

Town of Lakeville
PLANNING BOARD
Meeting Minutes
Thursday, December 13, 2018

On December 13, 2018, the Planning Board held a meeting at the Lakeville Senior Center. The meeting was called to order by Chairman Hoeg at 7:30 PM. LakeCAM was video recording and Ms. Murray, recording secretary, was audio recording.

Members present:

Brian Hoeg, Chair; Sylvester Zienkiewicz, Vice-Chair; Peter Conroy, Barbara Mancovsky and Janice Swanson

Approve Meeting dates for 2019

Members were unsure if they could approve meeting dates for the entire year. They would like to review the list and revisit it at their next meeting.

Review Town survey and approve Special Permit fee

A survey had been distributed to members containing Towns that currently allowed Adult use recreational marijuana, and the fee that was charged for a Special Permit. Ms. Mancovsky asked for a clarification. As she recalled the last time this was discussed, the concept of a fee was to recapture costs the Town was incurring associated with the issuing of these Permits. She had estimated a cost of \$20 per hour for Town employees and calculated the fee they are charging for a medical marijuana facility Special Permit represented 12 hours. Ms. Swanson noted that much of the time spent on an application would be considered part of the employee's job.

Mr. Hoeg then asked Selectman Powderly if the selectmen were working on a Host Community Agreement for the recreational side. He replied they have issued these to two parties but it will be modified by the people that will operate it. Mr. Hoeg asked if they regulated how many people could be at the facility at a particular time. Selectman Powderly replied they did not but were relying on the Zoning Board and the Planning Board for those details. It was outlined what came under each Board's purview, but they did not limit it. Mr. Hoeg said he was reacting to what is going on in other communities. They have sales by appointment only, and they are reducing the size of the sale simply because there is such a volume of people coming. He did not think opening up and letting everyone show up at one time would be beneficial to anybody.

Selectmen Powderly said by the time something opens up in their Town approximately 15 to 20 other places should be open. He advised before a place opened the applicant would have to work with the Police regarding the opening system, and possibly have to rent space from Talbots. They were not going to allow thousands of cars to loop around the Industrial Park. Ms. Mancovsky said she believed the numbers that had been offered to them were six to eight cars per hour. It was

represented to them as being close to a doctor's office traffic. Selectman Powderly said they would have to see what is happening in other Towns as it comes closer. Mr. Hoeg said he just wanted to make sure his Board was on top of this issue. His goal would be to restrict sales to six to eight customers per hour. Ms. Mancovsky asked for clarification. Was she correct in assuming that if there was a change in ownership the regulations require the new interest come back to them? Selectman Powderly said that was correct.

Discussion returned to the proposed Special Permit fee. Ms. Swanson said she was looking at the average fee charged on the survey. She wouldn't mind going with that fee or maybe something a little higher, or they could stay with the fee the Zoning Board is currently charging for medical marijuana. Ms. Swanson asked if the fees presented were just for recreational. Ms. Murray replied these Towns have the same fee for both recreational and medical. This was also for any other Special Permit.

Mr. Zienkiewicz said they would be adding this to Planning Board fees in their Rules and Regulations. He brings that up because they do have something for Site Plan Review which is a similar process but it's only an outdoor process for medical marijuana, and they would be charging \$1,000 which is their existing rate. Members discussed that they would then be charged both a Special Permit fee and a Site Plan Approval fee. Ms. Murray clarified the Site Plan Review would not be a separate thing but would actually be built into the Special Permit so some items they look for in their Site Plan Review might not be included in the Site Plan Approval in the marijuana bylaw.

Members then discussed this and questioned if they should consult with Town Counsel for clarification. Mr. Conroy said he felt that what was being said was they were just going to handle everything at once. If that was the case, the fee should be combined and the fee would be \$1,240. Ms. Murray then noted that the Planning Board did have authority to permit other things. Did they want this application specific for Adult Use Marijuana? Mr. Zienkiewicz felt it should be specific for Marijuana and they could deal with the other items at a different time.

Upon a motion made by Mr. Zienkiewicz and seconded by Mr. Conroy, the Board

VOTED: To add to Page 13 of the Rules and Regulations of the Planning Board governing the Subdivision of land under Fees and Costs, last amended January 26, 2016, add after Site Plan Review, Special Permit Fee for Adult Use Marijuana License \$1,240. The fee consists of \$240 for the Special Permit and \$1,000 for the Site Plan Approval.
Unanimous in favor.

