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REMOTE MEETING NOTICE/ AGENDA LAKEVILLE TOWN CLERK

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

Name of Board, Committee or Commission:	Planning Board
Date & Time of Meeting:	Thursday, March 11, 2021 at 7:00 p.m.
Location of Meeting:	REMOTE MEETING
Clerk/Board Member posting notice	Cathy Murray

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 March 11, 2021, 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. Floodplain Bylaw – Update
3. Site Plan Review Bylaw – Update
4. Master Plan Implementation
 - a. Discuss and respond to February 28, 2021 email
 - b. Update – Fee Review Project
5. Approve Meeting Minutes for March 12, 2020, November 19, 2020, December 17, 2020, and January 21, 2021.
6. Old Business
 - a. Update with Mr. David Morrissey regarding drainage on 39 Cross St.
7. New Business
8. Next meeting. . . March 25, 2021
9. Any other business that may properly come before the Planning Board.
10. 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 March 11, 2021, 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/>**

Cathy Murray, Appeals Board Clerk

#4a

From: James Rogers <jfrogerslakeville@gmail.com>
Sent: Sunday, February 28, 2021 6:52 PM
To: mjkn05@gmail.com; Cathy Murray, Appeals Board Clerk; Lori Canedy; John Olivieri; Robert Bouchard; adamyounghd@gmail.com; Franklin Moniz; mobrien@lakevillems.org; Matthew Perkins, Lakeville Chief of Police; scott@bridgewoodbenoit.com; nwashburn@lakevillema.com; bnlafave@gmail.com; Kelly Howley - Council on Aging Director; jfrogerslakeville@gmail.com; Rodney Dixon; Rita Garbitt (ritagarbitt@gmail.com); Tracie Craig-McGee
Subject: Master Plan Implementation Committee - Plan Review.

Dear Board Chairpersons and Committee Chairs and members:

My name is James F. Rogers. I am Co-chair of the Master Plan Implementation Committee. It has been approximately one year since the introduction of the Master Plan to the Lakeville community. At the most recent meeting of the Master Plan Implementation Committee, we had the opportunity to discuss the Plan and the actions of some of the Town Boards and Committees regarding the successful achievement of a number of the Plan's goals and objectives.

As a result of the conversations, I was tasked with contacting the Chairs of the various Boards and Committees that contributed to and participated in the planning and development of the Plan to ask if the Boards and Committees possibly could add an agenda item to one of their next meeting to discuss the Master Plan and what, if any, actions they have taken or plan to take to review and implement the various goals and strategies assigned the thier group. Such feedback to us would be helpful to us in following through with the Plan but would also be helpful and informational to the Lakeville community.

We do understand that there has been activity related to the plan objectives and in a number of cases the plan objectives have been successfully met or exceeded. These are important events and we should be letting the community see those successes and the contributions of the various Boards and Committees. The Master Plan should be a living document updated at least annually to let the Lakeville Community see the growth and changes occurring as a result of the Plan.

We thank you in advance for your consideration and welcome any feedback you might be able to provide.

James F. Rogers II, Co-Chair
Town of Lakeville Master Plan Implementation Committee
10 Carriage House Dr.
Lakeville, MA 02347

PLANNING BOARD FEE REVIEW DRAFT 2.25.2021	
	Proposed
ANR Form A	\$250 per lot
ANR Form B	\$400 per lot
ANR Form C	\$2,000+\$100/lot *
Repeat Petitions	DELETE LINE
Special Permit (Development Opportunities District 25 acres)	\$500 per acre
Water Development District Special Permit	Tiered by hazard type - example, one fee for landscaping company storage of salt, vs. a much higher fee for trash storage.
Changes made by Developer not requested changes.	minor - \$200 ; major - \$1500 + \$200 for advertising
Engineer Review Fee	Pass through
Inspection Fees	Pass through
Sign Permit	DELETE LINE - FEE PAID TO OTHER PARTY
Retainer Fees	\$15/plf via bond
Site Plan Review	Tiered -Minor \$250; Major (up to 3 acres) \$1,000; over 3 acres \$500 acre
Waiver	DELETE LINE
Copy of Rules & Regs	\$50
Public Hearing Fee	\$100
Street Acceptance	\$250
NOTES	* \$1,500 for definitive plan if a preliminary plan (B) is filed ** PLANNING BOARD HAS DISCRETION TO WAIVE FEES FOR A DEVELOPMENT WHICH PRESERVES OPEN SPACE

Planning Board
Lakeville, Massachusetts
Minutes of Meeting
Thursday, March 12, 2020

On March 12, 2020, the Planning Board held a meeting at the Lakeville Police Station. The meeting was called to order by Mr. Knox at 7:00. Ms. Murray, recording secretary, was audio recording and LakeCam was making a video recording of the meeting.

