

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

On March 25, 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:

Nyles Zager, Zenith Consulting Engineers, Bo McMahon, Atty. Michael O'Shaughnessy, Norman Orrall

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 – 15 Main Street – presented by Zenith Consulting Engineers

Mr. Nyles Zager was present. He advised they were here before them for a project at 15 Main Street. The applicant is Bluefin Realty located in Middleborough. The property is located about two lots south of the CVS Pharmacy on Route 105, and across from Riverside Drive. The lot is approximately 3.26 acres with a wetland at the rear of the property. Mr. Zager then shared his screen. He advised the lot is located in both the business district which is 600 feet back from Main Street and also the residential district. The high point of the site is approximately at elevation 122 feet, and it slopes all the way down to roughly elevation 80 at the rear wetland line. It is approximately elevation 105 on Main Street.

Mr. Zager stated that approximately two thirds of the property is cleared. The remainder of the rear of the property is wooded. There are two existing concrete foundations that are in disrepair which he pointed out on the Plan. They will both be removed as part of this proposal. Mr. Zager said there is no flood zones on the property, no Natural Heritage endangered species, no areas of critical environmental concern, and it is not located within the zone two of a public water supply well.

Mr. Zager then went to the proposed layout of the site. The proposal is a 24,000 square foot, three-story, self-storage facility with a total gross floor area of 72,000 square feet. The parking is proposed in the front with a total of eight spaces. One of those spaces will be handicapped van accessible. There will be a small office space located at the north east corner of the front portion of the building. The building meets all zoning setbacks in a business district which are 40 feet for the front, rear, and side. Mr. Zager said the landscaping that is currently proposed in the front is two ten feet high plus dogwood trees, nine azalea shrubs, and two green giant arborvitaes. Lighting will be wall mounted on each unit above the door. He noted that all lighting will face downward to ensure that no lighting will spill onto any abutting properties.

Mr. Zager stated the dumpster is located in the rear and will be on a concrete pad, completely fenced in and gated, so it is blocked from the public. The property will be serviced by City of Taunton Water and by an on-site septic system. Perc tests were done and witnessed by the Lakeville Board of Health. Almost all the storm water for the entire property is going to be conveyed through catch basins and drainage manholes, which are all being piped along the sides of the building. Then they're being piped into this drain manhole which has the first defense unit in it. That unit is used as a proprietary measure to remove total suspended solids (tss.) That stormwater requires 80% removal, and these units alone remove that. Mr. Zager continued that there was also a large infiltration basin, located where everything is discharged to. This basin is sized to meet the 100 year, 24-hour storm event. That is seven inches of rain over a 24-hour span and is the DEP requirement for stormwater management.

Mr. Zager advised there was also a small infiltration with underground chambers located at the front of the site. He explained there is a five to six-foot slope at the entrance and they couldn't get all the water to the back because of the depth of the pipe that would need to be there. As this is also a State highway layout, Mass Dot will not allow any water from a proposed property to go onto their layout. They provide this trench grate to ensure that is not the case. This will all be reviewed by Mass DOT as part of their approval process once they get to that point.

The next sheet of the plan, erosion control, was more for the contractor Mr. Zager said, to make sure things are handled properly. There is a construction entrance proposed. It's a rip rap entrance that is there for when large trucks or construction vehicles are coming on and off the site. It knocks the debris off the tires so it doesn't go out onto Main Street. Any debris that did get onto Main Street would have to be swept daily or as needed. That information is all provided in the operation and maintenance plans. Mr. Zager said they are providing silt sock for erosion control at the down gradient side of the project. Silt sacs go into the catch basins and capture any silt that gets into the drainage piping before it gets in there. The contractor will have to empty these as needed. He noted that the entire site has been designed to meet DEP Stormwater Management Standards and all that information had been provided.

