

**Planning Board
Lakeville, Massachusetts
Minutes of Meeting
November 19, 2020
Remote meeting**

On November 19, 2020, the Planning Board held a remote meeting. It was called to order by Chairman Knox at 6:30. LakeCam was recording, and it was streaming on Facebook Live.

Members present:

Mark Knox, Chair; Peter Conroy, Michele MacEachern, Jack Lynch

Barbara Mancovsky joined the meeting at 7:05

Also present:

John Olivieri, Jeff Youngquist, Chris Sheedy, Chris Campeau, ZBA members;
Madelyn Maksy, applicant, Jamie Bissonnette, engineer, Zenith Consulting Engineers

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 – 149 Bedford Street, continued – Meet with Jamie Bissonnette from Zenith Consulting Engineers, LLC (ZCE)

Mr. Knox then read letters from various Town Boards into the record. The Board of Health letter advised the area appeared to be sufficient to support a sewage disposal system, and it is possible to connect to municipal water so there is no need for a well. Therefore, based on the information provided there is no reason for the Board of Health to recommend denial due to public health issues. The Conservation Commission had not yet held a hearing on the property but it was the Agent's opinion at this time, that an NOI would be required. Preliminary review of the plan has determined that the 100-foot buffer zone extends into the southern part of the site. The proposed driveway and infiltration basin are located in the buffer zone. The entrance/exit onto Route 18 should be evaluated for relocation to avoid wetlands and traffic issues. In addition, a drainage structure exists on the northern edge of the buffer zone and crosses in a southwesterly direction. It was also asked what the vehicle storage area is to be used for. Mr. Knox believed that had been shown on the first plan for during construction for site equipment, but he would let that be addressed later.

Mr. Knox then stated the Lakeville Fire Department had commented the length of the driveway appears to be in excess of 150 feet in length. CMR 527 mandates an approved turnaround for Fire Department apparatus for access roads in excess of 150 feet. He believed the applicant's engineer had spoken to Chief O'Brien, and they have come up with some sort of a resolution. The Police Chief had a public safety concern of the proposed structure because of the close proximity of the road but Mr. Knox believed that had been addressed at the first meeting. The last comment was from the Board of Selectmen. They had several concerns with the Site Plan. One was that there is a 40-foot setback requirement around the building and based upon this plan, the building only meets that requirement on the rear side. On the corner of the Bedford Street and Rhode Island Road side, there is only a 15-foot setback and there is an 18-foot setback on the other side. They suggested the building be shifted to the left for proper sight lines at the traffic lights. It was also noted that there seems to be different configurations regarding the parking area. They also had concerns with the height of the sign and its placement. Another issue was the Bedford Street entrance and the concern that fire engines will not be able to turn around. The Selectmen felt that no entrance should be allowed off Rhode Island Road. It was also noted the plan calls out municipal sewer and water but there is no municipal sewer. Mr. Knox said that they had discussed that and it was a typo that probably was addressed. The Selectmen also recommended that a peer review be done due to the complexity of the site.

Mr. Jamie Bissonnette from Zenith was present for the applicant. He then shared his screen. He advised that last week Mr. Zager had attended the Planning Board meeting in his place and presented the Site Plan for 149 Bedford Street for the first time. There's an existing building right on the corner. They are looking to raze that building and remove the two existing curb cuts that are right on the intersection now. They are proposing a new building that is set back further from the property lines than the existing building currently is. In their opinion, they are making a significant improvement. He noted that business does have a 40-foot setback from all sides but when you have an existing non-conforming structure as they do, the Zoning Board of Appeals can grant a Special Permit to allow you to keep your existing non-conformities. The reason for not pushing the building further back towards Rhode Island Road is right now they have 42.9 feet but the further they push it back would start to create a non-conformity after an additional 2.9 feet of movement.

Mr. Bissonnette said he would start to go through the issues one by one. He believed there was some discussion regarding landscaping on the property line for screenage with the abutter at the last meeting. They have updated their planting and vegetation plan to correspond and show additional screenage in that area. He thought that some architectural plans were shown at the last meeting that showed some potential build up for a second story which the owner of the property is not looking to do right now. In the future if she wants to, they showed a future area they called a potential future parking expansion area. They would need an additional five spots. The dashed area indicated parallel parking spots for cars if there was a future need for them. The note states that if this was to be constructed, the design approval would have to be looked at by an engineer, the Planning Board, and the Conservation Commission. The reason for that is their drainage system is designed to handle what is shown on the plan. It may not need anything, but that would have to be determined by the site conditions.

