

**Planning Board  
Lakeville, Massachusetts  
Minutes of Meeting  
August 12, 2021  
Remote meeting**

On August 12, 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; Joshua Lee Smith, attorney for the applicant; Bob Carr, John Brady, Nature's Remedy; Harris Shain, Jushi MA Inc.; Azu Etoniru, E.T. Engineering; Robert Marshall, Emily Diggins, Donna Winters, Melissa Root, abutters

**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 – 310 Kenneth W. Welch Drive – Presented by Zenith Consulting Engineers, LLC (ZCE)**

Atty. Joshua Lee Smith, Counsel for the applicant was present. He advised he was here in connection with the request for a minor modification with respect to a previously granted Site Plan Review by the Planning Board. He then gave a brief history of this Site. He stated this facility is approximately 50,000 square feet and is used for the cultivation and product manufacturing of adult use and medical marijuana. There have been some renovations within the building. There was an approximately 10,000 square foot office previously used by a prior occupant of the site. That area has been shown on the plan and includes an office area, as well as a break room area, and locker rooms. Technically, they are an accessory to the cultivation and product manufacturing use of the facility.

The Building Commissioner indicated that this did rise to the level of requiring a modification of the Site Plan. In addition, there were some changes with respect to other parts of the floor area which were also shown in their submitted floor plans. The other component he wanted to touch on briefly was what the Zoning Board of Appeals will be determining when they meet with them next week pertaining to the merger. Nature's Remedy is the current holder of the Special Permits for the facility. However, because of the pending merger between Nature's Remedy and Jushi MA

Inc., the surviving entity of that merger, when and if it happens, will be Jushi MA, who will then become the holder of all of the permits, both local and State. They have met with the Board of Selectmen with respect to the transfer of the Host Community Agreement (HCA) which was unanimously approved subject to the transfer. He then turned the presentation over to Mr. Bissonnette.

Mr. Bissonnette then shared his screen to display the plan. He indicated the Nature's Remedy portion of the site and advised that they will be taking over the 10,000 square feet on the second story of the building. What they have done as part of this plan is designate where the parking spaces are. They are showing how many spaces are needed for this and also where they are located. When they did the calculation, it was 34 spaces for the office and then 33 for the larger shift, which totaled 67 spaces. They have 68 spaces allotted to them on this plan. In the rear of the building and in conformance with the 2020 plan by Azor, there were to be 13 spaces there. Right now, there is an existing shed and some pallets in that area. The lines in this vicinity are to be painted, and there will be eight spaces for Nature's Remedy. The entire right-hand side is also designated for Nature's Remedy and has 33 spaces. There is an existing concrete pad with two dumpsters in the vicinity so it is clearly delineated. He also showed the area where there were 7 spaces including a handicap space. Mr. Bissonnette noted on the plan the fenced in secure parking for the delivery van that may contain product. This area is gated in, and he believed it was part of the original approval. Finally, previous to the 2020 Site Plan, there was a Permit given for the circular parking area in the front that was to contain 20 spaces. All these spaces total 68 which is one more than required.

Mr. Bissonnette said they are not proposing any grading, any new pavement, or any types of changes in utilities. They are going to put striping down as needed. The circular drive was recently paved, and Mr. Carr has explained that the line work is going to be happening shortly. He also has said that the shed and the pallets will be moved right away. Mr. Carr estimated the striping will be done sometime mid next week. Mr. Knox said he goes by the site frequently and stated that in regards to the parking, it is a mess. He was under the impression that there was to be a dispensary. Was he correct that he heard that was now not happening? Atty. Smith replied that was correct. There is not going to be a dispensary in that building. Mr. Knox stated that from a Planning Board approval standpoint it becomes convoluted because there are so many tenants utilizing different spots. For example, there is Northeast Alternatives which has parking on the other end which is not shown on this plan. He knew they were not here for them but it would be nice to have a plan that showed everything.