Mr. Knox said that he had spoken to Mr. Bissonnette earlier in regards to the landscaping. Mr. Bo McMahon, the owner of the property was present. He said that he had been advised that the Board would be looking for some sort of an enhanced landscape plan, which he was more than willing to do. Mr. Knox said the lot coverage shown on the cover of the plan shows 44%. Mr. Zager said that was correct. Mr. Knox said he was questioning if the residential zone could be used for the business property, so he didn't know if that lot coverage should be based only on the business

property, which would change that percentage quite a bit. That in turn would trigger at least one of the Town's density bonuses. He thought the Planning Board would be requesting an opinion from Town Counsel on the lot coverage based on the zoning. Through that opinion if the residential zone is not counted toward the lot coverage, it would trigger the architectural bonus rather than landscaping, and the Planning Board would have some flexibility as long as one of the density bonuses was met.

Mr. Knox asked if they had received any approval on the curb cut from Mass DOT. Mr. Zager replied that Mass DOT will not review any access permits until all local approvals are in hand. He advised they had also had a traffic assessment completed which had been provided to the Board. They looked at the stop and sight distance, traffic count, etc. He believed all those concerns have been addressed. Mr. Knox asked if the eight parking spaces provided was based on the number of employees. He thought there was the potential for more vehicle flow than that. He said it was employee based. If you look at other storage facilities, there is not a lot of traffic flow. The average statistic is a person visits their storage unit about two and a half times per year. These sites do not generate a lot of traffic. It is their position this does meet the requirements for parking.

Mr. Knox said there are two other self-storage facilities in Town one in the business zone and one in the industrial zone. He has tried to find within the zoning breakdown, the most similar use as a comparison, or if it's not in there, it's not allowed. He could not find anything in the Business Zoning District, that he found to be similar to self-storage. Mr. Zager said one of the first things they did was reach out to the Building Commissioner with this question. It was his determination that under the business district there is a category as business use, and it was his understanding that met the requirement for the self-storage. Mr. Zager then read the email determination from the Building Commissioner into the record.

Mr. Knox asked if they had received their water allocation. Mr. Zager said they had not, and this was the first step. Mr. Knox said when they do the work within the layout of the road, will they need to comply with State standards and repaint the crosswalk? Mr. Zager said yes, they will be required. More detailed plans will be generated from Mass DOT, and they will have to go through that rigorous process. It typically takes six to eight months to get that approval.

Mr. Knox noted that on the southern edge of this property, it appears to abut some sort of a roadway or right of way. Mr. Zager believed that was the access to the proposed Rhino Capital project. The funeral home is on the other side. Ms. Mancovsky asked if there was a rendering. Mr. Zager said they didn't have a colored rendering yet. He then displayed the rear elevation and front elevation. Mr. McMahon said it showing both the front and front northerly side of the building being mostly glass. The right-side elevation would be the elevation presented while entering the Town and would be a mostly glass façade in the front. The rest of it is going to have base level roll up door units and the building will be insulated, metal panels. Around the entry and loading doors to get in and out to access the elevators, there will be masonry or veneer paneling.

Mr. Lynch asked if there was anyway to control the contents that is going into these units. Chief O'Brien had a concern regarding hazardous materials. Mr. McMahon replied there was a lease agreement that was standard across New England. There was a detailed list of prohibited materials that would be barred from entry in the unit. That would be explained and signed during lease up

and during the signing of each individual lease. Mr. Knox then read the March 12, 2021, memo from Chief O'Brien into the record. It noted the following comments: a clearly marked fire lane 20 feet in width, with a turning radius that will accommodate the ladder truck will be required; the sprinkler connection will be on the street side of the facility; the installation of a fire hydrant near the front entrance of the facility will also be required. He also spoke to the potential of the storage of hazardous materials, the difficulty to breach the units in case of a fire, and also the possible obstruction by the contents of a unit of the sprinkler system.

