

TOWN OF LAKEVILLE
43D Public Hearing – Rhino Capital Advisors, LLC – 43 Main Street
Joint Meeting with the Board of Selectmen, Planning Board, Conservation Commission,
Board of Health and Open Space Committee
Meeting Minutes
December 3, 2020 – 7:00 PM
REMOTE LOCATION

On December 3, 2020, the 43D Public Hearing was held at 7:00 PM remotely from various locations. The meeting was called to order at 7:00 PM by Richard LaCamera of the Board of Selectmen. LakeCAM was recording the meeting for broadcast.

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G.L. c.30A, §20, relating to the 2020 novel Coronavirus outbreak emergency, the May 4, 2020 public meeting of the **43D Rhino Development Application** shall be physically closed to the public to avoid group congregation. **However, to view this meeting in progress, please go to [facebook.com/lakecam](https://www.facebook.com/lakecam) (you do not need a Facebook account to view the meeting). This meeting will be recorded and available to be viewed at a later date at <http://www.lakecam.tv/>**

Chairman LaCamera, Board of Selectmen, begins the meeting with a roll call vote of the members of the Board of Selectmen and then read an introduction regarding the need for a remote meeting and how a remote meeting will be conducted. Board of Selectmen present: Rich LaCamera and Leah Fabian. He turned the meeting over to the Planning Board Chairman.

Chairman Knox opened the Planning Board meeting with a roll call vote of the members of the Planning Board Members. Planning Board Members present: Mark Knox, Barbara Mancovsky, Peter Conroy and Michele MacEachern. It is noted that Jack Lynch was not in attendance but would be recognized if he comes in. Chairman Knox turned the meeting over to the Conservation Commission Chairman.

Chairman Bouchard opened the Conservation Commission meeting with a roll call vote of the Conservation Commission Members. Conservation Commission Members present: Bob Bouchard, Nancy Yeatts, Joe Chamberlain and Mark Knox. It is noted that Joshua Faherty and John Leblanc are not in attendance. Chairman Bouchard turned the meeting over to the Board of Health Chairman.

Chairman Maxim opened the Board of Health meeting with a roll call vote of the Board of Health Members. Board of Health Members present: Derek Maxim, Bob Poillucci and Chris Spratt. Chairman Maxim turned the meeting over to the Open Space Committee Chairman.

Chairman Medford opened the Open Space Committee meeting with a roll call vote of the Committee. Open Space Committee Members present: Jesse Medford, Mike Schroeder, Liz Nash, Donna Wabrek, Adam Young and Brian Reynolds.

Chairman LaCamera acknowledged others present as follows: Scott Turner – Environmental Partners, Amy Kwesell – KP Law, Tyler Murphy – Rep. Rhino Capital, Brittany Gessler – VHB Civil Engineer, Matt Kelley – VHB Traffic Engineer, Sarah French – VHB Wetland Scientist, Bill Madden – Lombardi Design Architect.

Brittany Gessler, Project Engineer, began the presentation of the proposed Lakeville Hospital Redevelopment project. She explained that this is a joint hearing and public process that each group will review concurrently. The first public hearing is to do a site overview, hazardous materials assessment, wetland delineation and a brief project overview outlining the future hearings.

Overview

This is a 49.5 acre site, located at 43 Main Street, nestled between Main Street and Rhode Island Road. An outline of the 49.5 acers is shown as what remains of the former hospital land, developed in 1910. Three have been multiple buildings demolished and reconstructed over the years with the remains of seven buildings left behind. A total of 407,653 sf of building space, 1.12 acre solid waste disposable area, with a solid waste materials from the hospital activities of 1950-1974. There is an estimated 11,000 cubic yards of solid waste that was confirmed previously by other applicants interested in the site, as well as testing done by VHB. The property has been vacant and generally abandoned since 1993.

Hazardous Materials Assessment

Rhino Capital is committed to the assessment and cleanup of the site. They have done a detailed review of the fifteen previous environmental reports prepared for the site that were provided by the current owner as well as what was provided by MassDEP and DCAMM. They installed 15 new soil borings, 6 new monitoring wells and 9 test pits. Select existing wells were sampled in the 11 groundwater samples along with 25 soil samples. The notable areas of contamination are the solid waste disposal area, which contains clothing, ranges, appliances and construction debris from the mid 1900's. A new ASTM Phase I and Phase II Environmental Site Assessments Reports are being prepared. It is noted that the almost all of the existing 407,653 sf of the existing buildings will require asbestos abatement, prior to demolition and removal.

