

TOWN OF LAKEVILLE
Select Board Meeting Minutes
November 7, 2022 – 4:00 PM
Lakeville Police Station Meeting Room
323 Bedford Street, Lakeville, MA

On November 7, 2022, the Select Board held a meeting at 4:00 PM at the Lakeville Police Station Meeting Room. The meeting was called to order at 4:00 PM by Chairman LaCamera. Members present were Chairman LaCamera, Member Fabian and Member Carboni. Also present was Ari Sky, Town Administrator and Tracie Craig-McGee, Executive Assistant to the Select Board & Town Administrator. LakeCAM was recording the meeting for broadcast.

Select Board Announcements

Chairman LaCamera read the Select Board announcements.

Town Administrator Announcements

Mr. Sky read the Town Administrator's announcements. Member Fabian asked about the playground project at Ted Williams Camp. Mr. Sky said he has seen social media posts about different concepts, but we have not received any information. Member Fabian said at the Plymouth County Advisory Board Meeting, there was a Selectman from another Town that was very upset about ARPA funding. Mr. Sky said Lakeville has received ¼ of the money the Town is entitled to under the population formula. We have had nothing but challenges for the proposed water project, which is a classic ARPA project. The current hold up is the Town House bathroom, which will be a public bathroom for events. The bathroom is not eligible for funding, but the water and septic are. Plymouth County has only awarded 10 projects as of last month. Chairman LaCamera said County Treasurer and the Chair of the Plymouth County Advisory Board should meet with the Select Board. Regarding the martial arts club agreement, who is responsible to do what should be included in the agreement.

Update on Lakeville Hospital Property Redevelopment and discuss and possible vote to approve draft Development Agreement

Chairman LaCamera said the Town Meeting on the 14th is very important to what happens at the property. The proposed mixed-use development change has been recommended by the Planning Board. The bylaw has been in effect since 2003 including warehouse as an accessory use to offices, manufacturing etc. This only applies to the Lakeville Hospital property. The Memorandum of Agreement defines the conditions of the project, and includes the same conditions in the special permit were approved by the 43D Permitting Committee, Planning Board, Conservation Commission, Board of Health and the Select Board. Rhino is proposing two (2) warehouses. If this does not go forward, there will be several hundred units of affordable housing on the property with a significant impact on the schools. Our student percentage is how we pay for the school budget, which will be a serious problem for the Town.

Chairman LaCamera said we have been working on the Memorandum of Agreement for six (6) to eight (8) weeks and a number of meetings in Executive Session. The Memorandum of Agreement sets the conditions on what the Town is expecting for this project. At Tuesday night's meeting with the Planning Board, the agreement was unanimously agreed on by the Planning board and Select Board.

Upon a motion made by Member Fabian and seconded by Member Carboni, it was:

VOTED: To approve the Memorandum of Agreement for 43 Main Street, Lakeville, MA.
Unanimous in favor.

Discuss and possible vote to accept resignation of Dr. Frederick C. Beal, III from Cemetery Commission

Chairman LaCamera said the Board had received a letter from Fred Beal resigning from the Cemetery Commission, effective November 1, 2022. We will send a letter thanking him for his service to the Town.

Upon a motion made by Member Carboni and seconded by Member Fabian, it was:

VOTED: To accept the resignation of Dr. Frederick C. Beal, III from the Cemetery Commission, effective November 1, 2022.
Unanimous in favor.

Meet with Cemetery Commission to discuss and possible vote on increase in Cemetery Commission fees

Emery Orrall, Chairman and Kenneth Upham, members of the Cemetery Commission, were present for the meeting. Chairman Orrall called the Cemetery Commission to order at 4:18 PM. Chairman Orrall said the gravedigger now charges \$1,000 to open a grave, so we need to increase our fee to \$1,000.

Upon a motion made by Member Carboni and seconded by Member Fabian, it was:

VOTED: To approve the increase in the Cemetery Commission Schedule of Fees from \$850.00 to \$1,000 for grave openings for full burials.
Unanimous in favor.

Discuss and possible vote to appoint Joan Gladu Morton to fill vacancy on Cemetery Commission

Chairman LaCamera said we have a request from the Cemetery Commission to appoint Joan Gladu Morton to the Cemetery Commission. This would be a joint appointment with the Cemetery Commission.

Upon a motion made by Member Carboni and seconded by Member Fabian, it was:

VOTED: To appoint Joan Gladu Morton to the Cemetery Commission for a term to expire April 3, 2023.
Five (5) in favor.

