

File

Received & posted: _____
Town Clerk _____

## REMOTE MEETING NOTICE/ AGENDA

Posted in accordance with the provisions of MGL Chapter 30A, §. 18-25

Name of Board, Committee or Commission:	<b>Planning Board</b>
Date & Time of Meeting:	<b>Thursday, October 8, 2020 at 7:00 p.m.</b>
Location of Meeting:	<b>REMOTE MEETING</b>
Clerk/Board Member posting notice	<b>Cathy Murray</b>

### AGENDA

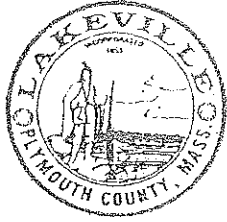
1. In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G.L. c.30A, §20, relating to the 2020 novel Coronavirus outbreak emergency, the October 8, 2020, public meeting of the **Planning Board** shall be physically closed to the public to avoid group congregation. **However, to view this meeting in progress, please go to 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/>**
2. **ANR plan – 83 & 85 Howland Road** – Meet with David Maddigan from Maddigan Land Surveying regarding revised ANR submittal for 83 & 85 Howland Road.
3. **Pauline's Path-73 Howland Road**- meet with Jamie Bissonnette from Zenith Consulting Engineers regarding the endorsement of the Form C Definitive Plan submitted by Pauline Ashley (L & B Realty Trust) for a four (4) lot subdivision, Assessors Map 013, Block 001, Lot 001.
4. **Bella Way -39 Cross Street and part of 5 Harding Street** - meet with Jamie Bissonnette from Zenith Consulting Engineers regarding the endorsement of the Form C Definitive Plan submitted by 39 Cross Street Realty Trust for a three (3) lot subdivision, Assessors Map 022, Block 002, Lots 008 and 009.
5. **Master Plan Implementation** – Update on Site Plan Review costs
6. **Development Opportunities District** – Update
7. **43D Committee** – Revisit peer review items
8. **Review the following Zoning Board of Appeals petition:**
  - a. Poillucci – 39 Cross Street
9. **Approve Meeting Minutes for September 10, 2020, and September 24, 2020.**
10. **Old Business**
11. **New Business**
  - a. Review peer review procedure
12. **Next meeting. . . October 22, 2020 at 7:00 p.m.**
13. **Any other business that may properly come before the Planning Board.**
14. **Adjourn**

Please be aware that this agenda is subject to change. If other issues requiring immediate attention of the Planning Board arise after the posting of this agenda, they may be addressed at this meeting.

**Read the following into the record:**

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 October 8, 2020, public meeting of the **Planning Board** 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/>**

Date Submitted: \_\_\_\_\_



Town of Lakeville  
PLANNING BOARD  
346 Bedford Street  
Lakeville, MA 02347  
508-946-8803

RECEIVED  
SEP 24 2020  
PLANNING BOARD

FORM A

APPLICATION FOR ENDORSEMENT OF PLAN  
BELIEVED NOT TO REQUIRE APPROVAL (ANR)

To the Planning Board:

The undersigned believing that the accompanying plan of this property in the Town of Lakeville does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits said plan for determination and endorsement that Planning Board approval under this Subdivision Control Law is not required.

PLAN TITLE: Form A Plan of Land 83-85 Howland Road Date: 8-14-2020

1. Owner's Signature: [Signature] Date: 9/11/20 [Signature] Date: 9/16/20

2. Owner's Name (Please Print): Robert Grinhart Nina Mach

Owner's Address: 15 Slab Bridge Rd Assonet 02702 83 Howland Rd Lakeville

3. Name of Land Surveyor: David Maddigan, Maddigan Land Surveying, LLC

Surveyor's Address: 88 East Grove St.

Surveyor's Telephone: 774-213-5196

4. Deed of property recorded in Plymouth Registry,

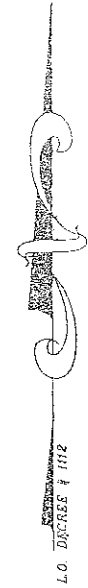
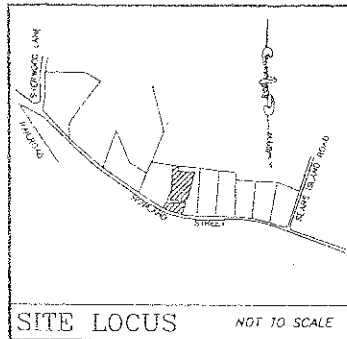
85 Howland Book 52976 Page 254  
83 Howland 9437 135

5. Assessors' Map, Block and Lot (MBL) 013/001/005A 85 Howland  
013/001/005 83 Howland

6. Location and Description of Property: 83 & 85 Howland Road, Lakeville  
98,399 sq. ft. & 72,058 sq. ft. lots

7. Plan Contact Name and Telephone Number: David Maddigan

Contact Name: Maddigan Land Surveying Telephone: 774-213-5196



LAKEVILLE PLANNING BOARD  
 PLANNING BOARD APPROVAL UNDER THE  
 SUBDIVISION CONTROL LAW IS REQUIRED.

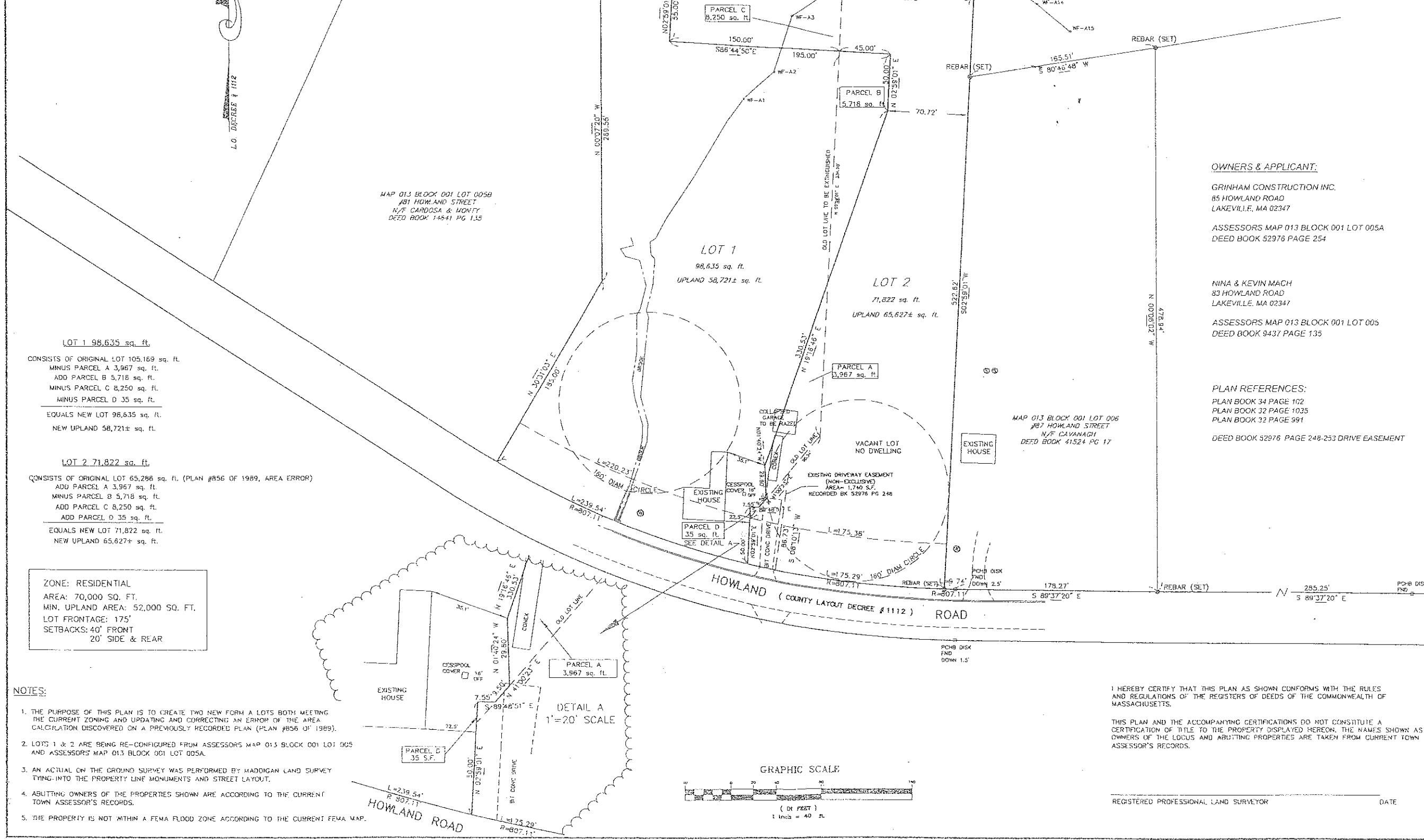
ENDORSED: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

THE LAKEVILLE PLANNING BOARD'S  
 ENDORSEMENT MAKES NO DETERMINATION AS TO  
 COMPLIANCE WITH ZONING

FOR REGISTRY USE ONLY

**MADDIGAN**  
 LAND SURVEYING,  
 LLC.

88 EAST GROVE STREET  
 MIDDLEBORO, MA 02346  
 T 781-233-5198  
 LMADDIGAN@GMAIL.COM



**OWNERS & APPLICANT:**

GRINHAM CONSTRUCTION INC.  
 85 HOWLAND ROAD  
 LAKEVILLE, MA 02347

ASSESSORS MAP 013 BLOCK 001 LOT 005A  
 DEED BOOK 52976 PAGE 254

NINA & KEVIN MACH  
 83 HOWLAND ROAD  
 LAKEVILLE, MA 02347

ASSESSORS MAP 013 BLOCK 001 LOT 005  
 DEED BOOK 5437 PAGE 135

**PLAN REFERENCES:**

PLAN BOOK 34 PAGE 102  
 PLAN BOOK 32 PAGE 1035  
 PLAN BOOK 32 PAGE 991  
 DEED BOOK 52976 PAGE 248-253 DRIVE EASEMENT

**LOT 1 98,635 sq. ft.**  
 CONSISTS OF ORIGINAL LOT 105,169 sq. ft.  
 MINUS PARCEL A 3,967 sq. ft.  
 ADD PARCEL B 5,718 sq. ft.  
 MINUS PARCEL C 8,250 sq. ft.  
 MINUS PARCEL D 35 sq. ft.  
 EQUALS NEW LOT 98,635 sq. ft.  
 NEW UPLAND 58,721± sq. ft.