Mr. Knox said that he has spoken to the Building Commissioner, the Chairman of the Zoning Board of Appeals, and the Fire Chief. The Fire Chief had an issue with signage because as this project progresses, they are going to upgrade the fire alarm system inside. The Chief was given a verbal from the building owner that beacons would be put on the outside of the building at each of the separate tenants' spaces, but that does not help for ambulatory response. The Chief suggested small signage on all entrance egress doors. Mr. Knox stated regarding the parking it appeared that the places that had been called out seem to be filled during the course of the day even though the lines aren't painted. Mr. Bissonnette responded that he was correct. He had observed the spots on the side were filled but the spots in the back were not. There was some temporary displacement and some people parking up in the front near the street. He thought once the 20 spaces in the front

and the 8 spaces in the back opened up, it would be helpful. It was also his understanding, with the construction that is going on, there has been additional vehicles. Mr. Carr added the employees were parking in front because that is where the door is as opposed to parking in the back-quarter area which is usually open. He agreed that it would be them creating some discipline in their people to park where they are supposed to and not in the front. They will address that. Once their circular parking is back in order, the tractor trailers are out of the back, and the construction subsides, this will be a different site. Mr. Knox said that he did not have a problem with the vehicles parking in the front as much as they are not at capacity yet, and they are adding 10,000 square feet of office and bringing in 7 to 10 people into that office. It appears the parking lot looks full now.

Mr. John Brady then advised that the people that are going upstairs are already working at the facility. He also noted that their lease guarantees them 70 spots on site. Right now, they don't fully utilize those spots so some of the other tenants in the building have parked in their spots. There are some ongoing construction projects and those people do park in some of those spots. They have ample parking when they need it. People have been parking in front, but that is going to be cleaned up. Mr. Knox said that goes to his point with four plus tenants, the parking looks full and it wasn't all them, but they are approving something and they don't know the entire design load for each tenant space and if there is enough for everybody when this is all done. He would like to see some numbers on employees per shift, and they need that for the entire building not just for Nature's Remedy if there is no one who is going to monitor who is parking where.

Atty. Smith replied the latest plan that they had was from 2020 and was in connection with the dispensary that was endorsed by this Board. That did have the most up to date numbers with respect to the other tenants and their use and required parking. What Mr. Bissonnette had been charged with was to focus on Nature's Remedy's parking and the parking that they knew they had a right to and that was previously approved by the Board. He agreed it was a multi tenanted site that could change from time to time and from tenant to tenant. It would be a different task to do an inventory of all the other tenants. They know that the parking for Nature's Remedy is more than sufficient and the only reason they are here is with respect to the office area which is an accessory use to what was previously there and also previously used as an office area. It is a net zero gain with respect to the use and operation of the site.

Ms. Mancovsky noted that she had recently driven by the property, and it did not look good. There was parking on the grass and in the circular area that had been approved. They really want to maintain the integrity and appearance of the properties in that park. She would encourage the owner to speak to his employees because that was an issue. She also questioned that 68 spaces were proposed but they had a right to 70 spaces. Where are these additional people coming from? Mr. Brady replied the owner would provide them with two other parking spots off-site if needed. He said right now there is a lot of construction that goes on in that facility so it is mostly construction people that are coming in. They will rectify the problem of people parking on the grass immediately. Ms. Mancovsky asked how many spots were approved for the entire facility. Mr. Bissonnette said the original site plan provided 121 spaces. Their review came up with 117 spaces.

Mr. Lynch asked if Nature's Remedy should put signage on each of their parking spaces so that it will be clear these are their spaces. Mr. Brady said if that is what the Board would like, they can do that. Mr. Knox said for clarity that was not a bad thing to do, especially if there are site specific spots. Ms. Mancovsky did not want to see a series of signs. Mr. Brady said that they could just spray paint it on the asphalt along with the striping. Mr. Conroy added he knew when they approved this the first time, it was at max capacity parking and it seems like that is the only issue they have. If they say they are going to make it work, he was okay with it. He liked the idea of painting some type of symbol for their spots once it is striped. They cannot be on the street so they will have to make this work.

Ms. MacEachern stated that in the application for the Special Permit, it said they were providing 76 spaces. The issue of the parking needs to be addressed properly and taking a full inventory of what is needed for the building is a good idea. Mr. Knox felt that might be the responsibility of the building's owner. Atty. Smith noted that the previously approved plan that was submitted was endorsed in 2020. This is an active site and it is unfortunate that they are before them now with construction activities that are exacerbating some of the concerns that the Board has raised.

Mr. Knox said that most of the construction traffic or vehicles appear to be parked up and down the road. They actually park on both sides of the street and are not taking up employee parking. Mr. Brady replied those were not their construction vehicles that he has seen on the road. Those are for Northeast Alternatives. They do have some people coming in, and they all park on their site. Mr. Knox said that he was more at ease hearing Monroe Associates is not going to put in a dispensary at the site. Mr. Brady replied they are not. That lease has been cancelled, and they have taken it over.