Mr. Knox asked if the design accommodated for the fire lane. Mr. Zager replied they could make that available and stripe a 20-foot fire lane around the entire building. They have also run a turning template model of the largest ladder truck and can provide that information in the revised plans to the Board. Mr. Knox then read the March 10, 2021, memo from the Board of Selectmen into the record. They had the following concerns that they wanted addressed: they would like a landscaping plan; the front design should be done appropriately; a condition should be put in place that no business be allowed to do work in the storage area: there is not enough fire access if vehicles are parked on the side of the building; and a peer review should be done.

Mr. Conroy said there would be a 20-foot fire lane around the outer radius, would that be a no parking zone at all times. Mr. Zager said that was correct. Mr. Conroy then asked if the entirety of the building is sprinklered. Mr. Zager replied it was. Mr. Conroy asked if the City of Taunton has indicated if they can provide this water in their intent letter. Mr. McMahon said they cannot get that letter until they complete this stage. He has reached out to them, and they are willing to review it. He noted the full fire suppression sprinkler system will have its own dedicated line from the street.

Mr. Conroy asked if there would be a gate, or would anyone be able to drive in and around the whole facility. Mr. McMahon replied at this current design they are contemplating potential gate designs that would be past the office area. Mr. Conroy also asked how many units were in the facility. Mr. McMahon said there is a total of 455 units. It was then asked if eight parking spaces would be adequate. Mr. Conroy asked what if several people were using the side doors near their elevators. Mr. McMahon said generally with these buildings the maximum amount of traffic would be during lease up, and the majority of lease up happens 9 to 14 months from project completion. The industry average for Massachusetts is two and a half unit visits per year, per unit.

Mr. Knox said a comment had been made by Mr. Day regarding the contents of the unit. Did this mean it's the honor system after the customer has signed the agreement, and there are no checks after the initial signing of the contract? Mr. McMahon said it is a standard contract, and it would be similar to having a single-family home and renting it. It is very difficult to control what is brought inside the home. As a business owner, you cannot just break into the unit to see what they have in there. However, if it was found out, it would be reason for removal from their unit.

Mr. Knox noted regarding the whole first floor, if it's overhead doors and if he had a pickup truck, he would back into that door. If a truck is typically 20 feet long and with 30 feet of pavement, that only leaves 10 feet in front of the truck for fire apparatus to get in front of the vehicle. He felt that should be brought into consideration with the updated design. Mr. Zager said there is still 10 feet plus if they back into it and unload. They are assuming worst case scenario 20 feet out, and they

could back into the facility itself, so there would be less of an overhang. Mr. Zager said he understood the fire lane is 20 feet wide, and the fire truck is roughly 8 to 9 feet wide. Even if there was a truck there and fully overlapping, the fire truck would still be able to get by. Mr. Knox said except for the corners which had also been discussed. Mr. Zager said they would look at that. He will provide for the next meeting the plan that shows the turning radius, the truck size, and how it will wrap around the entire building facility. It will demonstrate that it does work.

Ms. MacEachern said when she looks under business uses, it states business or professional, office, or bank. There is an office, and it would almost appear that the storage portion is an accessory use. Do other members think that it would be appropriate for these plans to be seen by the Zoning Board of Appeals under storage of junk for commercial purposes. Ms. Mancovsky agreed and had several concerns. They need to first find out from Town Counsel if this is an appropriate use.

Mr. Knox noted that they would do that but it is his understanding that an accessory building is detached, and it would not be the main purpose of the occupancy of the main tenant. It would be an accessory use that the main tenant could survive without. Atty. O'Shaughnessy was present for the applicant. He stated that the Building Commissioner's opinion had been based on the historical application of this type of facility that has been interpreted over two or three of his predecessors in time. If a shift was made now, it would be very inconsistent with past practice. Mr. Knox agreed on all parts, but said he would also like an opinion from Town Counsel.

