

**Planning Board  
Lakeville, Massachusetts  
Minutes of Meeting  
Thursday, February 13, 2020**

On February 13, 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; Peter Conroy, Mark Knox, Barbara Mancovsky

**Site Plan Review, continued – 57 Long Point Road**

Mr. Hoeg advised they had been asked to accept a continuance in regards to this Site Plan.

Mr. Knox made a motion, seconded by Ms. Mancovsky, to continue the Site Plan for 57 Long Point Road until their next scheduled meeting which was on February 27, 2020. The **vote** was **unanimous for**.

**Site Plan Review, continued – 310 Kenneth W. Welch Drive**

Mr. Hoeg advised this had been continued from their last meeting. Mr. Zac Cooper advised that they had made all the changes the Board had requested. The amended plan now showed where the snow storage would be as well as the no parking strips in front of both sides of the existing gravel fire access lane in the back of the building. They also noted the septic system as had been requested. He asked if they had any questions or concerns. There were none.

Mr. Zienkiewicz made a motion, seconded by Mr. Conroy, to sign and approve the Site Plan for 310 Kenneth W. Welch Drive. The **vote** was **unanimous for**.

**ANR Plan – continued – Hickory Lane**

Mr. Hoeg advised they had been asked to accept a continuance in regards to this ANR Plan.

Mr. Knox made a motion, seconded by Mr. Conroy, to continue the ANR Plan for Hickory Lane until their next scheduled meeting which was on February 27, 2020. The **vote was unanimous for.**

**Public Hearing** – To amend the Town of Lakeville's Zoning By-Law Section 8.7.3 "Temporary Licenses for Storage Box," to designate the Building Commissioner as the licensing authority who may renew the license annually subject to review

Mr. Hoeg read the amendment into the record. He asked if anyone was in attendance to present this. Mr. Conroy advised this had been from the Zoning By-Law Review Advisory Committee and it gave the Building Commissioner authority to grant this license. Mr. Zienkiewicz added they had voted on this before, and it had been passed by Town Meeting. It was found that an error had been made on this portion, and this was a formality to correct that error.

Ms. Mancovsky made a motion, seconded by Mr. Conroy, to accept the amendment. The **vote was unanimous for.**

Mr. Conroy made a motion, seconded by Ms. Mancovsky, to close the hearing. The **vote was unanimous for.**

The hearing closed at 7:37.

**Public Hearing** – To amend the Town of Lakeville's Zoning By-Law and Zoning Map with respect to the regulation of Marijuana Uses by establishing a Marijuana Overlay District and limiting the operation of Marijuana Uses to such district.

Mr. Hoeg read this zoning amendment into the record. Mr. Knox recused himself as one of the addresses listed was his. Ms. Mancovsky stated this originally came up about a year ago. They had been concerned that the existing zoning would allow marijuana uses to go in to any industrial zone in Town. Some of these areas are adjacent to large subdivisions, close to schools, etc. The idea was where this is already the location of existing facilities to keep any proposed facilities limited to the two Industrial Parks.

Mr. Zienkiewicz advised they had previously gone through all this but because they had not had a fall Town Meeting, they were repeating the process. The time frame for holding a public hearing before a zoning amendment vote at Town Meeting was six months and that time frame had expired. Nothing had changed since the original hearing.

Ms. Mancovsky made a motion, seconded by Mr. Zienkiewicz, to accept the amendment.

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

Mr. Knox – **ABSTAIN**

Mr. Conroy made a motion, seconded by Mr. Zienkiewicz, to close the hearing. The **vote was unanimous for.**

The hearing closed at 7:43.

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

1. Turner/Old Field Estates – 44-46 Rhode Island Road

Ms. Mancovsky noted this was a 40B project and in general, the application states the proposed project is sixteen three-bedroom duplex style homes of which four of the units (25%) will be affordable to households earning up to 80% of the area median income. She estimated that amount in Lakeville to be \$75,000. She said that is a pretty high number and when people think about affordable housing, this is not a housing project.

Mr. Zienkiewicz advised this was originally two house lots so this shows what could be done with two lots in a row. Mr. Hoeg asked if anyone would like to make a comment concerning this. Ms. Mancovsky said she wished the developer had considered this as a 40R project if that was possible and she would like that comment forwarded to the ZBA. She also asked if anything had been included regarding the Condo Association. She felt that was an important item to consider.

Ms. Mancovsky made a motion, seconded by Mr. Conroy to send a letter to the ZBA asking if any consideration had been given to submitting the application for this project as a 40R. The Planning Board would also like the Zoning Board to inquire from the developer if they have draft or approved condo documents that can be reviewed. The **vote was unanimous for.**

**Meet with Mr. Mike Nashawaty regarding drainage issues on Pinecrest Drive**

Mr. Hoeg was unsure if any information had been received in regards to this. Mr. Nashawaty said that he had spoken to the President of the Association and a couple of the other residents and they all had the same concern. He has tried to talk to Mr. Maroney and some of the contractors but said they did not care. Ms. Mancovsky asked if they had hired an engineer. Mr. Nashawaty said that they did not have the money to do that and felt the responsibility should be on Mr. Maroney because he was the one that had disturbed the soils.

