

**Planning Board
Lakeville, Massachusetts
Minutes of Meeting
October 22, 2020
Remote meeting**

On October 22, 2020, the Planning Board held a remote meeting. It was called to order by Chairman Knox at 7:00. LakeCam was recording, and it was streaming on Facebook Live.

Members present:

Mark Knox, Chair; Barbara Mancovsky, Vice-Chair; Peter Conroy, Michele MacEachern, Jack Lynch

Also present:

Atty. Michael O'Shaughnessy, Paul Turner

Agenda item #1

Mr. Knox read this item into the record. It was an explanation of the Governor's Order Suspending Certain Provisions of the Open Meeting Law related to the 2020 novel Coronavirus outbreak emergency which was why the Board was meeting remotely. Mr. Knox asked if anyone else was recording the meeting. There was no response.

Ledgewood Estates

Atty. Michael O'Shaughnessy and Mr. Paul Turner were present. Mr. Knox advised tonight they would be discussing the release of the surety. Members should have received via email a lot of paperwork submittals signed off by Jeremy Peck, who was previously the Highway Superintendent. There were also some reports regarding the pavement from Outback Engineering. Mr. Turner asked if there were any questions. Mr. Knox was not sure if the Board had received the binder report, but he and Ms. Murray had gotten a copy of it, and it would be added to the record. He asked if any Board members had any questions.

Ms. Mancovsky said the reports were very detailed and technical. Mr. Conroy said he had read the reports today. He knew the road was very well built, and he knew Mr. Turner did excellent work. He had no problem moving forward with everything they had collected. Ms. MacEachern noted it was technical material, and it appeared there had been a lot of attention to detail. Mr. Lynch said he had read the material but he did not have expertise in that area and would have to rely on the expert's opinion of it. Mr. Knox said that the materials have been submitted to Town Counsel for a quick review as Mr. Peck had left before the topcoat went down. They do have the report from Outback Engineering who had been present that day and an As-built. He wants to

make sure that everything they have satisfies the Town's needs so they can release the surety. They would hold back the \$15 per foot based on 852 feet. His only concern would be if Counsel says anything is lacking. They also would like a final review by another engineer to verify the paper work and As-built and protect the Town's interest. That would be the only outstanding item that he could see. Mr. Knox said his recommendation would be to vote to release the surety pending the response from Town Counsel. They will continue to hold approximately \$12,000 until Town Meeting. In the interim, they would converse with Mr. Turner if they needed funds to perform the final peer review inspection. Mr. Turner was fine with that. Mr. Knox asked if anyone would like to make a motion.

Ms. Mancovsky made that motion. It was seconded by Mr. Conroy.

Mr. Knox clarified the motion was to release the surety reducing the amount held to \$15 per foot based on 852 feet and hold that amount until Town Meeting, pending the response from Town Counsel. That is when they will release the surety through the Town Treasurer.

Roll Call Vote: Ms. Mancovsky-Aye, Mr. Conroy-Aye, Ms. MacEachern-Aye, Mr. Lynch-Aye, Mr. Knox-Aye

Mr. Knox said he felt they should also check with Counsel to see if tonight they could waive the release of the surety starting the clock and see if they could go with May when the topcoat went down. Mr. Conroy agreed.

Master Plan implementation

Mr. Knox asked Ms. MacEachern to give them a rundown on what she had found regarding the fee structure for some other Towns. Ms. MacEachern stated she looked up Plymouth, Easton, and Stow. She noted the Town of Easton had a tiered fee structure for Site Plan Review. It is based on the size of building square footage. Mr. Knox said that it could be based on lot disturbance which would cover the building footprint, as well as parking, loading, etc. This would play right into the density bonus rather than just the size of the structure. Ms. MacEachern advised that she had spoken to Mr. Darling who had noted the fees have to be within a reasonable range. She said they could be reviewed by Town Counsel.

Ms. Mancovsky stated when she looked at some Towns, she found they are all substantially higher than their fees. She felt they had a lot of room for improvement and there was nothing wrong with charging market rate. She noted that Lexington was charging \$1,000 for an ANR plan and \$500 for a new lot compared to Lakeville that charges \$100 per lot. She felt that the \$100 fee is too low and doesn't even cover their expenses. She suggested a grid type of report that would clearly define these fees and comparisons.

Ms. MacEachern noted that the Town of Stow adds a 10% fee onto their peer review. It might be something to consider as well. Mr. Knox said regarding subdivisions is there a metric they could use such as by the lot, etc. He knows they hold building permits on lots until the development is

at a certain point as insurance for the Town. Ms. Mancovsky said what she has seen is the subdivision fees are tiered, and it depends on the size of the development.

