

**Planning Board
Lakeville, Massachusetts
Minutes of Meeting
September 10, 2020
Remote meeting**

On September 10, 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:

Jamie Bissonnette, engineer from Zenith Consulting Engineers (ZCE); Cathy Murray, recording secretary

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.

ANR plan – 2 Cranberry Lane

Mr. Bissonnette was present. He shared his screen and displayed the plan. He advised this was a division of two lots on an existing way. They are taking an existing lot with an existing house on it, and they are dividing it into two lots by using the land area they had and some land area that was part of house #21. It meets the 50 feet in minimum width and has the upland area. The wetlands have been approved through the Conservation Commission, and it also meets all the depth and width requirements. Mr. Bissonnette advised in speaking with the Chairman this week, it was noted a parcel that appears to be an unconstructed portion of North Precinct Street. They will first need to double check that information with the surveyors before asking the Board to approve this. He would get back to them when he had the answer.

Mr. Knox asked if he was comfortable continuing until it was determined what the designation was for that strip of land. Mr. Bissonnette replied he would like to continue until the next scheduled Planning Board meeting on September 24, 2020. The delineation of the wetlands was then discussed. Mr. Knox asked if there were any other questions. Ms. Mancovsky asked if the entrance to this property would be on Cranberry Lane. Mr. Bissonnette replied that he was not sure where the house or septic system would be located. He felt that would be the most practical

access point but he could not say for sure. Mr. Conroy questioned how this would be numbered as numbers one through five were already spoken for. He also wondered where the house could be placed because of the drainage easement and wetlands. Mr. Bissonnette responded he was unsure of the answers for those particular questions.

Mr. Knox then made a motion, seconded by Ms. Mancovsky, to continue the ANR hearing for 2 Cranberry Lane until the September 24, 2020, meeting. The time would be at 7:00 p.m.

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

Bella Way – 39 Cross Street and part of 5 Harding Street - Review and approve documents related to the Approval of a Definitive Plan for a residential subdivision plan submitted by 39 Cross Street Realty Trust

Mr. Knox asked Ms. Murray to explain the paperwork they had received. Ms. Murray advised the paperwork they had in their packets was provided by Atty. O'Shaughnessy. The one she had sent out earlier today had been from Town Counsel. There were also two covenants. Mr. Knox said there was also Homeowners Association paperwork. Ms. Murray said that was correct. Mr. Knox said that if Atty. O'Shaughnessy had prepared it, he was fine with it. Mr. Knox said that he had also spoken with Mr. Bissonnette in regards to this.

Mr. Knox said his understanding was, in the past, the Planning Board would send a letter to the Town Clerk with the signed plan, stating they had approved the subdivision. He asked Mr. Bissonnette if that was accurate. Mr. Bissonnette replied that it has been one of two ways. More recently, the plan has been unsigned and after the Clerk has signed off on the twenty-day appeal, they appear back in front of the Board to get the plan endorsed for approval. In prior years, they have done it both ways.

Mr. Knox asked what was it that they now needed to do. Ms. Murray said the first order of business would be to approve the Decision because that is what would be going to the Town Clerk. Mr. Bissonnette said that he would agree with that. The plans don't necessarily need to go to the Clerk but the Certificate of Decision does. Once the appeal period is up the Clerk can then sign the plan set saying there was no appeal. The Planning Board will then endorse the plan set. Ms. Mancovsky asked if Town Counsel had seen Atty. O'Shaughnessy's Decision before they composed the one that was in front of them. Mr. Knox said that was correct. Ms. Mancovsky said she did prefer Town Counsel's amended version.

Mr. Knox then made a motion, seconded by Mr. Conroy, to waive the reading of the Certificate of Approval of the Definitive Subdivision plan for Bella Way.

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

Mr. Knox made a motion, seconded by Mr. Conroy, to approve the draft of the Certificate of Approval of the Definitive Subdivision plan for Bella Way and have all members sign the document.

Ms. Mancovsky wanted to make sure that language had been included that the residents were aware they were responsible for the maintenance of the storm water drains. Mr. Conroy noted one of the items did state that the Stormwater Management Operation and Maintenance Plan shall be included on the plan of record. Mr. Bissonnette said that he believed that was why the sample deed and Homeowners Association had been forwarded to the Board to show the easements and maintenance in perpetuity.

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

Mr. Knox then made a motion, seconded by Mr. Conroy, to waive the reading of the Covenant.

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

Mr. Knox made a motion, seconded by Mr. Conroy, to sign the Covenant document and submit it to the Town Clerk.

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

Mr. Knox then made a motion, seconded by Ms. Mancovsky, to waive the reading of the Declaration of Property Restrictions, Easements and Covenants and Establishment of Homeowners Association.

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

Mr. Knox made a motion, seconded by Ms. Mancovsky, that all the documents be filed with the Town Clerk as required.

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

Pauline's Path – 73 Howland Road – Review and approve documents related to the Approval of a Definitive Plan for a residential subdivision plan submitted by L & B Realty Trust.

Mr. Knox said they should all have a copy of the Covenant and Certificate of Decision.

Mr. Knox made a motion, seconded by Ms. MacEachern, to approve the Covenant so that it can be signed by the members of the Board.

