

**Planning Board
Lakeville, Massachusetts
Minutes of Meeting
May 28, 2020
Remote meeting**

On May 28, 2020, the Planning Board held a remote meeting. It was called to order by Chairman Hoeg at 7:04. LakeCam was recording, and it was streaming on Facebook Live.

Members present:

Brian Hoeg, Chair; Peter Conroy, Mark Knox, Barbara Mancovsky

Also present:

Kevin Kline, Katy Konary, engineers, Stantec; Atty. William Pezzoni, Jon Delli Priscolli

Agenda item #1

Mr. Hoeg 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.

Public hearing 7:00 p.m. – To amend the Town of Lakeville's Zoning By-law Section 3.2.3 with respect to making updates to the Floodplain District

Mr. Hoeg began to read the amendment into the record. He noted it listed all the panel numbers and asked for a motion to waive the reading of each individual panel number. Ms. Mancovsky made the motion, seconded by Mr. Knox. The **vote** was **unanimous for**. Mr. Hoeg advised this is the Floodplain map from the Federal Emergency Management Agency (FEMA) that they must adopt. They do this so people will be able to get flood insurance for their property. Mr. Knox added they are trying to make the Flood Insurance Rate Maps (FIRM) match the FEMA maps. They are one and the same, and they are going to vote to accept the changes. He wanted clarification that in their Zoning bylaw, they would not recognize the FEMA map, but they would recognize the FIRM map. Is that what they were going to adopt? He then read part of the January 22, 2020, letter from FEMA into the record.

Mr. Hoeg replied that was correct. Mr. Conroy added that was how he had read it as well. He asked if this would be two separate items. Mr. Hoeg said that it would be okay with just one motion. He said he would entertain that motion now.

Mr. Knox made a motion, seconded by Mr. Conroy, to amend the Lakeville Zoning Bylaw to

adopt the new FIRM Floodplain zoning maps with an attachment to the motion of the January 22, 2020, letter from FEMA to the Town of Lakeville.

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

Ms. Murray suggested they also look at the Notice of Public Hearing as they would also need to delete the section of the bylaw with what they are replacing it with.

Mr. Knox then withdrew his motion. Mr. Conroy seconded the motion.

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

Mr. Knox then made a motion to delete Section 3.2.3 from the Lakeville Zoning Bylaw in its entirety and replace it with the information that was detailed in the Public Hearing Notice for May 28, 2020.

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

Mr. Conroy added that for anybody watching, those new Floodplain maps can be accessed and viewed at <https://www.lakevillema.org/board/-selectmen/pages/2020-updated-fema-maps>.

Ms. Mancovsky made a motion, seconded by Mr. Knox, to close the public hearing.

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

The hearing closed at 7:20.

Site Plan Review, continued – 57 Long Point Road

Mr. Kevin Kline, Ms. Katy Konary, Mr. Jon Delli Priscolli, and Atty. William Pezzoni were all present. Ms. Konary then shared her screen and displayed the plan. Mr. Kline stated that he believed their last meeting had been in December. Since then, they have spoken with the Fire Department to go through the issues they had with the Plan. They have also been through Mass DEP and the Board of Health. They have their Board of Health Variance Permit for the wastewater treatment system. They also received a letter in January from the Board's review engineer. They have responded to that in their February 14, 2020, letter and provided copies of that to the Board. He noted that the Plan on their screen is the most recent.

Mr. Kline was unsure how they wanted to proceed, but he noted that there was one thing that was changed through the Board of Health and Mass DEP. Originally, they were going with two double-walled underground industrial waste holding tanks for the stormwater from the parking areas, and that has been eliminated. They will now put the tanks above ground in the parking area where it will be stored and taken off site. He asked if they had any questions.

Mr. Hoeg asked where those tanks had been placed. Mr. Kline replied they were within the building in the parking area. They are shown right now on the plans outside and underground, but they are actually now inside the building. They will be shown on the structural plans and the building plans. Ms. Mancovsky had a question regarding the peer review. She was interested in item #3, *if any portion of the road in the easement was below the 100-year flood elevation*. This is the road that provides access to this property and crosses over the Decas cranberry bogs. She asked if the new Floodplain maps impacted this property in any way. Mr. Kline said they did look at the most recent ones they had in February and the floodplain elevation was 57 and the top of the bank is at elevation 63. The access road itself is at elevation 60 and the lowest elevation they had on the contours was the elevation 57.

Ms. Mancovsky said her next question was related to #5, *the plan calls for an access road on site to be 20 feet wide with a slope of 8%. They recommend the road be redesigned to meet the requirements of a minor street as found in the Board's subdivision regulations*. She noted the developer's response was that this was a driveway and not a minor street and the access drive is adequate and the subdivision rules and regulations are not applicable. Mr. Kline said what they are intending to do is essentially reuse the access drive that has always been there. They are repaving it but essentially it is in the same spot with the same grades. It has been an access drive for the nursing home for years, and they will have less traffic. Ms. Mancovsky asked what kind of traffic they were envisioning on that side street. Mr. Kline replied it is residents getting to their units. It is not a street for anyone to get anywhere other than to the complex.

