

**Planning Board
Lakeville, Massachusetts
Minutes of Meeting
Thursday, July 27, 2023**

On July 27, 2023, the Planning Board held a meeting at the Lakeville Police Station. The meeting was called to order by Chairman Knox at 7:03 p.m.

Members present:

Mark Knox, Chair; Michele MacEachern, Vice-Chair, John Cabral, Nora Cline, Jack Lynch

Others present:

Marc Resnick, Town Planner

44 Clear Pond Road

Mr. Knox advised they had closed the Public Hearing at their last meeting and tonight's discussion was to complete the draft of their final approval of the subdivision and the covenant. All members should have a copy of this. Mr. Resnick stated that one change that has been made is the street lights. It is not a waiver, and they are shown in the revised Plan. That was an issue that was discussed at the last meeting. Mr. Knox then began to review and read into the record the draft certificate of approval.

Mr. Knox said that earlier he and Mr. Resnick had discussed, for this document only, if the Planning Board would consider making the Chairman the only one required to sign, rather than the entire Board. The Definitive Plan would still need all their signatures. Ms. MacEachern wanted to note that the Plan had gone from two lots to four lots. At the last meeting, which had not been recorded, it had gone to three lots and this was the first they were seeing of the Plan. She also asked about condition number 11, which was related to this being a public roadway. Was that always the intention? They had wanted those standards to be met, but she did not recall it being proposed as a public roadway.

Mr. Knox replied he did not recall if that question was specifically asked, but they had not discussed a homeowner's association, if it was intended to be a private way either. His understanding was that the intent was always to have it accepted as a public way. After further discussion, Mr. Knox made a motion, seconded by Mr. Lynch, to amend the signature block of the document to reflect that only the Chairman needs to sign the document, the Certificate of Approval, that will be submitted to the Town Clerk. The **vote** was **unanimous for**.

Mr. Knox then made a motion, seconded by Mr. Lynch, for the Planning Board to approve the Certificate of Approval for this subdivision plan. The **vote** was **unanimous for**.

Mr. John Gregory then asked if there was anything in the discussion about the golf course being sold to another party for the use of a warehouse. Mr. Knox replied that was not related to the Subdivision Control Act. Technically, that could still happen but not through tonight's action. He noted that the public comment portion of the hearing had been closed.

Stowe Estates - 35 Myricks Street

Mr. Knox said they have another Certificate of Approval for this subdivision, Stowe Estates. He asked if there were any comments. Ms. MacEachern said the request is for 14 waivers. She said she was glad they were doing the underground utilities, but her concern was still the sidewalks. There would be sidewalks up and down a majority of Route 79 after the expansion project. She thought the traffic would be moving down there faster, and there is an industrial zoned section as well as highway access. The Planning Board must be concerned with pedestrian safety. For her, by not including sidewalks and having children walking up as much as 1,100 feet in the dark, possible icy conditions, a narrow road, etc., was not doing a service for the future residents of those homes.

Ms. Cline asked if they could change anything at this point. Mr. Resnick replied that it is no longer a public hearing, so they could not solicit any public comments. If there is a specific question of the engineer or applicant you can ask that. However, they have to limit their discussion to this document. They can modify it as they have not voted on it. Mr. Knox said in regards to the sidewalk, he was indifferent to it, but Ms. MacEachern did make a good argument. Ms. Cline said that she was also indifferent to it, but understanding what they are looking at over the Town, she would be more inclined to require the sidewalk. Mr. Cabral thought a sidewalk would be nice, but did not know if it was imperative for three houses.

Mr. Resnick said that it is only a three-lot subdivision, and there should be sidewalks on Route 79. Generally, he agreed they should be in larger projects, but the Town does have a lot of small private roads without sidewalks. He was not opposed to it, and noted that some Towns require every subdivision, regardless of size, to have sidewalks. Mr. Knox noted that 14 waivers was very lenient. They could either not grant the sidewalk waiver or not grant the streetlight waiver; one or the other. Ms. Cline said they had agreed to put lights at the end of the driveways in lieu of the streetlights. Mr. Resnick then read the condition related to the lighting into the record. Mr. Knox said if that is the concession for sidewalks, there should be a distance that the light not go any further from the roadway. That should be called out in the condition, so there is no misinterpretation that the intent is to light the driveway and the end of the road. The pole light should be 10 feet from the property line.