Members present:

Brian Hoeg, Chair; (joined the meeting at 7:25), Peter Conroy, Mark Knox, Barbara Mancovsky

Master Plan Presentation by Mr. Jed Cornock from SRPEDD

Mr. Knox advised this agenda item had been cancelled and required no action at this time.

Site Plan Review, continued – 57 Long Point Road

The applicant had sent an email on March 5, 2020, requesting to continue until March 26, 2020.

Mr. Conroy made a motion, seconded by Ms. Mancovsky, to continue the Site Plan Review for 57 Long Point Road until March 26, 2020, at 7:30 p.m. The **vote** was **unanimous for**.

ANR Plan, continued – Hickory Lane

The applicant had sent an email on March 12, 2020, advising they would be submitting a Form C for the other portion of the property, so they would do both hearings at once.

Mr. Conroy made a motion, seconded by Ms. Mancovsky, to continue the ANR Plan for Hickory Lane until March 26, 2020. The **vote** was **unanimous for**.

Review the following Zoning Board of Appeal petition:

Northeast Alternatives – 310 Kenneth W. Welch Drive

Mr. Knox advised they had already seen this application. In their packet was the Site Plan which they had previously approved. Floor plans were also included within the Special Permit packet. He asked if anyone had any comments regarding this.

Mr. Knox noted there had been some talk about marijuana facilities posting some sort of security bond for performance. Ms. Mancovsky said they had talked about that, and it was a good idea. They would like them to perform and would like it to be non-transferable. Mr. Knox said he would like the recommendation to ask the Zoning Board of Appeals, if not on this one then in the future, to require some sort of a performance guarantee whether it be through a one-year bond but for a set figure to guarantee performance. Ms. Mancovsky seconded the recommendation. The **vote was unanimous for.**

Approve meeting minutes

Mr. Conroy made a motion, seconded by Mr. Knox, to approve the Minutes from the January 9, 2020, meeting. The **vote was unanimous for.**

Old Business - Discuss bylaw creation for design standards for business zoned new construction

Mr. Knox said he would like to motion to continue this until their first meeting in April, which should be April 9th. It was seconded by Mr. Conroy. The **vote was unanimous for.**

Old Business - Discuss Site Plan Review bylaw revision or adaption for "tenant work" in existing business or industrial uses.

Mr. Knox said he would like to briefly discuss this. There is an item in their packets that is very similar to this. This is not a change in use and all the work being done is inside the four walls. What did members think? Ms. Mancovsky said if you were going from manufacturing to an office space, that would require review. Mr. Knox said in this case this was an office, and it will be another type of office. She said that would not be a change of use. Mr. Knox said that change of use should be by the zoning definition, but a trigger of this might be parking or a higher occupancy load. Mr. Knox said that he just wanted this to be food for thought for their next meeting in March.

Mr. Knox then made a motion, seconded by Ms. Mancovsky, to continue the Site Plan Review revision for tenant workspace until March 26, 2020, at 7:30. The **vote was unanimous for.**

New Business – Site Plan Review Determination

Members reviewed a letter from Ms. Trea LaRaia of Piecing the Puzzle, Inc. It had been included in the packet so that the Board could decide if a Site Plan Review would be required. This was previously an Insurance office that would now be used as an ABA Center for children with autism. Mr. Knox said that it is in the same zoning use group so technically not a change in use even though it's a change in tenant. He advised the Building Commissioner had said the entire inside

of the building is being remodeled but no work is being done outside. Ms. Mancovsky said that seems reasonable and it's not a change of use.

Mr. Knox made a motion, seconded by Mr. Conroy, to approve that no review would be required. The **vote** was **unanimous for**.

New Business - Review bills for payment

Mr. Conroy made a motion, seconded by Ms. Mancovsky, to approve Invoice #20005 for HML Associates in the amount of \$1,500.00. The **vote** was **unanimous for**.