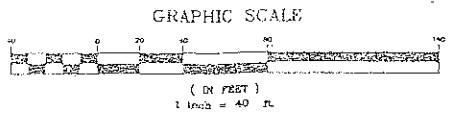
**LOT 2 71,822 sq. ft.**  
 CONSISTS OF ORIGINAL LOT 65,286 sq. ft. (PLAN #856 OF 1989, AREA ERROR)  
 ADD PARCEL A 3,967 sq. ft.  
 MINUS PARCEL B 5,718 sq. ft.  
 ADD PARCEL C 8,250 sq. ft.  
 ADD PARCEL D 35 sq. ft.  
 EQUALS NEW LOT 71,822 sq. ft.  
 NEW UPLAND 65,627± sq. ft.

**ZONE: RESIDENTIAL**  
 AREA: 70,000 SQ. FT.  
 MIN. UPLAND AREA: 52,000 SQ. FT.  
 LOT FRONTAGE: 175'  
 SETBACKS: 40' FRONT  
 20' SIDE & REAR

- NOTES:**
1. THE PURPOSE OF THIS PLAN IS TO CREATE TWO NEW FORM A LOTS BOTH MEETING THE CURRENT ZONING AND UPDATING AND CORRECTING AN ERROR OF THE AREA CALCULATION DISCOVERED ON A PREVIOUSLY RECORDED PLAN (PLAN #856 OF 1989).
  2. LOTS 1 & 2 ARE BEING RE-CONFIGURED FROM ASSESSORS MAP 013 BLOCK 001 LOT 005 AND ASSESSORS MAP 013 BLOCK 001 LOT 005A.
  3. AN ACTUAL ON THE GROUND SURVEY WAS PERFORMED BY MADDIGAN LAND SURVEY TYPING INTO THE PROPERTY LINE MONUMENTS AND STREET LAYOUT.
  4. ADJUTING OWNERS OF THE PROPERTIES SHOWN ARE ACCORDING TO THE CURRENT TOWN ASSESSOR'S RECORDS.
  5. THE PROPERTY IS NOT WITHIN A FEMA FLOOD ZONE ACCORDING TO THE CURRENT FEMA MAP.

I HEREBY CERTIFY THAT THIS PLAN AS SHOWN CONFORMS WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

THIS PLAN AND THE ACCOMPANYING CERTIFICATIONS DO NOT CONSTITUTE A CERTIFICATION OF TITLE TO THE PROPERTY DISPLAYED HEREON. THE NAMES SHOWN AS OWNERS OF THE LOCUS AND ADJUTING PROPERTIES ARE TAKEN FROM CURRENT TOWN ASSESSOR'S RECORDS.



**FORM A PLAN OF LAND**  
 83 - 85 HOWLAND ROAD  
 LAKEVILLE, MASSACHUSETTS  
 PREPARED FOR  
 GRINHAM CONSTRUCTION INC.

DRAWING TITLE:  
**FORM A PLAN**

SCALE **1" = 40'**  
 SHEET NO.  
**1 OF 1**

NO.	DATE	DESCRIPTION

DATE: **SEPTEMBER 14, 2020**  
 DRAWN BY: **DJM** DESIGNED BY: **DJM** CHECK BY: **DNA/JD**  
 PROJECT NO. **20-0009**  
 ISSUED FOR:

PLAN REVISIONS

REGISTERED PROFESSIONAL LAND SURVEYOR \_\_\_\_\_ DATE \_\_\_\_\_



Town of Lakeville

PLANNING BOARD ♦ 346 Bedford Street ♦ Lakeville, MA 02347 ♦ 508-946-8803

PLANNING BOARD FEE SCHEDULE

DESCRIPTION	FEE
Form A – Approval Not Required	\$100.00 Per Lot
Form B – Preliminary Plan	\$100.00 Per Plan
Form C – Definitive Plan	\$700.00 + \$100.00 Per Lot * * *
Form C – Definitive Plan... Following submission of Form B at least 30 days prior to that of Form C	\$500.00 + \$100.00 Per Lot * * *
Repeat Petitions	\$100.00 Each * * *
Changes	\$100.00 Each
Engineering Review Fee	As Billed by the Engineer
Inspection Fees	\$4.00 / Lineal Feet of Road
Retainer Fee	At the completion of road (Release of Covenant) a Retainer Fee of \$15.00 Per Lineal Foot of Road shall be held through bond or passbook with the Town Treasurer until such time as the Town accepts the Roadway.
Site Plan Review	(Minor) – No Traffic, Drainage, or Signage Issues \$250.00 (Major) – In Public View \$1,000.00

\* The cost of all professional consultant(s) review and subsequent fees as determined by the Planning Board will be borne by the Applicant.

\* \* All cost incurred by the Planning Board for the advertising and mailings for Public Notification, will be borne by the Applicant.

Peer Review:

Buffers

Light – night lighting for 24 hour operation

Sound – truck backing up noise for 24 hour operation (no more than 10db above ambient pg 17)

Air – Truck exhaust smells

Sign Regulation Adherence (pg 26)

Traffic Study

- Distribution vs. Warehouse
- Follow-up after 6 months and yearly for the next five (or more) years
- Heavy Truck Flow effects upon roads and bridges
- Traffic congestion potential need for traffic light at entrance/exit

Vehicle and pedestrian Movement

- Truck traffic entering/exiting (signage)
- Impact on existing residents/pedestrians

Adequacy of Disposal of Waste

- Septic system for building proposing 556 parking spots/employees
- Trash collection

Protection of Environmental Features

- Wetlands buffers

Stormwater Management

- Mass Dept of Environmental Protection
- Mass Erosion and Sediment Control Guidelines
- Building Design Standards Adherence

Phased Development

- Permits granted in phases to ensure completion of each phase

Dimensional Provisions (pg 93)

- Bulk/height of structures
- Setbacks, open spaces, parking
- Other dimensional criteria

ADA Compliant

#8



**Town of Lakeville**  
Lakeville Town Office Building  
346 Bedford Street  
Lakeville, Massachusetts 02347

OFFICE OF  
ZONING BOARD OF APPEALS  
Secretary: Cathy Murray

RECEIVED  
SEP 23 2020  
PLANNING BOARD

**TO:** Building Department  
Planning Board ✓  
Conservation Commission  
Board of Health

**FROM:** Board of Appeals

**DATE:** September 23, 2020

**RE:** Attached Petition for Hearing  
Poillucci-39 Cross Street

Attached please find a copy of one Petition for Hearing, which has been submitted to the Board of Appeals. The hearing for this petition will be held on October 15, 2020.

Please review and forward any concerns your Board may have regarding this petition to the Board of Appeals, if possible, no later than Monday, October 12, 2020.

Thank you.

Petition to be  
filed with Town Clerk

EXHIBIT "A"

\* 8-cont.

TOWN OF LAKEVILLE  
MASSACHUSETTS

ZONING BOARD OF APPEALS  
PETITION FOR HEARING

RECEIVED  
SEP 8 2020  
BOARD OF APPEALS

Name of Petitioner: Robert Poillucci, Trustee of 39 Cross Street Realty Trust

Mailing Address: 1 Business Park drive, Lakeville, MA 02347

Name of Property Owner: Robert Poillucci, Trustee of 39 Cross Street Realty Trust and  
Lakeville Nursery Redevelopment, LLC

Location of Property: 39 Cross Street

Property is located in a residential XX business industrial (zone)

Registry of Deeds: Book No. 50199 51376 Page No. 334 236

Map 022 Block 002 Lot 008 and 009

Petitioner is: XX owner tenant licensee prospective purchaser

Nature of Relief Sought:

XX Special Permit under Section (s) 4.1.1 and 7.4.6 of the Zoning Bylaws

Variance from Section (s) of the Zoning Bylaws.

Appeal from Decision of the Building Inspector/Zoning Enforcement Officer

Date of Denial

**Brief to the Board: (See instructions on reverse side – use additional paper if necessary.)**

Allow three single family detached dwellings to be constructed on Lot 1, 2 and 3 off Bella Way  
in the Business Zoning District

I HEREBY REQUEST A HEARING BEFORE THE ZONING BOARD OF APPEALS WITH  
REFERENCE TO THE ABOVE PETITION OR APPEAL. ALL OF THE INFORMATION ON  
THIS PETITION, TO THE BEST OF MY KNOWLEDGE, IS COMPLETE AND ACCURATE  
AND CONFORMS TO THE REQUIREMENTS ON THE BACK OF THIS PETITION FORM.

Petitioner: Robert Poillucci, Trustee of 39 Cross Street Realty Trust Date: August 24, 20

Signed: [Signature] Telephone: 508-946-6953

Owner Signature: Owner Telephone:

(If not petitioner)

(REFERENCE THE REVERSE SIDE OF THIS APPLICATION FOR FURTHER  
INSTRUCTIONS IN FILING YOUR PETITION.)