After continued discussion, Ms. Cline said she thought having the lights was for illumination of the area, and not in replacement of the sidewalk. Ms. MacEachern said that it also did not do anything for a child standing at the corner of the cul-de-sac and Route 79 in the dark. Mr. Knox asked if the Board was okay now with not granting the waiver for sidewalks. No one spoke against having a sidewalk.

Mr. Knox said the changes would be that they are not granting the sidewalk waiver and to include the distance of ten feet for the lighting. After consulting the plan, Mr. Resnick said the sidewalk should not have a major impact on the drainage design. They will still have the two-foot gravel shoulder, but they will have to install an asphalt berm with a raised sidewalk of five feet wide along that side. Mr. Resnick said that he will write this into the approval, but the drawing will have to be changed before it is signed. Ms. MacEachern said that she knew there was an issue in this area with water, is there anything other than condition #16 that deals with that. Mr. Knox said that issue was addressed within the Conservation Commission's Notice of Intent. There was a condition added for the Operation and Maintenance, as well as there is to be no snow plowing into the retention pond. There were a few things added that will carry forth in perpetuity.

Mr. Knox then made a motion, seconded by Mr. Lynch, for the Planning Board to approve the Certificate of Approval for the subdivision plan for Stowe Estates-35 Myricks Street with the following changes:

1. The sidewalk waiver is not granted.
2. Condition #8, will be modified to reflect that the pole lights shall be within ten feet of the front property line.
3. Only the Chairman's signature will be needed on the approval.

The **vote** was **unanimous for**.

Public Hearing (7:00) 13 Main St., continued

Mr. Robert Forbes from Zenith Consulting Engineers and Mr. Bo McMahon, applicant were present. Mr. Forbes advised they had received comments back from Environmental Partners, peer review engineer for the Board, and they have made all the required changes. They have sent those responses back to Environmental Partners. He then began a review of the comments.

Mr. Forbes noted that there had been three comments concerning a section on the side of the building where they had a small section of grass area that flowed onto the abutting land. They suggested grading a swale to direct water into the infiltration basin. Mr. Forbes said this is a very large area and the existing conditions are bare ground so it now sheds onto the property. They would be doing some re-grading and take all of the flow from the property line and bring it down into their infiltration basin.

Mr. Forbes said they had been asked to provide calculations showing the infiltration basin and the subservice infiltration chambers drain within 72 hours, and they have shown them they drain in less than 36 hours. They were also asked to confirm groundwater with a new test pit. They went out last week and excavated that test pit, they show where it is on this plan, and they have included the test pit log in the plans. They dug down 13 feet and did not see any indication of groundwater. Mr. Forbes stated that regarding stabilization measures which had been included on the Erosion and Sedimentation Control Plan, they needed to add the comment that all stabilization measures are to remain permanent. Some incorrect elevations have also been corrected. Mr. Forbes noted they have been asked to put an inspection port in the subsurface structures, and they have added that as requested.

Mr. Forbes said regarding the water, it comes from the adjacent property and is stubbed at the property line. There is a permanent easement on that property, for the purpose of this property and the Water Department to maintain that eight-inch water main. The last comment concerned the trench grate. This is because their property is higher in elevation than Route 105/Main Street. Essentially, these are required by MassDOT. When they are draining water towards a State Highway, they have to collect all of it and bring it back to the property. He added if they were properly maintained, they should not have any problem. The Operation and Maintenance Plan addresses getting the sedimentation out of the trench grate and have it been examined every two years by a professional engineer. They have exactly the same thing next door, and it was required by DOT. They have agreed and taken care of every comment except that one.

Mr. Knox advised that he had talked to the Building Commissioner, and he thought possibly because of the three stories and the common hallways, it may trigger Architectural Access Board (AAB) and the need for elevators. Mr. McMahon replied that he did plan on complying with all building code regulations. Mr. Knox noted they weren't discussing building code here but if there was an approval, he might want a condition that if elevators were required, that the handicap parking is reasonably close to those elevators. This seems to make sense from a use standpoint. Ms. Cline said that under 521 CMR, 28.1, it states that all multi-story buildings and facilities shall be serviced by a passenger elevator. That starts at three floors and above. They would want to see where the handicap parking is and the access area for First Responders. Mr. Forbes stated that the handicap spaces are shown. For Site Plan Review purposes, their handicap spaces are as close to the entrances as they can get them. Showing elevators wouldn't impact where they show their spaces. What they are talking about is a building code issue.

