

**Planning Board
Lakeville, Massachusetts
Minutes of Meeting
February 25, 2021
Remote meeting**

On February 25, 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:

Daniel and Christine Cooney, David Morrissey

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.

Concept presentation – 58 Main Street – Meet with Daniel Cooney regarding proposed project

Mr. & Mrs. Cooney were present. Mr. Cooney said that he had submitted a general written summary for the record. He advised that this empty lot has been sitting there and their business was growing. He had reached out to the current owner, Mr. Benoit, about building and leasing it from him. Mr. Benoit had asked if instead he would like to purchase the property. They are now exploring all the possibilities. He had reached out to Mr. Darling to find out if this was something they could do. Mr. Benoit has shown a willingness to work with them.

Mr. Cooney said one of his primary questions would be is it even possible to change a bylaw to limit the size of a building on a particular lot. Mr. Knox said his understanding was Mr. Cooney's business as designed would not be allowed by right at that location. Currently, there is no mechanism for a Special Permit for an industrial use in a business location. There is a provision in Mass General Law that allows small scale manufacturing with a certain percentage that has to be sold to the public. The Building Commissioner said this provision does not apply to this proposal because it's solely distribution. It has to be light manufacturing. He just wanted people watching to understand that. Mr. Knox said if Mr. Cooney wanted to try to change a bylaw and work with communicating with the Planning Board, it probably would be wise to understand what they would support or not want to support. He did not think it was a bad idea, but there would

have to be some sort of limitations. Mr. Knox said that if he wanted to try to amend the bylaw or to make a provision that would fit a small-scale business distribution of under a certain square footage and allow that by Special Permit, or some mechanism, he thought the Planning Board might support that to promote small business growth. They would not want to support something that would potentially open up large scale industrial businesses in an otherwise not allowed zone. Mr. Cooney agreed that it made sense to have limitations. Right now, there is no clarity and you could have a tiny little business that imports and has almost no impact on the community, but yet it is limited because of the broad definition of warehouse/office.

Ms. Mancovsky said her understanding of the intention for this property was to have some small retail, some office space, and the remaining storage. Was that correct or was he talking about distribution. Mr. Cooney replied there would be some distribution because they import, but last year they averaged one container delivering to their current warehouse in Wareham per month. There might be five pick-ups per week. He noted that the impact was considerably less than the Dollar Store. Ms. Mancovsky said in regards to changing the bylaw, that always seems to be a large task because it is required to go to Town Meeting. The earliest opportunity to do that would be in the fall if there is a Special Town Meeting. Mr. Knox then described the steps that would have to be gone through. He would recommend an approval by Special Permit with a limited size square footage of the business. He noted they were not offering to write a bylaw for Mr. Cooney but providing guidance, and to also protect the Town. Mr. Cooney said he did understand.

Ms. MacEachern did not know of the legality of possibly allowing this to be done by a Lakeville resident, as supporting a resident would be more appealing than just anybody coming into town. Ms. Mancovsky asked if there was any benefit of this applicant having a conversation with ZBA or is it strictly a bylaw issue at this point. Mr. Knox replied he wasn't sure if much would be gained. All amended bylaws go through the Planning Board. It would depend on how it is written and who would be the Special Permit Granting Authority. Right now there is no mechanism for a Special Permit. Mr. Cooney said even if they did all the work, they were estimating the earliest it could be ready would be fall or possibly next spring. Mr. Knox recommended Mr. Cooney go on other town's zoning bylaws and websites and see if they have anything similar. Mr. Cooney thanked the Board for its time.

Meet with Mr. David Morrissey regarding drainage on 39 Cross Street

Mr. Morrissey was present. He advised his property was 37 Cross Street. Currently, they are in the process of clearing out 39 Cross Street. Half way back in his property, the water is draining from that lot into his backyard. It has created a pool six inches deep and approximately 40' x 40' in one area. It is probably ten inches deep as you get into the woods. He has several concerns. He did send in some photos which had been shared with the Board.

Mr. Knox advised he had been contacted by their engineer, Zenith Consulting Engineers, and it was explained to him that they had started to build a drainage swale. Had Mr. Morrissey noticed that today? Mr. Morrissey said he had not, but it brought up another concern. In the previous meetings, he had asked Mr. Bissonnette about his leaching field, and he had been told the roadway would be ten feet from his property line, but it doesn't look like that's the case as you approach

this area. Thinking of winter storms in the future, it appears that snow is going to land on his property, and they would be salting that road. Mr. Knox asked if his property had been surveyed. Mr. Morrissey said he was going off the boundary that had been established, but he did have one scheduled for a few weeks out.