Wetland Delineation

Sarah French, VHB Wetland Scientist, spoke on the Notice of Intent and ANRAD that came before the Lakeville Conservation Commission back in 2007 for a project that did not end up being constructed. They did a re-delineation the area in April of 2020 focusing on the three onsite wetland areas. Wetland areas two and three are small isolated wetlands. Wetland one is a larger bordering vegetative wetland with the north middle of the site having a small swimming area, which has a decrepit doc associated with it. She referenced the certified vernal pool and the comments from the third party reviewer in regard to the offsite delineation to the west of the site and the associated wetlands of Rush Pond.

Project Overview

The proposal is for a 402,500 sf warehouse facility and the associated infrastructure. This is actually less sf than was is existing, however instead of using vertical space, the new project is

horizontal in nature. They are proposing a warehouse use with 128 loading docks spread out over both sides of the building. They are proposing 403 employee parking spaces along with 161 possible parking spots that will be “land banked” parking areas in the front and at the back side of the property for future additional parking. If it is not needed then those areas will be landscaped. It is explained that they have not yet identified or secured a tenant to occupy the building and that what they are proposing is based on the market. Vehicle access will be from the existing curb cuts, one in front of Lori Lane and the other just past Bridge Street. There will be no vehicle access on Rhode Island Road. They are proposing an undulating vegetative berm as a buffer from the existing residential subdivision.

A. Preview: Public Hearing #2

There is an overview of public hearing #2 Zoning & Use. This hearing will take place two weeks on December 17, 2020 at 7 PM and will explore in more detail the site layout, parking access and circulation. The site is located in several zoning districts. There is a DOD district overlay which allows for warehouse and wholesale distribution centers. The Planning Board is the special permit granting authority. The site is within a WRPD district which prohibits the solid waste disposal which they are mitigating. There is reference to the increased front, side and rear yard setbacks from the existing conditions. It is also noted that there will be a significant reduction in building height as well as an increase in the buffer between the property and the neighbors. The applicant is also committed to the waste disposal removal.

The vehicle access will be from the two existing curb cuts, which are owned by the State Highway. Both will be access by the trucks. There is an overview of the employee parking areas, the loading docks and truck storage.

B. Preview: Public Hearing #3

This hearing is set to take place on Thursday, January 7, 2021 at 7 PM. Tyler Murphy speaks about the rendering of the building and the view from Main Street. He explained that this is a concrete paneling system. There is a review of the south, north, east and wet elevations. There is a review of the loading docks and the three story windows.

Tyler Murphy speaks about what goes into the Noise consideration. He explained the Ambient Data Gathering for noise, which consists of multiple day monitoring, looking for the quietest hour, this excludes 90% of the loudest time monitored. Then the quietest six minutes of that hour to set a baseline is determined. They did ten day monitoring in September, including the loudest noise down to the quietest 10% in order to establish a baseline of 32-45 decibels. He notes that this is for a vacant site with raw land, and conservative considering the existing site has the vacant hospital. He explained the Sound Sources for the Facility, which works the opposite of the ADG and captures the loudest hour, which is added into the background ambient levels. This is modeled to the nearest receptors to determine dBA at the receptor. According to MassDEP CMR 310 7.10 there can be no more than 10 dBA above the ambient.

Tyler Murphy explained that the sensitive receptors are the residents and the question of what is generating the noise and how the sound flows over the existing barrier.

Bill Madden, Landscape Architect, Gregory Lombardi Design, spoke about the undulating topography and the plant give this site more of a presence on Main Street from a planting standpoint. He speaks about the visual screening of the property and the year round landscaping that will bloom on it. Rhino Capital has committed to two years of watering for this project, which form a landscaping point of view will allow for a significant amount of time for the plants to get acclimated. There will be a variation of the elevation of the berm that will be detailed further. There is an overview of the parking lot lighting.

