

**Planning Board
Lakeville, Massachusetts
Minutes of Meeting
November 12, 2020
Remote meeting**

On November 12, 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:

Deanna Elliot, applicant, Bob Rego, engineer River Hawk Environmental; Madelyn Maksy, applicant, Nyles Zager, engineer Zenith Consulting Engineers, David Quinn, Bob Messier, 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.

Site Plan Review – 202 Main Street

The applicant D. Elliot and the engineer, Bob Rego were present. Mr. Knox recused himself from the hearing and turned it over to Ms. Mancovsky. Ms. Elliot advised she was the owner of Elliot Farm on Main Street. Her father had begun selling homegrown produce to the public in 1993. In 2014, she and her brother assumed management of the farm. Since then, they've expanded to 50 acres of vegetable production. Their retail stand is thriving and they run a 200-member CSA program. They also grow about 50,000 pounds of food for neighboring communities that face food insecurity due to Covid-19. This past June, the state announced a Covid-19 related grant program for food producers. They were fortunate to receive funding from that program to support the construction of a new farm stand facility which are the plans they are reviewing tonight. As part of that grant program, there is a stipulation that the project must be completed by June 30, 2021, which makes this an ambitious construction timeline. She asked this time constraint be considered as they review the Plan.

Mr. Rego then shared his screen and displayed the Plan. Elliot Farm is approximately six acres in size. The property is located in a residential zone and includes a dwelling, carport, the existing barn, farm stand, and associated cooler. Currently, there is parking for about ten cars. On the easterly portion of the property, there are five greenhouses. The plan is to improve that by demolishing the existing barn, and building a new barn that would serve as the farm stand. The stand would be about 40' x 40' and have two overhangs. There will be one on the northerly side and one on the easterly side. They would take the existing cooler and relocate that onto what would be a proper loading dock. It would be at an elevation that would allow them to back up with their existing truck.

Mr. Rego continued they were looking to improve the parking so instead of 10 spots, they would provide 19 spots including one handicapped van accessible space. They will get that in a similar area to what exists there now, but it will be slightly rearranged and reconfigured to be more efficient. They will also improve the driveway access in and out of the parking area for the farm stand. They are in the same location of the current curb cuts on Main Street, but they would be readjusted to be a little more perpendicular and widened slightly with a wider curb radius on the entrances.

Mr. Rego advised they have maintained the natural grades so the water flows as it does now. They have made the parking lot somewhat flatter as this area of the site slopes off steeply to the east. They have provided for tractor access into the fields along the Main Street side and also for vehicle, customer, and pedestrian access into the field area. He would let Ms. Elliot speak to how the farm stand would be used in a slightly different way. Ms. Elliot explained the farm stand will serve as a retail space but also as a workspace, storage, and food processing area. It's a two-story facility with the ground floor being a work area and storage space for the farm. The first floor will be divided down the middle, with half of the space, 20'x40', as the retail space and the back space will be a work space, cooler space, storage space and also a bathroom and kitchen area. Mr. Rego also displayed the elevations for the proposed barn.

Ms. Mancovsky noted on the plan there is a reference to an entrance location for trucks. Were those trucks specific to farm equipment that's being used and not something larger that's taking goods to and from the farm? Ms. Elliot replied they have a 14-foot box truck that they use. They partner with other local farms for items that they don't grow themselves, but that is the largest truck that they will be using to bring in various other produce and items that aren't grown on site. Ms. Mancovsky thought it important to note this is a residential district but under their bylaw you can have agricultural use and the sale of goods as part of by right for a residential location. They don't see any issue at this time with proceeding with this approval.

Mr. Knox said after consideration because of the time constraints, he was unsure if all the Departments had an opportunity to review the Plan. Ms. Mancovsky agreed that continuing and rescheduling the hearing was a good idea to allow that additional time for review.

Ms. Mancovsky then made a motion, seconded by Mr. Lynch, to continue Site Plan Review of 202 Main Street until November 19, 2020.

