

**Planning Board  
Lakeville, Massachusetts  
Minutes of Meeting  
May 27, 2021  
Remote meeting**

On May 27, 2021, the Planning Board held a remote meeting. It was called to order at 7:00 p.m. by Vice-Chair Barbara Mancovsky, who was acting as Chair. LakeCam was recording, and it was streaming on Facebook Live.

**Members present:**

Barbara Mancovsky, Vice-Chair; Peter Conroy, Michel MacEachern, Jack Lynch

**Others present:**

Jamie Bissonnette, Zenith Consulting Engineers; Leo Bisio and Jared Bisio, applicants; Keiko Orrall, Michael Borrelli, owner of Metan Marine, Matt Grosschedl, Outback Engineering; Bo McMahon

**Agenda item #1**

Ms. Mancovsky 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.

**Public hearing** – Presented by Zenith Consulting Engineers-upon the application for Approval of a Definitive Plan submitted by Bisio and Son Construction, Inc. for a four (4) lot subdivision located at Rachel's Way including 3 Rachel's Way, M014-B004-L006-2 and 4 Rachel's Way, M014-B004-L005-03

Ms. Mancovsky opened the public hearing at 7:00. Mr. Jamie Bissonnette was presenting for the applicant. He then shared his screen and displayed the plan. He advised they had before them a four-lot subdivision off of County Road. It is utilizing an existing private way which was subdivided years back by Azor Land Sciences. The purpose of the plan is to create three new residential house lots and increase the square footage of the existing house lot in the back, which is titled Lot 1A. He advised right now the existing property consists of a Form A off of County Road and one house lot in the back with approximately 33 acres. There are wetlands that make up a portion of the lot, but approximately 23 acres of the site is upland. On the previous plan, they had done a waived Form C subdivision, waiving roadway construction to be able to gain the ability for a buildable lot in the loop.

Mr. Bissonnette said they are proposing to do some improvements to the right of way including extending the length of it to obtain these three new buildable lots. This will create frontage for

Lots 2, 3, and 4. Their frontage would be based off of Rachel's Way. Lot 4 would comprise of approximately of 2.18 acres; Lot 3 4.79 acres; Lot 2 roughly 24 acres; and Lot 1 is going to increase to 4.39 acres. On each of the sites, they are proposing houses. They would expect the houses to be placed towards the road as the property does slope. There will be a house placed toward the back on the 24-acre lot.

Regarding the roadway construction, it is starting at County Street, a MassDOT roadway, so they will need a curb cut. The property slopes all the way back, so they are picking up the drainage with a grass swale on the side of the roadway and going underneath the driveways with piped culverts to continue the flow all the way back into a drainage basin towards the rear of the cul-de-sac. They are proposing a 14-foot wide paved and a 6-foot-wide gravel shoulder the entire length, with a cul-de-sac around the end and gravel on the inside strip so there can be fire access.

Mr. Bissonnette continued regarding the drainage. He advised it will be swaled on both sides. The roadway water coming down will be able to swale around and get into the drainage basin where it will be treated, metered out, and then discharged appropriately. He stated the slopes of the road are very gentle with the steepest slope being about 4 ½ % and the lightest slopes being close to 1% at the entrance and towards the middle. They have also included vertical curves as required in the regulations for soft transitions in between the different elevations. The drainage basin is sized to handle the 100-year storm and they have included an overflow spillway. They are also proposing a fence that wraps around the basin itself. One of the things they try to utilize is the existing topography of the site to take advantage of the ground, and then build a berm towards the end to catch the water. Instead of having one normal flow, this basin will actually hold flow on its natural surface to allow it to infiltrate into the ground, build up along the side, and meter out of this outlet structure.

Mr. Bissonnette stated the roadway, as he had mentioned, is 14 feet paved with the 6-foot shoulder. They are doing a two-foot-wide grass swale at the bottom which will handle all the roadway water and water that is discharged into it and get it into the basin. He noted grass swales provide treatment as well as provide some low impact development qualities. They are asking for some construction waivers but they are proposing that this roadway remain private and be put into a homeowner's association. They should have some of these documents for their next meeting.