Upon a motion made by Mr. Upham and with Chairman Orrall stepping down to second, it was:

VOTED: To adjourn the Cemetery Commission Meeting at 4:23 PM.
Unanimous in favor.

Discuss and possible vote to withdraw Article 17 (Reusable materials or equipment) at November 14, 2022 Special Town Meeting

Mr. Sky said the Planning Board voted 3/2 to recommend not to approve Article 17. Areas of concern were questions on enforcement. A meeting was held with the group and we will clarify enforcement criteria. The group has recommended withdrawing this article.

Upon a motion made by Member Carboni and seconded by Member Fabian, it was:

VOTED: To withdraw Article 17 from the Special Town Meeting Warrant.
Unanimous in favor.

Revisit 2023 Holiday Schedule and possible vote to approve

Chairman LaCamera said the Friday before Christmas has been included as a holiday in observance of Christmas Eve.

Upon a motion made by Member Carboni and seconded by Member Fabian, it was:

VOTED: To approve the 2023 Holiday Schedule.
Unanimous in favor.

Discuss and possible vote to approve Taunton Water application for 475 Kenneth Welch Drive

Member Carboni recused herself from the discussion. Mr. Sky said this was mistakenly approved by Taunton without our knowledge. The applicant has stated they need basic water for plumbing. Chairman LaCamera said the usage is 450 gallons per day. The approval needs to state that the 450 gallons per day cannot be used for cultivation.

Upon a motion made by Member Fabian with Chairman LaCamera stepping down to second, it was:

VOTED: To approve the Taunton Water application for 475 Kenneth Welch Drive at 450 gallons per day not to be used for cultivation and to come back to the Board if there is a change of use for cultivation.
Two (2) in favor with Member Carboni abstaining.

Richard Scott of Rush Pond Road asked Chairman LaCamera when he spoke about 500 units of housing on the Lakeville Hospital Property site, what was the basis? Chairman LaCamera said the owners have said if they don't get the zoning, they will be going with a 40B development. Mr. Scott expressed his concern about the Board stating that as your words carry weight. Member Fabian said the Board would not be doing their due diligence if we don't tell people about that. Mr. Scott said you can point it out, but don't say it is the only thing that may happen on the property. Chairman LaCamera said for 30 years nothing has happened at the site. If the warehouse doesn't go through, what do you think will happen. Discussion occurred regarding who is responsible for the clean-up of the site.

Mr. Scott said the Town, stakeholders, State politicians and DEP were never brought together to discuss the property. We have had the Town deciding through the Planning Board and Select Board what is appropriate. Mr. Scott spoke about protections for abutters from back up alarms and diesel idling. Chairman LaCamera said trucks cannot idle for more than five (5) minutes. Further discussion occurred regarding the landfill cleanup. Chairman LaCamera said DEP has the responsibility for the landfill. Noelle Rilleau asked that the Board engage with the Town's legislators more regarding the clean-up. Member Fabian said that Congressman Auchincloss said if the Town owned the property, there could be a grant for the clean-up. Chairman LaCamera said the State walked away from it and they auctioned it off. When he was on the Board previously, the Board tried to get the State to put together a reuse plan, but they said no and auctioned it off.

Chairman LaCamera said we have been waiting for 30 years for solutions to the problem. We now have a company that says they will clean it up, so its either a warehouse or several hundred units of housing that will destroy our Town. DEP will make sure that no contaminants will go into the aquifer. When the State closed the facility, they didn't shut off the water. The buildings are in very bad condition. Janet Scott of Rush Pond Road said we are being left in this position of a facility coming in that will negatively impact us with noise or fumes and chemicals and traffic so we don't have 40B housing. Ms. Scott said she was in favor of the Stop and Shop, Target and restaurants development as we thought it would provide services to the Town. Chairman LaCamera pointed out that the Stop and Shop Development had 10,800 daily vehicle trips versus 642 for the warehouse. Ann Marie Sherrick of Sterling Court said it is important to note that there is not someone waiting to buy the property from Rhino. We have a lot of open space in town that a zoning change could be applied for. That opens up the Town for more warehouses in a mixed-use zone. Chairman LaCamera said article is only for this piece of property. Ms. Sherrick said people can change their property zoning. Chairman LaCamera said if someone applies for a mixed-use development, it doesn't mean it is a warehouse. A zoning change has to go before Town Meeting. Further discussion occurred about the possibility of zoning changes for other

properties. Chairman LaCamera noted the Town already has a mixed-use district. Ms. Sherrick said the current by-law could be changed to include warehouses as an initial use. Chairman LaCamera said yes with Town Meeting approval. Further general discussion occurred regarding the property.