Mr. Knox said his recommendation as a Board to the Zoning Board of Appeals would be for the signage and the parking, and a condition of the Permit will state that there will not be a dispensary in the building. They will continue this hearing to make sure that there are no amendments on the plan that come back from the ZBA. He would also like to see signage put on the building for each respective business. Although not responsible for the other tenants, Nature's Remedy needs to have a sign, and they will make sure the rest of the businesses put up signs just for that 911 emergency call. Mr. Brady then stated the following for the record: there will not be a dispensary; they are comfortable with the 68 parking spaces they have; and there will be no parking on the grass as of tomorrow.

Mr. Knox asked if anyone had anything to add. No Board members spoke. Mr. Knox then noted that the plan must show the fire access road behind the building. Mr. Bissonnette said he was sure that it is in place, but he would send the surveyors out to pick it up. Ms. Mancovsky asked if the parking for the entire plan could be included. Mr. Bissonnette said that he was not sure the entire site is striped the way that it is supposed to be. That is not due to his client, but more due to the other tenants in the building. They can show whatever additional line striping is there, but he can't guarantee that it's done the way the approved plans are. They only have control of what his client is working on.

Mr. Bissonnette then shared the previous plan of record. It shows the parking for the far left. He did encounter a couple of discrepancies, with some of the striping. They have made note of that

on their plan which will become the plan of record. He did not spend any time researching the left-hand side, nor did he check out the gravel access for fire. He will go over there and if there is line striping, he will pick it up and show it. He can do the same if the gravel access is also there. He can then pull this line work into the plan set and reference Mr. Pink's plan of 2020 so the plan stays consistent going forward.

Atty. Smith clarified that the Board was asking that they refer to the 2020 plan and include the parking counts from that plan on this plan. Mr. Knox said that he wanted the Nature's Remedy parking on the plan as they were proposing to approve. In addition to that, show the parking at the other end of the building for Northeast that is on that previous plan just to show what is on the other end. Mr. Bissonnette said that he would have no problem referencing that plan.

Mr. Knox then made a motion, seconded by Ms. Mancovsky, to send a recommendation to the Zoning Board of Appeals with the following comments:

- The fire access lane is to be shown on the plan.
- The Special Permit will not allow a dispensary.
- A copy of the amended Site Plan will be referenced in the Special Permit.
- There will be signage or paint that will indicate parking spaces shown on the Site Plan that are designated for Nature's Remedy.
- Nature's Remedy egress access doors will be marked with signage for emergency response.

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

Mr. Knox made a motion, seconded by Ms. Mancovsky, that this is a conditional approval of the Site Plan with the changes noted above to be made, and that the ZBA approve the Special Permit with any changes noted. Any changes are to be added to the plan of record for the Planning Board to sign at their next scheduled meeting or the meeting after the ZBA acts on the Special Permit.

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

#### **ANR Plan – 38 Lakeside Avenue – presented by ZCE**

Mr. Bissonnette shared his screen. He advised this parcel is an approximately 20-acre parcel on Lakeside Avenue that goes all the way down to the pond. There are several structures on the property. There is an existing house, a garage, another cottage style house and a boathouse on the overall property. The owner of the property is looking to divide the land into Lot 1 and Lot 2. There is adequate frontage, and they meet the front yard circles. They also have more than enough area for zoning purposes. The lot is a minimum of 50 feet in width or greater at every point so the area can be counted. There is a small wetland area up in the front.

Mr. Knox said the only concern that he would have is the access. The existing gravel driveway starts out on Lot 2 crosses over onto Lot 1 and then goes back onto Lot 2. Will there be different access or will it be utilized and an easement required? Mr. Bissonnette replied it was a father and

son. He believed the proposal is going to be to put in a new driveway, connect it to the existing one, and then bring it down and around to the house so they will each have their own driveway. Conservation will definitely be seeing this because of the proximity to the wetland. Mr. Knox noted that it looked very tight where the driveway is against the wetlands. Did he foresee a problem if Conservation did not want that driveway to run parallel to the wetlands on Lot 2? Mr. Bissonnette said if Conservation did have a problem with it, they also have a roadway down there with an existing drive. His understanding was that vehicles would come down the road and come right in via an easement that cuts across right to the house. This does go onto Lot 2 so access would not be an issue. There were no additional comments.