In regards to the waivers, they are asking for the property line to curb radius and also the minimum right of way width. They are looking to not put in a 24-foot-wide paved road. Lakeville has a 750-foot dead end street policy, and they are looking to bring it up to just over a thousand linear feet. With these large lots, especially the one at the end, it seems to justify that waiver. They are also asking for the waiver of curbs and berms because they are utilizing the cross-country drainage with the swales and if they put a berm in, they can't get the water into the swale. He explained a waiver to the sidewalks is pretty traditional on these waived private roads. Water facilities, water supplies, and gas mains are not available in this part of Town. The other commonly requested waivers are for street lights and street trees.

Mr. Conroy asked if the width of the street is going to be 14 plus 6. Mr. Bissonnette replied it will be 20 overall. It is similar to what they've done on Equestrian Way and meets the fire code.

Mr. Conroy clarified it would be six only on one side and then grass on the other. Was that correct? Mr. Bissonnette replied that was correct. On the high side, they are putting in the gravel, and then they are putting the pavement up against the grass swale with the assumption that people are going to be more apt to drive on the pavement. Any contaminants, dirt, or silts will roll off, get into the swale, and then be treated either by the swale itself or the drainage basin.

Ms. MacEachern noted that there were some comments from Boards in Town. The Board of Selectmen comments went along with what Mr. Bissonnette had said about recommending the road not be accepted by the Town. Conservation mentioned that a Notice of Intent (NOI) would be needed. Finally, the Fire Chief had noted some conditions that she would want to include in any Decision they made. Mr. Bissonnette noted that he had not yet seen those comments. Mr. Conroy stated the Fire Chief needs the road constructed strong enough to support his vehicles, and other than that there didn't seem to be an issue as there is clearance for turnaround at the end.

Mr. Conroy asked if there would be culverts under the road. Mr. Bissonnette said they would be under the driveways. He then indicated on the plan where the culverts were proposed and said under the actual pavement and gravel of the road, there are none proposed. Mr. Lynch asked if the road was wide enough to accommodate the fire trucks. Mr. Bissonnette replied they have done this quite a bit in Town. The requirement for traveled width is 20 feet. The 14-foot paved and six-foot gravel shoulder gives enough ability for two cars to be able to pass each other safely.

Mr. Lynch asked if the swale would be able to handle all of the contaminants in the runoff. Mr. Bissonnette replied because it is a grass channel, it helps filter out and reduce the speed of flow. When it gets to the drainage basin, there is a sediment forebay that also helps to remove any type of fine contaminants that get in there, so there are some redundancies in some of the water quality devices.

Ms. Mancovsky then read into the record that the Fire Chief is requesting a clearly marked fire lane be a condition of approval for this project. Ms. MacEachern added the gravel shoulders are to be kept free and clear of obstructions such as utility poles. Chief O'Brien also mentions the grade of the road is concerning and requires no more than one foot of grade change per 20 feet of run. The code states that the grade shall accommodate the design limitations of fire apparatus. This road is at the upper limitation of that requirement, and the Fire Department would like to include a condition where the road is evaluated by them for navigability of Lakeville fire apparatus.

Mr. Bissonnette responded the 4 ½ % slopes are actually very gentle. In the Lakeville Planning regulations, they are allowed to go up to 6 %. They have done 5-6% in Town and have had no issue with navigation. They have analyzed this with their fire turning software, and he would have no problem sitting down with Chief O'Brien to discuss and work this out.

Ms. Mancovsky noted that there are a couple of conditions they will have to think about if they are going to keep this as a private road. She didn't know what type of legal format they would

use for the maintenance of those stormwater drains, but could they include snow removal. This is a very long road to not have adequate snow removal. Ms. Mancovsky also mentioned that they still needed to go to the Conservation Commission. Mr. Bissonnette said there is a small piece that is in the 100-foot buffer, and they can definitely get that part going. They are probably 75 feet from their roadway work to the wetland.

Ms. Mancovsky then looked for some clarification on the waivers, first regarding the width. Mr. Bissonnette replied the right of way is supposed to be 50 feet in width. In this case, they are proposing a variable width because the beginning portion of Rachel's Way is in existence and is already a variable width. The intention of this right of way is to be 40 feet wide, which is what they are showing. That is pretty standard for what they have been doing for the private right of ways. He noted that if somebody tries to upgrade the roadway to try to get additional lots in the future, it already has a non-compliance feature to it so the Board would have some power to say no if they didn't want it to be upgraded. He knew there was no intention to further subdivide the lots.