Chairman Knox noted that the Open Space Committee had submitted an addendum to their original letter, dated November 22, 2020. He reads into the record the following “In light of the extensive site plan documents shared for the Lakeville Hospital Redevelopment Project issued on October 28, 2020, we would like to modify our recent letter with a short summary to better reflect three unresolved issues.” “First, out of concern for the significant visual impact of the large parking lot that will be built along Main Street (Route 105), we ask for the planting of large native canopy trees between main Street and the south parking lot in order to create an effective visual screen. Residents of Lakeville appreciate seeing trees instead of parking lots.” “Second, we appreciate your selection of native shrubs and trees in the are of the gravel wetland, but ask that the planting design accommodate a greater diversity of native plants common to Lakeville at thee shrub layer, such as highbush blueberry, spicebush, winterberry, arrowwood, and bayberry; and the canopy tree layer, red maple with limited use of the fragile and short lived black willow.” “Third, we ask that a plan for invasive plant control be shared and committed to in the perpetuity. Among these plants are Norway maple, which currently exists near the intended gravel wetland, and which we hope can be replaced with native hardwood canopy trees as listed in our original letter” “We thank you for your commitment to hearing our perspective and hope you will accommodate our wishes for the preservation of the rural character of our beautiful town.”

Chairman Knox will provide the addendum to the landscape architect. Scott Turner, Environmental Partners – Peer Review, speaks about plants that keep their foliage year round, such as evergreen trees are the best for keeping noise levels down. There is discussion on the customized topography and raised berm of varying heights that will assist with the noise. There is a brief discussion on sound and refrigeration units operating at 100% 7 days a week.

Tyler Murphy explained that current there is no cold storage planned. There is a question asked of Town Counsel as to whether they applicant should be looking at a potential for an operation with refrigeration. Nate Darling noted that if the tenant is going to need that service then he would expect that they would come back before the Board for an amendment. Amy Kwesell, Town Counsel, agrees that the Town is acting on what is before them. Scott Turned noted that he wants to make sure there is consideration for back up alarms for the housing off Rhode Island Road as that sound can travel up to a 1/10th of a mile. Chairman Knox noted that discussion will be coming up at the January hearing.

C. Preview: Public Hearing #4: Traffic

It is noted that this hearing is set to take place on Thursday, January 21, 2021. Matt Kelley, VHB Traffic Engineer, provided an overview of the Transportation Impact Assessment. He explains that a compilation of existing conditions are put together with traffic volumes, crash history and capacity analysis along with the future conditions. Future conditions include historic traffic growth rates and other proposed development projects. “no build” traffic volumes, trip generation projections, trip distribution. There is the “build” traffic volumes to 2027 conditions. A capacity analysis of “no build” and “build” conditions as well as the identification of potential impacts to determine if mitigation is required. Mr. Kelley overviewed the study area and notes the analysis periods from 7 AM to 9 AM and 4 PM to 6 PM. There is a review of the Employee Trip Distribution Summary and the results of 77% of the traffic going toward the highway with 15% headed to the west and only 3% to Bridge Street. Mr. Kelley explained that they will be working with MassDOT, MEPA and the Peer Review as they continue to work toward the necessary permitting for the site.

D. Preview: Public Hearing #5: Wetlands, Grading, Stormwater Management & Erosion Control

It is noted that this hearing is set to take place on February 4, 2021. Sarah French spoke briefly about how the project will not have any direct wetland impact, aside from the removal in the waste disposal area, which is approximately 510 sf and after it is removed, the wetlands will be replaced with a seeded mix.

Brittany Gessler reviewed the site grading and the rolling topography. She reviewed some of the elevations and gave a quick overview of the soil and site work. She referenced the stormwater management system proposed which is in accordance with the standards that are part of the Wetlands Protection Act. The project is subject to the EPA NPDES Construction General Permit, so there is reference of the SWPPP, erosion control, requirements.

E. Preview: Public Hearing #6: Septic and Utilities

It is noted that this hearing will be held on February 18, 2021. Brittany Gessler spoke about the large sized septic system that is needed to support the size of the facility. This is a 6,045 gal per day flow which is per the Title V regulations. This is a pressurized system with duplex pumps. The test pits and perk tests have been witnessed by the Board of Health and they support this septic system. She explained that the project will have public water which is supplied through Main Street and the City of Taunton. The property owner will petition for a Water Allocation Permit and they are proposing three water hydrants. They will be working with the Fire Department on this. There will be private utilities, Gas, Electric and Telecom service for the facility. It is also noted there are onsite emergency generators.

