

**Planning Board
Lakeville, Massachusetts
Minutes of Meeting
Thursday, June 9, 2022**

On June 9, 2022, the Planning Board held a meeting at the Lakeville Police Station. The meeting was called to order by Chairman Knox at 7:15 p.m. Mr. Knox explained that they had a minor delay. They were waiting for one more member, but they did have a quorum. LakeCam was making a video recording of the meeting.

Members present:

Mark Knox, Chair; Peter Conroy, Vice-Chair; Michele MacEachern, Jack Lynch

Others attending:

Marc Resnick, Town Planner

Site Plan Review – 156 Rhode Island Road, continued – T. Sikorski Realty, LLC – applicant

The applicant had requested a continuance of this hearing. Mr. Knox made a motion, seconded by Mr. Lynch, to continue the Site Plan Review for 156 Rhode Island Road until June 23, 2022, at 7:00 p.m. The vote was **unanimous for**.

Site Plan Review – 2 Bedford Street, continued - Thomas J. Parenteau of PBT Real Estate- applicant

Atty. Jilian Morton was present. Atty. Morton said she had distributed the amended plan, and she could go through some of the updates that had been made. The following is what the Planning Department had requested:

- There is a revised dumpster location
- The Chairman had wanted the Plan to indicate numbers 2 and 4 Bedford Street.
- The notes regarding the north entrance.
- The reused materials regarding the parking lot.
- The architectural renderings.

Atty. Morton said they should see the style fits into the nature of the style here in Lakeville, and it also has the cupolas. It will have the space for the restaurant including having that patio section, as well as for the tenants, and the upstairs office space. She asked if the Board needed anything else before they moved forward with a decision. Mr. Resnick said he had asked them to move the dumpster away from the patio. That was something they could work on with their dumpster company.

Mr. Knox said it appears the innermost tenant space is going to be leased to NorthStar. This whole end of the building looks like it is cathedral or open with the loading dock door off that little bump in the back. What would their use be? Atty. Morton replied it is not going to be any sort of manufacturing or heavy equipment use. This is a possible tenant only, but they wanted to create a space where they would have their HVAC, but would not be manufacturing any parts there. She thought they did replacement and repairing of those pieces, and they then would need to be able to move that equipment. She said they had talked to the Building Inspector in regards to it.

Mr. Knox said it was not really a Planning Board concern, but with an overhead door where vehicles could go into the building, he wanted to make sure they were aware of any codes that they may need to meet or are required. Atty. Morton said they could check with the Building Inspector during the Building Permit process. Mr. Conroy asked about signage. Atty. Morton replied they have one sign on the corner and some signage on the building. There were no additional questions. Mr. Resnick said they will write up a short approval with some standard conditions for construction and inspections.

Mr. Knox asked if they were confident the amount of handicap parking will be sufficient for the proposed and potential tenants. Atty. Morton replied it appears they have enough, and it is to code right now. Mr. Knox then made a motion, seconded by Ms. MacEachern, to approve the Site Plan for 2 and 4 Bedford Street with the minor change of a do not enter sign at the northern entrance to prohibit vehicles from entering behind the building on that end. The Town Planner will provide a list of standard conditions. The **vote was unanimous for.**

Gillian Drive – revised Landscape Plan – Jamie Bissonnette

Mr. Jamie Bissonnette from Zenith Consulting Engineers was present. He advised that he was one of the lot owners in this subdivision. When this was permitted, he was at Prime Engineering and they came in with a Form C subdivision. With the Planning Board, they had decided that trees on the left-hand side at the intervals as shown would be sufficient, since the right-hand side had trees naturally. They are at the point now, where they have pavement on the road, the final topcoat is down, sidewalks are in, etc. They are hoping to get on the fall Town meeting agenda for road acceptance. He has been working with Mr. Resnick in regards to that.

Mr. Bissonnette stated they needed to finish up the landscaping. Realistically when you look at it, what stands out is there is a lot of trees there throughout the entire site. The cul-de-sac circle is just a round grass blank nothing. He is here tonight to see if the Board would be amenable to waiving the street trees in the front yards and allowing them to do a nice landscape island. This plan had been distributed to the Board. He thought that doing this would long term provide better results. It is really the area of the subdivision that should be addressed. They are proposing a flowering tree with some flowering and evergreen bushes that wrap around it in a mulch area. The mulch area would be about 30 feet in diameter which will still give them a grass strip for snow storage. He also wanted to ask two questions regarding roadway acceptance.

Mr. Knox and Mr. Bissonnette then discussed the trees that are currently on the site. Mr. Resnick said he agreed with what Mr. Bissonnette wants to do with the plan because when the road was constructed, it wasn't feasible to put the street trees in because of the grading, the slopes, the septic, and the underground utilities. The existing conditions are not conducive to planting the trees. He didn't have an issue with this, but moving forward they should look at the subdivision design standards for how they lay out the street and where they place the street trees. This will ensure that the utilities are not placed in the area where the street trees are.