Mr. Knox then made a motion, seconded by Mr. Conroy, to endorse the ANR plan for Lot 1 and Lot 2 of 38 Lakeside Avenue.

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

**ANR Plan – Barstow Street and Montgomery Street, M018-B001-L002, L002B & L002C – presented by E.T. Engineering**

Mr. Etoniru was present for the applicant. He then shared his screen and displayed the plan and explained how they were dividing the two parcels. They are creating a single-family house lot and Parcel A which is not a buildable lot. The intent in the future is that it will serve as the access for the back lot which is currently under 61A. It will not be a building lot until such time that they file with the Planning Board a subdivision plan to create an access through it to the back parcel.

Mr. Knox said that he had spoken to the Building Commissioner who felt the plan did meet the requirements for an ANR. It meets the frontage, access, the front yard circle requirements, and the area. Ms. Mancovsky asked if the parcel they were creating was in 61A. Mr. Etoniru did not believe that it was. Mr. Knox said he thought the land that was being divided may be under Chapter 61 but that does not affect their decision here. If there was a land transfer, that would need to be cleared.

Mr. Robert Marshall of 16 Barstow Street said his concern was as the proposed lot gets developed and any future development behind him. He has seen a lot of water come off the back properties behind him and down at the end of Barstow Street where it meets Montgomery Street. He is very concerned that as soil gets moved around, development happens, and vegetation is taken out that will create less absorption and more water coming off that back property into Barstow Street residences. He also noted at the end of the street, where it meets Montgomery, there is frequently a lot of ponding and water that stays in that area. Several years ago, the Town had put in a drainage basin because of the water coming from the lot next to him into the road. He asked if the Planning Board has any mitigation regulations that would address this type of concern.

Mr. Knox replied that the drainage is looked at with every subdivision that is submitted. He was glad that they would now be aware of these water issues. He asked if Mr. Etoniru would be designing the proposed subdivision. Mr. Etoniru replied that was correct. It would come before

the Board as a Definitive Subdivision plan which will require drainage analysis. He assumed the Board would also have an independent peer review person. Mr. Knox said this is an ongoing issue they see with some older developments that maybe weren't scrutinized that well. It is something that the Board looks at seriously.

Mr. Marshall also recalled that part of the history of the area is that there is bedrock under his house at 25 feet and behind him there is an outcropping of rock that emerges. His point is if that is accurate then between his property and that outcropping the bedrock must go up and create less soil between the surface and the bedrock creating a smaller sponge for the water to be absorbed and recharged. He wanted to make the Board aware of this and his concern.

Ms. Melissa Root of 24 Barstow Street then spoke. She said she would continue with the subject of water runoff. She also had a concern with even this one lot. She understood that this lot did not fall under the subdivision rules. Her concern is with the building of this house, it will prevent the absorption of the water coming through and will do significant damage to her property. Mr. Knox recommended taking photographs of the site of her property and the adjacent property. She will then have some evidence to protect herself if there is a water runoff issue where soils get repitched and push water back to her. He noted this is an Approval Not Required so this is not the development portion. Once this goes to the Building Commissioner for a permit if they are going to disturb more than an acre of land, it will come back to the Board for Site Plan Review, where they would look at the drainage and runoff.

Mr. Marshall asked if they knew when this would be happening. Mr. Etoniru was not sure, but stated that they would have to look into the 61A process. He said possibly in six months, but no plan has been made. He had just wanted to make the Board aware of it. Legitimate concerns have been raised and must be addressed if they propose to do this definitive subdivision. Ms. MacEachern said there are no wetlands shown on the plan. Is there a way to verify whether or not there are wetlands in this location? Mr. Etoniru said there are no wetlands on this property, but on the property in the back where there are some cranberry bogs, there are some significant wetlands.

Mr. Knox then made a motion, seconded by Mr. Conroy, to endorse the ANR plan for Barstow Street and Montgomery Street, M018-B001-L002, L002B & L002C.

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

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

Ms. Murray advised this has been sent to Town Counsel, and she is waiting for a response.

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

Ms. Murray advised this has also been sent to Town Counsel for review. She is waiting for a response.