Ms. MacEachern said she thought they were going to get a peer review of the traffic study. She would like that done and noted that there had been a fatality about 500 feet from this at Bridge Street.

Mr. Knox then made a motion, seconded by Ms. MacEachern, to have the traffic study that was submitted, reviewed by Environmental Partners. The **vote** was **unanimous for**.

Mr. Resnick added that there could be one more issue related to the age restriction. He was checking with Town Counsel in regards to this, as the applicant had indicated that he did not want to place a deed restriction on this. Mr. McMahon replied that they were not going through DHCD's

age restriction process. They are following the Town of Lakeville's bylaw. Mr. Resnick said that he will wait for the opinion from Counsel.

The following were comments from the audience:

Ms. Barbara Mancovsky, 17 Johnson Drive – Ms. Mancovsky said that they should be supporting ownership of homes and not rentals. It was also concerning that age restricted homes would not have an elevator. She hopes that the project would also have appropriate buffers to the surrounding businesses.

Ms. Susan Spieler, 10 Valley Road – Ms. Spieler said that if they did not put elevators in, they were discriminating against seniors that want to live in that building. It was not practical to think that seniors could be going up three flights of stairs, as well as their first responders. The bylaw states that only one person must be 55+ so that should also be looked at. Finally, she asked what was being done to control dust on the site. Mr. Forbes said there is currently no work being done on the site.

Mr. Knox made a motion, seconded by Ms. Cline, to continue the 13 Main Street Site Plan Review hearing until August 10, 2023, at 7:00 p.m. The **vote** was **unanimous for**.

ANR Plan – 154 Rhode Island Road

Mr. Bob Rego of River Hawk Environmental and Mr. Tylor Sikorski, applicant were present. Mr. Rego said the lot has more than 175 feet of frontage and also meets the 160-foot front yard circle. He said they would be taking the land that is cut off from 154 Rhode Island Road and joining it with 156 Rhode Island Road. Mr. Resnick stated the note on the plan does not clearly indicate that. Mr. Knox asked how were they going to show that this is becoming part of 156?

Mr. Rego replied it would be on the deed. They could file an 81X plan which would show that it all one plan. It doesn't require Planning Board approval because they are not creating any new lines or ways, it just shows those two lots combined. Mr. Resnick said they need to make sure that it is one lot as opposed to two lots under one ownership. Mr. Knox said that he was okay with it as is, for the purposes of it becoming Parcel A under Mr. Sikorski's ownership. However, for the Board to sign off on the Site Plan Review, they will need him to show that document that makes Parcel A become part of 156 Rhode Island Road, and then guarantees the lot coverage is accurate.

Mr. Knox made a motion, seconded by Mr. Lynch, to endorse the ANR plan for 154 Rhode Island Road. The **vote** was **unanimous for**.

Site Plan Review – 156 Rhode Island Road, continued

Mr. Knox noted that they had received the amended plans today, but he had not had a chance to review them. He discussed the curb cut opening, which was still at 60 feet. Mr. Rego said that in

the bylaw, if you have one opening, it can be 54 feet, so they will be making that change. Mr. Resnick said that was correct. Mr. Knox was fine with that.

Mr. Resnick said that there had been some discussion regarding a berm on Crooked Lane. Mr. Rego said they had added a one-foot berm. The plantings they are proposing can grow between five and ten feet. They felt that would be a sufficient buffer to the project. Mr. Rego said that he had prepared a letter that had responded to all of the following comments:

- The industrial wastewater tanks are not shown on the property.
 - They are now shown on the plan.
- The existing building needs to be labeled as an accessory building.
 - This is now shown on the plan.
- The Board wanted a Swept Path Analysis done.
 - This was done, and they have shared both entry and exit in both directions.
- Some confirmation that Taunton will provide water to the site.
 - They are in the process of applying for this and waiting for their letter from Taunton Water. They were told there should be no problem.
- A request to change some of the plants to native species.
 - Mr. Rego explained the native species and where they would be located.
- A request to modify the lighting on the site.
 - The lighting has been made less intense. It is now all low intensity with no spillover onto abutting properties or the roadway.
- A traffic assessment was requested.
 - The traffic assessment was completed and indicated that the proposed project will make no measurable impact on the adjacent roadways or intersections.
- Additional dumpsters should be added.
 - Two additional dumpsters have been added to the plan.
 - Two AC condensers have been added on the side of the building, if AC is needed in the future.