Other Planning Board members did not have an issue with the proposed plan. Mr. Knox asked if it would be either native or non-invasive species. Mr. Bissonnette said sometimes when you go to the landscape yards, you find that they don't have the exact species but they have its cousin. They do have a note saying if they are not available, they can be substituted. If not, they could miss their window this year for roadway acceptance. With evergreen and flowering mixed in, the intent is to have it look nice year-round. Mr. Knox made a motion, seconded by Mr. Lynch, to approve the proposed landscape changes for Gillian Drive. The vote was **unanimous for**.

Mr. Bissonnette noted that when one of the lot owners paved their driveway, they went right over the sidewalk. They have an inch and a half hump on each side of their driveway to the sidewalk. They have spoken with them, but they did not understand the need for not having the bump. They went out and measured it and looked at the slopes. They are proposing as a fix to go four feet on each side out from their driveway, cut a two-foot-wide strip, and transition down for an inch and a half for a gradual transition. They want to cut the last two feet because the asphalt will get too thin if they put it on top, and key it into that existing sidewalk so they would not get any fracturing or breaking. Mr. Resnick said that would follow under minor adjustments and changes.

Mr. Bissonnette said the last thing was Nick Lanney had done the peer review on this project. When he stepped down from the Town, he had told him and the Building Commissioner that there were a couple of projects that he knew he had approved, and he would be willing to look at them. He had reached out to him, and Mr. Lanney was willing to make sure that everything looked good so he could give it his approval along with Mr. Resnick. They are hoping to get on this fall's Town meeting. The Board was okay with that. Mr. Resnick advised Mr. Bissonnette to have Mr. Lanney get in touch with him.

Review the following Zoning Board of Appeals petitions

a. Dixon – 36 Main Street

Mr. Knox advised this was for a small addition on a commercial property. This addition would be closer to an existing right of way. Mr. Knox said this is a commercial property but this would not affect traffic or pedestrian flow in his opinion. He felt that the Zoning Board could decide whether to grant the further intrusion into the setback. Mr. Resnick noted that abutters have been noticed so if they have concerns, they will be able to attend that hearing.

Mr. Knox made a motion, seconded by Ms. MacEachern, to make no comment on the petition for Dixon at 36 Mian Street. The vote was **unanimous for**.

b. TAC Vega MA Owner, LLC – 310 Kenneth W. Welch Drive

Mr. Knox noted that this project was in front of the Board now for a Site Plan Review. Mr. Resnick advised that this application requests they be allowed to increase the lot coverage from 70% to 73%. This will enable them to construct the required parking to accommodate the increased operations of the building. Mr. Knox asked if this petition would impact the Host Community Agreement or the marijuana use Special Permit. Mr. Resnick said that it would not.

Ms. MacEachern said that the proposed plan of 2/24/22 shows existing conditions that do not appear in the most recently approved plan of 9/9/21. She said that it was also previously in a Flood Zone which was a concern. She reached out to the Cannabis Control Commission (CCC) and advised them of the following items:

- The information on the plan states the property is located in a flood zone, but it was removed in 2012.
- The plans on record differ from what is depicted on the proposed plans as existing, which refers to three natural gas generators each the size of a tractor-trailer. These were not on plans previously approved by the Planning Board.
- This location is less than one mile from Interstate 495, 86 feet from the commuter rail, the neighboring Town of Middleborough, wetlands, and residential neighborhoods are also within a quarter of a mile.

Ms. MacEachern said that she also cited 935 CMR 500:105 which the Zoning Board also has to be in compliance with, which she then read into the record. It was related to energy efficiency and conservation. The investigation manager at the CCC advised her that the only structural change that had been received from the location was in October/November of 2021 for work on the second floor of the facility for an employee breakroom. An unannounced inspection of the facility in December found that the space requested for a change had already been completed and was being used. A Notice of Deficiency was then issued. Ms. MacEachern continued that another structural change request was submitted by the company on May 6, 2022, without documents. They have not yet received a response from the company in regards to a request to supply the required documents. She noted that the company will be receiving another Notice of Deficiency for failing to comply with local ordinances.

Ms. MacEachern said that she did not know if what the applicant was showing will even get them to that 70% never mind the 73%. She would like to share this information with ZBA and potentially make a recommendation to not approve. Mr. Resnick said he thought the current owners are trying to do their best to comply. Relating to the gas offloading facility, they have done everything asked of them by the Fire Department and the Gas Inspectors in order to construct it to code, have it operational, and tested correctly. Inside the building, they are in the process of upgrading everything including the fire alarm systems and communication items that the Fire

Department needs. Ms. MacEachern felt this location was already at capacity, and she didn't know how they were going to include enough landscaping to get to the 70% never mind the 73%. Every time she drives by, there is parking across the street and parking on the grass. They allowed them to do the temporary parking, and it still did not resolve those issues.