Review and possible comments regarding Site Plan Review – 348 Bedford Street

Chairman LaCamera said this is the Old Eastern Bank, which is being proposed as a brewery. Member Fabian asked about the outdoor toilet facility. Mr. Sky said it is for the outdoor venue. Member Fabian said she had questions on parking. Member Carboni said they will be working with a local food truck to buy food. The outdoor seating has an outdoor restroom facility. There was discussion about it being visible and they talked about a fence. Chairman LaCamera said the plan does not have designated parking. Member Fabian said parking is the Planning Board's responsibility. Member Carboni said the total spaces required are 113, and they have requested a waiver from the parking requirement. There are 45 inside seats planned. Chairman LaCamera said there should be a parking plan for the entire property. Also, parking will not be allowed at the Town Office Building. Member Fabian said she does not like the portable bathroom. Member Fabian asked about the water usage. Mr. Sky summarized the Board's comments as parking for the entire site; outdoor bathroom; water usage and no parking at the Town Office Building.

Discuss and possible vote to appoint Denise Barbuto as a member of the Master Plan Implementation Committee

Chairman LaCamera said we have received a request from the Master Plan Implementation Committee to appoint Denise Barbuto as a member.

Upon a motion made by Member Carboni and seconded by Member Fabian, it was:

VOTED: To appoint Denise Barbuto as a member of the Master Plan Implementation Committee for a term to expire July 31, 2023.
Unanimous in favor.

Discuss and possible vote to appoint Emily Ryan and Carol Carson as Volunteer Observers for Middleborough Lakeville Herring Fishery Commission

Chairman LaCamera said we have received a request from the Middleborough/Lakeville Herring Fishery Commission to appoint two (2) volunteer observers.

Upon a motion made by Member Carboni and seconded by Member Fabian, it was:

VOTED: To appoint Emily Ryan and Carol Carson as Volunteer Observers for the Middleborough/Lakeville Herring Fishery Commission for terms to expire September 30, 2023.
Unanimous in favor.

Discuss and possible vote to extend closing times for restaurants with liquor licenses on New Year's Eve

Chairman LaCamera said in the past the Board has approved the extension of hours for restaurants with liquor licenses on New Year's Eve.

Upon a motion made by Member Carboni and seconded by Member Fabian, it was:

VOTED: To approve the extension of hours for restaurants with liquor licenses on New Year's Eve.
Unanimous in favor.

Discuss and possible vote to extend closing times for package stores with liquor licenses on Christmas Eve and New Year's Eve

Chairman LaCamera said no one has ever asked to be open later on Christmas Eve and New Year's Eve. The Board took no action on this.

Review and possible vote to approve Select Board Meeting Minutes of October 24, 2022, November 1, 2022 (1:00 PM) and November 1, 2022 (5:00 PM)

Member Carboni noted that on the November 1, 2022 minutes for 1:00 PM, it should note that she exited the meeting.

Upon a motion made by Member Carboni and seconded by Member Fabian, it was:

VOTED: To approve the October 24, 2022, November 1, 2022 (1:00 PM) as amended and November 1, 2022 (5:00 PM) Select Board Meeting Minutes.
Unanimous in favor.

New Business

There was no New Business discussed.

Old Business

There was no Old Business discussed.

Adjournment

Upon a motion made by Member Carboni and seconded by Member Fabian, it was:

VOTED: To adjourn the Select Board Meeting at 5:44 PM.
Unanimous in favor.

List of documents provided at the Select Board Meeting of November 7, 2022

1. Agenda page
2. Agenda page
3. Agenda page
4. Agenda page; letter of resignation
5. Agenda page; letter from Cemetery Commission with list of fees; letter from Joan Gladu Morton; email from Cemetery Commission
6. Agenda page; email from Town Administrator
7. Agenda page
8. Agenda page; Taunton Water application
9. Agenda page; memo from the Planning Board; site plan review application; site plan and additional information
10. Agenda page; memo from Zoning Board of Appeals; letter of interest from Denise Barbuto and information form
11. Agenda page; letter from Middleborough/Lakeville Herring Fishery Commission
12. Agenda page
13. Agenda page
14. Agenda page; Select Board Meeting Minutes October 24, 2022; November 1, 2022 (1:00 PM) and November 1, 2022 (5:00 PM)