F. Public Hearing #7: Conclusionary Hearing – Summary of Public Review & Peer Review Process. Boards/ Commission to Vote on Project

It is noted that this hearing will take place on March 4, 2021 with the hope that the Board’s and Commission will take their votes on the project.

Chairman Knox thanks Ms. Gessler. He then asked that VHB look at the traffic numbers at CVS Pharmacy, Seasons Gas Station and the traffic directed into Middleborough. They Town does not only want to see the numbers from Riverside Drive. He opens the hearing up for public comment.

Julia Dixon, 36 Main Street – Pet Recess Owner, expressed concern about the amount of increased traffic for her clients as they attempt to come in and out of her business with increased truck traffic. Her open hours are from 6:30 AM until 7 PM. Chairman Knox asked Ms. Dixon to attend the January 21, 2021 traffic discussion to raise that question.

There is no further public comment.

Chairman Knox recaps that the wetland delineation notes and responses from VHB should be provided to the Town by December 10th. Brittany Gessler noted that Sarah French has completed the delineation of wetland 4 as requested by Scott Turner and there will need to be some further discussion regarding the limits of the certified vernal pool. It is noted that the Board's will be continuing their hearings to the next date of December 17, 2020 at 7 PM.

Chairman Knox asks if there is any Planning Board comment. The Planning Board members have no comment at this time. Chairman Knox turns the meeting over to Chairman Maxim for the Board of Health.

Chairman Maxim asked the Board of Health members if they have any comment. The Board of Health members have no comment at this time. Chairman Maxim turns the meeting over to Chairman LaCamera for the Board of Selectmen.

Chairman LaCamera noted that he is all set. Chairman Fahey thanks everyone for their participation and thanks the abutters that attended the online zoom sessions. She acknowledged that this is a difficult situation to do virtually and she appreciates the effort being put in on this project.

Chairman Knox asked if the Open Space Committee has any comments or questions. Chairman J. Medford thanked Chairman Knox for reading their addendum into the record and they look forward to the January 7th discussion on the landscaping. They have no further comment.

Chairman Knox asked for a motion to continue the Lakeville Planning Board hearing.

Upon motion made and seconded the Lakeville Planning Board voted to continue the public hearing for the 43 Main Street Application with Rhino Capital Advisors LLC to Thursday, December 17, 2020 at 7 PM. Polled vote: Mark Knox - Aye, Barbara Mancovsky - Aye, Peter Conroy – Aye and Michele MacEachern – Aye.

Chairman Bouchard asked for a motion to continue the Lakeville Conservation Commission hearing.

Upon motion made and seconded the Lakeville Conservation Commission voted to continue the public hearing for the 43 Main Street Application with Rhino Capital Advisors LLC to Thursday, December 17, 2020 at 7 PM. Polled vote: Bob Bouchard - Aye, Nancy Yeatts - Aye, Joe Chamberlain - Aye and Mark Knox – Aye.

ADJOURNMENT

Open Space Committee

Upon motion and seconded made at 8:37 PM to adjourn the Open Space Committee meeting. Polled vote: Jesse Medford - Aye, Mike Schroeder - Aye, Liz Nash - Aye, Donna Wabrek - Aye, Adam Young - Aye and Brian Reynolds - Aye.

Board of Health

Upon motion and seconded made at 8:37 PM to adjourn the Board of Health meeting. Polled vote: Derek Maxim - Aye, Bob Poillucci - Aye and Chris Spratt - Aye.

Planning Board

Upon motion and seconded made at 8:37 PM to adjourn the Planning Board meeting. Polled vote: Mark Knox - Aye, Barbara Mancovsky - Aye, Peter Conroy - Aye and Michele MacEachern – Aye.

Board of Selectmen

Upon motion and seconded made at 8:37 PM to adjourn the Board of Selectmen meeting. Polled vote: Rich LaCamera - Aye and Leah Fabian – Aye.

Conservation Commission

Upon motion and seconded made at 8:37 PM to adjourn the Conservation Commission meeting. Polled vote: Bob Bouchard - Aye, Nancy Yeatts - Aye, Joe Chamberlain - Aye and Mark Knox – Aye.