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

Site Plan Review – 149 Bedford Street

Mr. Knox began the hearing by reading the October 28, 2020, letter from Fire Chief O'Brien into the record. He was concerned there was not an approved turnaround for fire apparatus. The October 29, 2020, email from Police Chief Perkins is for the protection of the proposed structure. He noted the proposed design moves the building further away from the roadway and has a retaining wall on the roadway intersection corner. Would that wall be sufficient enough to stop a vehicle from striking the building? Mr. Knox believed that might be a misinterpretation of the plan. He asked the engineer to address these concerns.

Mr. Nyles Zager from Zenith Consulting Engineers was present for the applicant. He said he would address those issues as he went through his presentation. He then shared his screen for the Board. Mr. Zager advised 149 Bedford Street is approximately .77 acres and located at the intersection of Rhode Island Road and Bedford Street. It is located in the Business Zone. There are no wetlands on the property. However, there are some to the west and east off site so there is a 100-foot buffer zone that encroaches on the property. They are not within any other resource areas, but they will have to file with the Conservation Commission for the work that they are proposing.

Mr. Zager continued there is currently an existing two-story residential building on the property which is serviced by town water. In regards to the layout, they are proposing a 26'x 57', approximately 1,482 square foot, office building. It is proposed further away from the layout than the existing closest point of 1.6' to 15.1'. As they meet the setback on the other side, they are not able to further encroach on it. They are proposing six parking spaces, and one of them will be a handicapped van accessible. They are proposing a 24-foot paved aisle with 30-foot radii which meets Mass DOT regulations for access onto the property.

In response to the Fire Chief, they are proposing a 15-foot-wide gravel extension from the 24-foot paved aisle that extends onto Rhode Island Road. This will allow any emergency vehicle to access in and out without having to turn around on the property. There will be a *Do not Enter* sign on Rhode Island Road. Mr. Zager indicated where the dumpster would be located. It will be on a concrete slab and fenced in for privacy purposes. He also noted the location of the septic system. He discussed a sign was also proposed, but they would be going to the Zoning Board of Appeals for a Special Permit because the size of the sign is larger than what is allowed. They also have to go to the Zoning Board because they cannot meet the setbacks even though they are making it more conforming.

Regarding the stormwater, they are proposing to control all the runoff from the site through infiltration basins. They are controlling up to a 100-year storm event for flow rate. Everything that runs down the aisle gets captured into the catch basin which has a first defense unit which takes out at least 80% of the silts and things of that nature. He then explained how the system would work. They will also have to file with Mass DOT for the curb cut but they cannot do that

until they receive all local approvals including Board of Health, Conservation, Planning Board, and Zoning Board of Appeals. Mr. Zager also went through the Landscaping Plan and the Erosion Control Plan.

Ms. Mancovsky said with the retention ponds being right on Route 18 was there any suggestion on how to make them more attractive? Mr. Zager replied they are proposing a grass slope with a sand bottom. There is a 3:1 side slope that go down into the bottom of the basin with loam and seed with the bottom being sand. The reason they like this is because it is easy to mow and maintain the basin. Ms. Mancovsky asked what was proposed for lighting as there were residential homes abutting the property. Mr. Zager replied all he could see on the plan was a light on the ramp at the doorway. There is nothing proposed shining out on Rhode Island Road, Bedford Street, or the abutting properties. Ms. Mancovsky asked about the lighting in the parking area. Mr. Zager said there would need to be something there. This could be conditioned, and they could provide a photometrics plan if it is needed.