Mr. Knox asked if there were any comments. Members thought the plan had been greatly improved, as the applicant listened to the concerns of the abutters. Mr. Knox said because the plans had come in so late, they would like to take the next two weeks to look them over. If Mr. Sikorski closes on Parcel A, he would like them to come back with that form to show that lot has been merged into the site.

Mr. Knox made a motion, seconded by Mr. Cabral, to continue the Site Plan Review for 156 Rhode Island Road until August 10, 2023, at 7:00 p.m. The **vote was unanimous for.**

Discuss OSRD draft bylaw

Mr. Knox said that the latest draft had been circulated. It also went out to the Board of Health and the Conservation Commission. Mr. Knox and Mr. Resnick will work towards getting on those

agendas to present this draft and make sure the Boards are satisfied. Mr. Resnick said that Conservation was concerned that multiple small parcels would have to be accepted by the Town or a Conservation Group, so a 20-acre minimum has been added. There will be a 10-acre parcel for open space. The exception will be if the land abuts an existing parcel of open space, which can be combined if that entity desires to acquire that additional land for open space. The second issue that Conservation had was restricting the open space land under Article 97. Additional language has been included with that reference.

Mr. Resnick said regarding the concern from the Board of Health of not having enough space for a well and septic system to have the proper setbacks to abutting parcels, he has modified the bylaw to reflect there must be a public water supply. This can be provided by Taunton or a public water system. If water is supplied you can then have private septic on each lot. The other option is to have a common septic system or a sewer treatment plant. You could then have individual wells on each lot. The area for these common septic systems or private water supplies would be excluded from the calculation for the open space.

Mr. Knox said that they will wait for feedback from those Boards and then place this back on the agenda. At that point, they can discuss it further to make sure everyone is satisfied.

Discussion regarding Sign By-law and Commercial Zoning Districts

Ms. MacEachern said that she had sent some changes out previously. She will re-circulate them. Mr. Knox asked it then be placed on the next agenda.

Discussion regarding Subdivision waivers

Mr. Resnick said they had talked about trying to write a tiered system to reduce the number of requested waivers. Some Towns specify the road design for subdivisions up to three or four lots. These private roads then all fall under the same standard. They could all have standard lantern lighting, sidewalks, etc. It would depend on what the Board decides. This way the standard would be known going into the process. Mr. Knox asked if three templates could be found of different tiered developments. Maybe a road to be accepted by the Town would have two different scenarios, one a cul-de-sac and the other a through street having an ability to connect to another road.

Mr. Resnick said their Subdivision Rules and Regs are rather old and have not been updated for many years. As the dates for Town Meeting would be set soon, he would recommend this to be a project through the late fall and winter. As well as the tiers, they should be looking at some procedural and other items for modification. Mr. Knox said this will need to be placed on the agenda at some point and will encompass the waiver process. However, they may still need to put in some requirements that they may need to waive.

Approve Meeting Minutes

Ms. Cline made a motion, seconded by Mr. Lynch, to approve the Minutes from the July 13, 2023, meeting. Ms. Cline, Mr. Lynch, Mr. Knox – **Aye**; Ms. MacEachern, Mr. Cabral - **Abstain**

Ms. Cline made a motion, seconded by Mr. Lynch, to approve the Minutes from the May 11, 2023, meeting. The **vote** was **unanimous for**.

Next meeting

The next meeting is scheduled for August 10, 2023, at 7:00 p.m. at the Lakeville Police Station.

Correspondence

There was no correspondence to review. Ms. MacEachern asked if Mr. Resnick had seen any news or potential plan for the hospital site. Mr. Resnick said that he has not seen any plan. There had been a conversation in April about putting together an alternative plan that would be allowed and economically viable, but it was a very preliminary discussion.

Adjourn

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

Meeting adjourned at 8:37.