

**Planning Board
Lakeville, Massachusetts
Minutes of Meeting
Thursday, August 25, 2022**

On August 25, 2022, the Planning Board held a meeting at the Lakeville Police Station. The meeting was called to order by Chairman Knox at 7:00 p.m. LakeCam was making a video recording of the meeting.

Members present:

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

Site Plan Review – TAC VEGA MA Owner, LLC, continued – 310 Kenneth W. Welch Drive

Mr. Terrence Russell from Epstein Global was present. Mr. Ricardo De Rojas and Mr. George Adams owners of the site were also present. Mr. Russell advised a number of comments had been made at the last meeting they attended he wanted to address. There was some misinformation discussed regarding the number of required parking places for each of the tenants. They are looking at between 100 and 125 employees per tenant so that would be a maximum of 250 spots and a minimum of 200 to 210. They did figure out a way to get 250 spots on the Plan. It involves more wetland remediation work, and it increases the site coverage from the 73% they had originally been looking at to just under 77%.

Mr. Russell said another thing that came up was the parking along Kenneth Welch Drive, and the Board's displeasure with the tenants parking there. He contacted the owners who then sent out notices to each tenant telling them it was not allowed by the Town. Mr. De Rojas confirmed through their property management team, notifications were sent to the tenants that they were not allowed to park in these areas. They believe the new Site Plan will help to alleviate, if not eliminate, this all together.

Mr. Russell said another thing that had come up was how would the building owner respond to future growth in employee count, and what will they do to mitigate the parking issue. Mr. Russell said that he had been sent parts of the tenant leases where it stipulates the amount of parking that each tenant is allowed on site. Anything that is above that amount, tenants are required to find off-site parking or some other means to deal with it on their own. However, they still wanted to make a good faith effort to see how they could maximize parking.

The plan was then displayed as Mr. Russell explained where the additional spots had been added. On the Northeast Alternatives side if they increase the site coverage, they can pick up an additional 40 spots without intruding into the 100-year Flood Plain. They were looking at a total of 250 spaces. Jushi would have 109 and Northeast Alternatives would have 141. He thought it would be up to the landowner to divide these between the tenants. Mr. Russell said the objective tonight would be to get the go ahead from the Board to pursue this. They have other consultants on board

and had the wetlands re-delineated as they had been directed. They are also currently working on the stormwater issues, but because the regulations are so involved in the State, they want to know if they are on the right track with this design.

Mr. Conroy said he was in favor of the Plan, but if they do this, there can be nobody parked on the road. It was not designed for that. Mr. Knox asked if they had filed with the Conservation Commission yet. Mr. Russell replied Goddard, their consulting firm, would be taking care of that. They were also the ones that did the original delineation approximately 30 years ago. Mr. Conroy noted that there has to be some kind of a push to get the employees that need to get on the right side, to walk down to the other side to these other spots. Mr. Lynch also had the same concern that if employees couldn't find a spot, they would continue to park out in front. Somehow there has to be some type of enforcement.

Ms. Cline asked if the Fire Department had seen this plan yet. Mr. Russell replied they have not yet presented it. Mr. Russell said if they got the Board's blessing, he would review it with the Fire Department. Ms. MacEachern said it had been discussed at their last meeting that the water allocation plan submitted to them by their Select Board showed 300 employees and not 250. She would like to see some type of documentation that will show them that there are in actuality 250 employees on the largest shift. She noted there had been 40 cars parked on both sides of the street this morning and there appears to be a disregard for safety. Will these employees think its justified or worth it to walk to these additional spaces?

Ms. MacEachern asked if they had a location where they could replicate the wetlands. Mr. Russell indicated on the plan where they thought they had enough room to do that, which was not part of the delineation. It is replaced at a two to one ratio. He also said there had been a concern about accessibility for the tenant that is on the west side of the building, Northeast Alternatives. He has been working with the landlord, and they have been working with the tenant's architect who is doing the buildout. The existing entrance that has a set of stairs and landing will become the main entrance. The area where the stair is in the landing may need to be increased to meet ADA standards, and they will have to look at the swing of the door. As there are a number of other issues associated with it, a mechanical lift would probably be the least expensive option. They will continue to work with the building owner and Northeast Alternatives to get that issue resolved.

Mr. Knox said for him personally, the changes presented seem to generally resolve the issue, depending if it is 300 employees or 250. He thought at some point it would become an enforcement issue. If they continue to grow then it will become their problem, and they would have to find a satellite parking lot. His recommendation for what they presented tonight is that it satisfies what they have asked for. They will vote to make a recommendation to the Zoning Board of Appeals, and continue their hearing so the applicant can get through the Conservation Commission and ZBA process. They can then return to the Board with a finalized plan.