Ms. Mancovsky said the landscaping has been brought up by the Board of Selectmen, and it was something that she had also noticed. They don't have the design guidelines for the building materials and if they can't compromise on that, but in her opinion, she would like it to be screened as much as possible. She would also like to know what signage they are proposing, as well as their hours of operation. Mr. McMahon said they don't have a design yet for the proposed sign out front. It would be very minimal and meet the sign requirements. Ms. MacEachern said if this did go forward, she would like to see a peer review and also have the traffic projections reviewed as well. She also asked if there had been any discussion as to a combined entrance. As there may be a proposed traffic light at that same area, if possible, wouldn't it make more sense to have all the traffic entering through that light? Multiple entrances so close together just seemed like poor planning.

Mr. Knox said something like that would require easements and strict compliance from a neighbor because it is not a roadway they would be going on but their property. Atty. O'Shaughnessy said it was a good point that had been brought up, but they would need cross easements. He would suggest, in the time they have before the next meeting, speaking with Mr. McMahon and then possibly reaching out to Rhino Capital to see if they are willing to work with them.

Mr. Knox asked if there were any comments regarding peer review. Ms. Mancovsky said she thought the following items should be reviewed: stormwater management, traffic, the sprinkler plan, parking, and landscaping. The use and lot coverage should first be determined. She noted that it would be nice if the landscaping had some continuity with the other development. Atty. O'Shaughnessy said that he did not think an enhanced landscaping plan is unreasonable particularly with what is given there. They can look at what Rhino has done and see if they can incorporate some of their components to make the transition look nice. Is he correct that is what

the Board is requesting. Mr. Knox replied yes and they were looking more at the front., maybe 25% of the building location, that people would see from Route 105.

Mr. Knox asked Ms. Mancovsky if she would like to take any action towards requesting some pricing or peer review. She replied she would first like to hear back from Town Counsel regarding the lot coverage and use. Mr. Conroy asked what the harm would be in doing those items simultaneously and at least getting an estimate. Mr. Knox agreed but they should be specific in the disciplines they have reviewed such as the stormwater management, the traffic study, the parking, and possibly fire suppression would be the most important in his estimation. Atty. O'Shaughnessy said that the fire suppression calculations are looked at and was part of the Fire Department's bailiwick. Once this is approved the Fire Department would have a fire suppression engineer come and review both calculations and make sure it is sufficient to cover the building. It would be part of the building permit process.

Mr. Knox then made a motion to continue this Site Plan Review until April 8, 2021, at 7:00 p.m. In the interim, the Planning Board will seek some pricing on peer review of stormwater management, parking, and traffic. They will also get an opinion from Town Counsel regarding the lot coverage and use. The motion was seconded by Ms. MacEachern.

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

Floodplain Bylaw – Update

Mr. Knox said he had received an update from the Building Commissioner. He had gotten some guidance from Eric Carlson from the State level. Ms. Mancovsky asked if they had heard back from Atty. Kwesell. Ms. Murray said it had been sent to Atty. Kwesell but she had not heard anything back from her. She will follow up to get Atty. Kwesell's approval as well as the language needed for the legal ad.

Site Plan Review Bylaw – Update

Mr. Knox said regarding this he had also not seen anything since Atty. Kwesell's original comments. He asked Ms. Murray to follow up with this and if it was not ready in time, they would have to take it off their agenda, miss this Town Meeting, and continue to work on it for the fall. Mr. Knox noted that Norman Orrall was present in regards to this item. He advised they were trying to amend this bylaw so that it does not trigger for review existing properties that make changes that are for a change of tenants or are not significant.

Mr. Orrall thanked him for that information. He would ask if there is a need to look at Section 6.7.3 which is the residential procedure. He was looking for clarification because he saw work being done on residential lots disturbing more than an acre, and there has been no Site Plan Review. His understanding would be that would be when the building permit application happens. He didn't think the bylaw was clear as to when the Site Plan has to be approved. Is it after construction

or is it before construction begins? That would be his question. If they are making minor modifications to the commercial portion, is there something to look at in the residential portion to tighten up when the procedure applies. Was that timing being looked at and should it be looked at?