**WILL YOU HAVE A REPRESENTATIVE OTHER THAN YOURSELF?**

XXX Yes No  
Jamie Bissonnette, Engineer

(Name and Title)



Law Office of  
**Michael P. O'Shaughnessy**  
43 East Grove Street, Suite 5  
Middleboro, MA 02346  
Phone: (508) 947-9170  
Fax: (508) 947-9130  
E-mail: mike@mpoesq.com

September 8, 2020

Town of Lakeville  
Zoning Board of Appeals  
346 Bedford Street  
Lakeville, MA 02347

Re: Special Permit Application  
Belle Way, Lakeville, MA

Dear Honorable Board members:

Robert Poillucci, Trustee of 39 Cross Street Realty Trust ("Petitioner") is seeking a special permit from the Town of Lakeville Zoning Board of Appeals ("Board") under section 4.1.1 of the Lakeville Zoning Bylaw to allow Lots 1, 2 and 3, as shown on the plan that accompanies the special permit application, to be used for single-family, detached dwellings as Lots 1, 2 and 3 are substantially within the business zone.

**History**

On or about August 13, 2020, the Lakeville Planning Board has approved a three-lot subdivision on a roadway shown as Bella Way. The three lots are located within the business zoning district. Pursuant to Section 4.1.1 single-family, detached dwellings are allowed in the business zone provided a special permit is granted by the Board.

**Bylaw Requirements**

Section 7.4 of the zoning bylaws states that "Special Permits shall only be issued for uses, buildings and structures which are in harmony with the general purpose and intent of this By-Law and subject to its general or specific provisions and only if the Special Permit Granting Authority finds that the following conditions are met:

7.4.1.1 The use is not noxious, harmful or hazardous, is socially and economically desirable and will meet an existing or potential need.

7.4.1.2 The advantages of the proposed use outweigh any detrimental effects, and such detrimental effects on the neighborhood and the environment will not be greater than could be expected from development which could occur if the special

September 8, 2020

Page 2

were denied.

7.4.1.3 The applicant has no reasonable alternative available to accomplish this purpose in a manner more compatible with the character of the immediate neighborhood.

The Special Permit Granting Authority shall determine that the proposal generally conforms to the principals of good engineering, sound planning, and correct land use, and that the applicant has the means to implement the proposal if a Special Permit is granted.

#### Analysis for Compliance with Special Permit Requirements

*The use is not noxious, harmful or hazardous, is socially and economically desirable and will meet an existing or potential need.*

The proposed uses of lots 1, 2 and 3 as single-family residences are not noxious, harmful or hazardous and is socially and economically desirable and will meet an existing or potential need. Bella Way is in an area where single family residences are predominant and as such the proposed residential use is harmonious with the neighborhood.

*The advantages of the proposed use outweigh any detrimental effects, and such detrimental effects on the neighborhood and the environment will not be greater than could be expected from development which could occur if the special permit were denied.*

When approval of the subdivision was before the Planning Board, the neighbors to the project indicated that it was preferable to them that the Petitioner's property be used as single-family residences as opposed to a business use. If the Special permit is denied, the Petitioner has no choice but to use and develop the property for those uses allowed in the business zone.

*The applicant has no reasonable alternative available to accomplish this purpose in a manner more compatible with the character of the immediate neighborhood.*

To develop the property as residential use and maintain the character of the neighborhood the petitioner has no reasonable alternative available other than to seek a special permit from the Board to allow the property to be used as single-family residences.

*The Special Permit Granting Authority shall determine that the proposal generally conforms to the principals of good engineering, sound planning, and correct land use, and that the applicant has the means to implement the proposal if a Special Permit is granted.*

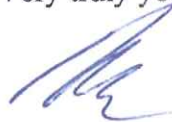
The stormwater management systems and roadway layout have been fully evaluated by HML and Associates during the subdivision plan approval process. As such, the Board can find that the principals of good engineering, sound planning, and correct land use have been applied to the proposed project. The Petitioner is a well-known builder within the Town of Lakeville that has in the past received several permits for multi-unit projects from the Board and has completed same. Given the Board's familiarity with the Petitioner and his history of successfully completing projects, the Board can find with some assuredness that the Petitioner has the means to implement the proposed project.

Conclusion

The Petitioner contends that the use of Lots 1, 2 and 3 as single-family residences is in harmony with the general purpose and intent of the Lakeville Zoning Bylaw. Moreover, the Petitioner believes that the Board can find that: (1) the use is not noxious, harmful or hazardous, is socially and economically desirable and will meet an existing or potential need; (2) the advantages of the proposed use outweigh any detrimental effects, and such detrimental effects on the neighborhood and the environment will not be greater than could be expected from development which could occur if the special permit were denied; (3) the applicant has no reasonable alternative available to accomplish this purpose in a manner more compatible with the character of the immediate neighborhood; (4) the proposal generally conforms to the principals of good engineering, sound planning, and correct land use; and, (5) the applicant has the means to implement the proposed project. Based upon all of the foregoing, the Petitioner respectfully requests that the Board grant the Special Permit.

Should you have any questions or comments, please do not hesitate to contact me.

Very truly yours,



Michael O'Shaughnessy

#8-cont.

\*\*\* Electronic Recording \*\*\*  
Doc#: 00055690  
Bk: 51376 Pg: 236 Page: 1 of 2  
Recorded: 07/17/2019 02:33 PM  
ATTEST: John R. Buckley, Jr. Register  
Plymouth County Registry of Deeds

\*\*\*\*\*  
MASSACHUSETTS EXCISE TAX  
Plymouth District ROD #11 001  
Date: 07/17/2019 02:33 PM  
Ctrl# 126259 15212 Doc# Plymouth County Registry  
Fee: \$456.00 Cons: \$100,000.00  
\*\*\*\*\*

**QUITCLAIM DEED**

**KNOW ALL MEN BY THESE PRESENTS**, That Hamlin Realty, LLC, a Massachusetts limited liability company, have a business address of 144 Bank Street, Attleboro, Massachusetts 02703

For consideration paid of One Hundred Thousand and 00/100 (\$100,000.00) Dollars

grant to Robert Poillucci, Trustee of 39 Cross Street Realty Trust, <sup>as evidenced by a certificate of Trust</sup> which Trust is dated July \_\_\_\_\_, 2019, to be recorded herewith, of One Business Park Drive, Suite 2A, Lakeville, MA 02347

with **QUITCLAIM COVENANTS**

The land in Lakeville, Massachusetts, described on Exhibit A attached hereto.

Being the premises conveyed to this Grantor by deed of Paul R. Hotz et als, Trustees of the Cross Street Realty Trust, dated March 30, 2005, and recorded with Plymouth County Registry of Deeds in Book 30304, Page 185.

The grantor is not classified for the current taxable year as a corporation for federal income tax purposes

Executed under seal this 17 day of July, 2019.

Hamlin Realty LLC - by Easecat, Inc., Manager  
By Ronald P. Turowetz, President and Treasurer

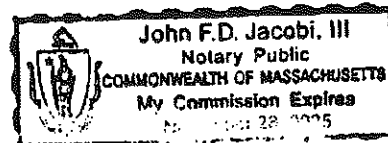
**COMMONWEALTH OF MASSACHUSETTS**

Bristol, ss

July 17, 2019

On this 17 day of July, 2019, before me, the undersigned Notary Public, personally appeared the above named Ronald P. Turowetz, President and Treasurer of Easecat, Inc., Manager of Hamlin Realty, LLC, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

John F. D. Jacobi, III - Notary Public  
My commission expires: 11/28/25



Premises: Lot 2, 39 Cross Street, Lakeville, Massachusetts

Exhibit A

Premises: Lot 2, 39 Cross Street, Lakeville, Massachusetts

The land in Lakeville, Massachusetts, being shown as Lot #2 on a Plan of Land entitled, "Plan of Land in Lakeville, Massachusetts Owner(s): Cross Street Realty Trust Date 2/28/05 Scale 1" = 100' Job No. 98-108 Azor Land Sciences Inc.", which plan is recorded with Plymouth County Registry of Deeds in Plan Book 49, Page 764.



Bk: 50199 Pg: 334 Page: 1 of 3  
Recorded: 08/22/2018 02:15 PM  
ATTEST: John R. Buckley, Jr. Register  
Plymouth County Registry of Deeds

MASSACHUSETTS EXCISE TAX  
Plymouth District ROD #11 001  
Date: 08/22/2018 02:15 PM  
Ctrl# 116860 31854 Doc# 00069002  
Fee: \$2,508.00 Cons: \$550,000.00

**CANCELLED**

**QUITCLAIM DEED**

**HARDING NURSERY, LLC**, a duly organized Massachusetts limited liability company, having a business address of 144 Bank Street, Attleboro, Bristol County, Massachusetts, 02703 for consideration paid of Five Hundred Fifty Thousand and 00/100 (\$550,000.00) Dollars grant to **LAKEVILLE NURSERY REDEVELOPMENT LLC**, a duly organized Massachusetts Limited Liability company, having a business address of 1 Lakeville Business Park Drive, Suite 2A, Lakeville, MA 02347,

with **QUITCLAIM COVENANTS**,

The land located on the south side of Route 44 (Harding Street) designated as "**ACREAGE: 31.64 A+/- SOUTH OF RTE. 44**" and the land located on the north side of Route 44 (Harding Street) designated as "**2.66 ACRES**" both shown on a plan of land entitled: "A Plan of property in Lakeville, Mass. drawn for Hotz Brothers' Mink Farm Scale: 1"=80' June 24, 1980", which plan is recorded with the Plymouth County Registry of Deeds as Plan No. 80-582, in Plan Book 21, Page 980.

