

**Planning Board  
Lakeville, Massachusetts  
Minutes of Meeting  
February 11, 2021  
Remote meeting**

On February 11, 2021, 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

**Others present:**

Edward Phipps, Boston Botanical; Phil Silverman, Attorney; Tony Capachietti, Hayes Engineering

**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.

**Site Plan Review – 475 Kenneth W. Welch Drive – Meet with Hayes Engineering regarding Site Plan Review**

Attorney Phil Silverman was present for Boston Botanical. He advised they were here for Site Plan Review for a marijuana cultivation and product manufacturing facility. He noted this had previously been approved as a medical marijuana facility through another company but today they are discussing an adult use or recreational marijuana facility. Although there is not a great deal of change to it, technically there is a distinction with the license at the State level in front of the Cannabis Control Commission (CCC.) All those guidelines set forth by the CCC will be followed by the applicant in terms of operations and security. He then wanted to introduce Edward Phipps, CEO of Boston Botanical.

Mr. Phipps advised he was the CEO and president of Boston Botanical. Originally from Massachusetts, he has a background in financial accounting and property management. Eight years ago, he moved to Maine to operate within its medical marijuana program. In that time, they successfully built and operated a 5,000 square foot cultivation and manufacturing facility in Casco, Maine, a 10,000 square foot cultivation facility in Sanford, Maine, and a licensed bottling and canning plant in Portland, Maine. They focus on high quality, clean cannabis and are in over 100 stores in Maine. They have built a very scalable blueprint to bring back to their home State of

Massachusetts. They believe this location is the right opportunity for them, and they look forward to working with the Town.

Mr. Tony Capachietti from Hayes Engineering then shared his screen and displayed the Site Plan. He advised what they have is an existing concrete block and metal frame building, approximately 20,000 square feet across from another marijuana facility. The applicant is seeking to reuse the existing building and parking lot to the maximum extent practicable. The work consists of relining the parking lot, providing accessible spaces, and an accessible route to the entrance. Other site improvements include some clearing of vegetation to improve the sight line looking to the west.

Mr. Capachietti advised they had received some comments back from the Fire Department and Conservation. He spoke with the Fire Chief who asked for access on three sides of the building. They discussed a gravel fire access road, and he had sent the plan over to the Chief for his approval but had not yet heard back from him. Mr. Capachietti said there is a product called grass pave and it is a ring-on-grid structure that supports and protects grass roots to withstand pedestrian and heavy-weight vehicular traffic. They have used this before for fire access. That is represented by the shaded area around the back and side of the building. As the sanitary septic service to the leaching field is in that area, they want to stay off it which necessitates them to clear some of the tree line requiring them to go to Conservation which speaks to that memo. They will file at a minimum a Request for Determination (RDA) or a Notice of Intent (NOI.) They will be reaching out to Conservation, but typically all other approvals are sought before that step. Mr. Capachietti then stated some of the landscaping features they would be adding to offset the loss of the trees.

Mr. Capachietti said they are estimating at absolute max 25 employees on site. Realistically, more like 22, and that would be on the weekend shifts because they would be running multiple shifts during the day of 11 to 12. However, on the weekend you would have some overlap which could get up to the 22 people. They will be providing 26 spaces including 2 handicapped spaces. He then asked if there were any questions.

Mr. Knox said that the Conservation memo had referenced some fencing; was that accurate or are they reading the septic line as fencing. Mr. Capachietti thought it was the latter. There is an existing gate they would like to maintain for facility security for vehicular access, but there is no new fencing proposed. Mr. Knox said they would want to make sure that Conservation confirms and understands that. There were also questions about alteration and removal of the pavement. Mr. Capachietti said they were not removing any pavement.

Mr. Capachietti noted in regards to the Conservation fencing question, it might be that they are proposing an enclosed dumpster area which would be a solid chain-link or vinyl fence around two small dumpsters on the existing pavement, but they were not proposing any removal or additional pavement. Mr. Knox asked if that was within the buffer zone. Mr. Capachietti replied there was very little other than this interior of the building that is not within the buffer zone. It is within existing disturbed area. They will deal with all those items in front of the Commission through either an RDA or a full NOI.

Mr. Knox said that he had a concern that the geo grid or grass pave is going to look like the rest of the lawn. Mr. Capachietti said there would be some sort of demarcation, such as landscape stones

to outline the area of the lawn. The Chief had discussed an ongoing maintenance agreement where they would plow and maintain that area during the winter. Mr. Knox said in the Operations and Maintenance, they would want something to make sure it handles the storm water, and that they continue to maintain the pruning in the fire access path so that side stays open. Mr. Capachietti said they would be happy to have that as part of the Site Plan Review or a recommendation to the recorded Special Permit. Mr. Knox then asked if Board members had any questions.