Ms. Mancovsky said that was an excellent point. She noted that people also don't realize that if you remove a certain amount of soil from a property, there are fees assessed with that. Mr. Orrall said that was correct, but then who is the enforcement officer for those sorts of things. He noted his understanding was you get erosion controls, grading, and stormwater improvements, all of which are part of the bylaw for residential Site Plan Review, done prior to beginning construction and moving and exposing dirt.

After further discussion, Mr. Orrall stated that it would be his suggestion or request to look at the residential. He thought currently it was being ignored and not being applied at all. Mr. Knox agreed. He noted they just discussed the gravel removal and curb cuts that are granted by the Board of Selectmen. Is the right Board watching the things that would trigger the other issue that had been brought up? Mr. Orrall then thanked the Board for their time and attention to this matter.

Master Plan Implementation – Approve response to February 28, 2021, email.

Ms. Mancovsky stated that an email had been sent to Ms. Murray outlining the progress the Board had so far made. Her suggestion is to send the memo over to Master Plan Implementation Committee (MPIC) to update them.

Ms. Mancovsky then made a motion, seconded by Ms. MacEachern, to approve this memo and forward it to MPIC on behalf of the Planning Board. Ms. MacEachern noted there was a spelling error that needed to be corrected. There were no other changes.

Ms. Mancovsky then made a motion to approve and forward the corrected memo to MPIC. It was seconded by Ms. MacEachern.

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

Master Plan Implementation – Fee Review Project – update

Ms. MacEachern said she believed last time they went through everything, and they were just looking to have some feedback from Mr. Darling. Ms. Murray thought it had been forwarded by Ms. Mancovsky. Ms. Mancovsky said she would forward it now.

Approve meeting minutes

Mr. Conroy made a motion, seconded by Mr. Knox, to approve the meeting minutes from the May 28, 2020, meeting.

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

Mr. Conroy made a motion, seconded by Mr. Knox, to approve the meeting minutes from the June 11, 2020, meeting.

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

Mr. Conroy made a motion, seconded by Ms. MacEachern, to approve the meeting minutes from the June 18, 2020, meeting.

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

Mr. Conroy made a motion, seconded by Ms. MacEachern, to approve the meeting minutes from the June 25, 2020, meeting.

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

Ms. MacEachern noted several amendments that needed to be made to the minutes of January 7, 2021.

Mr. Knox made a motion to approve the minutes from the January 7, 2021, meeting with the changes as noted, pending any additional changes made by any other Board. It was seconded by Ms. Mancovsky.

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

Old Business

Ms. MacEachern requested that an item be added to their next agenda to have someone appointed to the CPC Committee.

New Business – approve Invoice for Standish Enterprise

Ms. Mancovsky made a motion, seconded by Mr. Conroy, to approve the Invoice for Standish Enterprise for envelopes. Mr. Knox wanted to clarify that would also be for him to sign the Invoice on behalf of the Planning Board. Ms. Mancovsky said that was correct. Mr. Conroy agreed.

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

New Business – SRPEDD update

Ms. Mancovsky said she had sent out an email to the Board of Selectmen regarding the Federal funds and the opportunities that would be coming their way. They are looking for shovel ready projects to be prioritized by SRPEDD in the next couple of weeks. They are particularly interested in water, clean water, infrastructure, and infrastructure for broadband. She had also forwarded to them a PowerPoint presentation on affordable housing. Lastly, she thought it would be beneficial if they updated their Housing Production Plan which was last done in December of 2017. Before she reached out to SRPEDD for cost and timing, she would like to get a sense from the Board and Mr. Darling if it would be beneficial. She explained that this was a plan that if they stayed in compliance with protects them from 40B developments. If the Board thought it was valuable, then she could get an estimate from SRPEDD and pursue the timeline and what would be involved so they could present that to the Board of Selectmen for their consideration.

Next meeting

The next meeting is scheduled for April 8, 2021, at 7:00 p.m.

Adjourn

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

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

Meeting adjourned at 8:45.