

## Lakeville Planning Board Minutes Meeting- August 17, 2010

Meeting called to order at 7:30 p.m.

Present: J. Marot, K. St. George, B. Hoeg and W. Healey  
(Town Counsel – Kay Doyle)

### **SYSKO**

Present on behalf of Sysco were Bob Mather, Fred Casinelli, Thomas Bond and Ann Marton. Jim – at this time we will be discussing the overlay district for Industrial C. To the best of my knowledge this is what was discussed between Town Counsel, Bob Mather and Sysco. I am assuming that Kay has seen it. Once we have reviewed the same then it will be ready to publish. Jim – I would like to know why the wording in the last paragraph was changed. T. Bond – it would give us the opportunity to continue certain features of the site plan. We are looking at it being completed before the site plans conclusion. Jim – providing you comply with the first 5 you would get 80%. We need a statement of control and development of the site. T. Bond – it is my intention to get the rules to develop the site and not have to go back and forth. I would like to have all the things done at one shot and talk with Town Counsel to be able to meet the open meeting requirements. Bob Mather – what wording. Jim – what is in red. Bob I am okay with the language. Kay – the Planning Board will not have the contract authority. I think it would be difficult to achieve. Bob – would it be the same as National Development? How do you want it worded. Kay Doyle – it should be with the Board of Selectmen and it needs to be done in an open meeting. It will then be given to the Planning Board. Bob Mather – it should be and/or the Selectmen. We do not have a problem with it. Frank Sterett – Jim this is to be added to the warrant article and will be in the newspaper and then you will have a public hearing. Bob Mather – how about a revision with the added language a written contract or covenant between the applicant and the Board of Selectmen on terms acceptable to the Planning Board. Once you have filed for Site Plan approval we would agree to that. Jim – Sec e 5.1 and 7.9.5.2 may be increased to 80%. Derek – as I understand it the Selectmen will be signing with the approval of the Planning Board. Bob Mather – it will be with the Planning Board's approval. Paul McGillis – what is the use of having the rules if there is no one who can enforce them. Jim – This area is now mixed. Brian – we would have approval for the continuance. Jim – yes. Nancy – are you taking comments – 7.9.5.5 by law. Mather – Both said the same thing. 7.9.5.3 it should occur near an intersection. Thomas Bond – DOT will make the decision concerning 105. Kay Doyle – It needs to be in unless it conflicts – we need to do something with 6.5.1. Jim – if it does not apply we want the major intersections to line up with the other sides of the street. K.Doyle. if it conflicts therefore we need to actually say that. Mather – 6.5.1 does not apply to development under this section. It removes what appears. Mather the remainder of 6.5 looks like we

