

**Planning Board  
Lakeville, Massachusetts  
Minutes of Meeting  
April 22, 2021  
Remote meeting**

On April 22, 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, Jack Lynch

**Others present:**

Nyles Zager, Zenith Consulting Engineers, Bo McMahon, Atty. Michael O'Shaughnessy; William Mohan, Bruce Benoit, Brandon Currier, Barlo Signs; Sara Andrade; Susan Spieler

**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, continued – presented by Zenith Consulting Engineers**

Mr. Nyles Zager was present. He advised he would like to give them an update. Since their last meeting, they have provided a revised Site Plan. This plan has incorporated the following changes that were discussed at the last meeting:

- The addition of the ten-foot striped fire lane and the removal of the no parking signs.
- The addition of further landscaping that had been discussed.
- A fire hydrant has been added into the site up gradient of the entrance from Main Street into the building.

Mr. Zager said that he had met with the Fire Chief and went over the Site Plans and his concerns. He believed an email had been sent that stated what they had provided was adequate. He did mention that he does not like the idea of the project, but it meets all the codes. The fire lane and hydrant are actually above and beyond the code. Mr. Zager said the only other change was to the drainage basin in the rear of the property. They moved the access berm outside of the residential zone, and there is now no work to be done in that zone. They also relocated the outlet structure out of that infiltration basin. He asked if there were any questions.

Mr. Conroy asked if there were any plans for a security gate. He said in his opinion, if they were thinking about doing a gate, that should be in this right now. If not, that was fine, but it should not

be added post-Site Plan Review without coming back to them. Mr. MacMahon replied they had gone back and forth with this item, but at this time there is no anticipation of a gate. Mr. Knox said they had received a letter from Counsel which indicated that no part of the workings of the business property could be within the residential district. In Counsel's opinion, it does meet the zoning requirements. The residential portion of the property can be used toward the lot coverage requirements, so it is within the 50% and does not require a waiver.

Ms. Mancovsky then advised that Ms. MacEachern, who was not present, had left some questions with her. Ms. MacEachern wanted to know if the property includes ADA access aside from the one handicap space. Mr. Zager said it had the one handicapped space. The requirements are one handicapped, van accessible space for up to a 25-space parking area. Then it goes up from there. There is handicap accessibility into the office space as well. Mr. Knox asked if there was an elevator. Mr. McMahon replied there were two elevators in the building.

Mr. Knox noted he did have a communication from the Fire Chief. It stated the fire lane and turning radius is acceptable and compliant. He was also in favor of the painted fire lanes as had been described in the April 8<sup>th</sup> meeting. There are no restrictions from him at this time.

Mr. Knox then made a motion to recommend approval of the Site Plan for 15 Main Street with the stipulation that it comply with all stated or unstated bylaws of the Town of Lakeville. Mr. Conroy would like to amend that to they will receive the will serve letters from Taunton Water for both municipal water and fire. Mr. Knox so moved and amended the motion. Mr. Conroy then seconded the amended motion.

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

#### **Site Plan Review – 56 Main Street – presented by William Mohan**

Mr. Mohan was present. He advised he was the licensing and permitting consultant working with S & L Pizza Inc, and Sara Andrade and Luis, owners of the Domino's franchise. He noted they were very appreciative of all the support and help they had received from Town employees. He stated they were moving into the extreme left side of the Dollar Tree plaza. Most of the technical aspects were approved when the Dollar Tree was constructed.

Mr. Mohan advised they are looking to build a Domino's Pizza, and they will also be appearing before the Zoning Board of Appeals on May 20<sup>th</sup> for what Lakeville calls a drive-through but what Domino's calls a drive-up window. The Town is rightfully concerned about traffic back up and congestion, but that does not happen with Domino's. It is a window, and there is no menu board in the back where you can place an order to someone inside. In order to come up to the drive-up window, the customer has already pre-ordered and paid, and they are there to pick it up. He also noted that the overwhelming majority of their business is delivery.