Mr. Lynch asked if they knew how other Towns are handling this. Mr. Knox said that was not the surety but the just the Planning Board reviewing the plan. He is using that as an example because it is governed by the number of lots. To Ms. Mancovsky's point, if a developer puts in a 40-lot subdivision and then goes under half through, the Town is left holding the bag for 20 homeowners, 20 vacant lots, and an unfinished road. The fee that he is talking about would be some kind of insurance policy that the Town would be holding, perhaps 10% of something defined. He felt this is something they should look to other Towns to see how it is handled. Recently, they have had subdivisions with private ways so the Town hasn't been at such a risk compared to a road that was going to be accepted at Town Meeting. Ms. Mancovsky asked if he was asking them to do more research of sureties. Mr. Knox said yes, and it should be part of their fee schedule. It should be an even and fair cost across the Board for all developers.

Ms. Mancovsky suggested for their next meeting putting this information down in a grid of ten different Towns. She would recommend that one of the criteria they consider be the average sale price of homes for the community that they are looking in. It was a good barometer of what new homes are going to be selling for. It's not exact, but they may be able to get a better comparison. Lakeville really shouldn't be compared with Towns that have a very different demographic profile. Mr. Knox said that he would like to see something come back to them for their next meeting. He noted that the purpose of this was not to kill development; the purpose of this is for them not to be so far behind the times of what everybody else is charging.

Ms. Mancovsky asked if he was only asking for Site Plan Review and the surety fees. Mr. Knox said no, but that would be his priority. However, if a huge discrepancy is seen then they should take a look at it. Ms. Mancovsky said she would draft up something and send it to Michele for review. Then if it is okay, she will circulate it with the Board to make sure they are on the right path. Mr. Knox said on Site Plan Review, he did like the idea of basing it on either the square footage of the building, the square footage of disturbance, or a combination of both. He felt the size of a project should govern it, and they shouldn't just have two fees.

Development Opportunities District

Mr. Knox wanted to note at the last meeting he had confused cluster zoning with spot zoning. His thoughts were if they could come up with language to control the location of the Development Opportunities District. For example, if they put it within one mile or half mile of any highway ramp, exit ramp of a numbered road, or it has to be on a numbered route. This would keep it off of the secondary roads. They could measure mileage wise what areas this would be and still require a minimum of 25 acres for this District. He would not want to see a parcel get developed that could have a distribution center going through a community because they didn't do anything about it.

Ms. Mancovsky noted that in this conversation could also be the transfer of development rights. This is where you have a developer who says I have all this land I want to develop but I'm only

allowed to develop to this density. Therefore, I am willing to transfer some of those development rights to this other location. She believed Carver had done some of that. Although it can be controversial, it has helped some communities that have this kind of thing going on. Mr. Knox said that might be a consideration, but he did not know if there was a way to put language in the Development Opportunities District. If something does get developed traffic is a big concern for him. He felt rather than wait until they have to fight a project they don't want; they could be proactive now and work language to amend the existing By-law. He recommended they take the Zoning map and try to overlay the highways on it. They could then pick some areas to focus on where they want the Development Opportunities District to only be located.

Ms. Mancovsky asked if this bylaw revision would be something they would be working on for the spring meeting. Would it be an appropriate topic for them to engage a consultant or a planning professional who could help them look at those maps and find the locations? They could then talk about the language that would be related to the bylaw. Mr. Knox said maybe for the next meeting they could take the Zoning map, overlay some highways onto it, and put down some circles. They could then see what areas throughout the Town would be affected. They then look at the bylaw and see if they can come up with some language to at least convey their efforts. Then they could talk to SRPEDD or if they get permission to use Environmental Partners to help with this.

Ms. MacEachern asked if there was another version of the Zoning map available. Ms. Mancovsky replied there is an electronic version that you can zoom into but the street names were probably not on it. Ms. Mancovsky thought there was something available, and they could ask Mr. Darling. Mr. Knox suggested they try to work with what they had and come back to the next meeting with at least a sense of the areas they are talking about.

43D Committee

Proposed Public Hearing schedule

Mr. Knox said regarding the proposed schedule, many of these meetings will require joint meetings with other Boards. The developer has acknowledged that their public hearing will probably take several hours when they go through a hearing for one of these portions of their project. They may not have enough time to do their regular business on their regular night. They looked at the Town's schedule, and it looked like Wednesdays were pretty open so they are going to meet jointly with other Board's for some Wednesday night meetings. They will continue to have their regular Planning Board meetings on Thursday if they have business.