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

Mr. Bissonnette noted that the Certificate of Decision had not been voted on and the appeal period had not yet started. He believed the same Certificate as with Bella Way would have to be issued so the appeal period could begin. Mr. Knox asked Ms. Murray if this could be drafted in the same form as the one for Bella Way.

Mr. Knox made a motion, seconded by Mr. Conroy, to sign the document as drafted.

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

Review the following Zoning Board of Appeals petitions:

1. Martowska – 2 Edgewater Drive

Mr. Knox said Conservation reviewed this petition on Tuesday night. The proposed changed would increase the lot coverage to between 27% and 28%. This is over the 25% allowed in the bylaw. The Conservation Commission has asked that they reduce this coverage and anything above 25% would need to be permeable. Ms. Mancovsky thought they should include that in their motion as a very important comment.

Mr. Knox made a motion, seconded by Ms. Mancovsky, to recommend that any lot coverage over the allowed 25% be permeable surface.

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

2. Maher – 8 Lincoln Street

Mr. Knox made a motion, seconded by Ms. Mancovsky, to make no comment on the Zoning Board of Appeals petition for Maher – 8 Lincoln Street

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

Discuss Master Plan Implementation

Mr. Knox noted that Ms. MacEachern had completed a spreadsheet in regards to the goals of the Master Plan. He asked her what their top priority item was for Master Plan Implementation. Ms. MacEachern advised it is to hire a Town Planner for the year 2020. She stated this was also the only goal they had from the Master Plan for this year. Mr. Knox stated he felt in the past the

Planning Board had not utilized the tools they had as well as they could have. On the 43D Committee, they are going to be able to use an engineering firm to act as a Planner, do peer review, storm water management and drainage, do follow up, etc. He knew that the Administrator had put together a job description to split between Freetown and Lakeville for a Planner but in the taxpayer's interests on most of these projects if they could use an engineering firm to do the work at the applicant's expense this wouldn't burden the Town with another employee. He did not want to veer from the Master Plan but his point was they were getting a Planner at no cost to the Town.

Mr. Knox said he felt they needed to start acting on peer review more diligently. They also needed to look at additional items they would want reviewed in addition to just stormwater. Ms. Mancovsky agreed. Mr. Conroy asked if this would be on a job to job basis with the cost being passed on to the contractor on an individual basis? Mr. Knox said that was correct. Ms. MacEachern said it would be interesting to see how it goes with the 43D. Would they be using the same firm? Mr. Knox replied it would be up to them. He was not sure if they had seen the email from Nick Lanney of HML Associates informing them of his retirement. Mr. Lanney has done a lot of peer review for the Town so they will need to look for someone else anyway.

Mr. Knox advised the 43D Committee did vote last night to obtain Environmental Partners as their Consulting Engineer. This will be secured through the Town Administrator because she is the 43D Committee point of contact. However, the Planning Board will have direct contact with that firm for all of the matters that they want reviewed. The mindset was having one firm that would oversee the entire project rather than multiple firms which might lead to overlap. Members then discussed putting together a job description for a Planner for a future time.

Development Opportunities District

Mr. Knox said in regards to this Zoning District, they, as a Board, need to look at either altering it or protecting the Town better. He would like all members to take a look at this bylaw so they could continue to discuss it.

Approve Meeting Minutes

Mr. Knox then made the motion, seconded by Mr. Conroy to approve the minutes from the August 13, 2020, meeting.

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

Mr. Knox made a motion, seconded by Ms. Mancovsky, to continue the minutes from the February 13, 2020, meeting until the September 24, 2020 meeting.

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

New Business – Approve request for a check to record signatures at Plymouth County Registry of Deeds

Mr. Knox asked what this was for. Ms. Murray advised this was to record the Boards' signatures for when they sign plans.

Mr. Knox made a motion, seconded by Mr. Conroy, to approve the request for a \$77 check for the recording of their signatures.

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

New Business – Approve forms

Mr. Knox asked if members liked the set up of the Form D and if so he would like to adopt its use for all subdivisions in the future. Members were fine with the form and its setup.

Mr. Knox made a motion, seconded by Ms. Mancovsky, to approve the Form D Covenant as their form for all future use on subdivisions.

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

Mr. Knox said the other form was the one they had from Counsel entitled *Lakeville Planning Board Certificate of Approval of a Definitive Subdivision Plan*. He asked if everyone would agree going forward that would be the Certificate they would use to submit to the Town Clerk when they approve a subdivision. Mr. Conroy said that he would agree.

Mr. Knox then made a motion, seconded by Mr. Conroy, to approve the Lakeville Planning Board's Certificate of Approval of a Definitive Subdivision Plan document for future use in the approval of subdivisions.

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

New Business – 43D Committee update

Mr. Knox advised the entire committee met for the first time and he was made Chairman. Their first informal meeting would be next Tuesday night. It will be a hybrid format with the applicant and some members at the Police Station and some members on Zoom. He believed their intent was to submit a formal plan sometime later in October. He asked if that works out would they be amenable to doing that also.

Next meeting

Mr. Knox advised the next meeting is scheduled for September 24, 2020.

Adjourn

Mr. Conroy made a motion, seconded by Ms. Mancovsky, 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 8:15.