Mr. Mohan noted that presently there are no chairs or tables planned for the interior, although that might change if there becomes a need. He advised regarding signs, there will be an entrance sign and an exit sign on Route 105. There will also be an entrance sign on Ebony Farm Road. People

will be directed along the right side of the Dollar Tree and around the back so they are coming up the right side of the building for that drive-up window. They will have a dumpster out back that they will be contracting out to be emptied. There will also be a dumpster during construction they which will be emptied on a regular basis. He was open to any questions the Board may have regarding this application.

Mr. Knox said regarding the drive-through, the Planning Board will have to make a recommendation to the Zoning Board for that. He explained that the Special Permit, if granted, is in perpetuity. Although this business sounds ideal and there would not be a backup; if a similar business moved into that space and they have a different drive-through capacity, there could be a backup. He felt that a condition to the Special Permit should be that it would not be transferrable to other tenants without them having to return to the Zoning Board for another Special Permit. Mr. Mohan said they would agree to that.

Mr. Knox said the outside lights of that building have been a concern to some of the abutters, and he was under the impression that some lighting might be added. They will need to make sure that all of their lights comply with Lakeville's night sky lighting bylaw. Mr. Knox noted that they were also dividing a space that was previously approved. Although it is for a use that was approved, they are leaving a third space that wasn't part of the original design and approval. The Board's concern would be there might not be another Site Plan Review so they need to make sure the handicapped parking and all the access for ADA requirements is still met with that third tenant. Finally, regarding signage, they would need to comply with the Town's sign bylaw.

Mr. Conroy asked if there were any doors exiting the new tenant space onto the side where the drive-through will be passing or were they on Main Street. Mr. Mohan said there are some doors in the back, but that was for taking out the trash or for an emergency. If a second egress is needed, then that is possible. Mr. Conroy asked if this drive up system was in operation at other Dominos. Mr. Mohan replied that it is the newest thing nationwide. You order on the phone and then pick it up on the way home. Mr. Conroy clarified his question was when someone comes to the building and they enter into a queue to pick up their order and it's not ready, what is the process? Mr. Mohan said they would be instructed to park and come into the store, then if there was someone else in line serve that person.

Mr. Conroy asked what would happen if there was a problem with the dispersal of the order. Mr. Mohan said if that was the case, they would ask the driver to bring the car up to the front and they would come out with the order, and put it in the car. Mr. Knox asked if any signage was proposed related specifically to the pickup window. Mr. Mohan replied that has been provided by Barlo, the sign company. He explained the sign locations as one on the front under the Dollar Tree sign and one on the front entrance at the roof of the store. There will be other signs directing traffic around the right side of Dollar Tree and around the back, some 'Do not Enter' signs. He counted eight locations for some type of a Dominos sign to direct the traffic. A couple of the signs would be attached to the back of the building to keep the flow of the traffic moving. There will be a couple in front for entrance and exit, and a like sign on Ebony Farm Road if you enter from that street.

Ms. Mancovsky asked if the signs were illuminated. Mr. Mohan replied they were interior lit with low lighting. Mr. Knox clarified it doesn't broadcast lumens but is backlit. Mr. Mohan said that was correct. Mr. Currier then shared his screen. He displayed the locations of all the proposed signs. Mr. Currier said they wanted to provide a package that would allow the most minimal amount of negative effect on the community, but also have a positive enough number of signs where they could direct and move people around the best as they could, which resulted in this package.

Mr. Conroy questioned the sign referred to as F, which was on Ebony Farm Road. He asked if it was possible to make this sign so that it would not be illuminated on the back side towards Ebony Farm. He did not see how it would hinder the business, and the residents of Ebony Farm Road would appreciate that it would be one side only for people coming in from Main Street. Mr. Currier said that was something that could be set up and done as all their signs are custom. Ms. Mancovsky agreed. She thought the signage was too visible for the community, especially with the 55+ community at the edge and end of Ebony Farm Road. She was not in favor of the drive-through or any additional lights or traffic.

