

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

On March 11, 2021, the Planning Board held a remote meeting. It was called to order by Chairman Knox at 7:00 p.m. 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:

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.

Floodplain Bylaw – Update

Mr. Knox said it had been voted to send this to Mr. Darling and Town Counsel. Did anyone have any additional update to this? Ms. Mancovsky said that she would like to confirm that information had been sent forward. Ms. Murray replied she believed that Mr. Darling had been working on it. Mr. Knox said his understanding was that Mr. Darling was going through the existing Floodplain Bylaw to make sure that there were no contradictions, overlaps, or issues with the new Bylaw they were adopting. It is not an adopt and replace but an adopt and in addition to. Ms. Mancovsky asked if this had made it to the Board of Selectmen as an agenda item for the Town Meeting. Ms. Murray replied not that she was aware of. Ms. Mancovsky said if this was not approved at Town Meeting it would be a major issue.

Mr. Knox said that he had just received a message from Mr. Darling which advised that it was pretty much complete. The Board of Selectmen know it is coming. In this case, he would hold off on sending an email. Mr. Knox said he believed the intent was to reverse engineer the timing to make sure that they could do what they need to do currently. The Selectmen were made aware that it needed to be on the Warrant, and they would still get that public hearing posted. Ms. Murray said that was her understanding as well. Mr. Knox asked that this be kept on their agenda as an action item.

Site Plan Review Bylaw – Update

Mr. Knox said that Mr. Darling had approved. It was now going to go to Atty. Kwesell for approval. Nothing had been received back from her yet. Ms. Murray said she could check in again with her for the status. Mr. Knox asked that an email also be sent to the Board of Selectmen stating that they want the Site Plan Review Bylaw included on the Warrant for the Town Meeting.

Master Plan Implementation – Discuss and respond to February 28, 2021, email from MPIC

Mr. Knox advised they had received a communication from Mr. James Rogers, co-chair of the Master Plan Implementation Committee. Ms. Mancovsky said they are addressing this the best they are able to. One item that has been on the Plan from all those years ago was the Planner, which they are working on. Ms. MacEachern said there was also the sign by-law that they were going to try to get on the Warrant, but then decided to let go for now. She knew that is also an upcoming item on the Master Plan. Ms. Mancovsky said they should get regular updates but what would be the best format to do that. Mr. Knox said maybe they should put together a letter which stated the action items completed, and include the next couple of items they intended to address. Ms. Mancovsky said she would prepare that for the Board's review. She would like to have the draft approved, and then Mr. Lynch could present it to the Master Plan Implementation Committee.

Master Plan Implementation – Update Fee Review Project

Mr. Knox said they had discussed this at their last meeting and had some proposed fees based on different disciplines that the Planning Board would oversee. One in particular was the Water Development Special District Special Permit which was for hazardous material storage within that area. Mr. Knox asked if they were addressing just that item tonight. Ms. Mancovsky said she thought they had been hoping Mr. Darling would have a chance to review it, and then advise if he thought the fees were reasonable, too low, or too high. Maybe he should view it in the context of the other communities based on the spreadsheet that had been drafted. She thought for the hazard types, they might be defined by Mass DEP hazard codes. She would like to get feedback before they vote to approve it. Mr. Knox said that hazard material storage is a use group. It's classified under the Board of Building Regulations.

Ms. Mancovsky asked if they should send this over to Conservation. Mr. Knox said they could send it to Mr. Bouchard, but they should define the parameters first. Mr. Conroy asked if they had any idea of where to start this fee. The Board then pulled up the Mass standards under the Board of Building Regulations. H1, H2, H3, and H4 were different levels of hazardous material storage. Mr. Knox said maybe they could base it on the hazard level to create a permit classification. He would need to look further into it.

Mr. Conroy asked on retainer fees when they go to \$15 a linear foot, in the past he thought they avoided writing bond or if they have bond in there, they have to also have a cash option. He asked if they should change it even if it was minor. Ms. Mancovsky then changed the wording to include or a cash surety. Mr. Knox explained the difference between the two was the following: With a bond, there is a cost involved which the developer would not get back.

With cash, the entire amount would be returned as long as the original promise to the Town was fulfilled.