Mr. Knox said that he didn't want to get into a discussion about a property line until they knew the facts of the location of it. Mr. Morrissey said the water was on his property. Mr. Knox said that he understood that but didn't want to get into that discussion yet. He did see the pictures of the water on his property, and he also got some pictures from the engineer this afternoon. Redlon has started to construct the swale, which they should have done before the road was elevated the way that it is. The engineer has apologized for this, and has reprimanded the crew working there because clearly, they created a problem.

Mr. Knox said he would like him to look at that swale, and then communicate with them next week. He would like to know if what was done has worked. He would like to get out to the site as well. It appears that the silt fence is stopping the water from flowing off of his property. Mr. Morrissey said it is coming right through the silt fence, and that can be seen if you look close enough in the picture. It's created a stream of sediment that's separated, and you can actually see what would be a river if it kept going.

Mr. Knox said that he did see pictures of the swale built as of 4:00 p.m. today. He was told it was draining. He was sure there was still some water in the yard because it doesn't work instantaneously, but he would like an update on this as they progress to make sure that the problem is resolved. Mr. Morrissey said in the meantime, he still has a pond in his backyard, and if they got any more rain or snow, he will have more until it resolves. He needs something from the engineer in writing saying what they were going to do, and when they intend to fix it. Mr. Knox said it sounds like they started today. Mr. Morrissey said he would go out tomorrow and look. Mr. Knox then asked that he update them if it looks any better and if it doesn't, he would follow up.

Ms. Mancovsky wanted to add when they approved this plan, Mr. Morrissey knew the Board spent a lot of time on the drainage. They knew what happened with the other development up the street and how wet some of that area can get. They did want to hear back from him and know that this is being resolved. It was reasonable to have the engineer come back in, if that was needed. Mr. Knox agreed. He stated again to Mr. Morrissey to check back in with the Board with an update, and they would take it from there.

Floodplain Bylaw – Update

Mr. Knox advised that Atty. Kwesell was going to send Mr. Darling completed bylaws from other towns she has done, so he can use it to cross reference with the existing Floodplain bylaw and filter through it. He would then have a template from one that was already approved. Mr. Knox said it was his understanding that they were going to reverse engineer the timing to make sure they could still have a public hearing. As far as the Board of Selectmen know, this is going on the warrant,

but they may not have the public hearing before the March 8th deadline. Ms. Mancovsky said this should be their number one priority, and no matter what it has to happen.

Site Plan Review Bylaw – Review and discuss revisions for public hearing

Mr. Knox asked if anyone would like to change what they have at this point. He said it had been asked how do they know what triggered the increase in occupancy. There are metrics used currently to figure that out, and it is one space per occupant or one per employee. The Board of Health might have something based on the water usage because septic systems are all designed based on usage. That is probably the clearest way to say if they exceed the usage of septic, and they had to do a septic upgrade. That will change the occupancy by more than 10%. Mr. Knox said if everyone agreed on this, they will need to send it to Mr. Darling and Atty. Kwesell for final review. They can then post for a public hearing.

Ms. Mancovsky made a motion, seconded by Mr. Conroy, to send this draft to Atty. Kwesell and Mr. Darling for final review.

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

Recodification of the Zoning Bylaw – Review and approve the Table of Contents and Organization Analysis

Ms. MacEachern said the Board just needs to review and give approval for the reformatting from numbers to letters. She said there were some examples of duplication in the bylaw. This will streamline it and make it fit together better. Mr. Knox asked who else was reviewing this. Ms. MacEachern replied there is the Committee that consists of herself, the Town Clerk, Ms. Drane, Mr. Darling, and the two women from the company doing the recodification. He asked if this was based on their recommendation. Ms. MacEachern said this question has been posed to the Planning Board, so she was not sure what their opinion was.

Mr. Knox said he did not have a problem with this. He would assume that the other people involved in this recodification are doing it with experience. This does appear to eliminate some of the multiple spots in the bylaw that have redundant numberings. Mr. Conroy agreed. Ms. Mancovsky said she would leave it up to the people that have put the time and thought into it as well as those who will be using it. Mr. Knox said he was fine with it.

Mr. Knox then made the motion, seconded by Ms. Mancovsky, to approve the organizational changes.

