

TOWN OF LAKEVILLE
Planning Board Meeting Minutes
October 6, 2014

On October 6, 2014, the Planning Board held a meeting at 7:30 PM at the Town Office Building in Lakeville. The meeting was called to order by Chairman Hoeg at 7:30 PM. Planning Board Members present were: Brian Hoeg, Sylvester Zienkiewicz, Janice Swanson, Peter Conroy, Donald Bissonnette, Nancy Yeatts, Planner and Tracie Craig, Recording Secretary. LakeCAM was recording for local cable broadcast.

Site Plan Review – Bay State – 105 Kingman Street

John Pink from Azor Land Science was present. Mr. Pink said the foundation of the building area was bad, so the owner decided to rebuild that section. Mr. Pink noted there is a 1,300 square foot increase with a full second floor, which will be office space. Chairman Hoeg asked if this is a metal building. Mr. Pink responded it is a T-111 building. There was a brief discussion of the proposed lighting, and the memo from the Open Space Committee was discussed regarding the lighting. Mr. Pink noted that the building is approximately 300' to the street and it is all open field in between. Mr. Pink said there are 30 employees working on site, and the building has the necessary parking. Chairman Hoeg asked if the driveway is being paved. Mr. Pink said it already is. The entire building is surrounded by paving now. Ms. Swanson noted that all of the setbacks are met. Chairman Hoeg said the Town's bylaws require cut off fixtures shining down. Mr. Pink replied if they are under the lumen requirement, they can point out. The proposed lights are under the threshold.

Upon a motion made by Mr. Zienkiewicz, seconded by Mr. Conroy, it was:

VOTED: To sign the Site Plan for 105 Kingman Street.
Unanimous in favor.

Sign plan for Traci's Woods

Jamie Bissonnette from Prime Engineering is present for the meeting. Donald Bissonnette recused himself from the discussion. Chairman Hoeg noted that the 21 day appeal period has expired for Traci's Woods. Ms. Swanson asked if the monuments have been added. Mr. Bissonnette replied the monuments have been removed from the waiver list. We will install as many monuments as possible.

Upon a motion made by Mr. Zienkiewicz, seconded by Mr. Conroy, it was:

VOTED: To sign the plan for Traci's Woods.
Four (4) in favor, one (1) abstention (Donald Bissonnette).

Check on Status of Cedar Pond

Chairman Hoeg updated the Board on the status of paving.

A.G.S. Bond – Joshua Estates

It was noted that neither a bond or Tri Party Agreement was received on Joshua Estates.

Meet with Lisa Gallagher regarding Woodland Ridge

Lisa Gallagher from 7 Woodland Ridge Drive was present for the meeting. Ms. Gallagher said she is looking for a recommendation from the Planning Board that the Selectmen accept Woodland Ridge Drive and Village Road. The research that she had done looks like there are some errors that have been made by the Town. She asked whose responsibility it was to make sure that the bonds received was the right type. The Planning Board asked for a performance bond and received a maintenance bond. The maintenance bond did not cover what is needed to be done to get the road accepted. She questioned why it was a one (1) year bond. Who should have caught this? Ms. Gallagher also questioned why John Olivieri's company was allowed to issue the bond when he owns several lots in the subdivision. She felt it was a huge conflict of interest.

Ms. Gallagher asked why his cash bond of \$157,000 was returned. Mr. Zienkiewicz said Mr. Bartlett had a right to request the money. Mr. Zienkiewicz explained that the Planning Board sets the size of the bond. Then it is supposed to go to Town Counsel for review. However, the bond was not sent to Town Counsel. Ms. Gallagher said that she has small children who may have to go to the corner to get the bus because the street may not be plowed. We may not have emergency services due to no fault of our residents. She was asking for answers to her questions. Mr. Zienkiewicz said that snow removal and maintenance is the developer's responsibility until the second anniversary of the road finish. Then, the road would go to the Annual Town Meeting for approval. Ms. Gallagher asked who keeps track of the timeline. Mr. Zienkiewicz said usually the developer. He wants to get his money back and turn over the road to the Town. The Town doesn't keep track. If there was a bond in effect, it wouldn't be an issue. Ms. Gallagher said if the Town knew Mr. Bartlett was in financial straits, why anyone wasn't watching this. The maintenance bond expired December 12, 2013. The residents could have paid to renew the bond. Ms. Gallagher asked if the Town go after errors and omissions. Chairman Hoeg said we have to check with Town Counsel. Mr. Zienkiewicz said someone had to give the bond to Town Counsel. If it wasn't given to Town Counsel, you can't blame them. Ms. Gallagher asked who was responsible for sending it to Town Council; it appears that there is no one minding the store. A fiduciary relationship is evident between the Town and the insurance agent. Ms. Swanson said that it is up to the developer to pick who supplies the bond.