Ms. Mancovsky asked if there was anything in the buffer zone that would give those people privacy from this development. Mr. Zager replied there really wasn't much there. Ms. Mancovsky said maybe they could ask for trees there for a little bit of a buffer. She asked if there was any way the building could be moved to meet the setbacks. Mr. Zager said there was really no room to do that. They are making it substantially better than what it is, but that will be a determination the Zoning Board will have to make. She then asked if they would consider something like a gate on the graveled drive. She thought people might want to take that route to bypass the light, and that would be a big concern. Mr. Zager clarified that the access is not from Rhode Island Road, it is to Rhode Island Road. It will be just so the Fire Department has a way to get off the site safely. Nobody will be able to turn on it and there will be signage. They have also provided a rumble strip as well. Mr. Knox added the exit should be limited for emergency exit only, whether it's through a gate or a chain. Ms. Maksy said that would be fine and they will accommodate something. Mr. Knox said it is something that should be closed at all times and a Knox box had also been suggested to him. He felt that would be a reasonable solution.

Mr. Knox asked if lighting was proposed in the parking area. Ms. Maksy said that she had not yet received the lighting plans, but she would have whatever is required by the code. Mr. Knox said that Lakeville does have a strict lighting bylaw, and they would have to condition that the plan meets those requirements. He would recommend she get an electrician to get a lighting plan that will show the lights won't go into the neighboring property or onto the roadway. They would want to see something that shows her patrons are safe and compliance with the bylaw.

Mr. Knox asked if Mr. Zager would like to speak to the Police Chief's comments. Mr. Zager replied they had talked about a retaining wall but there is no wall. The plan might have just been misread. They are not proposing anything at this time. They are pulling the building away from the roadway, and nothing has hit that building in over 40 years. Mr. Knox thought with the building being moved back and it being flat level ground, that would be the safest condition. Mr. Zager agreed.

Mr. Conroy asked if five parking spaces would be adequate. Ms. Maksy replied the business she is proposing is her existing real estate business which doesn't really have a lot of traffic. She

thought the proposed amount would be enough. Mr. Knox asked if there was a discussion or comment from the Fire Chief in regards to the 15-foot gravel access. Mr. Zager replied the Chief would like to see that access. He was not sure if he had seen the updated plans. Mr. Knox said that they might then condition it upon Fire approval. He asked if the Board of Health had approved septic plans. Mr. Zager said they have not yet submitted to the Board of Health but they had done perc tests. He noted it was a very straight forward septic design. Mr. Knox asked if there were any comments from Board members.

Ms. Mancovsky wanted to see a rendering of the building. She was also concerned with the location of the retention ponds. Mr. Knox asked if that is something that when they apply to Mass DOT for the curb cut that would be looked at. Mr. Zager said that was correct. They were actually utilizing some of their drainage currently and they have an easement on their property. He then displayed the easement the State currently had. Ms. Mancovsky asked if this drainage would then be an improvement of Route 18 runoff. Mr. Zager replied they would be capturing and creating less water going out into that area. He then displayed the architectural plan and elevations. It was a two-story building but Ms. Maksy advised the second floor was to be used for storage, as there was no basement.

Mr. Knox noted the Planning Board was not the Special Permit Granting Authority for the sign but would Ms. Maksy like to speak to it? Ms. Maksy replied in addition to her real estate business, she will have a digital marketing and promotion agency. This will be a partnership with Liam Conway. This marketing company will be called Exposure Marketing Group, LLC. The sign itself is what the business is going to be about. David Quinn and Bob Messier are here tonight. They are from the sign company and could speak more to it if they wanted additional information.

Mr. Zager displayed the sign. Mr. Quinn explained the top portion of the sign would be static with the address illuminated. The bottom portion is the digital display. Ms. Mancovsky then read 6.6.2 which listed the sign prohibitions. She also noted glare could not be cast on any residential premises or any portion of a way so as to create a traffic hazard. Ms. MacEachern added this is in very close proximity to a dangerous intersection. Mr. Quinn responded it is not a flashing sign. It will be static for a certain time frame and then a new advertisement will switch over, similar to the others that are in Town. It is lit up, but it is not flashing. Mr. Knox said that it was good to hear about the sign, but that would be under the jurisdiction of the Zoning Board of Appeals.