Mr. Knox said he assumed that what the parking has been gauged on is office space, which the bylaw states is one space per 300 square feet of gross floor area or one per each employee, whichever is greater. Were these five spaces derived from the building on the first floor being less than 1,500 square feet? Mr. Bissonnette replied that was correct and of the five spaces one those could be handicap accessible, so they actually have an excess of one space. Mr. Knox asked if the second floor was built out what kind of square footage would be up there for the additional five spaces. Is it less than 1,500 square feet so that would be more than adequate? Mr. Bissonnette said that was correct.

Mr. Bissonnette said that one of the comments from Mr. Bouchard, the Conservation Agent, was the vehicle storage. He scrolled down to their Erosion Control Plan. He thought he was looking at the 24' x 60' vehicle storage area. This was intended for during construction, where you would place the construction vehicles, dewatering, washout area, stockpile area, etc. It's more for Conservation and the contractors to know where they should be placing the equipment, and to help protect the resources that are off site and abutting properties from siltation, erosion, or any type of spills. He felt that Mr. Bouchard did understand that as soon as he pointed it out to him.

Regarding the driveway location, Mr. Bissonnette advised on Monday of this week, he had a Zoom meeting with Mass DOT. The point of this intersection from a safety standpoint is to try to get as far away from it as you can for an entrance, and then exit out onto the road. Mass DOT agreed that this is absolutely the best spot for them to be able to get into and out of their site. They would prefer for them not to try to access and remove part of their guardrail system. They also have an easement within that area, and they would prefer them not to access over it.

Mr. Bissonnette said he had touched a little bit on the setbacks, and he understands that if this was new construction a 40-foot setback from all sides would be required. They are meeting with the Zoning Board of Appeals tonight and they will be asking for a Special Permit which is pretty common to get with a tear down and rebuild. The applicant could keep the existing building and fix it up where it is if they so choose, but this is a much better scenario than that. He also had heard a comment about the sign setback. The setbacks for the sign in the Zoning bylaw is 10 feet, and they meet that. They are also less than the required 20 feet in height from the crown of the road in what they are proposing but they are asking for a little bit of a larger sign.

Mr. Bissonnette advised that regarding the municipal sewer and water, this was the first he had heard of municipal sewer on the plan set. That will be corrected as this is absolutely septic. Mr. Lynch asked why the plan stated that all work must conform with the City of Taunton rules and regulations. Mr. Bissonnette replied they are the supplier for the water. They have an inter-municipal agreement where they take their water out of our ponds, and then they give it back to them through their networking system. The water lines themselves have to meet Taunton standards, and they will come out and inspect them.

Mr. Knox asked if Mr. Bissonnette could touch on the exit the Fire Department had requested because of the inability to back up or turn a truck around on the site. This in turn has affected the dumpster location. Mr. Bissonnette replied on a site like this, the conditions don't allow for a turnaround. This lot is too narrow and the size truck that Lakeville has is not going to make the turn. They have talked to the Chief and went over a couple of options. If they have an emergency

exit out in case they ever need to access the site and get out; they could pull straight out. For safety reasons, they are looking to put in a gate with a lock that has a Knox key so the Fire Department can unlock it and drive straight out. They have also added notes that the gate is to remain closed unless used for emergency or maintenance purposes. Maintenance purposes would be to make sure that it is a clean, stable surface free of snow and any type of debris. They also would place do not enter, emergency vehicle only signs. Mr. Knox was correct that they did have to move the proposed dumpster to the side. That will actually force them to have a rollout dumpster because there's not going to be a way that a truck is going to be able to turn that 90 degrees and load into the dumpster pad, so they'll have to have a push out rolling dumpster that the truck can take and load that way.

Mr. Knox asked Board members if they had any questions or comments. Mr. Conroy said in the Police Chief's letter it seemed like he was under the impression there may be a retaining wall or something to stop cars from hitting this building. Has anyone gone back to him and told him there is presently no plans for a retaining wall or guardrail? Mr. Knox said that he noticed the guardrail at the site. Does the plan show the existing guardrail all the way to that corner? Mr. Bissonnette indicated on the plan where the guardrail ends. He was unaware of anything that goes beyond that. That guardrail would stay in place but when they go for their Mass DOT permit, they may mandate that they continue it up to a certain level. The guardrail does go a little further across the street. However, they cannot file with Mass Dot until they have all local approvals. In regards, to Mr. Conroy's question, Mr. Bissonnette said the only thing he could think of was that the Chief was looking at their existing conditions plan or maybe one of their layout plans and saw what appeared to be a wall or what is the remnants of a wall. He noted they have not proposed a wall on this site, but he has not talked to him about the wall or putting a wall in. If the Planning Board or Zoning Board is not comfortable with that, then they will address it.