Said parcel containing 34.30 acres, more or less, as shown on plan hereinbefore mentioned is further bounded and described as follows:

Beginning at a point situated in the Westerly sideline of Cross Street, which point marks the Northeastly corner of land now or formerly of Paul and Olga Hotz as shown on plan hereinbefore mentioned;

Thence turning and running South 88° 58' 42" West by land now or formerly of Paul and Olga Hotz as per plan 453.28 feet;

Thence turning and running South 00° 38' 31" West by land now or formerly of Paul and Olga Hotz and land now or formerly of Wallace and Tina P. Hotz as per plan 569.55 feet;

Thence turning and running North 89° 21' 59" West by land now or formerly of Edward and Muriel Lewoczko as per plan 711.84 feet to a point;

Property Address: 2 and 5 Harding Street (Route 44) Lakeville, MA 02347

Ma. 1  
Michael Oshayko's  
20 East Grove Street  
Middlebury, MA 02347

Thence turning and running North 00° 35' 43" East by land now or formerly of Frederick and Paul Carey as per plan 833.52 feet to a point;

Thence turning and running North 03° 42' 12" East by land now or formerly of Ann Stelmach as per plan 330.00 feet to a point;

Thence turning and running North 70° 50' 27" West by land now or formerly of Stelmach as per plan 328.00 feet to Holly Island Brook;

Thence turning and running Northerly by said Brook to land now or formerly of R. Dicroce;

Thence turning and running North 50° 21' 51" East by land now or formerly of R. Dicroce 450.00 feet more or less to Poquoy Trout Brook;

Thence turning and running in a general Southeasterly direction by the center line of Poquoy Trout Brook to land now or formerly of Milton Paska and Helen Paska as per plan;

Thence turning and running South 00° 53' 13" West by land now or formerly of said Paska and by land now or formerly of Robert and Dawn Thomas as per plan 470.19 feet more or less to a point;

Thence turning and running South 52° 12' 13" East by land now or formerly of said Thomas as per plan 39.76 feet to the Westerly sideline of Cross Street;

Thence turning and running South 10° 51' 11" West by the Westerly sideline of Cross Street 43.77 feet to the point of beginning.

Meaning and intending to convey two parcels, the first containing 31.64 acres, more or less and the other containing 2.66 acres more or less, both as shown on plan hereinbefore mentioned, however otherwise bounded and described.

Excepting so much of the premises hereinbefore described as is contained within the taking for the layout of Harding Street, Route 44, as shown on the plan hereinbefore mentioned.

The above described premises are conveyed together with benefit of and subject to all rights, rights of way, restrictions, easements and reservations of record if the same are in force and applicable.

The within conveyance does not constitute a sale or transfer of all or substantially all of the company's assets within the Commonwealth of Massachusetts.

Being the same premises described in deed High Rock Harding, LLC to Harding Nursery, LLC dated July 7, 2015 and recorded with Plymouth County Registry of Deeds in Book 45835, Page 3.

Executed as a sealed instrument this 22<sup>nd</sup> day of August, 2018.

HARDING NURSERY, LLC  
By: EASECAT, INC., its Manager

By: *Ronald P. Turowetz*  
Ronald P. Turowetz, President & Treasurer

**COMMONWEALTH OF MASSACHUSETTS**

Plymouth, ss

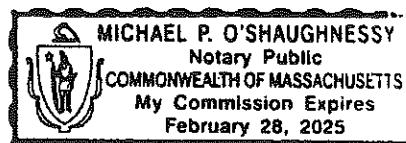
Date: August 22, 2018

On this day before me, the undersigned Notary Public, Ronald P. Turowetz, President & Treasurer of Easecat, Inc. and manager of Harding Nursery, LLC to me through satisfactory evidence of identification, which was based on [ ] personal knowledge [  ] a Massachusetts driver's license, to be the person whose name is signed on the preceding or attached document, and who acknowledged to me that he/she signed it voluntarily for its stated purpose, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his/her knowledge and belief.

Notary Public: *[Signature]*

Printed Name: Michael P. O'Shaughnessy

My Commission Expires: February 28, 2025







MAP 22 - BLOC

P.E. STAMER 8-26-2010

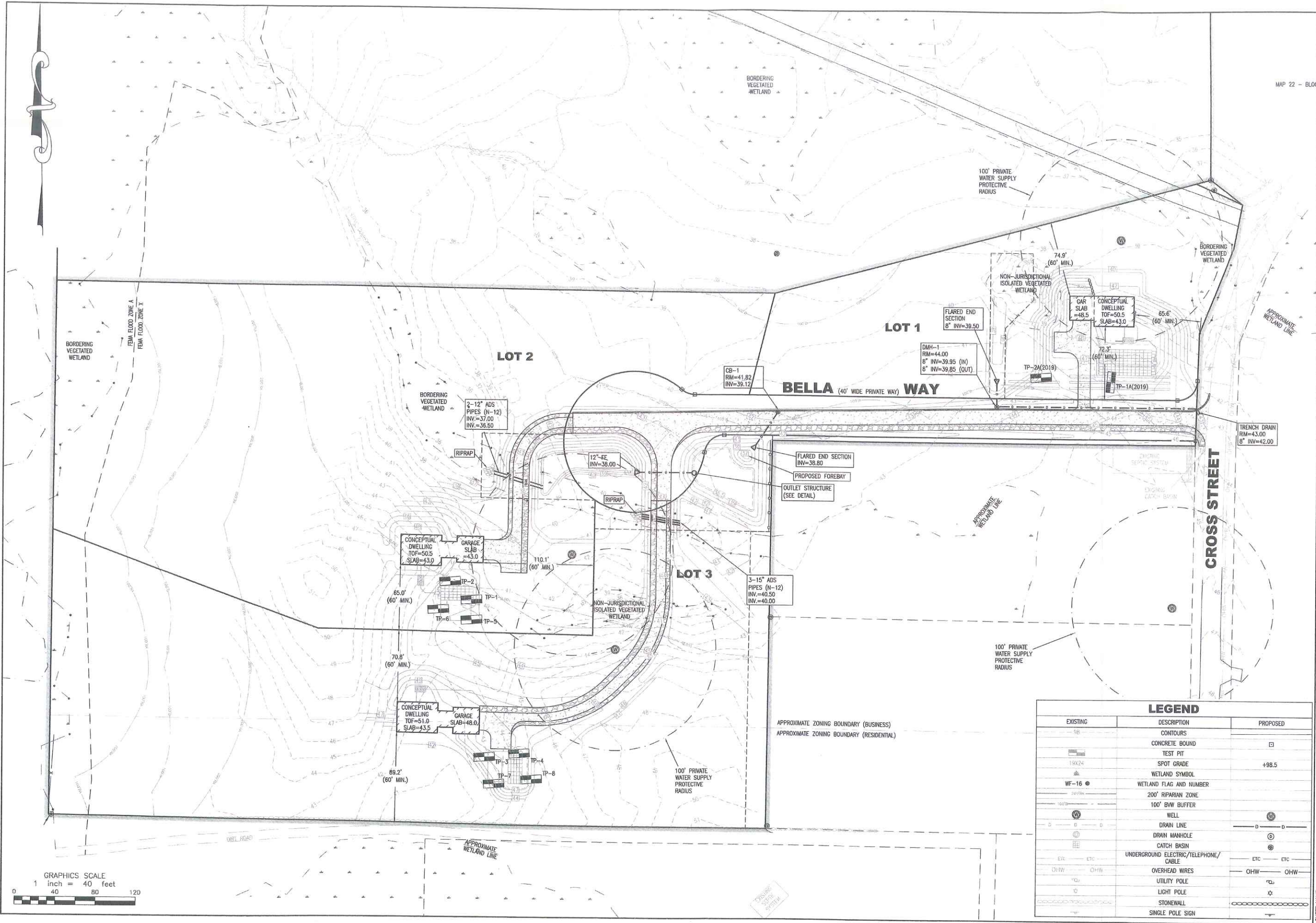
**ZCE**  
ZENITH CONSULTING ENGINEERS, LLC  
3 MAIN STREET LAKEVILLE, MA 02347  
PHONE: (508) 947-4208



REV.	DATE	DESCRIPTION	BY	APP.

**SHEET NAME:** PLAN TO ACCOMPANY A ZBA PETITION  
**PROJECT SITE:** 39 CROSS ST. & PART OF HARDING ST. LAKEVILLE, MASSACHUSETTS  
**CLIENT INFO:** 39 CROSS STREET REALTY TRUST  
1 LAKEVILLE BUSINESS PARK DRIVE  
LAKEVILLE, MASSACHUSETTS 02347

SA/Civil Engineering Projects\Lakeville\Cross St\39 Cross Street\DWG\Plan to accompany a ZBA Petition.dwg



EXISTING	DESCRIPTION	PROPOSED
58	CONTOURS	
[Symbol]	CONCRETE BOUND	[Symbol]
[Symbol]	TEST PIT	
19x24	SPOT GRADE	+98.5
[Symbol]	WETLAND SYMBOL	
WF-16	WETLAND FLAG AND NUMBER	
2079A	200' RIPARIAN ZONE	
100'	100' BW BUFFER	
[Symbol]	WELL	[Symbol]
[Symbol]	DRAIN LINE	[Symbol]
[Symbol]	DRAIN MANHOLE	[Symbol]
[Symbol]	CATCH BASIN	[Symbol]
ETC	UNDERGROUND ELECTRIC/TELEPHONE/CABLE	ETC
OHW	OVERHEAD WIRES	OHW
[Symbol]	UTILITY POLE	[Symbol]
[Symbol]	LIGHT POLE	[Symbol]
[Symbol]	STONEWALL	[Symbol]
[Symbol]	SINGLE POLE SIGN	[Symbol]

**Planning Board  
Lakeville, Massachusetts  
Minutes of Meeting  
September 10, 2020  
Remote meeting**

On September 10, 2020, the Planning Board held a remote meeting. It was called to order by Chairman Knox at 7:00. LakeCam was recording, and it was streaming on Facebook Live.