Mr. Knox said that also regarding the Master Plan Implementation, he had the following comments from Mr. Lynch on the Selectmen's meeting from Monday night:

- What are the Planning Board's land use goals which are 2.1 and 2.2 from the Master Plan?
- Has the Planning Board done anything in regards to creating zoning bylaws to enhance and promote industrial and commercial development.
- When will new commercial and industrial areas be identified and designated for development.
- When is the Economic Development Committee going to meet?
- What is the status of the Open Space Residential Design.

Regarding the Open Space Residential Design, Ms. Mancovsky said she was a huge proponent of this but after doing research learned that even with the best of intentions when you leave any space open, there is always the potential for it to be unwrapped or undone. This could leave them open for greater density down the road because there is no method in land court to keep anything in perpetuity unless the ownership entity is willing to do so. Ms. MacEachern added they did have that spreadsheet with the goals by date, if they wanted to start passing that around again and get it in their packets once a month. The first goal was the Planner and she believed the next goals weren't until 2022.

Ms. Mancovsky said they were going to have an opportunity to do something with the design guidelines because they have broken ground for the new development that is going next to the funeral home. She thought that would be motivation to get people in the community to reconsider design standards. She thought they should be prepared for that by the spring meeting. Mr. Knox said that if anyone would like to work on any of these items, he would be happy to enter them into new business at any meeting. Ms. Mancovsky felt they needed to start sketching out a timeline. Six to nine months would be a very quick timeline for something like this. Mr. Lynch asked what the Board would like him to bring back to the Master Plan Implementation Committee for next week that could be passed on to the Board of Selectmen regarding the previous comments. After discussion, Ms. Mancovsky asked if they would need to have a conversation if some of these things are still applicable. Land use is changing very rapidly right now. Mr. Knox advised Mr. Lynch to say that they are working on this and hope to soon have a new Planner. They can then work to implement these items. Ms. Mancovsky asked Mr. Lynch to find out if anyone from MPIC would want to work with the Planning Board to help create a design standard bylaw. Mr. Knox suggested sending an email.

### **Approve Meeting Minutes**

Mr. Knox then made a motion, seconded by Mr. Conroy, to approve the Minutes from the June 10, 2021, meeting.

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

Mr. Conroy made a motion, seconded by Mr. Knox, to approve the Minutes from the June 24, 2021, meeting.

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

Ms. Mancovsky made a motion, seconded by Mr. Conroy, to approve the Minutes from the July 22, 2021, meeting.



Ms. MacEachern advised that on page three, paragraph three the word drainage needs to be changed to grading.

Mr. Knox amended the motion to make that correction. It was seconded by Ms. MacEachern.

**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 – Division of Fisheries & Wildlife informational memo**

Mr. Knox stated the memo advises of the availability of the 15<sup>th</sup> Edition Natural Heritage Atlas, effective August 1, 2021.

Ms. Mancovsky made a motion, seconded by Ms. MacEachern, that this notice be shared with the public via the Lakeville email process if the Board of Selectmen feel it is worthy material.

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

### **New Business – CPA update**

Ms. MacEachern advised she was able to present to the Board of Selectmen on Monday. She and a group of individuals from Boards and Committees, and the public have been working on educating themselves so they can educate their Town to the benefits of the CPA. It has been tried in the past but failed. Now with all the development and the outcry they see, they might now have the momentum to get this going and get people out to vote in favor of it.

Ms. Mancovsky explained that CPA is a modest surcharge for each homeowner. They have done the research and the average cost would be \$38-\$39 per year. Tonight, they were informed about a property coming out of 61A and right now they don't have funds to acquire the land nor a mechanism to protect it. She advised there is a website <https://www.communitypreservation.org/> which lists all the projects that have been accomplished with CPA funds. Ms. MacEachern said there is a Facebook page that has some of those shared items. There is also an email [lakevillecpa@gmail.com](mailto:lakevillecpa@gmail.com) where people can send questions, and they can be added to an email update list.

### **New Business – SRPEDD Housing Production Plan update**

Ms. Mancovsky stated that they need to do an update to their Housing Production Plan. It is not scheduled until 2023 but they need to allocate the funds so they can be ready for next year.

SRPEDD will do the work for them and she did confirm that they have 40 hours available. The Planning Board has 20 and the Board of Selectmen have 20. They can apply those hours to this project if they so choose. As the email was sent out late, it was suggested that members review the information and this item will be placed on their September 9<sup>th</sup> agenda.

#### **Next meeting**

Mr. Knox advised the next meeting is scheduled for September 9, 2021, at 7:00 p.m.

#### **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 8:24.