Mr. Knox believed that the Domino tile on the left side of the building would be in violation of the bylaw. Two signs are allowed and all the other signs would need to be traffic directory signs in order to not have to comply with the bylaw. Mr. Currier replied that they had submitted this package for permits but they have not yet received approval or denial from the Building Commissioner. Fire access was briefly discussed but it appeared it was more than adequate. Mr. Lynch said regarding the drive-through, he felt it would be less congestive than people coming in, parking, and going in and out. Mr. Mohan said that was one reason why they opted to include sign F so that customers know they don't have to drive through the parking lot to get around the back of the building. There is an easier way that leads to less congestion. It is easy enough to make sure that there is no light projecting back down Ebony Farm Road.

Mr. Conroy asked if there are bollards that protect the transformer in the back of the building as cars will now be traveling back there, and how far is it from the land that will be there. The owner, Mr. Benoit, said presently there are not bollards, but they do have the ability to do that. He would estimate the distance to be 20 feet +/- . A picture from the plan was then displayed. Mr. Conroy said he was fine with it after seeing the distance.

Ms. Mancovsky then made a motion to not recommend approval for the drive-through to the ZBA. The motion died for lack of a second.

Mr. Knox did not have a problem with the drive-through. Mr. Conroy said he did agree somewhat with Ms. Mancovsky but they knew about the drive-through when they originally permitted this building. It had been presented and discussed.

Mr. Knox then made a motion, seconded by Mr. Conroy, to recommend approval of the Site Plan with the following conditions:

- All signs must be compliant with the Lakeville sign bylaw.

- All handicapped parking and access for all three business units in that property must meet ADA requirements.
- Any additional lights, if outside of the building, must comply with the lighting bylaw for Lakeville.
- The sign on the Ebony Farms entrance will not be illuminated on the back of the sign facing residences.
- The Planning Board will also recommend that the Special Permit, if granted, will have a condition that it will not be transferrable to any other tenants, and that the Zoning Board will make sure that a queue will be no longer than the parking area allowed.

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

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

Mr. Knox stated that Town Counsel has asked if a reviewing engineer has approved the roadway. If so, that should be attached to the Form F prior to signing so the Board can be assured that all work under the Covenant decision and Subdivision Rules and Regulations was completed. Mr. Knox asked Atty. O'Shaughnessy if he had anything to present. Atty. O'Shaughnessy asked if they wanted something from the contractors engineer or the Town's engineer. Mr. Knox asked if anything was ever done by the Town. Ms. Mancovsky noted that this was a private way and would not be adopted.

Mr. Knox said Atty. Kwesell was not saying it was required but that it should be attached if it was done. Atty. O'Shaughnessy said that he could ask the developer to get a statement from his engineer, who had designed the roadway, indicating that it was in compliance. Mr. Knox said that they would like a letter stating that it does comply. They will then attach it to the Form F and sign it. The Board agreed with handling it in that manner. Atty. O'Shaughnessy was fine in delaying this until he had the letter.

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

Atty. Kwesell was unsure if an amount was still being held why the Certificate of Completion was being contemplated. Atty. O'Shaughnessy replied they had filed in the fall that the roadway was complete and to get the bond monies released. Peer review had been engaged and the determination was the roadway was constructed in accordance with the plans and specifications. The issue is they need something for the record that shows the road is built as this could be a different Board in two years, or when they go to get it accepted. They need something on record that shows the roadway is complete. Atty. O'Shaughnessy said that if the Board voted to sign it tonight and hold onto it, he would be fine with that.

Mr. Knox noted that Atty. Kwesell had reiterated her comments about having the engineer's sign off report attached to the signed Form. Mr. Knox suggested they reach out to Atty. Kwesell for clarification of her response. Atty. O'Shaughnessy could then attend their next meeting.