Ms. Mancovsky asked if anyone else had concerns regarding this. Mr. Hoeg stated that he was not really concerned about it because it is 20 feet wide, and they have private roads in Town that are less than 20 feet wide. He saw it more as a private road access to the condominium complex, and it has been used for quite a long time as this. He noted that he had read all the questions and responses on the list and nothing seemed extraordinary to him. He didn't know how everyone else felt. Ms. Mancovsky thought the project would bring a lot of value to the community.

Mr. Knox said there had been discussion about handicap spacing, and he thought they were aware of some parking underground in the buildings, but they didn't have a plan for that. Could he tell them how many spaces are under each building and then how many handicapped spaces they have in total including under the building. Mr. Kline said there are now a total of 14 handicap spaces provided and one van accessible handicapped space within each underground parking garage. There are seven per building and the one van accessible for a total of eight per building. Mr. Knox asked how many regular parking spaces there were. Ms. Konary said there were two spaces for each unit with a total of 132 spaces. Mr. Knox asked if the handicap spaces were included in that total. Ms. Konary said they were included. Mr. Knox said the bylaw requires two parking spaces per unit, not handicapped. He wants to make sure there is sufficient parking and that everybody is satisfied.

Mr. Conroy agreed. He thought the parking had been stretched as tight as it could but 132 spaces minus 14 is actually far off. He also didn't think that there's any room for any kind of deliveries and that parking spots would be blocked when FedEx and UPS deliver. He knew they were tight on space there, but he did want to make that point. Mr. Kline said they have added a little turn off area on the access road for deliveries on the 86 line. Mr. Conroy asked if they would be able to

get a two-wheel dolly into both buildings from there. Mr. Kline replied they should be able to. Mr. Conroy asked if the propane storage tanks were shown on any of the plans and also their plan of how they will be filled. Mr. Kline said they have been relocated and are shown on 84. Mr. Hoeg asked where the dumpster is located. Mr. Kline said it is down between the buildings at the back end. Right now, there is just one but they can add one if it is needed. Mr. Knox said he thought they should make provision for it. He would rather see them pour a pad that would hold two. Mr. Conroy said at the very least, there should be one for cardboard and one for trash.

Mr. Hoeg asked what was the honeycomb hatched area down to the right of the dumpster. Mr. Klein replied the one going to the left provides access for the treatment plant operator, and if they need to bring in a pump truck because they periodically have to pump the septic system. The one to the right is for fire. They can then bring the fire truck over there, and they can get the hoses around in both directions. Mr. Hoeg asked if there were provisions for snow removal or snow storage. Mr. Klein said on the plan it does show snow removal. They are basically pushing it just off of the parking lot and storing it there right next to the lot. It surrounds the parking lot and then it's on either side. He noted they really didn't have any other place to put it. It needs to be kept near the center of the site because they need to protect the water supply. They will not be using salt, and it will be managed locally.

Mr. Conroy asked what the honeycomb material is. Is it paved the same as everything else or did they come in with a permeable material for that? Mr. Klein said it is permeable pavers on that one and also on the sidewalks. That gave them the ability to expand the parking a little bit as well as add the turn off for deliveries. Mr. Conroy asked if the Fire Chief had looked at this. Mr. Klein said that he has reviewed the plan, and Ms. Konary has spoken with him a couple of times.

Mr. Knox asked if they had access to the lighting plan. Mr. Klein was unsure if that was a plan they had access to right now. Ms. Konary said it was presented at their December 12, 2019, meeting. Mr. Knox acknowledged that it had been presented. However, he was hoping to have a quick review of it to make sure that everything was downward lighting and dark sky compliant. Mr. Klein said the architect had that plan. He would make sure that it was resubmitted to the Board. Mr. Hoeg noted that was a sensitive piece of property. Mr. Knox agreed and thought a lot of people would be disappointed if it was lit up too brightly. Light is needed to get out and around, but they don't want to see something lighting up the whole pond.

Ms. Konary then shared her screen with the lighting plan. Mr. Knox wanted to see what the triple pole unit in the parking area looked like. She displayed the unit which was to be mounted on a 20-foot pole. There will be three of them at 90-degree angles. Mr. Knox said they could see that they're all down lamps. He asked if there were wall packs building lighting or sconces on the building. Ms. Konary said it might be on the architectural. This doesn't show any on the building. Mr. Knox said if they did put lighting on the building, they would need to comply with their lighting bylaw. Mr. Kline said they would make sure the architect complies with the bylaw and all of the lighting.

Mr. Knox asked if there would be any signage. Mr. Kline said there will be a sign at the entrance at Long Point Road. Mr. Delli Priscolli said they are going to restore and rebuild the two pillar structures that are there. He is going to use stone and granite, and will work within those structures

to put the sign, with the name of the project, mounted on that. The name of the project is Lake Point. They will keep it very low key. As he has tried to do throughout the project, he is trying to use what's there and what people are already comfortable with. Mr. Knox said he had no further questions.