**Members present:**

Mark Knox, Chair; Barbara Mancovsky, Vice-Chair; Peter Conroy, Michele MacEachern, Jack Lynch

**Also present:**

Jamie Bissonnette, engineer from Zenith Consulting Engineers (ZCE); Cathy Murray, recording secretary

**Agenda item #1**

Mr. Knox read this item into the record. It was an explanation of the Governor’s Order Suspending Certain Provisions of the Open Meeting Law related to the 2020 novel Coronavirus outbreak emergency which was why the Board was meeting remotely.

**ANR plan – 2 Cranberry Lane**

Mr. Bissonnette was present. He shared his screen and displayed the plan. He advised this was a division of two lots on an existing way. They are taking an existing lot with an existing house on it, and they are dividing it into two lots by using the land area they had and some land area that was part of house #21. It meets the 50 feet in minimum width and has the upland area. The wetlands have been approved through the Conservation Commission, and it also meets all the depth and width requirements. Mr. Bissonnette advised in speaking with the Chairman this week, it was noted a parcel that appears to be an unconstructed portion of North Precinct Street. They will first need to double check that information with the surveyors before asking the Board to approve this. He would get back to them when he had the answer.

Mr. Knox asked if he was comfortable continuing until it was determined what the designation was for that strip of land. Mr. Bissonnette replied he would like to continue until the next scheduled Planning Board meeting on September 24, 2020. The delineation of the wetlands was then discussed. Mr. Knox asked if there were any other questions. Ms. Mancovsky asked if the entrance to this property would be on Cranberry Lane. Mr. Bissonnette replied that he was not sure where the house or septic system would be located. He felt that would be the most practical

access point but he could not say for sure. Mr. Conroy questioned how this would be numbered as numbers one through five were already spoken for. He also wondered where the house could be placed because of the drainage easement and wetlands. Mr. Bissonnette responded he was unsure of the answers for those particular questions.

Mr. Knox then made a motion, seconded by Ms. Mancovsky, to continue the ANR hearing for 2 Cranberry Lane until the September 24, 2020, meeting. The time would be at 7:00 p.m.

**Roll Call Vote:** Ms. Mancovsky-Aye, Mr. Conroy-Aye, Ms. MacEachern-Aye, Mr. Lynch-Aye, Mr. Knox-Aye

**Bella Way – 39 Cross Street and part of 5 Harding Street** - Review and approve documents related to the Approval of a Definitive Plan for a residential subdivision plan submitted by 39 Cross Street Realty Trust

Mr. Knox asked Ms. Murray to explain the paperwork they had received. Ms. Murray advised the paperwork they had in their packets was provided by Atty. O'Shaughnessy. The one she had sent out earlier today had been from Town Counsel. There were also two covenants. Mr. Knox said there was also Homeowners Association paperwork. Ms. Murray said that was correct. Mr. Knox said that if Atty. O'Shaughnessy had prepared it, he was fine with it. Mr. Knox said that he had also spoken with Mr. Bissonnette in regards to this.

Mr. Knox said his understanding was, in the past, the Planning Board would send a letter to the Town Clerk with the signed plan, stating they had approved the subdivision. He asked Mr. Bissonnette if that was accurate. Mr. Bissonnette replied that it has been one of two ways. More recently, the plan has been unsigned and after the Clerk has signed off on the twenty-day appeal, they appear back in front of the Board to get the plan endorsed for approval. In prior years, they have done it both ways.

Mr. Knox asked what was it that they now needed to do. Ms. Murray said the first order of business would be to approve the Decision because that is what would be going to the Town Clerk. Mr. Bissonnette said that he would agree with that. The plans don't necessarily need to go to the Clerk but the Certificate of Decision does. Once the appeal period is up the Clerk can then sign the plan set saying there was no appeal. The Planning Board will then endorse the plan set. Ms. Mancovsky asked if Town Counsel had seen Atty. O'Shaughnessy's Decision before she composed the one that was in front of them. Mr. Knox said that was correct. Ms. Mancovsky said she did prefer Town Counsel's amended version.

Mr. Knox then made a motion, seconded by Mr. Conroy, to waive the reading of the Certificate of Approval of the Definitive Subdivision plan for Bella Way.

**Roll Call Vote:** Ms. Mancovsky-Aye, Mr. Conroy-Aye, Ms. MacEachern-Aye, Mr. Lynch-Aye, Mr. Knox-Aye

Mr. Knox made a motion, seconded by Mr. Conroy, to approve the draft of the Certificate of Approval of the Definitive Subdivision plan for Bella Way and have all members sign the document.

Ms. Mancovsky wanted to make sure that language had been included that the residents were aware they were responsible for the maintenance of the storm water drains. Mr. Conroy noted one of the items did state that the Stormwater Management Operation and Maintenance Plan shall be included on the plan of record. Mr. Bissonnette said that he believed that was why the sample deed and Homeowners Association had been forwarded to the Board to show the easements and maintenance in perpetuity.

**Roll Call Vote:** Ms. Mancovsky-Aye, Mr. Conroy-Aye, Ms. MacEachern-Aye, Mr. Lynch-Aye, Mr. Knox-Aye

Mr. Knox then made a motion, seconded by Mr. Conroy, to waive the reading of the Covenant.

**Roll Call Vote:** Ms. Mancovsky-Aye, Mr. Conroy-Aye, Ms. MacEachern-Aye, Mr. Lynch-Aye, Mr. Knox-Aye

Mr. Knox made a motion, seconded by Mr. Conroy, to sign the Covenant document and submit it to the Town Clerk.

**Roll Call Vote:** Ms. Mancovsky-Aye, Mr. Conroy-Aye, Ms. MacEachern-Aye, Mr. Lynch-Aye, Mr. Knox-Aye

Mr. Knox then made a motion, seconded by Ms. Mancovsky, to waive the reading of the Declaration of Property Restrictions, Easements and Covenants and Establishment of Homeowners Association.

**Roll Call Vote:** Ms. Mancovsky-Aye, Mr. Conroy-Aye, Ms. MacEachern-Aye, Mr. Lynch-Aye, Mr. Knox-Aye

Mr. Knox made a motion, seconded by Ms. Mancovsky, that all the documents be filed with the Town Clerk as required.

**Roll Call Vote:** Ms. Mancovsky-Aye, Mr. Conroy-Aye, Ms. MacEachern-Aye, Mr. Lynch-Aye, Mr. Knox-Aye

**Pauline's Path – 73 Howland Road** – Review and approve documents related to the Approval of a Definitive Plan for a residential subdivision plan submitted by L & B Realty Trust.

Mr. Knox said they should all have a copy of the Covenant and Certificate of Decision.

Mr. Knox made a motion, seconded by Ms. MacEachern, to approve the Covenant so that it can be signed by the members of the Board.

**Roll Call Vote:** Ms. Mancovsky-Aye, Mr. Conroy-Aye, Ms. MacEachern-Aye, Mr. Lynch-Aye, Mr. Knox-Aye

Mr. Bissonnette noted that the Certificate of Decision had not been voted on and the appeal period had not yet started. He believed the same Certificate as with Bella Way would have to be issued so the appeal period could begin. Mr. Knox asked Ms. Murray if this could be drafted in the same form as the one for Bella Way.

Mr. Knox made a motion, seconded by Mr. Conroy, to sign the document as drafted.

**Roll Call Vote:** Ms. Mancovsky-Aye, Mr. Conroy-Aye, Ms. MacEachern-Aye, Mr. Lynch-Aye, Mr. Knox-Aye

**Review the following Zoning Board of Appeals petitions:**

- 1. Martowska – 2 Edgewater Drive

Mr. Knox said Conservation reviewed this petition on Tuesday night. The proposed changed would increase the lot coverage to between 27% and 28%. This is over the 25% allowed in the bylaw. The Conservation Commission has asked that they reduce this coverage and anything above 25% would need to be permeable. Ms. Mancovsky thought they should include that in their motion as a very important comment.

Mr. Knox made a motion, seconded by Ms. Mancovsky, to recommend that any lot coverage over the allowed 25% be permeable surface.

**Roll Call Vote:** Ms. Mancovsky-Aye, Mr. Conroy-Aye, Ms. MacEachern-Aye, Mr. Lynch-Aye, Mr. Knox-Aye

- 2. Maher – 8 Lincoln Street

Mr. Knox made a motion, seconded by Ms. Mancovsky, to make no comment on the Zoning Board of Appeals petition for Maher – 8 Lincoln Street

**Roll Call Vote:** Ms. Mancovsky-Aye, Mr. Conroy-Aye, Ms. MacEachern-Aye, Mr. Lynch-Aye, Mr. Knox-Aye

**Discuss Master Plan Implementation**

Mr. Knox noted that Ms. MacEachern had completed a spreadsheet in regards to the goals of the Master Plan. He asked her what their top priority item was for Master Plan Implementation. Ms. MacEachern advised it is to hire a Town Planner for the year 2020. She stated this was also the only goal they had from the Master Plan for this year. Mr. Knox stated he felt in the past the

Planning Board had not utilized the tools they had as well as they could have. On the 43D Committee, they are going to be able to use an engineering firm to act as a Planner, do peer review, storm water management and drainage, do follow up, etc. He knew that the Administrator had put together a job description to split between Freetown and Lakeville for a Planner but in the taxpayer's interests on most of these projects if they could use an engineering firm to do the work at the applicant's expense this wouldn't burden the Town with another employee. He did not want to veer from the Master Plan but his point was they were getting a Planner at no cost to the Town.

