

**Planning Board  
Lakeville, Massachusetts  
Minutes of Meeting  
July 8, 2021  
Remote meeting**

On July 8, 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; Peter Conroy, Vice-Chair, Barbara Mancovsky, Michele MacEachern, Jack Lynch

**Others present:**

John Gregory, James Murray, Diane Murray, Andy O'Connor

**Agenda item #1**

Mr. Knox read this item into the record. It was an explanation of how the provisions of Chapter 20 of the Acts of 2021 allowed the Board to continue to meet remotely.

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

Mr. Knox advised a continuance to the next Planning Board meeting had been requested.

Mr. Knox made a motion, seconded by Mr. Conroy, to continue the Site Plan Review for the aforementioned address until July 22, 2021 at 7:00 p.m.

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

**Review the following Zoning Board of Appeals petitions:**

a. Bilikas – 7 Helen Street

Mr. Knox made a motion, seconded by Ms. Mancovsky, to make no comment on the Zoning Board of Appeals petition for Bilikas – 7 Helen Street.

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

b. Freitas – 5 Bartelli Road

Mr. Knox noted there were several people in attendance regarding this matter. He advised that typically on residential matters like this, the Planning Board doesn't get too involved. Their purview is signage, traffic flow, and matters of public safety. Ms. MacEachern said it would be concerning to see additional non-conformities. She would recommend they adhere to the bylaws. Mr. Knox said there may be a standard that the ZBA holds, and he would not want to get involved in that. He then opened the floor to abutters.

Mr. James Murray of 10 Bartelli Road stated that one of the issues they have with the person trying to build on this lot and Lot 7 is that they have operated commercial construction from this lot in the last year. They have also parked a number of commercial vehicles on the street continuously. He thought that it potentially presents a public safety issue. Mr. Knox asked if the Building Commissioner had any comment related to this. Mr. Murray replied it's one of those things where the Town has a tough time because there aren't any employees. Additionally, there is a now a trailer on Lot 7 which is also non-conforming but does not have a structure. Their concern is why has the commercial trailer been allowed without a permit. They are concerned if this is just the beginning of what they are about to see if they allow another home to be built on this lot.

Mr. Knox said they did have a small conceptual. He noted the proposed house and garage would be more conforming as far as the lot setbacks than the existing structure. His recommendation would be that they all attend the Zoning Board hearing. He really didn't want to speak to something they don't do on a daily basis. The only comment he would consider making would be based on the business use, and that any business use on this property be either limited or controlled by any relief given.

Mr. John Gregory of 8 Bartelli Road then spoke. He asked if the plans were available for neighbors to review. Ms. Murray replied that they could receive a copy of the building plans through a public records request. Anything that was in front of the Board, was posted on the Planning Board web page under agendas.

Mr. Knox then made a motion, seconded by Mr. Lynch, to make a recommendation to the Zoning Board of Appeals regarding 5 Bartelli Road to ensure with any relief that is given to limit any business use to stay within the residential requirements of the property.

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

**Master Plan Implementation – Update Fee Review Project**

Members began to review the following proposed fee schedule.

DESCRIPTION	FEE	PROPOSED	COMMENT
Form A – Approval Not Required	\$100.00 Per Lot	\$250 per lot	Is this for every new lot or would it apply if it was just a property line adjustment? Should there be two fees?

Ms. Mancovsky recommended leaving it at \$250 per lot, including a land swap. Ms. MacEachern also did not think it was unreasonable. Mr. Knox said he wouldn't have a problem making a land swap \$250, one time for two lots and if new lots are created, each one gets billed as a single lot. Ms. Mancovsky asked if the work associated with a land swap would be less versus the individual lots. She replied that with a land swap there was less to review. Ms. Mancovsky then said the Building Commissioner suggested that they consider \$500 per new lot and \$250 per modified lot. Members were fine with that suggestion.

Form B – Preliminary Plan	\$100.00 Per Plan	\$400 per lot	You may want to add * so the applicant is aware of the credit.
Form C– Definitive Plan	\$700.00 + \$100 per lot	\$2,000 + \$100 per lot	
Form C– Definitive Plan-Following the submission of Form B	\$500.00 + \$100 per lot	\$1,500 + \$100 per lot	

Mr. Conroy asked if they should align it with the Form A and change it to \$500 per lot. Ms. Mancovsky agreed that it should be consistent. Mr. Knox noted that if they kept the fee a little lower for the Preliminary Plan, they might see one. If it moves forward, that fee will get applied to the Definitive Plan giving them more time to review. After discussion, Mr. Knox then proposed changing the fee to \$100 per plan and \$250 per lot with the asterisk that the \$250 per lot would be applied to the Definitive Plan. Mr. Conroy felt that was fair. Mr. Knox reviewed that their new proposed fee for a Form B would \$100 per plan and \$250 per lot, with that lot fee cost to be applied to a Definitive Plan. A Form C, Definitive Plan, will be \$2,000 + \$500 per lot.

