to the Site Plan:

- There will be signage indicating no parking in the fire lane.
- The septic plan will be referenced on the plan.
- The five parking spaces for Seatrade will be eliminated.

The vote was **unanimous for.**

ANR Plan – continued - Meet with David Maddigan from Maddigan Land Surveying regarding ANR submittal for 43 Main Street

Mr. Maddigan was present. He advised they had a Form A plan to present and what they were doing was just reconfiguring three separate lots. He then explained how they were doing this. This all relates back to some of the original plans that were done for the hospital property. He reviewed that Lot 5A and 7A would be two brand new lots. They both have legal street frontage and sufficient area. In fact, two of the lots, 7A and 6D, have over three acres.

Ms. Mancovsky asked if these lots were to be developed for residential use. Mr. Maddigan was unsure. Ms. Mancovsky then asked if there was enough room on these lots for business use to be applied. Mr. Maddigan replied because Lot 7A and 6D were in the mixed-use development zone and had over three acres they were. The remaining lot 5A would be considered residential.

Mr. Hoeg asked for clarification for the size of the lot in the mixed-use zone. Mr. Maddigan replied that three acres was the minimum limit for the mixed use. Anything below that would revert to the residential zoning.

Mr. Zienkiewicz made a motion, seconded by Mr. Knox, to endorse the ANR Plan for 43 Main Street. The **vote** was **unanimous for**.

Review the following Zoning Board of Appeals petitions:

1. Chapin – 4 Pilgrim Road

Ms. Mancovsky made a motion, seconded by Mr. Knox, to make no comment on the Zoning Board of Appeals petition for Chapin – 4 Pilgrim Road. The **vote** was **unanimous for**.

Discuss FY21 Budget requests

Mr. Hoeg said a number had come up regarding a salary for a planner. It was noted that Mr. Conroy had that amount but he was not present. Ms. Mancovsky said she would like to suggest not necessarily for a full-time employee but a consultant serve the function for the first two years. They could then try it out and see what would be required as far as time needed. If it then turned into a full-time position, they could morph into it without taking on another full-time employee.

Mr. Knox asked who had added the training and testing amount. Ms. Murray replied the Board had talked about having a more realistic based budget. She suggested adding in that line item to reflect that. Mr. Knox suggested including a consultant fee. Ms. Mancovsky said she would want to make sure that item was spent on the appropriate

item. Members then discussed what a planner position would entail and how the position would be divided among the Planning Board, Zoning Board, and Building.

Ms. Mancovsky then made a motion, seconded by Mr. Zienkiewicz, to add a line item for \$100,000 for the position of a full-time Town Planner. This would be a shared resource. The **vote** was **unanimous for**.

Ms. Mancovsky made a motion, seconded by Mr. Knox, to add a line item for \$1,000 for Training and Testing. The **vote** was **unanimous for**.

Discuss bylaw creation for a lot disturbance trigger for Site Plan Review

Mr. Zienkiewicz said this had already been voted on at Town Meeting. It is now if you disturb an acre you need Site Plan Review.

Discuss creation of an application for Site Plan Review

Mr. Hoeg said he had gone through the application and thought it looked good. He asked about the end of the application where it said "to be completed by Planning Board staff". Ms. Murray explained that previously the engineer would go to all the departments, give them a copy of the Site Plan, and they would sign off on it. She was finding although the Site Plan was received by the Department, there was no explanation with it and therefore, sometimes it was not reviewed. This line will show what date the Planning Board distributed the Plan to the department.

Mr. Zienkiewicz asked if they presently had an application for Site Plan Review. Ms. Murray said they did not. Mr. Zienkiewicz said they have both commercial and residential Site Plan Review. He would recommend a section be added above the name that would indicate which type it was. Ms. Murray replied that her next step would be to go through the bylaw and see what should be included with the Site Plan submittal. Ms. Mancovsky made a motion, seconded by Mr. Zienkiewicz, to move forward with the creation of the Site Plan Review application. The **vote** was **unanimous for**.

Discuss bylaw creation for design standards for business zoned new construction

Mr. Knox advised he had asked this item be placed on the agenda. He said they have talked about this briefly at a couple of their meetings. He said he and Ms. Mancovsky were willing to do some legwork and research other town's bylaws to try to figure out how to put something together. He thought about writing a bylaw that a sloped roof on the front of the façade would be required in the Business Zone. They would not be choosing a construction material but just trying to guarantee the character of the Town to not become the big box store appearance.

Mr. Knox said his only issue with the current bylaw is that it takes 50% lot coverage before the density bonus is triggered and there are improved design standards. He would like their input from their experience. Mr. Hoeg thought it was a good idea but the language can be difficult because they have tried this before. Ms. Mancovsky recommended the creation of a Design Review Board.

Mr. Knox asked if they could return to the budget. He would like to add a line item in for Town Counsel. It would be used to help in drafting bylaws. This way if they put something together, they could send it out to Counsel and there would be something in the budget. He would make a motion to add a figure in for Town Counsel to create and amend bylaws. Ms. Mancovsky would like to amend that motion that they have a line item for legal fees. She felt that if they were asking questions of Counsel it should be attributed back to this Board. Mr. Hoeg asked if they had a number. Mr. Knox said that he would like to have a specific line for bylaw review and changes so it can be seen what it is used for. Ms. Mancovsky said she would second the language to have the legal fees for the review of bylaws.

Mr. Zienkiewicz said he would argue against that. He would like to refer to Chapter 40A; Section 3 which said that no zoning ordinance or bylaw shall regulate or restrict the use of materials or methods of construction of structures regulated by the State building code nor shall any ordinance or bylaw prohibit, unreasonably regulate, or require a Special Permit for use of land for the primary purpose of commercial agriculture... Ms. Mancovsky said they need a Design Review Board and process. They do have the rights to do certain things to maintain community character although there is a line. Mr. Zienkiewicz said that it would have to be very specific and it would have to be voted on. Mr. Knox said this would be only in the Business zone. Mr. Zienkiewicz said it can't leave discretion to a Board. Ms. Mancovsky suggested before their next meeting, they go back and review the CPTC guide book, *The use of design review*.

Mr. Zienkiewicz said another option is an Overlay District. If they owned it or had a strong interest in it, they could attach conditions to it. Mr. Knox said that he and Ms. Mancovsky would like to continue to work on this and be placed on the next agenda.

New Business

Ms. Mancovsky advised she had a couple of items from SRPEDD that she would like to discuss. The first was the 40R development that had been approved in Rochester. The second item was the Massachusetts Department of Fish and Game, the Division of Ecological Restoration is doing a project for the Assawompset Pond complex for flood water management. She said they were also looking at the Town to find ways they could become more ADA compliant. They would be using some of their Planning Resources for this.

Next meeting

Mr. Hoeg advised the next meeting is scheduled for Thursday, February 13, 2020, at 7:30 p.m. at the Lakeville Police Station.

Adjourn

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

Meeting adjourned at 9:00.