Mr. Knox said he felt they needed to start acting on peer review more diligently. They also needed to look at additional items they would want reviewed in addition to just stormwater. Ms. Mancovsky agreed. Mr. Conroy asked if this would be on a job to job basis with the cost being passed on to the contractor on an individual basis? Mr. Knox said that was correct. Ms. MacEachern said it would be interesting to see how it goes with the 43D. Would they be using the same firm? Mr. Knox replied it would be up to them. He was not sure if they had seen the email from Nick Lanney of HML Associates informing them of his retirement. Mr. Lanney has done a lot of peer review for the Town so they will need to look for someone else anyway.

Mr. Knox advised the 43D Committee did vote last night to obtain Environmental Partners as their Consulting Engineer. This will be secured through the Town Administrator because she is the 43D Committee point of contact. However, the Planning Board will have direct contact with that firm for all of the matters that they want reviewed. The mindset was having one firm that would oversee the entire project rather than multiple firms which might lead to overlap. Members then discussed putting together a job description for a Planner for a future time.

### Development Opportunities District

Mr. Knox said in regards to this Zoning District, they, as a Board, need to look at either altering it or protecting the Town better. He would like all members to take a look at this bylaw so they could continue to discuss it.

### Approve Meeting Minutes

Mr. Knox then made the motion, seconded by Mr. Conroy to approve the minutes from the August 13, 2020, meeting.

**Roll Call Vote:** Ms. Mancovsky-Aye, Mr. Conroy-Aye, Ms. MacEachern-Aye, Mr. Lynch-Abstain, Mr. Knox-Aye

Mr. Knox made a motion, seconded by Ms. Mancovsky, to continue the minutes from the February 13, 2020, meeting until the September 24, 2020 meeting.

**Roll Call Vote:** Ms. Mancovsky-Aye, Mr. Conroy-Aye, Ms. MacEachern-Aye, Mr. Lynch-Aye, Mr. Knox-Aye

**New Business – Approve request for a check to record signatures at Plymouth County Registry of Deeds**

Mr. Knox asked what this was for. Ms. Murray advised this was to record the Boards' signatures for when they sign plans.

Mr. Knox made a motion, seconded by Mr. Conroy, to approve the request for a \$77 check for the recording of their signatures.

**Roll Call Vote:** Ms. Mancovsky-Aye, Mr. Conroy-Aye, Ms. MacEachern-Aye, Mr. Lynch-Aye, Mr. Knox-Aye

**New Business – Approve forms**

Mr. Knox asked if members liked the set up of the Form D and if so he would like to adopt its use for all subdivisions in the future. Members were fine with the form and its setup.

Mr. Knox made a motion, seconded by Ms. Mancovsky, to approve the Form D Covenant as their form for all future use on subdivisions.

**Roll Call Vote:** Ms. Mancovsky-Aye, Mr. Conroy-Aye, Ms. MacEachern-Aye, Mr. Lynch-Aye, Mr. Knox-Aye

Mr. Knox said the other form was the one they had from Counsel entitled *Lakeville Planning Board Certificate of Approval of a Definitive Subdivision Plan*. He asked if everyone would agree going forward that would be the Certificate they would use to submit to the Town Clerk when they approve a subdivision. Mr. Conroy said that he would agree.

Mr. Knox then made a motion, seconded by Mr. Conroy, to approve the Lakeville Planning Board's Certificate of Approval of a Definitive Subdivision Plan document for future use in the approval of subdivisions.

**Roll Call Vote:** Ms. Mancovsky-Aye, Mr. Conroy-Aye, Ms. MacEachern-Aye, Mr. Lynch-Aye, Mr. Knox-Aye

**New Business – 43D Committee update**

Mr. Knox advised the entire committee met for the first time and he was made Chairman. Their first informal meeting would be next Tuesday night. It will be a hybrid format with the applicant and some members at the Police Station and some members on Zoom. He believed their intent was to submit a formal plan sometime later in October. He asked if that works out would they be amenable to doing that also.

Next meeting

Mr. Knox advised the next meeting is scheduled for September 24, 2020.

Adjourn

Mr. Conroy made a motion, seconded by Ms. Mancovsky, to adjourn the meeting.

**Roll Call Vote:** Ms. Mancovsky-Aye, Mr. Conroy-Aye, Ms. MacEachern-Aye, Mr. Knox-Aye

Meeting adjourned at 8:15.



Planning Board  
Lakeville, Massachusetts  
Minutes of Meeting  
September 24, 2020  
Remote meeting

On September 24, 2020, the Planning Board held a remote meeting. It was called to order by Chairman Knox at 7:00. LakeCam was recording, and it was streaming on Facebook Live.

Members present:

Mark Knox, Chair; Barbara Mancovsky, Vice-Chair; Peter Conroy, Michele MacEachern, Jack Lynch

Also present:

Jamie Bissonnette, engineer from Zenith Consulting Engineers (ZCE); Atty. Robert Mather

Agenda item #1

Mr. Knox read this item into the record. It was an explanation of the Governor’s Order Suspending Certain Provisions of the Open Meeting Law related to the 2020 novel Coronavirus outbreak emergency which was why the Board was meeting remotely. Mr. Knox asked if anyone else was recording the meeting. There was no response.

ANR plan – 2 Cranberry Lane – continued

Mr. Bissonnette was present. He stated at the last meeting they presented a Form A plan and discussed the fact that North Precinct Street, the way that was adjacent to their property, was actually an undeveloped way. He asked to share his screen to display the updated plan. He advised the plan now includes North Precinct Street with the decree and number as well as the term undeveloped on it. He believed that was what they needed to do to satisfy the requirements from the last meeting.

Mr. Knox said that was the only thing that was an unknown as he recalled and also wanting the text on the plan. He asked if this was a unique circumstance with that hitting the frontage on lot 2. Technically, some of that frontage on that plan shows off the undeveloped roadway but the reality is their frontage is on the true North Precinct Street. Mr. Bissonnette replied he believed that was the case but he did not analyze the frontage for lot 2 as they weren’t taking any off of that area. He said it was unusual to see an undeveloped road like this in Lakeville but it does happen from time to time.

Ms. MacEachern asked in regard to the paper street is that something that should be addressed with the Registry of Deeds. Mr. Bissonnette replied that would be a question for an attorney. It can depend on who has rights to, or who owns the paper streets or undeveloped right of ways. He did not know the process to undo a roadway or if there was an advantage one way or the other. You can file to have roads discontinued if they haven't been built. He believed the abutters on both sides would then own to the center line of the road.

Mr. Lynch asked if they now have two North Precinct Streets. Mr. Bissonnette said he thought they had always had the constructed one and the one that was not developed. The Town and the DPW should be very aware of this situation. Ms. Mancovsky noted that she was very familiar with this neighborhood and street. When you take the right hand turn from North Precinct over to Cranberry Lane it looks to her that the area where she would otherwise be driving on a road is now being positioned as a portion of this lot. The drainage easement goes over that location and that tip of the property does go into the Town accepted North Precinct Street. Are they concerned about that at all in terms of having clean books? The people that buy this house are going to own a property where the parcel goes out into the public way. It was indicated on the plan that instead of taking a hard turn onto Cranberry Lane the road more exists as smoothing over that corner. Mr. Bissonnette replied this plan is the result of a survey and there is a concrete bound right at the corner.

Ms. Mancovsky asked the Board how they could articulate mitigating some risk to the Town as they would not be redrawing roads. Mr. Knox said he felt if a road was going across the lot, banks and attorneys would pick up on that before the transfer of papers. Mr. Bissonnette said he would hope that would be the case. He noted the situation is with this type of a filing, an approval not required, the standards that the plan has is it's on a roadway, has frontage, and area. Whether the Town has gone over and paved on this particular lot should have no bearing as to whether the plan should be endorsed or not endorsed. Although he could not speak to if that had been done, as he did not have the pavement edge on the survey.

Mr. Knox said this is an ANR plan not a subdivision. That roadway line is not something they are concerned with and not part of an ANR approval. The edge of road is not under their purview for an ANR. Mr. Knox asked how much frontage was on the lot. Mr. Bissonnette replied it was over 200 feet. Mr. Knox noted that if a piece of that went missing there would still be ample space to meet the frontage requirements. Mr. Bissonnette agreed. He did understand Ms. Mancovsky's concern but with an ANR plan it just was not relevant.

Mr. Conroy asked if anyone had verified the concrete bound. Mr. Bissonnette said their surveyors had field located all the bounds. He asked if it was verified would it be marked if it was in the roadway. Mr. Bissonnette responded they had not advised him one way or the other. Mr. Conroy said the way this plan was drawn is it puts more emphasis on North Precinct Street, the undeveloped layout than it does the actual public way in that section. He understood about the ANR but personally he did have a problem with how it was drawn. Mr. Bissonnette said that he thought the reason it was cut this way was because on the original decree from 1961 it follows that path all the way up and down, and the other one was put into effect after. They do find that roads sometimes get shifted.

Mr. Bissonnette then shared his screen which displayed the plan from the Registry of Deeds which showed why they did the layout the way they did. The existing gravel way from this 1987 plan shows it coming down and then veering off and North Precinct continued down and undeveloped. It appears that although they had the layout, they might have just improved the existing gravel way around. This plan was endorsed by the Planning Board in 1987 for the subdivision of Cranberry Lane. Ms. Mancovsky then explained what she was seeing on Google Maps which likely made this a non-issue.

Mr. Knox then made a motion, seconded by Mr. Lynch to endorse the amended ANR plan for 2 Cranberry Lane.