Mr. Knox asked if anyone saw a conflict with any of the proposed dates or had any questions. He would like to know by next Wednesday. Ms. Mancovsky said she could not make next Wednesday's meeting as she did have a conflict. Ms. Murray noted that some of the hearings conflicted with the Zoning Board. Mr. Knox said a member of the Zoning Board was not on this Committee. Ms. Murray replied that she understood that but if residents were attending the Zoning Board's public hearings, they would not be able to attend this one if they were so inclined. The dates would December 17th, January 21st, and February 18th. Mr. Knox said that he would bring it up at the meeting.

Review submission requirements

Mr. Knox advised this is what Rhino Capital has supplied as a list of Boards and a list of the documents they plan to supply to these Boards. They have asked if any Board sees any other submittal or document that they need to request it now. He noted that Ms. MacEachern had already gone through this, and everything that is in their requirements had been covered. At the 43D meeting, Historical and the Earth Removal Permit had been mentioned. He thought the Planning Board section had been thorough but did anyone see anything else that they would require to be submitted. He then read through the list.

Ms. Mancovsky asked if the MEPA filing had been done, and if they had seen those results yet. Mr. Knox replied that would be done simultaneously. Ms. Mancovsky said that is something that should be done earlier in the process. That filing is important for other consultants that are doing some of this work. Ms. MacEachern said they are aware of it, and they did mention it. Mr. Knox explained that this is basically the plans that they normally require, and they need to make sure that they're all there. This is not trying to get ahead of the Public Hearing with additional items they might want to see. Their questions and concerns might be something they would ask of Environmental Partners to manage. When they are concerned about what's on the plan, that will be part of the Public Hearing, but this is about what they will require to be submitted as the plan.

Revisit peer review items

Mr. Knox said that Ms. MacEachern had composed an extensive list of peer review items. Did anyone want to add to that list. Ms. Mancovsky said she would like to see noise mitigation, and it must be very thorough. Her next question would be about fire suppression and water runoff. Is fire management participating in this? They do not want a building that has a bunch of chemicals in it having a fire event and then discharging out into their water system.

Mr. Knox said once they see a set of plans and prior to that meeting, he would open up communication to Scott Turner from Environmental Partners so he can sit in on that meeting. He will also get the list to him once it is assembled. After further discussion, Mr. Knox noted that the applicant is providing something based on what they think for example, noise mitigation, but for anything that is supplied Environmental Partners, or a subcontractor of Environmental Partners, will peer review it. However, if they have major concerns, they should stress those items. He thought they might want to go through the list and highlight the five things they may think are the most important.

Mr. Knox felt the most important items were noise and traffic. He also stated a long-time concern is they don't know who the occupant is going to be. They are being told it is going to be warehouse. Ms. Mancovsky said that could change. Mr. Knox agreed. They don't have a tenant so they are conditioning for something. His main concern is to condition this project for what they have been told, and to make it come back to Site Plan Review if that's a mechanism that is possible. They need to protect the Town. Ms. Mancovsky agreed and the project will need to be well conditioned.

Approve meeting minutes

Mr. Conroy made a motion, seconded by Mr. Lynch, to approve the Minutes from the October 8, 2020, meeting.

Roll Call Vote: Ms. Mancovsky-Aye, Mr. Conroy-Aye, Ms. MacEachern-Aye, Mr. Lynch-Aye, Mr. Knox-Aye

New Business

Review memo regarding Special Town Meeting

Mr. Knox then read the October 20, 2020, memo from Ms. Tracie Craig-McGee into the record. It advised that there would be a Special Town Meeting on November 30, 2020. Articles for the Warrant needed to be submitted to the Selectmen by October 26, 2020.

2020 Fall workshops

Mr. Knox advised that Citizens Planner Training Collaborative (CPTC) is offering e-training workshops this fall. Registration is now open. Workshops are about two hours long and include electronic handouts covering the subjects. He recommended if they were interested to sign up for one of these subjects and the Town will cover the fee.

Next meeting

Mr. Knox advised the next meeting is scheduled for November 12, 2020, at 7:00 p.m.

Adjourn

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

Roll Call Vote: Ms. Mancovsky-Aye, Mr. Conroy-Aye, Ms. MacEachern-Aye, Mr. Lynch-Aye, Mr. Knox-Aye

Meeting adjourned at 8:30.