Mr. Knox asked if there was any action the ZBA could take to guarantee the parking situation is resolved. Mr. Resnick replied the ZBA's decision for what they will review is cut and dry. The Planning Board is the Board that will review. It can require a review of the operations and submittal of an operations plan for parking that identifies off site parking. If it is large enough they can require a schedule, shift information, etc. Ms. MacEachern said that she would like to see some enforcement. They are not complying, and they are still parking across the street. She then read through the Special Permit decision issued to the site which indicated that there would be no proposed changes with respect to the existing footprint of the building, parking, driveway layout, loading, stormwater management, or other site features. The plan referenced was the one dated 8/23/21. They are not referencing this plan with the offload. Was there a Special Permit granted for the gas generators? Mr. Resnick said this part of the Site Plan Review approval is before them now, but that corner is an after the fact filing.

Ms. MacEachern then made a motion to recommend to the Zoning Board to not approve the Variance request. Mr. Knox asked if that was counterproductive. They have asked them to improve their parking, but they are telling them they can't cover any more space. Ms. MacEachern said they need a better solution than to just continue to add when they are already at capacity. Mr. Knox noted they are asking for the additional amount of 16,770 square feet.

After discussion, Mr. Knox asked how do they enforce and stop 20 cars from lining the south side of the road every day. Mr. Resnick replied he is assuming this is a Town road. The Select Board could require no parking and put up signs, and the police could enforce it. Mr. Knox asked if this could be a condition of the Site Plan Review and the cost be borne by the applicant. He did not think it should be a cost put onto the taxpayer to put up signs. Mr. Resnick said they could send a letter to the Select Board requesting that they consider putting up signs requiring no parking on that side of the street. He was not sure if they could require the applicant to pay for the signage.

Mr. Conroy asked if they could recommend that the Zoning Board of Appeals really scrutinizes this application paying particular attention to the parking; that there cannot be anymore, and that this site is maxed out. Where the additional parking would be located was then discussed. Mr. Knox said they are adding 50 spaces at the other end of the building, but are they adding enough spaces for the 20 cars that they park on this side of the road every day. Mr. Resnick said he thought that many of the Northeast Alternatives employees park on the east side of the building and across the street. Mr. Knox felt they would still see cars parked along the side of the road.

Mr. Resnick said if the Board felt this is an issue, they don't have to wait to send a memo to the Board of Selectmen; they can send that tonight.

Ms. MacEachern then made a motion to send a letter to the Board of Selectmen requesting no parking signs be placed on the south side of Kenneth W. Welch Drive. It was seconded by Mr. Conroy. Mr. Resnick said that he would check with the Police Department to see if there is a list of traffic regulations where they require or prohibit parking or where they have stop signs, or those types of things. He will check to make sure that there is not already something in place here. The **vote was unanimous for.**

Mr. Knox said that in regards to the Zoning Board petition, he would recommend that the material that Ms. MacEachern has related to it be sent to the Zoning Board of Appeals for their information. After further discussion regarding the landscape plan, Mr. Knox suggested they recommend the ZBA continue their hearing until after a detailed landscape plan has been presented to the Planning Board for the 60-70% lot coverage component. Ms. MacEachern said her main concern is with the natural gas truck loading offloading area, especially being within a flood zone. She wanted to go on record as being opposed to that specifically because she would hate to have something disastrous happen. She preferred to be proactive instead of reactive. Mr. Knox agreed that the applicant had created some of their lot coverage problem. However, they do not permit that. It was between the gas inspector and the Fire Chief to permit that apparatus and not the Planning Board's purview.

Mr. Knox then made a motion, seconded by Mr. Conroy, that the Planning Board recommend the Zoning Board of Appeals continue the 310 Kenneth W. Welch Drive petition application until after the Planning Board has a satisfactory Site Plan with a landscape plan that gets them to the 70%. The **vote was unanimous for.**

Discuss the use of SRPEDD hours for the Open Space Plan update

Mr. Resnick said that he believed they had twenty hours from SRPEDD that they had not yet used. The Housing Production Plan was then discussed. He noted that was covered under a separate contract which would not affect those hours. The Board of Selectmen also get twenty hours of which they have used only five. They have voted to authorize that the balance of those hours be used for the Open Space Plan. Mr. Resnick advised that three quarters of the maps and charts within the Plan were produced by SRPEDD originally. Some of them need title page changes and others need complete updating.

Mr. Knox then made a motion, seconded by Ms. MacEachern, that the Planning Board surrender their SRPEDD hours for the Open Space Plan update. The **vote was unanimous for.**

Approve Meeting Minutes

Mr. Knox made a motion, seconded by Ms. MacEachern, to approve the Minutes from the April 28, 2022, meeting. The **vote was unanimous for.**

Review correspondence

Mr. Resnick advised correspondence had been received from other cities and towns but there was nothing of significance to review. He had also forwarded a letter to the Board. Mr. Knox acknowledged they had received the letter from Mr. Jenkins. He thought there was enough mention of a pending lawsuit that they would not discuss it, but acknowledge the receipt of it.

Old Business

There was no old business.

New Business

There was no new business.

Next meeting

The next meeting is scheduled for June 23, 2022, at 7:00 p.m.

Adjourn

Mr. Knox made a motion, seconded by Mr. Lynch, to adjourn the meeting. The **vote** was **unanimous for**.

Meeting adjourned at 8:25.