**Roll Call Vote:** Ms. Mancovsky-Aye, Mr. Conroy-Aye, Ms. MacEachern-Aye, Mr. Lynch-Aye, Mr. Knox-Aye

### ANR plan – Evergreen Road, Clark Road, and Spruce Street

Mr. Bissonnette and Atty. Robert Mather were present. Mr. Knox advised they had in their packets everything from the Zoning Board of Appeals Decision regarding this. He asked Atty. Mather to give the Board a brief synopsis of this plan. Atty. Mather advised he represents the owners of the properties Lou and Amy Vermette. They own eight lots which had a total of four houses on them. They were all run down cottages. They had a right to tear down and/or rehab the existing dwellings. They didn't want to do that because of the location of where they are. He did not know if they could see the existing houses. Mr. Knox then displayed the plan on his screen. Atty. Mather explained that none of the houses sit on lots that comply with zoning, and none of them meet all of the setback requirements.

Atty. Mather said the proposal is to reconfigure eight lots into four lots and to place the houses in the center of the lots where they will meet all the setback requirements. The lots don't meet the frontage and area which is why they had to go to the Zoning Board. These four dwellings are all pre-existing, non-conforming, and they are proposing to alter that. The bylaw allows that pre-existing, non-conforming uses may continue but any alteration or change can only be done if the Zoning Board makes a finding that the change will not be substantially more detrimental. He believed that they also had in their packet correspondence from the Building Commissioner to Town Counsel. He advised they had then gone to the Zoning Board and all that had to be shown was that the alteration would not be substantially more detrimental. They showed that it was actually significantly less detrimental because the houses were spaced out better, they were on larger lots, and they all would comply with the setback requirements. The Zoning Board then gave them the Special Permit but that was just the first stage of the process.

Atty. Mather said they now need to do a Form A plan. They could not come to the Planning Board first because they would be asking for a division that does not comply with Zoning. The Board would have no choice but to deny. However, the Special Permit allows them to appear before the Board because they now have four lots that have been approved by the Zoning Board for a Special Permit.

Mr. Knox advised they had the finding from the Zoning Board of Appeals in their packet. He then read into the record item l) which found that the proposed changes to the properties and structures were not substantially more detrimental than the existing non-conforming structures or uses and was actually an improvement to the neighborhood and the non-conformities. Item n) found that the advantages of the proposed changes outweigh any detrimental effects and would not be greater than could be expected from development that would occur if the Special Permit were denied. Finally, item o) found that the applicant had no reasonable alternative to accomplish this purpose in a manner more compatible with the character of the immediate neighborhood.

Mr. Knox asked if there were any questions or comments. Ms. Mancovsky said that a portion of these lots is coming from Elm Street, a private way, and she wanted to check on that usage and incorporating that portion of the street with the two parcels on the far-right side. Atty. Mather responded Elm Street which was laid out in the original plan showed a paper street that protruded into what will be the four new lots but it stopped right in the middle. It did not go out to Evergreen Road. Mr. Vermette owns the entire fee interest of Elm Street because he owns land on both sides. That is due to a Massachusetts statute called The Derelict Fee Statute which says that if you own land on a private way you own to the middle of the way, or if you own on both sides you own the entire way. Atty. Mather said that you also have to look at whether or not there are rights to use the way. You can own an entire private way but subject to rights of others to use. As this way doesn't go anywhere but stops in the middle of Mr. Vermette's property, there is no one else that would have a right to use it.

Ms. MacEachern asked if the existing houses were seasonal. Atty. Mather replied the last time they were used, they were used year-round, but they haven't been used for a while. He was not really sure when they were last used. Ms. Mancovsky thought this would be a huge improvement to the area. Atty. Mather agreed and noted there had been no opposition to this at the Zoning Board meeting. Ms. MacEachern noted that they also could have one totally conforming lot.

Atty. Mather said he would like to point out that it had been mentioned the properties had not been used in a few years. If this was a commercial use, there would be an issue as commercial uses that have not been used for two years lose their non-conforming right. Their bylaw specifically deals with residential uses in a different way. It says if they are abandoned, it does not mean that nobody lives in it. It means that you've taken it down and it is no longer used as a house. Even though these houses have not been used for five or even ten years, they still have the same rights as a non-conforming use in accordance with their bylaws.

Mr. Knox then made a motion, seconded by Mr. Conroy, to endorse the ANR plan for Spruce Street, Evergreen Road, and Clark Road

**Roll Call Vote:** Ms. Mancovsky-Aye, Mr. Conroy-Aye, Ms. MacEachern-Aye, Mr. Lynch-Aye, Mr. Knox-Aye

Master Plan implementation – update on hiring a Planner

Mr. Knox advised earlier in the week he met with Mr. Darling, Selectman LaCamera, and Ms. Candito. They discussed the 43D process but also touched on the Planner position. From that, he explored with Scott Turner from Environmental Partners regarding Planner services for the Planning Board. This was based on the understanding that Freetown uses Environmental Partners a great deal for some capacity for Planning Board services. Mr. Turner advised contracting them for a full time Planner was a unique and non-typical request and difficult to put a budget value on. Mr. Turner explained the services they could provide for Towns are technical review for plans, administrative assistance for such things as drafting a finding, proper forms and timelines for filings, etc. Mr. Knox noted there are also several existing project sites in Town where peer review needs to be closed out. They currently have no one on Board to complete these services.

Mr. Knox advised the conversation has been started. Hopefully, they can come up with some kind of agreement and terms so that they can provide the Board with a lot more help. Mr. Knox said he needed to follow up, but this could get them in the right direction. They will see if they can develop some kind of a budget. Some would fall under peer review but the administrative aspect would fall under the Town Budget. He asked if anybody had any questions or information.

Mr. Conroy asked Mr. Knox if he knew how Freetown paid. Was it hourly or do they buy a bank of time? Mr. Knox replied he thought that with some Towns it had been an annual budget amount. He thought they were under the impression that like with Freetown, a plan would be provided by an applicant or engineer and that would be sent to them for stormwater management review, noise or visual buffer review, depending on what type of plan it is or what oversight is needed. A price would then be developed and nothing would be done until a check was received. The Board would then advise the developer what the peer review cost would be. Mr. Conroy said that seemed fair for both parties.

Mr. Knox then said at their next meeting he would like to review the costs the Board is currently charging for a Site Plan Review. Ms. Mancovsky noted that she had sent a consultant referral form to Ms. Candito and forwarded a copy to him as well in case they needed an alternative resource. Mr. Knox added that as part of their conversation on Monday, they were hoping the Board of Selectmen would put together a Request for Qualifications and put it out to several engineers. They would then have a list of pre-approved options.

Development Opportunities District

Mr. Knox advised he had spoken to Mr. Darling regarding this. They need to be cautious about it and probably have someone review it for their guidance. If they try to eliminate the Development Opportunities District that could harm the Town's opportunity for some business or commercial development which is a huge help for the Town. They do have the ability to deny a project for being too detrimental. That might be a question to ask Town Counsel so they will know all their options.

Ms. Mancovsky noted that the late Mr. Zienkiewicz used to email a group of planner friends about items like this which is something she would try to find. She was interested to see if there had been Court cases challenging a Planning Board's decision that a project was too detrimental as that is fairly subjective. Mr. Knox said that is something that would have to be very carefully called out in a finding of what the detriment is in order for it to hold up in Court. He was also told that the first thing the Courts go to is their own bylaws. Members then discussed cluster zoning and what that definition might be.

#### 43D Committee

Mr. Knox advised they should have in their packets a list of items they would want covered in a peer review. He advised this was a good start, and when they delve into that project this is something that could be passed along to the peer review engineering firm to voice their concerns. Ms. Mancovsky said her thoughts, after speaking with a buyer for a property that abuts the hospital site, are there will be several residential abutters to that development and they will need to have some type of buffer or vegetated border. Ms. MacEachern and Mr. Knox said that a 100-foot buffer was included in the presentation. Ms. Mancovsky said that is something that definitely will need to be in the peer review especially the quality of that buffer. Mr. Knox said that is something that he had stated they would need, and it was considered and talked about at that initial meeting. He didn't think this was the appropriate time to be getting into specifics of the proposed project.

Mr. Knox advised traffic impacts had also been discussed at the presentation. They had a pretty low traffic count because right now they are proposing a warehouse and not distribution. His concern was what if a new company comes in and instead of a warehouse they run distribution out of the facility. They will need to condition this project to protect the Town from a change in occupancy. Mr. Lynch said wouldn't there be a significant amount of truck traffic going into a warehouse. Mr. Knox replied they did have specific traffic counts but that is something they would also have to put to a peer review and have verified.

Mr. Knox said he would like them to take item #6 out of their packet. They should review it over the next couple of weeks and jot down any other items they would want to discuss. He would like to be ready to present to the peer review engineer a list of disciplines they want covered in depth. They also need to consider some of the bonds and sureties they are going to take. Mr. Knox then lost contact with the Board due to technical issues. Ms. Mancovsky read a question that was in the chat regarding the lights and traffic from the facility. Ms. Mancovsky responded those items were still up for discussion. In her opinion, there will need to be some type of intersection at Bridge Street but she would defer to the Chairman. Mr. Knox said it was too early to discuss these concerns as there is not yet even a submitted plan.

Ms. MacEachern said it had been presented that there was a land bank of 155 employee parking and storage to build, if necessary but limit it, if possible. She didn't know if the 556 employee parking spaces that had been represented included the 155 or excluded it. Mr. Knox said that was a great point to consider for the lot coverage. That is something they would need to keep an eye on and understand fully.