Mr. Knox continued that the subject of a privacy buffer between the new structure and the neighboring residential property had been touched upon. Ms. Mancovsky said she would like to see that be a condition of approval. She would like to provide that neighbor with some buffer from the business activity happening next door. Mr. Knox said they don't want to block a line of vision from driveways so they would have to be back 10 or 15 feet from the edge of road, and then staggered evergreens back to a reasonable distance. Mr. Zager estimated that to be about 150 feet. They would be eight feet staggered starting at about five feet off of the layout. Mr. Knox thought even ten feet back would be alright. Ms. Maksy was fine with that.

Mr. Knox advised they have called a meeting for next week for a continued hearing. He would really like to hear back from the Fire Chief regarding the gate and Knox box. With the applicant's

approval, he would like to continue this hearing until next Thursday. It was suggested to have this hearing at 6:30 as the applicant would also be attending the ZBA hearing at 7:00.

Mr. Knox made a motion, seconded by Mr. Conroy, to continue the Site Plan Review for 149 Bedford Street until November 19, 2020, at 6:30 p.m.

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

Ledgewood Estates – Discuss the release of the security/peer review

Mr. Turner was present. Mr. Knox advised the Board had gotten feedback from Town Counsel who requested they have a peer review engineer do a final walk through on the conditions of the site. They got a quote from the peer review engineer who has requested the original drainage calculations that the design was done off. Mr. Turner said that he could get that. Mr. Knox continued the cost that he has given as an estimate is \$3,000 with an additional \$200 for travel expenses. Mr. Turner said that he could provide a check for that.

Ms. Mancovsky then made a motion to allow the Chairman to sign the proposal for the Board. It was seconded by Mr. Conroy.

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

43D Committee

Mr. Knox said that all members should have received and seen the plans for the Hospital property. The 43D Committee needs to approve the application and deem it complete. This is the Board's last chance to request any other documentation that is missing that they would require. Ms. Mancovsky asked about the sound study. Mr. Knox said they are doing a sound study but that is not part of the completeness of the application. One of the things that Environmental Partners noticed was there was not a set of working architectural plans so that has been requested. It may not be in by the first public hearing but it would be by the time they are looking at the architectural features for the density bonus.

Ms. Mancovsky then made a motion, seconded by Mr. Lynch, to accept the package and deem it complete.

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

Mr. Knox advised at the next 43D Committee he would deem the package complete for the Planning Board. Conservation and the Board of Health will then have to do the same. He advised the first hearing would be on December 3, 2020.

Master Plan implementation

Ms. Mancovsky said last week she and Ms. MacEachern worked on a project where they tried to do a comparison by Town of what their fee structures were. They've started a large document that has by category of what their fees are. She will work on making that printable for the next pass of this. They have provided them with eight different Towns. Some are surrounding and some are a little further away. The median sales price for those areas was included. They also listed the categories of fees that would be utilized and started to compare. She advised that they should have received by email today four documents. The first is a large excel document with three supporting printouts from other Towns for review. She would suggest they review it and it be placed on the agenda for their next meeting.

Development Opportunities District (DOD)

Mr. Knox advised Ms. MacEachern had done some work with a plan and some radiuses around the highway ramps. Ms. Mancovsky had taken a picture of the document from the Master Plan and Ms. MacEachern put them side by side for comparison. Ms. Mancovsky said if they were going to talk about these districts, then they should give some consideration to those priority areas. Mr. Knox said he noted that the three priority development districts were in close proximity to the two highway ramps off Route 495. He asked if it made sense to amend the DOD to just encompass those three parcels. He compared it to what had been done when the Marijuana Overlay District had been created. They could also amend it in the future if they wanted, but at least they would know they were only going to deal with the DOD on the priority development sites. Ms. Mancovsky agreed.