### **Approve Meeting Minutes**

Mr. Knox advised that one of the sets of minutes for 43 Main Street had misspellings. They had approved them with the changes as noted. However, he saw them go to the Conservation Commission and the corrections had not been made. If they were not opposed, he would like to continue those minutes until their next meeting. He would like to act on the March 11, 2021, minutes which were from a regular Planning Board meeting. Board members were fine with that.

Mr. Knox made a motion, seconded by Mr. Conroy, to approve the minutes from the March 11, 2021, meeting.

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

### **Reorganization of the Board**

Ms. Mancovsky made a motion, seconded by Mr. Lynch, to have Mr. Knox remain as Chair of the Board.

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

Mr. Knox made a motion, seconded by Mr. Conroy, to have Ms. Mancovsky remain as Vice-Chair of the Board.

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

### **310 Kenneth W. Welch Drive – Site Plan/Update Determination**

Mr. Knox said that he had spoken to Mr. Darling regarding this. Ms. Murray added an email had been sent. They are changing some things at the location and originally the question had been if they wanted them to come in for Site Plan Review. However, because this was first permitted through the Planning Board and now it is through the Zoning Board it has made it a little more complicated.

Mr. Knox said he thought they needed to confirm that they are not the Special Permit Granting Authority as voted at Town Meeting, and that aspect of the request will not come to the Planning Board. They may want to see the Site Plan to make sure with the additional space the tenant is taking over, it does not impact parking. He also felt Atty. Kwesell should review this for an opinion to see if this would be considered a major or minor change. Members agreed with that. He asked that this be sent along for those opinions and when it is time, they would probably like to see them for Site Plan Review just to make sure that the parking hasn't changed.

### **Next meeting**

Mr. Knox advised the next meeting is scheduled for April 29, 2021, at 7:00 p.m. This meeting will be the public hearings for the Zoning Amendments. Mr. Knox said regarding the elimination of the Development Opportunities District some concerns were brought up. It was his understanding that the 43 Main Street project would then be considered pre-existing, non-conforming. In turn, that would eliminate the special conditions that they had put on it which would be harmful to the abutters.

He would like to see the citizens who had worked on the petition come back and work with the Planning Board. He would rather create a Zoning Overlay to include only that parcel and maybe some adjacent parcels to protect the work they had done. He would also like to have Town Counsel's written opinion on this.

### **New Business**

Mr. Knox then read out of the chat. Tony Chiuppi had said please no drive-through. Mr. Knox said that the drive-through was approved on the Site Plan, but it was something that was the purview of the Zoning Board of Appeals. Barbara Standish made the comment that she could see the lights in the back of the building from Bridge Street. Ms. Mancovsky thought when they approved that Site Plan she thought there was a possibility that a drive-through was going to go in there, but drive-throughs have always been the purview of ZBA. She doesn't know if they would have approved that plan with the existence of a drive-through, it was a hypothetical at the time. Mr. Conroy said that was exactly how they did it. They knew there was going to be an opportunity for a drive-through, and that it would go to ZBA.

Mr. Knox said a vegetated buffer is a real thing between a residential area and a business area. On the back edge of the property they could make the recommendation with the drive-through that the headlights would put light pollution onto Ebony Farms and the properties behind there which are residential.

Mr. Knox made a motion, seconded by Ms. Mancovsky, that if the ZBA approves a drive-through window then along the back of that property, they require a vegetated buffer to stop light from going out the back of the property onto the residential properties.

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

Ms. Mancovsky advised before they adjourned she would like to fill them in on the Housing Production Plan. They had talked about getting some pricing from SRPEDD. They were recommending they do not pursue an update for another year. They might want to start discussing what they want from the project. The cost is going to be somewhere between \$15,000 to \$27,000 depending on what they elect. She will forward a copy to the Board and the Board of Selectmen so they understand the services they have at their disposal. She suggested getting something started by the fall so they would have something for the following spring.

### **Old Business**

There was no old business.

### **Adjourn**

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

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

Meeting adjourned at 8:22.