SRPEED-Update

Ms. Mancovsky advised they did have a meeting last night. The most meaningful topic covered would be the update to the South Coast Rail. The estimated delivery date is sometime in 2023. That has not changed in about one year. The Route 140 Exchange is being redrawn and the Train Station that is going to be available in Taunton is going to be where the old golf course is. The bid was just approved for the work to start. If anybody has any questions, they can visit the South Coast Rail project to see updated maps. Phase I is that temporary location between Taunton and Middleboro with the Lakeville Train Station moving over to Middleboro.

Ms. Mancovsky said another interesting item was a presentation on solar development by the Clean Energy Extension. She would circulate the YouTube link for their review. The Smart Program for the State of Massachusetts has been modified meaning the incentives and rules are changing. This may put a lot of pressure on communities like Lakeville. She noted that they would be proposing a sample bylaw for their consideration, and they may have something for them in the next 30 days or by the end of the year. She advised that there was also going to be some resources for their Fire Department to receive training in avoiding damage from lithium batteries. This is something they need to take advantage of.

Approve meeting minutes

Ms. Mancovsky made a motion, seconded by Mr. Conroy, to approve the Minutes from the February 13, 2020, meeting.

**Roll Call Vote:** Ms. Mancovsky-Aye, Mr. Conroy-Aye, Mr. Knox-Aye, Ms. MacEachern-Abstain, Mr. Lynch-Abstain

New Business – Discuss new procedure for signed plans

Ms. Murray said because it was sometimes difficult to get the Board in to sign plans could they make the engineer responsible for that after the mylar was signed. She didn't know how the Board would feel about that. Mr. Knox was fine with it as long as it was legal. Ms. Murray advised it had been done in the past but not as a procedure. She would also like to get a PDF file of the signed plan which could then be saved. In that case if a plan gets lost or damaged, they would still have a record of what had been approved and signed.

New Business – Discuss Site Plan Review application

Ms. Murray advised this had been circulated back in January or February. The second part of it was to be a checklist. She stated that Mr. Zienkiewicz was going to help put that together with her before he had passed. She wanted to make sure they had no problem with the application before she began to work on that second part. Mr. Knox asked that it be forwarded to Mr. Darling for his review and thoughts. He thought he might like to have an additional line item which would

indicate if someone was acting as an agent and somewhere on the application there should be a reference to the plan.

New Business - Additional

Ms. Murray wanted to mention with the upcoming renovation of the office, she would be returning to regular hours. She asked how members would feel about having Monday night available for them to come in and sign plans, if they were not able to make it during the day. Members thought that would work fine. She also asked if she could speak with the Attorney regarding the next step in the subdivision process. The appeal period was coming to an end, and she wanted to make sure that everything was done correctly. Mr. Knox said that would be fine. The final thing was in regards to peer review. Ms. Murray stated that as that would be coming up soon did they want to take a look at the procedure that had previously been established to see if it still works. Mr. Knox said they also need to take a look at how they keep track of the peer review accounts. Ms. Murray replied that was something that Mr. Darling had talked to her about and something that they were still trying to develop.

Next meeting

Mr. Knox advised the next meeting is scheduled for October 8, 2020, at 7:00 p.m.

Adjourn

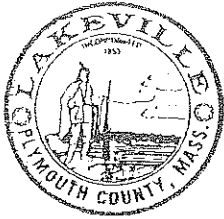
Ms. Mancovsky made a motion, seconded by Mr. Conroy, to adjourn the meeting.

**Roll Call Vote:** Ms. Mancovsky-Aye, Mr. Conroy-Aye, Ms. MacEachern-Aye, Mr. Knox-Aye

Meeting adjourned at 8:35.



#11a



Town of Lakeville  
PLANNING BOARD  
346 Bedford Street  
Lakeville, MA 02347  
508-946-8803

### PEER REVIEW INFORMATION

#### RULES FOR HIRING OUTSIDE CONSULTANTS UNDER G.L. CH. 44 ss 53G

As provided by GL Ch. 44 ss 53G, the Lakeville Planning Board may impose reasonable fees for the employment of outside consultants, engaged by the Lakeville Planning Board, for specific expert services deemed necessary by the Planning Board to come to a final decision on an application submitted to the Planning Board pursuant to the requirements of any state or municipal statute, By-Law or regulation, as they may be amended or enacted from time to time.

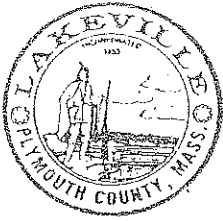
Funds received by the Planning Board pursuant to these rules shall be deposited with the Lakeville Treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Planning Board without further appropriation as provided in GL Ch. 44 ss 53G. Expenditures from this account shall be made only in connection with the review of a specific project or projects for which a consultant fee has been collected from the applicant.

The consultant shall be chosen by, and report only to the Planning Board.

The fee must be received in its entirety prior to the initiation of consulting services. The Planning Board may request additional consultant fees if necessary if the review requires a larger expenditure than originally anticipated or new information requires additional consultant services. Failure by the applicant to pay the consultant fee specified by the Planning Board within ten (10) days of the request for payment shall be cause for the Planning Board to determine that the application is administratively incomplete. The Planning Board shall state such in a letter to the applicant. No additional review or action shall be taken on the permit request until the applicant has paid the requested fee. Failure by the applicant to pay the consultant fee specified by the Planning Board within ten (10) business days of the request for payment shall be cause for the Planning Board to deny the permit application.

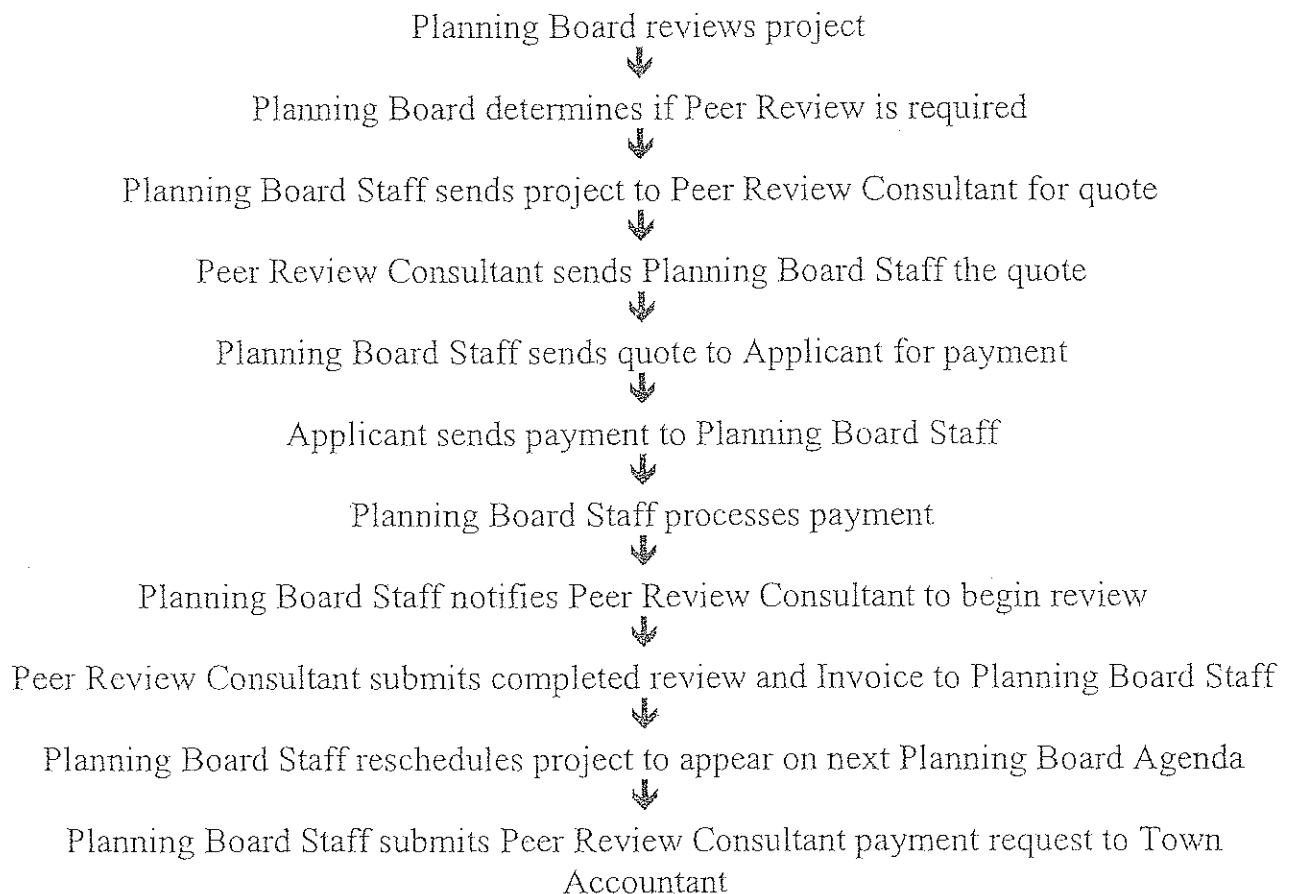
The applicant may appeal the selection of the outside consultant to the Select Board, who may disqualify the outside consultant selected only on the grounds that the consultant has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist of either an educational degree or three or more years of practice in the field at issue or a related field. Such an appeal must be in writing and received by the Select Board and a copy received by the Planning Board so as to be received within ten (10) days of the date consultant fees were requested by the Planning Board.

*Adopted by the Planning Board 12/4/06*



Town of Lakeville  
PLANNING BOARD  
346 Bedford Street  
Lakeville, MA 02347  
508-946-8803

### PEER REVIEW FLOW CHART



*Flow Chart Adopted by the Planning Board 10/25/18*