Ms. Mancovsky said she would send the document out again so that it can be circulated. Mr. Knox said to leave the highlighted section, as it is for the Water Development District and that is the only one that is incomplete.

Information for the Floodplain bylaw was then received. There was a discussion if it should just be passed on to Ms. Murray for advertising. Mr. Knox said they should first review the draft. Ms. MacEachern suggested if they find it suitable instead of waiting until the next meeting it be circulated to them, and they could reply individually. It can then be passed forward for advertising. Mr. Knox asked if the Board can agree that the approval of language to amend the Floodplain Bylaw is imperative. Mr. Knox said based on that with the amendments from the Building Commissioner, who is the Floodplain Administrator, they can trust with all accuracy anything that he drafts. They will then send it to Town Counsel for approval. All members agreed. Mr. Knox said barring any amendments from the Chairman, would the Board agree he can act to keep the Floodplain Bylaw moving forward towards making it onto the Warrant and posting a public hearing. Mr. Knox said he would consider that a motion, for the Chairman to act to keep the Floodplain Bylaw moving forward to make it on the Town Meeting agenda. Ms. Mancovsky seconded it.

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

Approve Meeting Minutes

Mr. Conroy made a motion, seconded by Mr. Knox, to approve the meeting minutes from the March 12, 2020, meeting.

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

Mr. Knox made a motion, seconded by Mr. Conroy, to approve the meeting minutes from the November 19, 2020, meeting.

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

Mr. Knox made a motion, seconded by Mr. Conroy, to approve the meeting minutes from the December 17, 2020, meeting.

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

Ms. MacEachern said there are some spelling corrections that will need to be made on this set of minutes.

Mr. Knox made a motion, seconded by Mr. Conroy, to approve the meeting minutes from the January 21, 2021, meeting with the spelling corrections that had been noted.

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

New Business

There was an Invoice from Environmental Partners for the peer review final inspection of Ledgewood Estates.

Mr. Knox made a motion, seconded by Mr. Conroy, to approve the Invoice and to allow the Chairman to sign this bill for the Board.

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

Old Business – Update from Mr. David Morrissey regarding drainage on 39 Cross Street.

Mr. Morrissey was present. Mr. Knox asked for an update regarding the standing water and proposed swale. Mr. Morrissey replied the swale had been dug, and although they had some rain since then, it was still permeating through the silt fence and pooling in his yard. The only concern he had is if this is their permanent fix, the water table is so high, even with no rain in the last ten days, there is still a significant amount of water in that swale now. If they have a lot of rain, he did not know if that was going to hold up. He did not know what their ultimate goal for drainage is so he couldn't give them a firm update.

Mr. Knox asked if there was an improvement. Mr. Morrissey said it was hard to say. It looks like there could be. Mr. Knox said that he can follow up with the engineer to make sure they continue to make improvements. Mr. Morrissey said that in this area there is always water there, and he is concerned about the long-term impact of it. Mr. Knox said he was glad to see improvements and will follow up with the engineer. He asked Mr. Morrissey to also stay in communication with the Board. They did not want his property to sustain any long-term negative impact.

New Business

Ms. MacEachern advised there was an informal discussion this past week regarding the potential for forming the CPA Committee. Right now, they are just trying to gain some interest and momentum. They will need to appoint a Planning Board member so the Board of Selectmen could appoint them to the Committee. The CPA is the Community Preservation Act. Although it has been defeated at Town Meeting a couple of times, they are now seeing quite a few people concerned with preserving open space and protecting their historic features. There is also an affordable/elderly housing component.

Mr. Knox suggested creating a bylaw that takes new growth and takes 10% of the property taxes generated and putting that towards a fund that would be able to purchase open space. The Open Space Committee could then vote to recommend a property be purchased. The funds would be controlled by the Board of Selectmen upon the recommendation of the Planning Board, CPA, and Open Space. If those members were willing to draft a bylaw, he thought there would be a lot of support.

Mr. Conroy said it was important that this committee could market this to the Town to eliminate misinformation and spread the truth about it. Ms. MacEachern said that although the CPA did not pass, the committee has already been established through the General bylaws. Another option is to get a vote to have this on the ballot, rather than a vote at Town Meeting.

Adjourn

Mr. Conroy 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 8:20.