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

Master Plan Implementation – Update Fee Review Project

Ms. Mancovsky did not know if members had a chance to look at this, but she had reviewed the fees and selected the ones that she thought were appropriate for the Town by highlighting them in yellow. This is open for discussion or questions. Ms. MacEachern recalled that they had gone through this line by line and the last thing they had left was the Site Plan Review fees. She noted that she had not saved the file, so she did not still have it. Ms. Mancovsky suggested they come up with a separate document that breaks out what they said at their last meeting, and then talk about the tiering for the Site Plan Review process.

Ms. Mancovsky asked what they could do to push this forward. They have a lot of development going on, and the Town has a lot of needs and expenses. She did not see any reason why they should not be looking to increase these fees, especially for the larger developers. Mr. Knox said if they were looking at using Carver, Raynham, and Plymouth, then they should be mirroring some of the costs they're charging. Ms. Mancovsky said it is her understanding that once they agree on how they are changing this fee structure, it's a simple vote and then it goes into effect. Mr. Knox was unsure if that was accurate. Ms. Murray said she would also have to check because if the fees are included in their Rules and Regulations, it might have to be advertised.

Members then went through the fees and agreed upon the following:

	Currently	New Fee Proposed
ANR Plan	\$100 per lot	\$250 per lot
Form B	\$100 per plan	\$500
Form C	\$700 + \$100 per lot	\$2,000 + \$100 per lot *\$1,500 if a Form B is submitted
Special Permit (DOD)	no fee established	\$500 per acre
Special Permit (Water Resource Protection District)	no fee established	need additional information tiered by hazard type Still under discussion
Changes made by developer	\$100	\$200 - minor \$1,500 + \$200 for advertising – major
Site Plan Review	\$250 - minor \$1,000 – Major	\$250 - minor \$1,000 – major – up to 3 acres +\$500 additional per acre over 3 acres
Copy of Rules & Regs	\$30	\$50
Public hearing fee	new fee	\$100
Street acceptance	new fee	\$250

Ms. Mancovsky said she would send the updated draft out to them for their review.

Approve meeting minutes

Mr. Conroy made a motion, seconded by Mr. Knox to approve the Minutes from the January 28, 2021, meeting.

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

New Business

Ms. Mancovsky said she would like to fill them in on a couple of things from SRPEDD. The first is that the Federal Government changed something within the Department of Interior. The end result and the consensus is that the casino that they've been looking forward to doing for some time will move forward, and it will be hard to stop at this point. The other item is the update on the Silver City Galleria site. That property is being proposed to be a large-scale warehouse distribution center. There is discussion on the back side of the property where the train tracks line up, there would be a rail transfer station.

Ms. Mancovsky advised there would also be some information regarding a new resilience plan. She had not received the handout, but when she did, she would distribute it. There is some funding available if they needed to get some people involved. They also talked about a site in Middleborough. They are going to have a 29-acre 40R development. It is going to be a mixed use of commercial and residential. There will probably be 150 to 200 units right around where the train station is in Middleborough. She then forwarded the document to members. Ms. Mancovsky said the only other comment is in regards to the Routes 140 and 24 interchange. That project will be starting up in the next few months, possibly two to four. That would be a large project that would last a couple of years.

Ms. MacEachern said the Board of Selectmen at their Monday night meeting brought up the CPA. It already exists in the General bylaws that a committee can be formed in regards to this. It is comprised of members from various boards and three at large members. If there was a chance, she would love to join this committee and see if they can come up with something the Town would vote for at Town Meeting that would preserve some of these open space lands.

Mr. Knox said regarding the position of a Town Planner, he has talked to Selectman LaCamera about it. They are trying to come up with a position for a Town Planner. They have increased the requirement from part time to full time and increased the salary to \$80,000. He said they would be writing a job description, and then sending it to the Board for changes or suggestions.

Mr. Knox also mentioned that on his 296 Bedford Street project, he found a glitch in the outdoor lighting plan. The company that did the plan did not account for farmers porches on the building, and they put the lights just above them so they would light up the copper roofs very well but not

the area below. He has asked the company to do a change. Would the Board like to see that change? Ms. Mancovsky said that as long as it is in compliance with the dark sky. Mr. Knox said they are just pulling a couple of lights off the building, and putting them on light poles on the parking lot side of the building not the street side. This will light the parking area better, rather than the rooftop. There will be no additional light. He will be uploading that document to attach to his building permit. He just didn't want to do something and not have updated the Board. He could share the plan at a later meeting.

Next meeting

Mr. Knox advised the next meeting is scheduled for March 11, 2021, at 7:00 p.m.

Adjourn

Mr. Knox made a motion, seconded by Ms. MacEachern, 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 8:50.