Mr. Knox then asked for some more in-depth information concerning the setbacks that exist in comparison not to the layout of the road, but to the actual roadway. He thought that people did not understand that difference. Mr. Bissonnette agreed. He then indicated the darker line on the plan that has the hatching on it. This is actually the property line or the right-of-way line and what they are referring to as the setbacks of the 15.1 proposed feet from the building corners to the property line. The actual granite curbing on the corner is further out, and that is where the pavement starts for the roadway. There is greater than 15 feet to the asphalt on the sides and on the area on Rhode Island Road. Mr. Knox said there is concern regarding the sight lines. On the Bedford Street side of the property what is the actual distance from the proposed sign location that is ten feet from the layout of the road. What is it to the actual roadway? Mr. Bissonnette replied that it is in the vicinity of 20 feet.

Mr. Conroy asked in regards to the sign, did the Selectmen want the sign shifted back as well as pulled further down Bedford Street for any reason. He noted that last week he drove past Tamarack Liquors, also on Bedford Street, and they have a very similar size sign. He didn't want to be hypocritical and give this sign a negative comment and then drive by the Tamarack sign that is a good size sign and very similar in height. Mr. Bissonnette replied in regards to moving the sign, they were not going to do that because they have their proposed septic system going in that area. Mr. Bissonnette then explained the following constraints of the property: a Mass DOT drainage easement, their stormwater system also going in that same vicinity, wetlands across the way and

the other side off site, so a buffer zone. They are trying to keep it out of the Town easement. They have to stay 20 feet off of the building at a minimum for the septic. This site is tight. The sign fell in what is now the existing part of the driveway. It stays out of the septic system, and is located pretty close to the existing building. It meets all the zoning requirements except for the size. Mr. Conroy stated regarding the difference between the property line right there and ten feet from the property line distance to the street, would he say it is 20 feet to the signpost. Mr. Bissonnette responded what is going to happen here is Mass DOT is going to make them close off the curb cut as part of their filing. Mass DOT will mandate to them what they do. They may have them extend the granite curbing part way down or all the way down to the end. They may have them take and extend the guard rail, but the dashed line is roughly where the edge of the pavement runs connecting pavement edge to pavement edge when it's closed off. That is roughly 20 feet from the edge of the sign.

Mr. Lynch asked for an explanation of the size of the sign. Mr. Bissonnette replied it is a little more than seven feet across, counting the posts it would be approximately eight feet. The overall height of the sign will be somewhere between 13 and 14 feet. It could be 15 but the bylaw refers to the height taken from the crown of the road in front of it, which is typically the center of the road. The roadway might be a couple of inches higher or lower, but they anticipated it is going to be right around 13 feet 2 inches to the top of the sign. Mr. Knox clarified the actual sign is 5 foot 6 inches by 7 foot 6 inches. The bylaw states that signs shall be limited to a maximum height of 20 feet as measured from the crown of the road directly perpendicular to the sign. They were well underneath what is allowed for the height of the sign. It was only the square footage of the placard that is in question, and if it was considered a common directory sign, then 64 square feet would be allowed.

Mr. Bissonnette said that was correct. He explained that if a building site has more than one use, you are allowed a sign per business or a common directory sign which is allowed to be 64 square feet. This could take on that persona, and it would definitely have at least one or two businesses inside. Instead, what they are looking to do is just come in and ask for the Special Permit because it is really close in size requirements to meeting the regulations. Mr. Knox added that at their last meeting there had been some questions related to general sign prohibitions. He had spoken with the Zoning Enforcement Official who said that he, as well as, the Police Chief have the ability to enforce that if it becomes a traffic hazard.

Mr. Bissonnette said that is correct, and it is in the Zoning Bylaw. There is also a time associated with how long people have to fix those issues. He advised the proposed sign is not a flickering type of sign, and he believed there was an eight to ten second refresh rate on the image changing. It is not going to be like a television action screen. Ms. Maksy said she believed that refresh rate was correct. She thought Mr. Messier might be better versed on the details as he was the sign representative. It did not appear that he was present. Mr. Knox said that Mr. Darling had advised him that the Zoning Board of Appeals had the ability to condition into that sign approval that refresh rate or the duration if they felt that public or traffic safety was an issue.