Ms. Mancovsky said she would feel comfortable continuing this hearing to their first meeting in June. Mr. Bissonnette could then talk with Conservation and the Fire Chief and get updated comments from them. Mr. Conroy said that before they continued, he would like to know about the utilities. Are they underground? Mr. Bissonnette said he believed they were above ground. Mr. Jared Bisio said there were already three or four poles there so it will be above ground, and then to the houses it will be under. Mr. Conroy asked where in those 20 feet overall are those utility poles. Mr. Bissonnette said it was going to be within the 40 foot right of way layout. It will be outside of the 20-foot travel area.

Ms. Mancovsky noted that was an excellent point. She asked if there was a large cost differential as it would make more sense to put utilities underground and making it less vulnerable to outages. Mr. Bisio replied the power was already there. It would be very expensive to change that. They are taking what's there and then to every house it will be underground. Mr. Bissonnette then indicated the location of the poles on the plan. He stated that to take all the poles out and reconnect the houses and start back at the road would be quite an undertaking.

Ms. Mancovsky then made a motion to continue the hearing for the Rachel's Way subdivision until June 10, 2021, at 7:00 p.m. It was seconded by Mr. Conroy.

Before the vote was taken, Ms. Mancovsky asked if there were any comments or questions from the public. No one spoke, and there were no comments on Facebook.

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

The hearing closed at 7:25.

**Site Plan Review, continued – 124, 126, 128, & 130 Crooked Lane – Presented by Zenith Consulting Engineers**

Mr. Bissonnette said they are requesting a continuance tonight. He updated the Board and advised they have reached out to Natural Heritage, retained site biologists, and also engaged an attorney for the legal paperwork that is needed. He knew that the limits of work have been staked out, and he believed the erosion or silt fence for the turtle fencing is being installed. He expected that to be completed by the beginning of next week as wanted by Natural Heritage. He would like a continuance to the Board's next meeting so that they will have the paperwork and also maybe some additional information to report to the Board.

Ms. Mancovsky said that she saw the letter request for continuance. They would see him at their next meeting.

**Site Plan Review – 210 Kenneth W. Welch Drive – Presented by Outback Engineering, Inc.**

Mr. Mike Borrelli, owner of Metan Marine, and Matt Grosschedl from Outback Engineering were present. Mr. Grosschedl advised this application was for a Site Plan Review for an 8,000 square foot addition to an existing building. He then shared his screen. He explained there is an existing developed lot with a 10,000 square foot building with paved areas around it. There is some existing crushed stone in the gravel area in the back that is used for the storage of materials and boats. They are looking to take this existing gravel area and build an addition. They have provided some drainage calculations and stormwater management documents for the Board with their submittal. He advised there was no increase to the impervious areas since they are putting the building on an existing gravel area.

Mr. Grosschedl said they were not clearing any vegetation, but they are going to take a little area in the front where there is currently crushed stone and convert it back to lawn to remain under the lot coverage requirements. He stated they have called out some typical construction areas for a washout pit for the construct, for the concrete trucks, and some staging and storage areas. They have looked at the existing septic information on file with the Town and they are not proposing to increase the staff at the Site. It's just mainly to bring items that are currently being stored outside into a more controlled environment. Therefore, the existing septic and the existing paved parking areas should be sufficient for what they are looking to do. He added that all the zoning setbacks would also be met.

Ms. Mancovsky asked if the addition would be the same height as the present building. Mr. Borrelli said that it would be the exact same height as the other building and also the same color. He advised that he had been very meticulous in making sure that the color would match. Mr. Grosschedl then displayed the profile and elevations of the building. Ms. Mancovsky then opened the floor up to Planning Board members for their questions. Mr. Conroy asked if they had seen the letter from Conservation requiring a Notice of Intent. Mr. Grosschedl said he had received that today and had tried to reach out to the Conservation Agent, but he had not been able to reach him. He was not sure what areas he was referring to as there were no wetlands on the property, but he would follow up with the Agent.

Ms. Mancovsky said that the Board of Selectmen had asked if any parking would be added to the property. Mr. Grosschedl said there is no proposed additional parking. Currently, there are 16 spaces. There is a parking summary on the plan which shows they should have sufficient parking for the proposed use. He advised based on the uses of the building, they would need 13 spaces and there are 16 spaces now. Ms. Mancovsky said the Selectmen also had a concern about the storage of equipment. Mr. Borrelli said that he didn't have any equipment. The only thing that is stored is their clients' boats which they work on during the off-season. There is normally anywhere from eight to ten boats going in and out of the building at a time.

