

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

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

Others present:

Jamie Bissonnette, Zenith Consulting Engineers, LLC; Jefferson Crafford, contractor; Craig Crossley, Jaryd Crossley, Matthew Staren, owners; Norman Orrall, abutter

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. Bissonnette was present. He advised they were here tonight to give the Board an update and also to hopefully get approval on the Site Plan Review Process so they can move forward with getting the site into construction and getting things cleaned up. The first item that had been brought up was National Heritage and the endangered species habitat. The applicants have reached out to biologists and turtle fence has been installed. Two different biologist parties are doing the turtle sweeps. One is doing it for Lot 4, and another company is doing Lots 1, 2, and 3. He has been in touch with both companies and believes one of the biologists was on site today doing the sweeps for Lots 1, 2, and 3.

Mr. Bissonnette said another question that had come up was working with the DPW regarding the asphalt in front of the site. He talked with Mr. Moniz and his clients and would like to have some dialogue with the Board tonight concerning this. The covenant was also brought up and to make sure there is an agreement in place so the work gets done appropriately and in a timely manner. The covenant was prepared by Atty. O'Shaughnessy and sent over to the Board earlier today. It stipulates some time frames that the owners of the lots think are very realistic. There is also a mechanism in the covenant where a bond will be held for the loam and seed to be done in the spring if need be, and the monies will be set with the Planning Board to ensure that happens.

Mr. Bissonnette continued that an Operation and Maintenance Plan for the drainage has been submitted to the Board for review, as well as an easement document that was drafted that allows for maintenance of the basin. The Town will be able to access it in an emergency situation and back charge the owner of Lot 2. Mr. Bissonnette then shared his screen. He noted that they had made a small modification to the plan. He advised that Mr. Crossley, the owner of Lot 1, wanted to protect the front and keep as many trees as possible. They went out and located the trees that he had selected and flagged off, and they are showing them individually. They were able to bring some of the grading back to minimize those disturbed trees in that area, but there will be some that will have to be taken down. They will be able to keep quite a few with this grading change which will help keep some screenage for Mr. Crossley's house. That was the only change that had been made. He asked if there were any questions.

Mr. Knox said that one thing that had been brought up as a concern was the distance of flow of water coming from the adjacent property towards the retention basin. Would there be concerns for those owners with flooding or any other issues. Mr. Bissonnette replied there would not be. He advised when you design drainage the sandier the soil, the less water that is going to end up in the infiltration basin. The way this is swaled with the slopes they have going down, they don't expect any type of flooding at all. He then displayed on the plan how the water would flow. He had no concerns about localized flooding.

Mr. Knox said his only other concern regarding the grading and the finished product being there is if the builder will be responsible for building the homes, but is not responsible for the grading and the site work, who would be doing that? Mr. Bissonnette responded irrespective if it is the builder or the general contractor, the Town goes after the property owner if there is a violation for a Site Plan. He is not sure who is doing the earth work, but they would have to pull the appropriate permits with the Building Department and Board of Health. Mr. Knox said another issue had been dust control, which he would want to include as a condition. He asked Mr. Orrall if he would like to add anything.

Mr. Orrall replied if the builder was not responsible for the grading and/or dust and there are individual owners, who would control that? He noted that if the plans are not followed it would result in dust or stormwater coming onto their abutting property. Mr. Knox said that was a fair point and if they were going to give them conditional approval, then the conditions would cover all parties. He has drafted that the dust control measures are to be implemented by all parties involved to mitigate dust from exiting the properties until the grass is growing. If there is an issue then the Zoning Enforcement Official would be called, and he would have to go and talk to the person that is hired to do the site work or the owner that is present. Mr. Orrall said it would be helpful going into this to know who is doing this.

Mr. Crossley replied that he has got in contact with Dig It Construction from Yarmouth. They have done many projects both large and small and are very professional. He was looking to contract with them to do most of the site work but has not yet finalized anything with them. Mr. Knox said that he was not comfortable naming them in a condition, but he was open to better language than all parties involved. Mr. Orrall said that Zenith is reviewing the operations and/or grading. Is the case that there will be some sort of engineer on site occasionally to monitor these conditions? He was also concerned about the final grading. Mr. Bissonnette responded that was in the covenant as far as the occupancy of Lot 2, and also there would be bond money put aside

for the loam and seed if it is not completed by sometime in December. He believed they would be the firm and the covenant states a registered professional engineer. The attorney had left it open. Mr. Knox then read the contents of the covenant into the record. He noted the Town will hold a bond and/or the occupancy permit for Lot 2 as a surety to make sure that there is a professional engineer stamp saying that what was said to be done for drainage is done. Mr. Knox felt it was a thorough covenant that they are offering up for a Site Plan Review. They have also included a drainage easement and a maintenance agreement which they would request be filed with the Registry of Deeds as part of the conditional approval.