Mr. Knox asked Mr. Bissonnette if he would be making the changes on the plan about the on-site sewage rather than the public sewer that had been brought up by Conservation. Mr. Bissonnette replied that they are waiting until they go to the Zoning Board before they go to Conservation.

They would like to make sure all the changes are made if there are any from the Zoning Board prior to filing with Conservation. All of their work was buffer zone work, and he believed the majority of it is even out of 50 feet. He didn't believe there was any potential risk to the resource areas. Mr. Knox said they were satisfied with the discussion regarding the gate and the lock with the Fire Department turning around. He advised Ms. Maksy that they had requested she supply them with a lighting plan. She advised that she had not yet had the chance to do that.

Ms. MacEachern stated that Mr. Bissonnette had said if the building was to move back an additional two feet, it would create a non-conformity. Mr. Bissonnette clarified they now have a 42.3-foot setback and if it moved back beyond the 2.3 additional feet, it would create a new non-conformity. In his opinion, that would require a Variance not a Special Permit. She noted she was referring two feet south. Mr. Bissonnette said the problem with that is multifold. They have exactly 20 feet to their proposed septic area, and then they can see the proposed to the existing Mass Dot catch basin, easement area, and the drainage system. The other part is getting the ADA compliant handicap access ramps and walkways to work. When you change one item, it affects numerous other things.

Ms. MacEachern then asked about the additional parking that was added. When they were looking at the slope, it looks like a 2:1 slope where the parking is proposed. Mr. Bissonnette replied that was correct. Typically, they would have looked to put parking exactly this way on the side coming out. The problem is they would be one foot off the property line which is unbuildable. You would have a retaining wall and would be digging a footing on the abutter's property. That is why they put in parallel parking spaces to minimize the length coming out of site. That also allows the applicant to build a partial wall and do some grading at the bottom with far more work room that they would have if they had gone the other way. What they are stating here is this is just a potential future parking area. If the zoning regulations or parking sizes change in the future, this would have to be revisited and they wanted to make sure that was stated very clearly on the notes with the plan.

Ms. MacEachern said that they did see the elevations at the last meeting, and Ms. Maksy said it was only storage for the second level but it did show two offices. She felt that if they were going to have the complete structure built, the parking is essential especially if she was to sell and then not change the use. Mr. Bissonnette understood the concern, but he could only really try to design as to what they actually have before them which is an office building with approximately 1,500 square feet and the parking that is required for that. Mr. Bissonnette explained that if Ms. Maksy went to construct that second floor, she would need a building permit which would trigger the Zoning Enforcement Officer to look at that. If he said that she didn't have enough parking, she would have to revisit that. The intention right now is just that first level.

Ms. MacEachern stated that she had wanted to see the lighting plan whereas it is right next to residential. Mr. Bissonnette said his experience with lighting is having a plan on file is a good thing. The things they can do with LED lights for directions and strengths is great. They can aim the diodes now and direct them 15 to 20 degrees away from a property line, and they also have the dark night sky regulation. However, they will provide them with that lighting plan. Ms. MacEachern asked if there was anywhere on record on Route 18 north where the current stop line is. Mr. Bissonnette replied no. Ms. MacEachern said she just wanted to see if it was a significant

improvement or if it is still blocking the sight line. She noted that Rhode Island Road has a slope and people fly down Route 18. She was concerned about safety. Mr. Knox asked what they were gaining on that Rhode Island Road side. Mr. Bissonnette replied they are pushing it back from about two feet from the diagonal to 15 feet so they are gaining roughly 13 feet, and the visibility is increased drastically. He thought the biggest improvement would be for people driving down Rhode Island Road toward Route 18 and toward Main Street.

Mr. Knox said that he received some comments from Ms. Mancovsky who wasn't available at 6:30. One of her concerns would be the maintenance of the retention basin. Mr. Bissonnette responded they were within 100 feet of a wetland resource, and this is a commercial project so storm water management is applicable. This means they will have a full operation and maintenance package as part of the Notice of Intent. Mr. Knox noted that her other concerns had been discussed tonight.

Mr. Knox advised after following up with the Building Commissioner regarding this, the applicant could go for a building permit to renovate the existing structure in its existing location if the project was denied. It would not be business zoned, it would be residential which he thought would be a negative impact to the tax base in the Town. The Master Plan says that they want to grow business so they offset the tax base of the number of kids in the school system. He felt that overall, this was a good project. The improvements they are making are far better than what is there and if they don't act, they could just keep the same thing. He would recommend approval with conditions.