Ms. Mancovsky asked what the change in the drainage was. Mr. Grosschedl said that basically there was no change. They are going to tie into the roof leaders for the existing building for the upper portion of the addition. The rest will be sheet flowed out around the back. The site normally drains out and around to a drainage basin at the back rear of the property. Ms. MacEachern noted that the Fire Chief was asking for a 20-foot-wide fire lane with a 13.5 overhead clearance along the rear building running north and south along the new and existing portions. She thought on the plans they had received it said fire access road, but then she did not see one included or see it on the plans they were discussing.

Mr. Grosschedl said that he had reached out to the Fire Chief. He had supplied the markup that showed the fire lane in the back. When he talked to him about that, he suggested putting signs on the back of the building stating 'no parking fire lane.' He said he would keep at least 20 feet along the back of the building clear to allow fire apparatus to get around. Mr. Borrelli said he thought currently the paved area goes to the back of the existing building. That area goes back at least 30 feet. He doesn't like anything up against the building so he pushes everything back so they can have access for the boats to go around the building. Ms. Mancovsky said they would want that as a condition of approval of the plan.

Mr. Conroy said they could motion this but he wanted to be clear that the Notice of Intent is to be taken care of and that it is properly labeled for the fire lane. He then made a motion to approve the plan as drawn. Ms. MacEachern seconded the motion.

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

Ms. Mancovsky clarified the following two conditions:

The fire lane will be properly labeled.

It will be validated with the Conservation Commission if a Notice of Intent is required.

**Preliminary Plan – Cassidy Estates – 44 Clear Pond Road & 59 Harcourt Avenue – Accept withdrawal letter**

Ms. Mancovsky said they had received a letter requesting this Preliminary Plan be withdrawn. Mr. Conroy made a motion, seconded by Ms. MacEachern to accept the withdrawal letter for the Preliminary Plan for Cassidy Estates, 44 Clear Pond Road and 59 Harcourt Avenue.

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

### **Preliminary Plan – 43 Main Street – Accept withdrawal letter**

Ms. Mancovsky said they also had a withdrawal letter for this Preliminary Plan. Did she have a motion to accept? Mr. Conroy made a motion, seconded by Ms. MacEachern to accept the withdrawal letter for the Preliminary Plan for 43 Main Street.

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

### **Review Earth Removal Plan – 15 Main Street**

Mr. Bissonnette was present for this item. He said that he believed that this is a permit that has been filed with the Selectmen but they have asked for input and a recommendation from the Planning Board. He and the applicant, Mr. Bo McMahon, were present to answer any questions. Mr. Conroy asked if the vast quantity to be removed was what had triggered this application. Mr. Bissonnette replied he thought it was just the mechanism itself with Site Plan Review. They were not changing anything from the Site Plan that was approved by the Planning Board. It's just in going through the permitting, it was found that an Earth Removal Permit was also needed. He believed this was directed by the Zoning Enforcement Officer.

Ms. Mancovsky noted that no letter from the Selectmen had been included with the request for review. Ms. MacEachern said in the General Bylaws it does say "all applications for original or renewal permits for the removal of earth shall be referred to the Planning Board," which she thought was the reasoning behind this. She had spoken with Mr. Knox regarding this and would like to read his recommendation if that was okay. He said, he would recommend a motion to recommend approval to the Board of Selectmen with the condition that a civil engineer provide two plans to the Board of Selectmen. The first plan to show existing elevations prior to earth removal, and the second plan to show final elevations and calculations of the change in volume of material calculations on the completed conditions plan. He also said for possible discussion could this be done and estimated using the existing Site Plan and the proposed Site Plan. Therefore, a nominal fee could be paid up front for the permit. Any additional material removed could be picked up and adjusted using a plan confirming final elevations.

Ms. MacEachern then advised the fees are determined based on how much is removed, so she believed he was asking for that up front when the permit is issued, and the balance to be paid upon completion. She noted it is about 19,000 cubic yards that is proposed for removal. Mr. Bissonnette said Mr. Knox's request is absolutely fine with the applicant. What they would do is after the construction is done, they would do an as-built to confirm grades and compare it to the existing condition that is there now. Based on their software, they can compare the two surfaces and get a volume difference.