Mr. Hoeg then asked Board members how they felt about this project. Ms. Mancovsky replied they have done a lot of work and been in front of them several times. This will be a high-quality project constructed by a local developer who cares about the work he is doing. She is comfortable with the project. Her only reservation would be in regards to the access road, but that is on the developer and the people that buy into the development. It's just like any other private road. Mr. Conroy said he is pleased with the project. His reservations such as the parking, have been addressed and they have done their best to squeeze as tight as they have gotten with the constraints of the property. Overall, all the concerns of the engineers have been met. He thought it was a nice project, and he was ready to proceed.

Mr. Knox said he would like to return to the concern about loading and deliveries. Is a van going to come up and just pull into that kind of hammerhead T between the two buildings? If so, what are they blocking? Is that going to be a problem or could they require some signage or paint some parking areas on the side for loading and deliveries. Mr. Kline replied you could put some signage there. He thought once a delivery driver came there once, they would realize there is no access to the front door from there but just to the underground garage. If he does park there what it's really blocking is people getting in and out of the garages. Mr. Knox said he would leave that up to them if they wanted to place a do not block sign there.

Mr. Knox said to Mr. Delli Priscolli they have raised concerns about the parking and he thought they were very close but if there is a problem, what can they do? He responded that what he has found in his prior developments is that the parking was always overstated and underused. If you did a global average, you would find the average to be 1.4 spaces per unit and you're going to find that there are always vacant spaces even if the development is sold out. He has done over 1000 units and never had to create additional spaces. Mr. Knox said as a Planning Board, they do need to voice this concern. Mr. Delli Priscolli said he understood and if they have to come back and address it, they will.

Mr. Hoeg asked if the Building Inspector had asked how the units are going to be labeled so they are identifiable by people with deliveries. Mr. Delli Priscolli replied he has not yet. He will work with the Building Inspector and the Fire Chief on proper labeling and making sure those labels are done so they are the same quality of the building.

Ms. Mancovsky then made a motion, seconded by Mr. Conroy, to approve the Site Plan for 57 Long Point Road.

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

Reorganization of the Board

It was noted that this was not for a complete re-organization of the Board, but only to fill the vacant position of Vice-Chair due to the passing of Mr. Zienkiewicz. After discussion, it was agreed to postpone this item until the next meeting.

Set next meeting date (s) and agenda

Members agreed the meeting process had gone smoothly. Ms. Murray asked if they would like to return to their previous schedule which was the second and fourth Thursday of each month. All agreed that would be fine, but they would now begin their meetings at 7:00 p.m. They then reviewed the outstanding agenda items. They briefly discussed the drainage problems that Mr. Nashawaty had brought to the Board's attention. Mr. Knox noted that Mr. Nashawaty had been in front of Conservation multiple times, and Mr. Bouchard has gone out to the property multiple times. Ms. Mancovsky said she did not think he was necessarily without recourse, but she didn't know if that recourse comes to the Planning Board. She asked if somebody does not adhere to the plans that have been approved, would the enforcement agent for that be the Building Commissioner? Mr. Hoeg said that was correct.

Old Business

Ms. Mancovsky wanted to discuss the solar farm on Crooked Lane. She advised the Board that there were supposed to be trees there for a buffer, but those trees were all dead and it was a complete eyesore. They have never been maintained, and she was concerned. Would that enforcement fall to the Building Commissioner because it is in the Plan? Mr. Knox said they would be able to have teeth on something like that if they put a performance guarantee and held a bond. Ms. Mancovsky said there was a bond on this project. She did not know if it had been released. She recalled that it had been cash, and they had traded it out for a bond.

Mr. Conroy said there is a removal bond for the solar farm when it expires, but he did not recall a bond for anything else. Ms. Mancovsky said just because they don't have a bond, it doesn't mean there's not action that can be taken. She felt it had to be addressed as it was unacceptable. They try so hard to do the best for the community, and she remembered the project had been pushed through very quickly. Mr. Hoeg asked if it was Zenith that had brought that project to them. Ms. Mancovsky said she thought so. Mr. Hoeg asked if she would like to call Mr. Bissonnette. Ms. Mancovsky said she would take care of it.

Ms. Mancovsky said they hadn't had a meeting since they learned of the passing of their dear friend, Mr. Zienkiewicz. She would like to take this time to mention him and how much they all appreciated his contributions over the many years, not just to Lakeville but to other communities within the Commonwealth. He was a fountain of knowledge. He was just a very special person.

Discussion on amending signatures required for bills and plans

Ms. Murray said this was just a suggestion. If they wanted to, they could have just the Chairman sign plans for now during the State of Emergency if they voted on it. If they preferred, they could keep it the way it is. The plans would be out in the vestibule, and they would have to come and sign them individually during work hours. Mr. Hoeg suggested they keep it the way it is with everybody signing plans.

Adjourn

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

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

Meeting adjourned at 8:35.