Chairman Hoeg said the Planning Board has probably had three (3) bonds in the 20 years that he has served on the Board. We prefer to take cash. Ms. Gallagher noted that in the minutes, it says performance bond three (3) times. Ms. Gallagher asked who she could speak to get answers to her questions. The Selectmen want the residents to pay for this. Some of the neighbors don't even know about this yet. Ms. Swanson said we have never come across this before; Mr. Bartlett has always done an excellent job in the past. Mr. Zienkiewicz said the plowing is one (1) issue. The engineering is a more complicated issue, so that the layout can be accepted. Chairman Hoeg said he had watched the Selectmen's meeting when they discussed this. Jeremy Peck, Superintendent of Streets, was saying why he needed the as built plan to confirm that the

drainage is correct so he can give his recommendation to accept the road. The Town could then accept the road with correct layout, construction and drainage. The Selectmen want to make sure this is done. They have to be responsible to the rest of the Town to make sure it is correct. The Town cannot go in there and do the work because it is private property. There was a lot of extra work done to the subdivision from the original design. There were issues with the drainage and some of the lots had sheet flow issues. Ms. Gallagher said she was aware of the drainage issues. Chairman Hoeg said that extra catch basin grates were installed. The as-built plan has to be done, prior to Mr. Peck signing off on it.

Fred McKinnon of 8 Woodland Ridge Drive said the Selectmen want the residents to pay for the work, but we can't pay for the work to be done on the detention basin. Chairman Hoeg said he believes that the Selectmen were alluding that if the as built plan is completed, the Selectmen would place the article on the Town Meeting Warrant for the residents to vote on. Mr. Conroy said the estimate for the as built plan is approximately \$7,150, and there are 32 properties to share the expense. The cost would be \$260 per household. Ms. Gallagher responded plus an additional \$9,000 to clean out the detention basin. Ms. Gallagher asked if the money being held on Robbins Lane can be used. Chairman Hoeg replied no. Ms. Gallagher said due diligence would say that you button up one (1) development before you let him jump into another. Mr. Gallagher asked if Town Counsel had been asked about any liability to the insurance agent that sold the bond? Chairman Hoeg responded they have not asked. Ms. Gallagher said the insurance company did not deliver the bond that was requested by the Planning Board. Mr. McKinnon said the bond should have been two (2) years. A maintenance bond doesn't cover the engineering costs or the cleanup of the detention basin. Ms. Swanson replied that the Planning Board does not know what type of bond Mr. Bartlett asked Mr. Olivieri for. Ms. Gallagher read the section of the Planning Board minutes where the Planning Board requested a performance bond. The bond received was for one (1) year and a maintenance bond. Don't you feel this is a conflict of interest for the insurance agent as an owner of four lots in the development and as the Town's insurance agent? Mr. McKinnon said the insurance agent should have known what work to be done to protect the Town's interest.

Chairman Hoeg said that a performance bond was requested. Once we receive it, the bond is given to the Town Treasurer. The Treasurer only accepts the bond, they are not party to what type of bond is requested. As for emergency services, fire and ambulance will get down your street. Chairman Hoeg said when his children were young, the school bus would not drive down his road, even though it was an accepted road. Mr. McKinnon said you purchase the bond through an insurance agent to make sure that the coverage is what is required. It is their job to make sure you are covered. Since the as built was not done at that point, the project was not finished. The coverage that was required was not supported in the maintenance bond that was delivered. Chairman Hoeg said he will make a request to the Town Administrator about this. Dorothy Ugi of 13 Woodland Ridge Drive hoped that the Planning Board would recommend to the Selectmen to place the acceptance on the warrant. At Town Meeting, we can stand up and recommend to approve it. Mr. Conroy asked if the as built was going to be done? Chairman Hoeg did not know. Mr. McKinnon said the Selectmen are talking about either delaying the cleanup of the retention pond or using Town employees. Chairman Hoeg asked Nancy Yeatts if the presence of plant life was bad for the retention ponds. Ms. Yeatts responded if it is invasive species, then that is bad. They are supposed to be cleaned out periodically. However, if it is a

tree, then it will suck up the water. Ms. Yeatts asked who owned the easement. Ms. Ugi stated that we don't own it. Mr. Zienkiewicz said that the Town does not accept the retention pond, just an easement. Chairman Hoeg explained that is so the Town can go on the property to do work.

Adjournment

Upon a motion made by Mr. Zienkiewicz, seconded by Ms. Swanson, it was:

VOTED: To adjourn the meeting at 8:48 PM.
Unanimous in favor.