Mr. Knox said the next thing to do would be create that language to describe those three parcels. That would be the hospital property, the area north of Kenneth Welch Drive, the Ocean Spray/Great Pond Expansion area, and Harding Street. Ms. Mancovsky noted the Harding Street area was already spoken for, but it could be a third one. Mr. Knox said the piece off Route 140 called Rocky Woods could be one, but he saw that Open Space had it as a protected area. It is within a certain distance from the highway. There is a ramp right there so that one has potential. Ms. Mancovsky noted there is also a parcel in a circled area near the Star Drive-In. Mr. Knox said that they didn't want to take the Open Space Priority habitat but there is that one parcel closest to the highway. They should ask for feedback about those pieces and maybe notify abutters. Ms. Mancovsky said maybe they should send a memo to Conservation and Economic Development and see if they had any questions. That highway entrance on Route 140 is very important and a prime development location. After looking at it further, Ms. Mancovsky said that there was not really anything there they could work with.

Mr. Knox said the Great Ponds Expansion is an option. He said this is adjacent to existing development, and it is also right on Route 18 and close to a highway ramp. He is not just focusing on a circle, but it is close to one. They could apply the circle but that would encompass a lot of either residential or existing businesses. They would rather have undeveloped properties that are ideal for development which goes to the discussion that they don't want to take something that Conservation has a restriction on, and try to deem it priority development for commercial use.

Members then discussed a large industrial parcel that is probably within the half mile radius of the 140 intersection with 79.

Mr. Knox stated they could add that but he thought they were looking for some control over the DOD. They could say for now let's just have the Great Ponds Expansion Site in the Ocean Spray so that would be the one spot they would have to look for. It is the most ideal for highway ramps, and if that one gets developed, then they could amend the bylaw to create the next one they wanted to be developed. It would give them control as to what parcel would be subject to those parameters of the DOD. Ms. MacEachern asked what the next steps would be. Mr. Knox replied they would need a public hearing, but they would first need to put some language together. They could look at the marijuana use overlay to get a feel for how it was done, and then try to plug in the language for the DOD to create this zone specifically to that parcel. Ms. Murray noted that she had attended a workshop in regards to Drafting Zoning Amendments. She would get access to the PowerPoint and get it out to the Board.

Review the following Zoning Board of Appeals petitions:

1. Pink – 119 Hemlock Street

Mr. Knox made a motion, seconded by Mr. Lynch, to make no comment on the Zoning Board of Appeals petition for Pink – 119 Hemlock Street

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

2. Maksy – 149 Bedford Street

Mr. Knox discussed the relief that had been requested for the Special Permit. He asked for comments. Mr. Conroy wanted ZBA to take a good look at the requested digital sign in regards to the brightness. Ms. Mancovsky did not think it was consistent with the rural character of the Town but would have to leave the decision up to the ZBA. Ms. MacEachern agreed and noted the sign is larger than what allowed. She then made a motion, seconded by Mr. Knox, that if the Zoning Board grants relief on the size of the proposed sign, the sign should then comply with all other aspects of the bylaw.

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

3. Chapin – 15 South Avenue

Ms. Mancovsky made a motion, seconded by Mr. Conroy, to make no comment on the Zoning Board of Appeals petition for Chapin – 15 South Avenue

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

Approve meeting minutes

Mr. Conroy made a motion, seconded by Mr. Lynch, to approve the Minutes from the October 22, 2020, meeting.

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

New Business

Approve amended check amount for Plymouth County Registry of Deeds

Ms. Murray advised they had signed a paper with their signatures which then needs to be sent to the Plymouth County Registry of Deeds for recording. The recording fee was increased, and this was to request a new check in the correct amount.

Mr. Knox made a motion, seconded by Ms. Mancovsky to sign the request for a new check for the Plymouth County Registry of Deeds.

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

Sign Chapter 91 Waterways application

Ms. Murray explained she had spoken to Mr. Bissonnette regarding this. This application goes to multiple departments for signatures including the Planning Board.

Mr. Knox made a motion, seconded by Mr. Lynch, to have the Board authorize him to sign the Chapter 91 Waterways application for 119 Hemlock Shore.

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

Next meeting

Mr. Knox advised the next meeting is scheduled for November 19, 2020, at 6:30 p.m. Their following meeting will be on December 10, 2020, at 7:00 p.m.

Adjourn

Mr. Lynch 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 8:45.