Ms. Mancovsky noted that she had not seen that communication. Was Mr. Knox asking for those to be provided beforehand or one to be provided afterwards? She interpreted that to mean they wanted to see an estimate of before and after using the existing plans, and then what the proposal would be. Ms. MacEachern replied the preliminary fee to be based on what has been proposed and then the balance to be paid after the actual is completed. They would need to have

that confirmed at completion. Mr. Bissonnette said that is part of the application as they calculated what they were using with the proposed grades, and then they would verify it with the as-built. Ms. MacEachern said they had also discussed the potential for a watering truck to control the dust during the process. Mr. Bissonnette said that because there is going to be a specific number of disturbances, they will have to do dust control measures. A watering truck is very standard especially if removal is happening over the summer or during windy, dry months. Mr. Conroy said he would like to include, in addition to the dust control, that Main Street be maintained as clean as possible. Mr. Bissonnette said this is also covered in the Erosion Control Plan and with the conditions on the Site Plan. That was provided in the original design set anticipating that the road needs to be kept clean, dust needs to be kept to a minimum, etc.

Ms. Mancovsky said it makes sense to do what Mr. Knox had recommended, and it seems as if everyone was in agreement. They will send a letter of recommendation back to the Board of Selectmen. Ms. MacEachern will send an email to Ms. Murray asking her to provide this information to the Board of Selectmen before their next meeting. Mr. Conroy then made that a motion. It was seconded by Mr. Lynch.

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

#### **Julia's Way – Release of Covenant - Update**

Mr. Bissonnette advised he had spoken to Atty. O'Shaughnessy. He is representing the Mallochs who constructed the subdivision. He and Mr. Zager met with them out on the site, and they are trying to complete a couple of issues. One is they want the Fire Chief to go out and take a look to make sure he is comfortable with the turnaround at the end. They are working on getting that established and expect they will need approximately four more weeks. They are hoping for a continuance to the second meeting in June, if possible. Ms. Mancovsky advised that would be June 24<sup>th</sup>.

Mr. Conroy made a motion, seconded by Ms. MacEachern, to continue this item for Julia's Way until June 24, 2021.

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

#### **Ledgewood Estates – Release of Municipal Interest in Subdivision Security – Update**

Ms. Mancovsky suggested they continue this item until their June 10<sup>th</sup> meeting. If there is something to be discussed, they could discuss it when Mr. Knox was present and they had more information.

Ms. Mancovsky then made that motion. It was seconded by Mr. Conroy.

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



### **Approve Meeting Minutes**

Ms. MacEachern advised these minutes were from the hearing of March 18<sup>th</sup> where Tyler read the findings. The other part of it seemed to be pretty straightforward. Mr. Conroy said that he had read them and would agree that most of it was the hard copy that they had received and not so much a recording of what people had said.

Mr. Conroy then made a motion, seconded by Ms. MacEachern, to approve the Minutes from the March 18, 2021, meeting.

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

### **Old Business**

Ms. MacEachern said she would still like to implement the fee schedule. Could that be placed on their next agenda? Mr. Conroy recommended setting a date at their next meeting where they will start to discuss the D.O.D. Mr. Lynch said that same subject had come up at the last MPIC meeting. There had also been some discussion on Facebook as to why the Planning Board hadn't done anything with this yet. He thought they should address that and come up with some type of a decision.

After discussion, Ms. Mancovsky said that they should look back and ask why these decisions were made before they eliminated them entirely. It should be addressed, and she also wanted it noted that they were talking about this issue even before the hospital site came up. She asked if there were any thoughts on how many hearings would be needed. Mr. Conroy said probably at least two hearings but they can't do them too early which is why he had said wait a little while, but not too long to start this discussion.

### **New Business**

Ms. Mancovsky advised that she has provided some information from a consulting firm that does planning and legal support for land use. She thought it was an important consideration for them to get another resource until they can hire a full-time planner. They were not planning experts, and they have some big things that could come up in Town. She thought they could benefit from it. She has given the information to the Board of Selectmen and Town Administrator for their consideration, and will keep them posted.

Ms. Mancovsky said they do have an Invoice for SouthCoast Media Group to be approved. She then made a motion to approve and have Mr. Conroy sign the Invoice for the Board. It was seconded by Mr. Conroy.

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

**Next meeting**

Ms. Mancovsky advised the next meeting is scheduled for June 10, 2021, at 7:00 p.m.

**Adjourn**

Mr. Lynch made a motion, seconded by Mr. Conroy, to adjourn the meeting.

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

Meeting adjourned at 8:03.