Mr. De Rojas added that they have looked at this issue multiple times, and they have squeezed out as much space as they can. The challenge is when they go to construction to not lose a single one of those spots. They don't have a final stormwater detention plan which might reduce their volume of space and cause the loss of a space here and there. Mr. Knox said that it was possible when they do all the stormwater calculations, the need for a retention pond might be created or something else that is not on this plan. This is just something they will have to talk about at the next couple

of meetings. Mr. De Rojas said they will also do their best to instruct and let their tenants know and enforce the parking around the perimeter the best they can.

Mr. Knox then made a motion, seconded by Mr. Conroy, to send a recommendation to the Zoning Board of Appeals that the current plan still requires stormwater management oversight, but it generally satisfies the parking needs currently.

Mr. Conroy, Mr. Lynch, Ms. Cline, Mr. Knox-**AYE**; Ms. MacEachern-**NAY**.

After discussion, Mr. Russell thought they would be ready to come back in a month and a half or the October 13th meeting. This will be confirmed the week of the meeting. Mr. Knox then made a motion, seconded by Ms. Cline, to continue the 310 Kenneth W. Welch Drive, Site Plan Review Plan until October 13, 2022, at 7:00 p.m. The **vote was unanimous for**.

Approve Housing Survey Questions for the Housing Production Plan

Members then reviewed the questions that had been previously distributed to them. Mr. Knox noted that although some of them may not seem appropriate to Lakeville, there is the option to say that you are opposed. Do they want to then strike those questions or leave them in with the option to oppose? Members discussed looking for sample questions from a Town that more resembled Lakeville demographically, geographically, and has recently done a Housing Production Plan. Ms. MacEachern said she would look. If she finds any, she will forward them out to the Board.

Discussion and action on possible Articles for fall Town Meeting – Modifying setbacks and lot coverage in the Business/Industrial Zone; Industrial District revisions

Mr. Knox advised they had discussed this at their last meeting, but they didn't want to take any action as they had just met a quorum. As Mr. Resnick was not present tonight, he would recommend they continue this and the Industrial District revisions until their next meeting. He then called that a motion, which was seconded by Mr. Lynch. The **vote was unanimous for**.

Review the following Zoning Board of Appeals petitions:

- a. LeBaron Residential LLC (continue discussion)

Mr. Lynch said that he had attended the Zoning Board of Appeals hearing. The residents are concerned about Phase 6. It is totally out of character to the rest of the whole complex, and these two buildings are directly across from the single-family homes. They want something that is within the character of what is there. His question, as well as several other people's, is why can't those buildings be made compatible with the others.

Ms. MacEachern said at that meeting it had been mentioned that sidewalks were supposed to be provided. There had been some discussion between the developer and the Town about receiving a \$300,000 payment in lieu of the sidewalks. She thought that before the Zoning Board made any more allowances for this developer, they should make good on the current standing permit they have, including those sidewalks. She had also sent out some information regarding other safe harbors. It lists a municipality which has between 2500 and 5000 housing units having a 200-unit cap on a large-scale project. She thought this information was worth sending out to ZBA.

Ms. MacEachern also noted that she had heard residents' concerns about promises like: tennis courts, swimming pools, as well as, plantings that have died, the storage of building materials in the open, and lack of screening between units. Those are issues that should be addressed. She knew that the ZBA was limited because this was a Comprehensive Permit, but she would recommend for any residents that are interested to look at the DHCD legal resources. There are certifications and criteria for the developer to meet so if there are issues, they should be reported to the proper department that permits this 40B. Mr. Lynch added that it is an overriding concern in LeBaron that nothing is ever finished, the landscaping, the irrigation system, which has never operated correctly for two years, etc.

Mr. Knox said they are veering off from the topic of Phase 5 and Phase 6. He understood that Mr. Lynch was talking about a track record, and that may be a valid point. However, that is not part of this recommendation. After further discussion, Mr. Knox made a motion, seconded by Ms. MacEachern, to recommend that the character and design of the Villages at LeBaron's Phase 6 should match the character and design of the rest of the LeBaron Residences; if the height of the buildings exceeds the allowable 35 feet that no Variance for the height be granted; the sidewalks that were part of the original Comprehensive Permit should be installed; and that additional mitigation be sought for Phase 5 and Phase 6, if possible. The **vote** was **unanimous for**.

Review the following Zoning Board of Appeals petitions:

- b. Scott – 9 Rush Pond Road

Mr. Knox made a motion, seconded by Mr. Lynch, to make no comment on the petition for Scott at 9 Rush Pond Road. The **vote** was **unanimous for**.

Next meeting

The next meeting is scheduled for September 8, 2022, at 7:00 p.m. at the Lakeville Police Station.

Adjourn

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

Meeting adjourned at 7:59.