Repeat Petitions	\$100.00 Each	Delete line	
Changes	\$100 Each	Minor \$200 Major \$1,500 +\$200 for adv.	

Ms. Mancovsky noted that they had talked about making these changes applicable if they were requested by the developer and not the Board. She said if they were requesting changes then the developer shouldn't be burdened with additional fees. An asterisk should be added to indicate that.

DESCRIPTION	FEE	PROPOSED	COMMENT
Engineering Review Fee	As billed by the engineer		

Mr. Knox asked if that wording should be changed for clarification. It should indicate that this is for peer review and it is a pass through. There will be no fees coming to the Town.

Inspection Fees	\$4.00 Lineal feet of road		
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Ms. Mancovsky suggested this be changed to the same as the engineering review fee, as billed by the engineer a pass through.

Retainer Fee	At the completion of road (Release of Covenant) a retainer fee of \$15.00 plf of road shall be held through bond or passbook until the Town accepts the roadway.	\$15/per lineal foot via bond or surety	Is retainer fee the correct term? The \$15 plf is intended for surety should the developer seek road acceptance. Could this be taken out as it is in the rules and regs.
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Ms. MacEachern suggested a comment that would refer to the rules and regulations. After discussion Mr. Knox recommended changing retainer fee to surety. They could also still have the referral to the rules and regs. They could review those prior to putting this to print to make sure that they were satisfied.

Site Plan Review	Minor-No traffic, drainage or signage issues. \$250.00 Major-In public view \$1,000.00	Minor \$250 Major up to 3 acres \$1,000 Over 3 acres \$500 per acres	
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Members were fine with this proposal.

Special Permit DO District		\$500 per acre	Whereas none of this fee should be associated with peer review it seems a little high. Zoning is different from Subdivision Laws. You may want to run Zoning related fees by legal.
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Mr. Knox said they should send this out with this section highlighted for review by Town Counsel.

Water Development District Special Permit	Tiered by hazard type		The Special Permit provision in this section only applies to modification of existing facilities as new ones are prohibited. Could also just mirror what is decided for DO District.
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Mr. Knox said this is another item that should be seen by Counsel.

Waiver			It would be reasonable to add fees to waiver requests to encourage compliance with PB regs. If there is a list of waivers on every subdivision should the PB take those out of the regs.
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Mr. Knox said he did have a discussion with the Building Commissioner regarding waivers. Over the past year or two they have seen a lot of private ways that are not intended to be accepted by the Town. They didn't have a problem giving a waiver on something like that as much as they should reconsider on a road that is going to be accepted. The Building Commissioner suggested they come up with a set of regulations or standards for these private ways so that they are all the same. Ms. Mancovsky said they had seen a lot of waivers. What would they charge for a waiver request? Mr. Knox said it is a combination. Do they want to eliminate some of those waivers or do they want to keep them all in and just charge for them? Mr. Lynch asked if it should be a high fee to discourage requests. Ms. Mancovsky recommended \$100 a waiver and then they could have a list of exceptions in their rules and regs.

Mr. Conroy said there are some regs that the Town is in favor of waiving, for example, street trees. Mr. Knox noted that if the Town was in favor of a waiver, maybe they should eliminate the regulation. Mr. Conroy agreed. Members then discussed the regulation of sidewalks. Ms. Mancovsky suggested they come up with a list of regulations that are common waivers, and they cut the fee for those. Mr. Knox recommended that the rules and regs along with the amended fee listing be included in their next meeting packet. They can then review and see if they want to make any amendments.

Copy of Rules & Regs		\$50	
Public hearing fee		\$100	
Street Acceptance		\$250	

Members were fine with the three above proposed fees. It will be placed on their next agenda for further review.

### **Approve Meeting Minutes**

Mr. Knox then made a motion, seconded by Mr. Lynch, to approve the Minutes from the April 29, 2021, meeting.

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

### **Old Business**

There was no old business.

### **New Business**

A Chapter 91 Application for 119 Hemlock Shore Road had been distributed for informational purposes. Mr. Knox also advised that there had been some correspondence from Mr. Morrissey about Bella Way and a sinkhole. He did have a chance to speak to Mr. Poillucci who was unaware of this hazard. Mr. Poillucci had advised him that he would look at it and get back to him, and if there was an issue, he would resolve it.

### **Next meeting**

Mr. Knox advised the next meeting is scheduled for July 22, 2021, at 7:00 p.m.

Ms. MacEachern advised regarding the recodification, there was a question about when public hearings needed to be completed by, which needed to be clarified. It was either going to have to be by October 8<sup>th</sup> or 180 days prior to the spring Town Meeting. The Town Clerk was looking into it. Members then discussed the job description for the Planner. Mr. Knox said that he would take any comments from the Board regarding this before the interview process began.

### **Adjourn**

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

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

Meeting adjourned at 8:24.