Mr. Knox asked Mr. Bissonnette where they were with the timing of this, and what did they want from this Board tonight. Mr. Bissonnette replied their hope tonight was to get approval from the ZBA on the sign and the building with the Special Permit. He believed those time frames were 14 days for the written decision and then the 20-day appeal period. That will provide them the time to get the lighting plan, make the change to the municipal sewer plan, bring it back to the next meeting with the Planning Board, and hopefully have the Zoning Board closed out so they can start their filing with Conservation.

Mr. Knox said if they recommended approval he would like to have him at least through one of those two Boards. If he couldn't obtain a lighting plan in time, he would entertain conditioning, or if it was indicated on the plan that the lighting plan would comply with Lakeville's Lighting Bylaw. This would include all of the lights mounted on the building. Ms. Mancovsky asked if they would require the tree line to also be indicated on the plans. Mr. Knox said that he had a concern that at the lower part of the plan where the entrance is, if somebody's coming into the parking area in the evening with their headlights on, the lights could actually go behind the trees to the back of the abutter's house and illuminate their back yard. Was it possible to do something to mitigate the light a little further along toward that culvert until they're pointed parallel back to the street and the light is eliminated from panning across the backyard? Mr. Bissonnette said they do have a turning radius program so they will model a couple of vehicles pulling, and then they will be able to project the lights over there and see what they can do to address that issue.

Mr. Knox asked if they would be okay if they continued this until their December 10th meeting. Mr. Bissonnette said that would be fine but they would like to get a verbal from the Board that

they did not have an issue with the sign. They were not looking for an approval. Mr. Knox summarized the recommendation that had been sent to the Zoning Board which was if the ZBA decided to grant relief on the size of the sign then all other aspects of the sign should comply with the bylaw. Mr. Knox asked for comments from the other Board members.

Ms. Mancovsky said she did have some concerns about the prohibited effect from the existing design, but she planned on attending the Zoning Board meeting as a concerned citizen. Mr. Conroy said that earlier he had mentioned he had been more negative about the sign but after driving by Tamarack all week, he didn't have a problem with it. He would like for the intensity to stay similar. Ms. MacEachern felt it was a little different because this sign was so much closer to the set of lights. She was concerned about safety. She wouldn't mind a peer review in regards to the sign. Mr. Lynch asked if those concerns would have been identified by the Police Chief.

Mr. Bissonnette noted that if they subtracted roughly nine square feet off of the sign, they would have the sign by right. He explained the sign would have a picture, an eight to ten second refresh, with a new picture. It's going to be the minimum of 10 feet off the property line and roughly 20 feet off the existing pavement. The Special Permit is for an additional 9.25 square feet in size than what's currently allowed. The actual sign is four feet two inches by seven feet six inches. The top part is an address sign that will be backlit.

Ms. Maksy advised that Mr. Bob Messier was going to be present on the Zoom meeting for the ZBA. He has done extensive studies within the State of Massachusetts, specifically within southeastern Massachusetts. They've done road tests and studies so he would be able to go into more detail. She believed that Mr. Messier would be able to speak to and satisfy all of their concerns regarding safety. Mr. Knox said his only recommendation to the ZBA would be if they have concerns about safety is to condition that sign with the refresh rate to be a little slower because the intersection, but that was up to the Zoning Board.

Mr. Knox made a motion, seconded by Mr. Conroy, to continue the Site Plan Review for 149 Bedford Street until their next meeting on December 10, 2020, at 7:00 p.m.

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

Site Plan Review – 202 Main Street

Mr. Knox advised that he had been informed that there would be no one present from River Hawk to represent this, and that it would be up to the Planning Board. Mr. Knox believed that they had already vetted this, and they were just waiting on any response due to the plans being circulated in a tight amount of time. At this point, he would like to recuse himself from this hearing and turn the floor over to Ms. Mancovsky. Ms. Mancovsky stated they had received some feedback from the Board of Health and the Fire Department. She asked if anyone had questions or comments.

Ms. MacEachern noted that she had seen on the Board of Selectmen meeting that they did make some comments. Their questions were in regards to the existing entrance and exit safety. They

did not have any significant complaints. The Board of Health did say they need to evaluate the septic. She would like to approve conditionally as long as the Board of Health approves the addition. Mr. Knox said he thought the Board of Health intent was that it left the door open that they weren't granting approval, but advising that an improvement to the septic system may be needed. They will have to find that out based on usage. There were no other questions.

Mr. Conroy made a motion, seconded by Ms. MacEachern, to approve the Site Plan Review for 202 Main Street.

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

Adjourn

Ms. Mancovsky made a motion, seconded by Mr. Lynch, 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 7:35.