Mr. Nashawaty explained the water flows down and across the road, and there is silt everywhere. He noted the area from Beechtree and all the way up is completely saturated. The retention pond is now about a foot deep and it used to be about five feet. It is completely silted up and the water is bypassing it and flowing into his land. Mr. Hoeg said the drawings show no water coming off of the road onto the properties on either side of the road all the way down. Mr. Nashawaty understood Mr. Maroney had

the right to build houses and ultimately it would be a benefit but this initial impact on them is not good. He was hoping they could get some type of diversion of the water to one area which would then flow down to the lake. He was only asking for some type of water control.

Ms. Mancovsky asked Mr. Boucher if he was familiar with the parcel and this issue. Mr. Boucher replied he has made a number of trips down there. He would have to agree with Mr. Nashawaty that it is a serious problem. However, where it's coming from and what caused it is another story. He thought all the homes that are there are probably responsible in some measure for the problem that's there now. It has been increasing as more land has been taken up. Ms. Mancovsky asked if he was concerned the water might be running down into the wetlands. He said he was. Mr. Hoeg asked if he thought the frog pond should be dredged. Mr. Boucher said that would be helpful but it would not solve the problem or keep it from continuing.

Mr. Boucher said that there are several factors causing this impact and there is not a simple solution. One of the recommendations that had been made to Mr. Nashawaty was to make a presentation to DEP and see if they can give them some assistance with bringing all the parties together, seeing who is responsible, and what can be done. Ms. Mancovsky suggested getting together with the neighbors to get a quote to hire their own specialist.

Mr. Zienkiewicz noted that there had been a drainage swale system established but it appeared that some of the system had been built and some of the system had been filled with stone. He did not know who or why that was done but the Planning Board does not have police powers in that regard. Mr. Hoeg asked Mr. Boucher if he could discuss this with DEP. Mr. Boucher said that he could work with Mr. Darling to see if they could put something together to see what types of programs may be available. Ms. Mancovsky said it sounds like this issue is beyond the scope of this Board. They can make a recommendation which they have just done to Mr. Boucher.

Mr. Zienkiewicz said there are two more lots there but they will not be released until the road is built. Then there would be no additional land. Mr. Hoeg suggested they ask the developer to open up the drainage ditches that are in front of the other homes that are there. Mr. Knox said they would need to find the Plan of Record that shows the swale on it.

Ms. Mancovsky made a motion, seconded by Mr. Zienkiewicz, to send their comments to the Conservation Commission for their further action. The **vote was unanimous for.**

#### **Approve Meeting Minutes**

Mr. Conroy made a motion, seconded by Mr. Knox, to approve the Meeting Minutes from December 12, 2019. The **vote was unanimous for.**

**Old Business - Discuss bylaw creation for design standards for business zoned new construction**

Mr. Knox advised that he and Ms. Mancovsky were working on this. He was away last week and was unable to spend any time on it. He had gotten word that the new Master Plan has a section suggesting they could put some design standards in their standard regulations without changing the bylaw. He did want to look into that. He asked if anyone had any comment.

Mr. Zienkiewicz said that he had read through the handout they had been provided in regards to this. He noted that there were explanations of what they could not legally do. Aesthetics do not count as far as safety and some other items. You can regulate height but not allowed to regulate materials. There are ways of doing it, and he would like to discuss that. They have Site Plan Review and all of the business uses they have were encumbered by what percentage of lot coverage. That is something they could change to get those architectural features. Members then discussed Site Plan review for businesses that were changing use.

Ms. Mancovsky said if they had a Design Review Board and a process articulated, they could have more oversight of the design aesthetics without considering lot coverage. Mr. Hoeg said they could try. Ms. Mancovsky said maybe they could establish a Business District Overlay Zone. Mr. Knox said he would also have a discussion with Mr. Darling.

Mr. Knox asked this item be continued until their next meeting.

**Old Business - Discuss Site Plan review bylaw revision or adaption for "tenant work" in existing business or industrial uses.**

Members felt they had discussed this within the previous agenda item. Mr. Hoeg asked if they wanted to continue the conversation. Mr. Zienkiewicz said he could not see doing a Site Plan Review for tenant work. Mr. Hoeg said yes, if it was a change of use. Ms. Mancovsky said in Brockton, for example, there are criteria that trigger the review. She did not see any criteria in their bylaw. Mr. Zienkiewicz said it would be 1,500 square feet. It was 6.7.2 in the bylaw. Mr. Hoeg then read that into the record. A Site Plan would be required for new construction or for modification of or addition to a business or industrial structure resulting in floor area of over 1,500 square feet in the aggregate.

Ms. Mancovsky asked where the problem was within the bylaw. Ms. Murray advised she thought the reason it had been brought up was due to 310 Kenneth W. Welch Drive. Technically, there shouldn't have been a review done, but there had been a lot of issues with it. Mr. Hoeg said if they hadn't seen it, they wouldn't have been able to tell them not to block that fire road. He felt the more eyes on a project the better it is.

Ms. Mancovsky then made a motion, seconded by Mr. Conroy, to send a memo to the Building Commissioner and ask if this bylaw could be improved and if so in which ways it could be. The vote was **unanimous for**.

#### **New Business - FY21 Budget presentation with the Board of Selectmen**

The Planning Board was scheduled to meet with the Board of Selectmen on Wednesday, March 4, 2020, at 7:30 p.m. Mr. Zienkiewicz, Ms. Mancovsky, Mr. Conroy, and Mr. Knox were all hoping to attend.

#### **Next meeting**

Mr. Hoeg advised the next meeting is scheduled for Thursday, February 27, 2020, at 7:30 p.m. at the Lakeville Senior Center.

#### **Adjourn**

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

Meeting adjourned at 8:55.