Ms. MacEachern said that she had previously written down \$25,000 for the bond. This covenant says \$5,000. Does that adequately cover the work that may be needed if it is not completed? Mr. Bissonnette said what they did was went through it with the attorney and planned what made more sense on how to set this up. They got some quotes for the loaming and seeding work to be done and they were coming in at about \$9,000. As far as the first part of the covenant, the way that he reads it is if he is not getting an occupancy permit by September 30th, then he is posting the bond if the drainage isn't in. He also can't get the bond money or the occupancy back until that drainage is in and a professional engineer has reviewed and signed off on it. He noted it gives the Town double incentive to get this going. In that case, it felt like it was a step-by-step process that was a little bit fairer for all of the participants in this and the numbers are a little bit more indicative of the tasks needed.

Ms. MacEachern asked if the grading was included in that. Mr. Bissonnette replied whenever they do grading for sites, they do rough grading with the fill in a general manner that will work. They can then spread the four to six inches of loam. There will be touch up areas, but in a general sense they are going to try to get it as close as they can. Mr. Conroy asked if Conservation had any issues with this. Mr. Bissonnette said there were no jurisdictional wetland areas here, just the Natural Heritage.

Ms. Mancovsky said it appears within the documents that had been submitted that there was an Exhibit A. Is that going to be filled in later? Mr. Bissonnette replied it is going to be the exhibit for the easement for recording purposes. She then asked if there were any plans for trees to be put in to mitigate the severity of the drainage. Mr. Bissonnette said there is nothing proposed right now, but he was sure Mr. Crossley and Mr. Staren would be planting some landscaping trees. He noted the drainage basin is to pick up the water from Crooked Lane, that is draining into the site now. It's not really generated from the houses at all. This is to pick up the lack of any drainage controls on Crooked Lane and making it so there is not a flood-out issue in the road.

Mr. Knox then reviewed the following proposed conditions:

- The enclosed drainage easement will be filed with the Registry of Deeds.
- The enclosed covenant will be filed with the Registry of Deeds.
- The stormwater management plan will be followed as drafted.
- The edge of road of Crooked Lane between 126 and 128 will be repaired using infrared pavement patching methods. The repair will match or exceed the thickness of the existing roadway. The limit of the repair will be agreed on by the Lakeville Highway Superintendent. It runs approximately 16 to 24 inches deep into the roadway from the edge. Mr. Knox estimated the area to be approximately 25 feet long but will defer to the Highway Superintendent.

- Dust control measures will be implemented by all parties involved in site work or ownership to mitigate dust from exiting the properties until grass is growing.
- All Natural Heritage requirements will be adhered to throughout.

Mr. Bissonnette said that he had spoken to Mr. Moniz in regards to the edge of road repair. His feeling was if they did the infrared that would be his suggestion. Mr. Bissonnette said he had done some research and found out that what they do is heat the asphalt that is in place and add new asphalt so it becomes a monolithic asphalt section. They tie it into the existing asphalt that is there so it much stronger than putting in filler or a patch. If that is what the Planning Board and DPW want, his clients will provide that.

Mr. Orrall said that some of the things he had brought up in the first meeting were trash and the plans for port-a-potties. Mr. Crafford said there would be a port-a-potty on every lot during construction. There would also be a dumpster. Mr. Bissonnette asked if they could count on him and his workers to make sure there is nothing blowing around on the site at the end of the day. Mr. Crafford said they absolutely could. Mr. Knox said he will add a condition for dust and debris control measures. Mr. Crafford will be responsible for the debris part of that during construction and the owners and site workers will be responsible for the dust.

Mr. Knox then made a motion to conditionally recommend approval of the Site Plan for 124, 126, 128, and 130 Crooked Lane as follows.