Review modified Special Permit

Mr. Hoeg asked members if they had any comments regarding the modified Special Permit. Mr. Zienkiewicz said he agreed with all the recommendations put forward. Ms. Swanson agreed. She noted she knew that a lot of effort had been put forth in the original and although it was good information, there was just too much which made it a little confusing. Members then discussed the flow chart, and if it should be published or if it should remain an internal document. Mr. Hoeg noted the chart from the State has a disclaimer at the bottom that it was not to be published and if someone does see it, they have to be informed that it can't be construed as overriding Mass General

Laws. He had sent that to Ms. Carboni as well. He noted that it was not an external document but a tool for the Planning Board's use. Ms. Murray noted that these recommendations were for the first half of the packet. She hoped to have the balance completed for their next meeting.

Upon a motion made by Mr. Zienkiewicz and seconded by Mr. Conroy, the Board

VOTED: To adopt the Special Permit modifications as presented. It should also be noted on the application where the marijuana bylaw can be accessed.
Unanimous in favor.

Review draft letter to the Board of Appeals regarding First Colony Development-57 Long Point Road

Selectman John Powderly was present to speak to this issue. He advised at their last meeting they discussed the application for First Colony Development. Since then there had been an article in The Middleboro Gazette reporting the Planning Board comments regarding this project. He would like to address some of the things that had been said in the paper. He also did a comparison between this project and a 40B.

He stated that some of things that had been talked about were the density of the project, the traffic it would generate, and should the parcel be rezoned as some type of an overlay. He would like to give an overview of some of these issues beginning with the traffic. Island Terrace was a much more vibrant operation than people realize. There were 110 full time employees. In addition to that, they had between 30 and 50 visitors per day. They also held many functions at the facility. Mr. Hoeg asked for a clarification of the employees. Was that on each shift? Selectman Powderly replied that was a total that would be spread out over the seven days. He noted also included in traffic would be delivery trucks for laundry, food, etc. He did not feel the traffic would be much different for the proposed development as it had been for Island Terrace.

Selectman Powderly said when you have elderly people; you do usually trim down on the cars even though you allow for two parking spaces. The developer thought it would be one to one and a half per residence. From a tax basis, a 40B of this size would generally give the Town \$133,000 per year. A private \$40 million project, as this is, will give the Town approximately \$532,000. Historically, a project this size would bring in 43 students and the cost to educate those students would be \$13,000 per student. Police calls to a project this size would average 134 per year. He believed this project would have mainly medical calls and an average of 12 additional calls.

Selectman Powderly noted there had been a public auction and this was the only developer that wanted to deal with the bank. He stated that the concern of the bank, the developer, and the Tolles is the project doesn't go anywhere and it becomes a blighted property. He was not getting into the zoning issues but was speaking as a representative of the tax payer. Ms. Mancovsky said that as she remembered it when LeBaron was approved, it was approved with an age restriction. At some point, that was changed and now they have many units that have school age children. What assurance would the Town receive that this project would stay age restricted?

Mr. Conroy said they got this picture which was very incomplete. It is supposed to depict what these high value homes will look like and it is 81 black squares. There is no roadway, no driveways, no additional parking areas, etc. Selectmen Powderly noted that no one would spend the

money to do those kinds of plans unless they were approved. He felt more information would be provided to the Zoning Board at their next meeting. After a lengthy discussion, Mr. Hoeg thanked Selectman Powderly for coming in.

Upon a motion made by Mr. Conroy and seconded by Mr. Zienkiewicz, the Board

VOTED: To forward the December 10, 2018, memo to the Zoning Board regarding the Petition Review for First Colony Development-57 Long Point Road as written.

Mr. Zienkiewicz, Mr. Conroy, Mr. Mancovsky, Mr. Hoeg – **AYE**
Ms. Swanson recused herself as she was a member of the Zoning Board

Approve Meeting Minutes for July 26, 2018

Upon a motion made by Mr. Conroy and seconded by Ms. Mancovsky, the Board

VOTED: To approve the Meeting Minutes for July 26, 2018.

Mr. Zienkiewicz, Mr. Conroy, Mr. Mancovsky, Mr. Hoeg – **AYE**
Ms. Swanson - **ABSTAIN**

Next Meeting

Mr. Hoeg stated their next meeting would be Thursday, December 27, 2018, at 7:30 PM at the Lakeville Senior Center.

Old Business

Ms. Mancovsky noted they had someone come before them who requested to make a financial change to their agreement. It was her understanding that at the time the party came before them, they were not in good standing with the Town. She would like to bring up for discussion implementing a policy that if there is going to be a financial change in their relationship with someone that they get some type of verification that the party is in good standing. She did not see anything in their regs that addressed that. Mr. Hoeg thought it had come up before but they couldn't do anything about it. Mr. Hoeg suggested taking this into consideration and then looking at where it could be inserted into their regulations. Members agreed that would work.

Adjournment

Upon a motion made by Ms. Mancovsky and seconded by Mr. Conroy, the Board

VOTED: To adjourn the meeting at 9:20 p.m.
Unanimous in favor.