Ms. Mancovsky said the guidelines for the Town indicate they are supposed to have 150 feet from the fire access roads to any location on the exterior wall of the first story of this building. She can't see that from the plans they're looking at. Will they have that, and can he show her that on the plan? Mr. Capachietti replied the width of this building is about 100 feet so there would be no part of the building that would be greater than 150 feet from the paved or grass paved area that the Fire Department would access. Ms. Mancovsky then stated for the record and for anyone watching that their Fire Department is very taxed on their resources and in the time that they have. She would like to see the first plans coming through be consistent with their existing bylaws. She did appreciate that this has been revised and any approval that they issue will be conditioned upon their subsequent review of the new plan to make sure it's in compliance.

Mr. Conroy said he would say 26 spaces for 22 employees is tight. It is full without considering visitors or anybody else. There can't be any extra, because they would obstruct traffic and the fire trucks. Therefore, could they briefly describe where deliveries will come and go, and how that will work. Mr. Capachietti replied deliveries are usually in and out, and they are required to use one-ton vans and not commercial vehicles. Monday through Friday the parking lot would be approximately half full. Saturday and Sunday would be less frequent delivery days because the deliveries are coordinated through CCC as far as shipping out of the site and going to facilities. They would have 22 people then because there would be some overlap with functions on the weekends. These wouldn't be full shifts, so they don't feel that having four extra spaces is limiting. Regarding FedEx deliveries they would have to use a space on the site. This would not be an issue during the week and one space could be designated as a FedEx delivery space. He noted that every person that goes into the facility is checked, carded, and logged. This is a secure facility and not a business that is open for regular visits.

Ms. MacEachern said she was not seeing any loading areas to get the product off site. Is that included in the parking lot? Mr. Capachietti said loading would occur at one of the doorways. Atty. Silverman added what they generally do is the product goes in small totes and then into vans. It is very well coordinated where the van pulls up and the totes go right out with their security personnel. He estimated it to take one minute, so you don't need a huge loading dock because it is not necessary for the way the deliveries work.

Mr. Knox said they would defer to the ZBA in regards to, that but he noted the building across the street has a fenced in area that a van can pull into for some added security. If they have extra parking spaces, he would recommend they do something like that. Ms. Mancovsky said it was her understanding that the CCC had changed the rules so that a facility like theirs could do home delivery. Will this be happening from this facility? Atty. Silverman said they could not do it. You are allowed to have a delivery emanate from a facility like this, but that would be a separate

company. Right now, this is limited to economic empowerment and social equity applicants. They can start up these businesses for a three-year period unless the local community prohibits it.

Mr. Knox noted there was not a signature block on the plan. Mr. Capachietti said this had been a draft, but they could prepare a mylar for endorsement. Mr. Conroy asked if there would be any changes to the parking lot lighting. He would also like to see what the sign is going to be at the entrance and how it is lit. Mr. Capachietti replied they haven't included any updating as it's fairly well-lit, so they were trying to reuse the existing materials. They didn't propose any changes to the sign. It would be refaced. He then pulled the street view up so they could see what was there. Atty. Silverman added that under the CCC requirements the sign can only have the name of the company. There can't be any symbols of marijuana on it. It's simply for way finding and nothing more.

Mr. Conroy then had him look at the loading doors. Did they plan to reconfigure these doors and lose two of them? Mr. Capachietti replied those two doors would most likely be infilled and then shipping and receiving would occur out of the door he indicated. If the Board wanted it fenced, they could put their fencing right around those two spaces. Mr. Lynch asked if there was any special security required for this type of facility. Atty. Silverman said the exterior has cameras 360 degrees, so they are able to see all around and everyone that is coming and going. On the interior, every window, door, and room where marijuana is handled and stored has a primary alarm system that connects to an off-site company and is monitored 24/7. If something was to be compromised with that, there is also a backup company. The whole facility is limited access. It's a key card system. Every bit of inventory is tracked by a seed to sale tracking system. The minute the plant starts to grow, a barcode is put on and it is entered into inventory. It is also constantly weighed and updated.

Mr. Knox said at this point he was inclined to ask them to provide a plan that has a signature block. On that plan he would like to have the written operations and maintenance for the stormwater. The operations and maintenance for the pruning of the fire lane should also be included to ensure it is maintained and recorded on the plan of record. If they were to motion to recommend approval it would also be pending Chief O'Brien's review of the fire lane and access to make sure that he is satisfied with what has been provided. He would also like him to add a note to the plan that any lighting, if needed, will comply with Lakeville's outdoor lighting bylaw. He did not want to sign a plan that could be changed. If they both got a positive response from Chief O'Brien, they will conditionally approve. They would not sign it until that is done.