- The enclosed drainage easement plan and agreement will be filed at the Plymouth County Registry of Deeds.
- The enclosed covenant will be filed at the Plymouth County Registry of Deeds. The stormwater management plan will be followed as drafted.
- The edge of road of Crooked Lane between 126 and 128 will be repaired using infrared pavement patching methods. The repair will match or exceed the thickness of the existing roadway. The limit of the repair will be agreed on by the Lakeville Highway Superintendent and is approximately 16 to 24 inches in from the edge of the road.
- Dust and debris control measures will be implemented by all parties involved in site work and construction to mitigate dust and/or debris from exiting the property, throughout construction and until grass is growing.
- The MESA Natural Heritage requirements will be adhered to throughout.

Mr. Conroy seconded the motion.

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

Mr. Knox then stated for the record that Mr. Crafford had a stellar reputation in Town. He did not want there to be an appearance that the Planning Board felt otherwise.

Julia's Way – Release of Covenant-Update

Mr. Knox said he had some information that had been submitted in regards to this item. He then read the July 8, 2021, letter from the Fire Chief into the record. It stated the access road was found

to have a compliant paved surface, 20 feet in width. There were no issues with the road grade and overhead clearance. The vehicle turnaround was also found to be adequate and accommodating to all the Fire Department apparatus. There were some photos of the roadway included in the submittal and also a letter from Nyles Zagar. Mr. Zagar advised they have inspected the private roadway and certify that it has been constructed in general compliance with the approved plans and the Certificate of Approval that had been issued on March 24, 2016.

Mr. Bissonnette explained that a few years back Foresight Engineering had proposed a private waived subdivision roadway named Julia's Way. At the time he was working for Prime Engineering and had done the peer review for Foresight so he did have knowledge of the project. He noted the roadway is nice and flat and the pavement looks nice. The infiltration basin is constructed on the left-hand side as you drive up and overall, it's a nice-looking place. The release of the covenant is just to clean up the title on this in case anyone goes to sell their property. He did not believe there was any type of cash bond that had been held.

Mr. Knox thought it was unusual that there was nothing held but thought it might be because it was not going to be an accepted road. Mr. Bissonnette said the way they used to do it was that you couldn't get occupancy on the last lot or sometimes even the building permit until the asphalt was down and okay. That would have been when the Highway Superintendent would go out and inspect the private roads. When the Superintendent changed, the process through the Planning Board changed. Mr. Knox said because they haven't done a lot of these, he would like to send this information by Town Counsel for review to make sure that they can release the covenant.

Mr. Conroy made a motion to send the request to Town Counsel for review, and then place it on their next agenda. Mr. Knox seconded the motion.

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

Ms. Mancovsky noted, not specific to this case, but they have some discussions about making things more precise around these private ways. Should there be a shared maintenance agreement for the asphalt? Mr. Bissonnette said that he believed on the definitive plan that is actually stated, but the intention is there will always be either one of two mechanisms; a homeowner's association or a common roadway maintenance agreement. He said there should be one in place here.

Next meeting

Mr. Knox advised the next meeting is scheduled for August 12, 2021, at 7:00 p.m. He did want to discuss the potential of going back to live meetings.

Master Plan Implementation – Update Fee Review Project

An updated list had been sent to the members. Ms. MacEachern noted there were two items that they had wanted Town Counsel to review in regards to the Special Permit but other than that the Board had gone through everything else. Mr. Knox asked if members were satisfied with this. His

recommendation would be to highlight the few items and send it to the Building Commissioner for one last review and then see if he would also recommend it then be sent to Counsel before they schedule a public hearing to make the changes.

Ms. Mancovsky made a motion, seconded by Mr. Knox, to send the proposed fee structures to the Building Commissioner and then subsequently to Town Counsel.

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

Approve Meeting Minutes

Ms. MacEachern noted the May 13, 2021, meeting minutes had some punctuation errors that needed to be corrected.

Mr. Knox then made a motion, seconded by Ms. Mancovsky, to approve the Minutes from the May 13, 2021, meeting, with the changes noted.

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

Ms. Mancovsky then made a motion, seconded by Mr. Conroy, to approve the Minutes from the July 8, 2021, meeting.

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

New Business – Bountiful Farms Community Outreach Meeting-informational

Mr. Knox advised that he had been unable to attend this meeting. Other members had also not been able to attend as it had started at 6:00 p.m. just before the Planning Board meeting. Members also discussed an article regarding the impact that government regulation made in the price of a new home.

Adjourn

Ms. Mancovsky made a motion, seconded by Mr. Knox, 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 8:01.