could comply. Frank Sterett – 7.9.5.5—need to have contents cleared. Kay Doyle 6.7 conflicts with the overlay district. 7.9 will have to be complied with. Jim – everything we want to see for 6.7 is the Site Plan review. I don't believe there is a conflict. It is site plan review. Nelson Pratt – I have a coverage question. How many wetlands? Jim – I do not have those figures available at this time. Nelson Pratt – I believe that it would be 72 less wet land. Thomas Bond – 66.82 acres – 50% impervious it would be 71% with the wetlands. Take away wetlands and it would be 82%. Mr. Scott – It would appear as though you are asking for various variances. Where are the significant differences in this and individual standards. What about height and set backs. Sysco should need more than 3 of what we talked about. Frank Sterett – 7.9.5.7 – Design Standards, Sec. B – are they subject to setbacks as well. Jim – no. It is possible to create an earth's cape. Hopefully in will settle in to the rest of the site. There will be wording for the overlay dist. Mary Murphy – what will the setbacks be. Jim – the setbacks are greater than our by-laws. Mary Murphy – 7.9.5.7 – is the increase mentioned? Jim – within the existing by-law. This is 40 – 40 – 40. Mary Murphy – Industrial C is most offensive. Jim – the distance between district Industrial C. It would still be Industrial. Linda Grubb – isn't this residential to residential with a buffer zone in the overlay? Jim – we want the option to give in either direction. As an overlay what is under stays in place. Linda – why not put everything in here. Jim – I guess it depends on us. Linda – it is very confusing. Derek – it is in here under C 7.9.5.6. Mr. Scott – we need to apply a number to the sound level. If we look at sound from 495 and the MBTA – sound could be a real factor. If we put it in to this it seems it matters and should be a part of the zoning. Sound is a big factor. How are we going to enforce them. Jim – I think we should take it under advisement. I would like to take it to Town Counsel. Paul McGillis – no one can tell me who can enforce them. I have looked for help and no one can answer the question for me. John Jenkins – it is a good idea to check noise levels. It seems that the business relegates the noise and it becomes a question as to what someone can do. Jim – I believe that the Board of Health would be in charge. Nelson Pratt – what are we talking about with height – 50 feet. How much more or less than 50. Thomas Bond – 2 sections 1 dry and 1 frozen – 40 – 45. Nelson Pratt – what are we talking about as far as expansion is concerned. Thomas Bond – Additional 74,000 square feet. Roger O'Shea – Where is 105 and Rush Pond Road? This is extremely close to the abutters. Thomas Bond – that is for fire access. The distance is about 100 feet from the property line. Scott – as far as we are concerned we need to know what happens if they do not meet requirements. If they do not meet the requirements is there some way for us to get reimbursement if they do not follow the rules. Something like \$100.00 per day. I am concerned that if they can not deliver we are going to be stuck. Jim – if we have information concerning and infraction of the by-law it should be told to our Building Inspector has he is the informant officer. If it is an infraction concerning Board of Health it should be dealt with by the Board of Health. Scott how specific – what type of impact. Do we need to have something in our zoning language. Brian – Town Counsel is it possible. Kay Doyle – there is already something there that would control it – the more

specific it becomes the harder it becomes to enforce. It may seem vague but we need to see what it needs to cover. The language is typical to this. Scott – I guess what I am saying is how will that affect me. Is the Zoning in the property place. Kay Doyle – traffic will be addressed in the site plan approval. You can look at what needs to be done. We are trying to anticipate what we can. The zoning by-law may not be the best place. Dick Anderson – what can be put in about the noise? Kay Doyle – Mr. McGillis has a complex problem. Certain protection in his case is prior to zoning so it is difficult. Zoning would not address it. Jim – I can't say it can't happen. I believe our by-law presently protect you. I know what Dick is talking about I don't know about a base line. How can we enforce it? We can look in to it. We know that there Issues that we need to deal with it. We are trying to protect the abutters. Nelson Pratt – Are they negotiating with Middleboro. Jim --- we need to look at it. Frank –are they going to have a cafeteria? Jim – why do we care what is in side of the building. Thomas Bond – we are still talking to Middleboro. Paul – is there going to be limited access and truck usage. Jim – I can not control the trucks. 495 is close. I believe that the majority will hit 495. Frank Sterett – could you possibly put the document on line. Jim – all material is a public document. Dan Cooney – can the Planning Board make arrangements for a delegation from the town have access to the Norton Plant. Jim – I don't know if they have the capability? Brian – we are speaking of an active business. Fred – Sysco – Bob Mather – I believe that we could accommodate 5 or 6. Linda Huntoon – Captains Way – what about the power point presentation that we were told would be on line? ?? Would they agree to have us do a video tour. Mather – we will look into it. Jim – I have advised Mr. Sterett that the abutters can do something on your own. John Jenkins – what is the purpose if it is a public hearing? Dan Cooney – At what point? Jim – after approval of the site plan. Frank Sterett – what are we talking. Jim – we are talking overlay over the present district. Jim – at this time I believe that I will close discussion concerning Sysco.

### **Cross Street Curb Cut**

Jim – we have received a request from the Selectmen concerning a curb cut on Cross Street. Letter from Chris was read by Jim. Walter – I make a motion that we recommend approval of the same provided that the conditions in Chris' letter were met. Brian – 2<sup>nd</sup> the motion. Jim – all in favor.

### **Procedure for Acceptance of a Public Way**

Pauline – Rita has asked that I pass out this information and that the Board review it and see about coming up with regulations concerning the same.

### **Meeting**

Next regular meeting September 7, 2010

### **Adjourn**

Walter – I make a motion that we adjourn. Brian – 2<sup>nd</sup> the motion. Jim – all in favor. Meeting adjourned at 10:30 p.m.