Mr. Knox then made a motion to recommend approval of a plan that includes the following:

- Operation and maintenance of stormwater including the pruning of the fire lane
- A note that any lighting needed will comply with Lakeville's bylaw.
- Approval is pending Chief O'Brien's approval of the fire access lane.

Mr. Conroy seconded the motion.

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

### **Review related Zoning Board of Appeals petition for Boston Botanical, Inc.**

Mr. Knox said that as part of their packet, they also will make a recommendation to the Zoning Board of Appeals. They would probably recommend some sort of either a fenced in area for vehicle loading or just that sufficient security measures be implemented for parking lot loading. He would like the cage, rather than a security guard walking out with a tote. Mr. Lynch said he was not opposed to the gating but what would the purpose be? Mr. Knox replied the facility across the street has a van loading area that has fencing on two sides and a gate against the building. They can pull into it, close the gate, and the vehicle that is to be loaded is inside a fenced area. Nobody outside could access that vehicle. Once the vehicle is loaded, the gate would open, and the vehicle drives off. This creates a secure space for that vehicle to be loaded.

Mr. Conroy agreed but wondered if that fenced in area would eat up a lot of that parking lot. He thought they did need it though. Mr. Knox asked if anyone had any other recommendations. There were no further comments.

Mr. Knox made a motion, seconded by Ms. MacEachern, to recommend the ZBA require either a fenced in vehicle loading cage or other sufficient security measures for loading.

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

### **Floodplain Bylaw – Review and discuss revisions for public hearing**

Mr. Knox asked members if they had reviewed the Floodplain Bylaw. He noted that he had gone through it a couple of times and would like to discuss it. He asked Ms. Murray to post for a public hearing at the earliest regular Planning Board meeting for adopting the model Floodplain Bylaw. He noted that he had forwarded questions and requests to both the Conservation Commission and the Building Commissioner. The following items were discussed:

**Page 3, Section 2, Item 2-Use of FEMA maps and supporting studies.** There are two options.

A. Bylaw text for communities with "Community-Based" FIRM's, FBFM and FIS or

B. Bylaw text for communities with "Countywide" FIRM's and FIS

Mr. Knox advised this is one that he would like to defer to Conservation as they were more versed in this area. He advised he would like Atty. Kwesell to be present at the public hearing or at least have already sent this to her. She is probably working on this for a lot of other Towns so the question he would have would be how their flood maps are utilized. Ms. Mancovsky agreed. She thought the reason there was two different choices is that in the past, flood plans were derived by community and went community by community. Now the science is going region by region but that should be checked by Counsel.

### **Page 4, Section 2, Item 6-Designation of community Floodplain Administrator**

Mr. Knox said that he has asked if that should be the Conservation Agent or the Building Commissioner. This is something he feels they will need a recommendation on.

**Page 5, Section 2, Item 8-Variances to building code floodplain standards.** There are two options.

Mr. Knox was not sure if their community had the authority to issue variances to the state building code. He was waiting to hear back from the Building Commissioner.

**Page 6, Section 2, Item 10-Permits are required for all proposed development in the Floodplain Overlay District.**

They will need to fill in the Town of Lakeville.

**Page 7, Section 2, Item 11-Assure that all necessary permits are obtained.**

They will need to fill in the Town of Lakeville. Ms. Mancovsky asked who would be responsible for developing the checklist that was cited.

**Page 8, Section 2, Item 16-Watercourse alterations or relocations in riverine areas.**

Mr. Knox said for the appropriate official it would fall to the Conservation Commission.

Mr. Knox said that he would do a follow up email to both Mr. Darling and Mr. Bouchard to get an answer to some of those options. Ms. MacEachern asked regarding Item 20 for local enforcement. She didn't know if there was something else to this as it did not seem clear. Ms. Mancovsky said that she would imagine in that scenario a building permit could not be issued if it wasn't in compliance. She also noted a loan origination on any property that isn't compliant with local building codes would not be financeable or insurable. That may be the gate to protect the community but that would fall back to the Building Commissioner. The definitions included in the document were also discussed. Mr. Knox said it was his understanding that when they adopt this 27-page document everything in it will be included and become the bylaw.

The hearing date was then discussed. Town Counsel will be contacted first to make sure the procedure is done correctly. Mr. Knox would also follow up with Mr. Darling and Mr. Bouchard on those two items. They can then fill in the blanks and it will be complete as they are not creating any language. This will need to be done by next Tuesday.

#### **Site Plan Review Bylaw- Review and discuss revisions for public hearing**

Mr. Knox said currently the bylaw reads "applicants for a building permit for new construction or for modification of or addition to a business or industrial structure resulting in a floor area of over 1,500 square feet in the aggregate shall submit six copies of a Site Plan." Mr. Knox said they want to make sure that a minor interior remodel doesn't trigger Site Plan Review. His suggestion is "applicants for a building permit for new construction or addition to a business or industrial structure that creates a disturbance in lot coverage of 1,500 square feet or more in the aggregate or if a change in occupancy which increases the previously approved occupant load by 10% or more shall submit six copies of a Site Plan."

Mr. Knox said they discussed the 1,500 square feet of floor space which would have meant that 149 Bedford Street wouldn't have needed Site Plan Review because the original submittal was for 1,498 square feet. That is why he wanted it to say creates a disturbance in lot coverage of 1,500

square feet factoring in over dig, storm water management, and parking and loading all as part of the permit process. Mr. Conroy asked if they were keeping that as a change of occupant and not including change of use. Mr. Knox said that he didn't add change of use as that could be a reach they never achieve. The only other suggestion he would say is if you wanted to increase the 1,500 square feet to a higher threshold. Ms. MacEachern noted that in their last discussion the concern had been raised if someone would do just under the 1,500 square feet, keep coming back, and then potentially make changes without having to do Site Plan Review. She thought included should be some other language that would capture a subsequent change that would create that situation. Mr. Knox was unsure how to do that, but you could define it as cumulative changes over a five-year period.

Ms. Mancovsky asked if they had a gate to protect them from a change of use that isn't dramatically different but still could have different environmental impacts. Mr. Knox read back "applicant for building permit for new construction or addition to a business or industrial structure that creates a disturbance in lot coverage of 1,500 square feet or more in the aggregate or if a change in occupancy which increases the previously approved occupant load by 10% or more, or a change in use." Mr. Knox then sent members a use group document which he thought would be helpful to them. He advised he would send the draft to Mr. Darling for comment, then they could send it to Atty. Kwesell for review.

#### **Development Opportunities District – Update**

Mr. Knox asked members how they felt about taking this off the agenda for now as they had so much going on. They could place it back on the agenda in April or May. Members all agreed.

#### **Master Plan Implementation – Update**

Mr. Knox said he would defer to Ms. MacEachern. She advised the meeting went well, and there was some good conversation about the things that have been completed over the past year. They want to design a way of reaching out to the different Boards getting that information available, as well as compiling something and making it available to the public. She noted they were going to start meeting more regularly and following up on how far along the Town is coming with the goals in the Master Plan. Their meetings will be on the second Wednesday of the month. Mr. Knox said based on their discussion tonight concerning the Development Opportunities District, would she mind bringing that information back to them and not table it, but halt any discussion on it until April or May. She said that would be fine as it would already be pretty tight to get anything done for this Town Meeting.

**Recodification of the Zoning Bylaw – Review and discuss adding Planning Board Rules and Regulations**

Ms. MacEachern explained the Planning Board Rules and Regulations first need to be updated before they can be rolled into this process. Mr. Knox said that is something they will have to work on doing in the future.

**Review the following Zoning Board of Appeals petitions:**

1. Cornell – 15 Morrison Way

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

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

2. Hoffman – 5 Merigold Lane

Mr. Conroy made a motion, seconded by Ms. Mancovsky, to make no comment on the Zoning Board of Appeals petition for Hoffman – 5 Merigold Lane.

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

**Old Business**

There was no old business.

**New Business**

There was no new business.

**Approve meeting minutes**

Ms. MacEachern advised she had noted some spelling errors which she had jotted down. She would send those back to Colleen to make the corrections.

Mr. Knox said he would make the motion to approve the Minutes from the December 3, 2020, meeting with the amendments noted by Ms. MacEachern. Mr. Conroy seconded the motion.

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



Ms. MacEachern noted on the next set of Minutes it did not indicate that Conservation had continued their hearing, but that should be included. She also noted that regarding the wetlands delineation one portion was approved, and then one portion was continued. Mr. Knox said that he believed it was the vernal pool. He thought they had voted not only to continue but also to approve a portion of the wetland line which was not shown in these minutes. As this was a large change, he felt it should be sent back to double check the language.

#### **Next meeting**

Mr. Knox advised the next meeting is scheduled for February 25, 2021, at 7:00 p.m.

Ms. Mancovsky noted that they needed to be seeing the meeting minutes more frequently. She would want to see at least the ones from the prior meeting. She would follow up with an email. Ms. Murray replied that she had been out on quarantine for three weeks which had thrown her back quite a bit. She has been working first on items that have deadlines as well as the Zoning Board. She had just completed some before this meeting, and they would be available for their next meeting.

#### **Adjourn**

Ms. Mancovsky made a motion, seconded by Mr. Knox, 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 8:30.