Mr. Knox made a motion, seconded by Mr. Conroy, to approve Statement #219428 for SouthCoast Media Group in the amount of \$175.52. The **vote** was **unanimous for**.

It was noted that Ms. Trea LaRaia was present in the audience. She asked if the Board had any questions for her. Mr. Hoeg asked if parents would be bringing the children. Ms. LaRaia said that was correct. He said there would not be any large vans coming in with groups of children. Ms. LaRaia replied they were currently in Middleboro who provides transportation to them but it is the small vans and busses. There will not be any large school busses. They were working to figure out how the transportation would work for the different school systems since they were moving over the Town line. She noted that generally only one child would come in on the bus/van. There were no other questions.

Adjourn

Ms. Mancovsky made a motion, seconded by Mr. Knox to adjourn the meeting. The **vote** was **unanimous for**.

Meeting adjourned at 7:25.

**Planning Board
Lakeville, Massachusetts
Minutes of Meeting
November 19, 2020
Remote meeting**

On November 19, 2020, the Planning Board held a remote meeting. It was called to order by Chairman Knox at 6:30. LakeCam was recording, and it was streaming on Facebook Live.

Members present:

Mark Knox, Chair; Peter Conroy, Michele MacEachern, Jack Lynch

Barbara Mancovsky joined the meeting at 7:05

Also present:

John Olivieri, Jeff Youngquist, Chris Sheedy, Chris Campeau, ZBA members; Madelyn Maksy, applicant, Jamie Bissonnette, engineer Zenith Consulting Engineers

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.

Site Plan Review – 149 Bedford Street, continued – Meet with Nyles Zager from Zenith Consulting Engineers, LLC (ZCE)

Mr. Knox then read letters from various Town Boards into the record. The Board of Health letter advised the area appeared to be sufficient to support a sewage disposal system, and it is possible to connect to municipal water so there is no need for a well. Therefore, based on the information provided there is no reason for the Board of Health to recommend denial due to public health issues. The Conservation Commission had not yet held a hearing on the property but it was the Agent's opinion at this time, that an NOI would be required. Preliminary review of the plan has determined that the 100-foot buffer zone extends into the southern part of the site. The proposed driveway and infiltration basin are located in the buffer zone. The entrance/exit onto Route 18 should be evaluated for relocation to avoid wetlands and traffic issues. In addition, a drainage structure exists on the northern edge of the buffer zone and crosses in a southwesterly direction. It was also asked what the vehicle storage area is to be used for. Mr. Knox believed that had been shown on the first plan for during construction for site equipment, but he would let that be addressed later.

Mr. Knox then stated the Lakeville Fire Department had commented the length of the driveway appears to be in excess of 150 feet in length. CMR 527 mandates an approved turnaround for Fire Department apparatus for access roads in excess of 150 feet. He believed the applicant's engineer had spoken to Chief O'Brien, and they have come up with some sort of a resolution. The Police Chief had a public safety concern of the proposed structure because of the close proximity of the road but Mr. Knox believed that had been addressed at the first meeting. The last comment was from the Board of Selectmen. They had several concerns with the Site Plan. One was that there is a 40-foot setback requirement around the building and based upon this plan, the building only meets that requirement on the rear side. On the corner of the Bedford Street and Rhode Island Road side, there is only a 15-foot setback and there is an 18-foot setback on the other side. They suggested the building be shifted to the left for proper sight lines at the traffic lights. It was also noted that there seems to be different configurations regarding the parking area. They also had concerns with the height of the sign and its placement. Another issue was the Bedford Street entrance and the concern that fire engines will not be able to turn around. The Selectmen felt that no entrance should be allowed off Rhode Island Road. It was also noted the plan calls out municipal sewer and water but there is no municipal sewer. Mr. Knox said that they had discussed that and it was a typo that probably was addressed. The Selectmen also recommended that a peer review be done due to the complexity of the site.

Mr. Jamie Bissonnette from Zenith was present for the applicant. He then shared his screen. He advised that last week Mr. Zager had attended the Planning Board meeting in his place and presented the Site Plan for 149 Bedford Street for the first time. There's an existing building right on the corner. They are looking to raze that building and remove the two existing curb cuts that are right on the intersection now. They are proposing a new building that is set back further from the property lines than the existing building currently is. In their opinion, they are making a significant improvement. He noted that business does have a 40-foot setback from all sides but when you have an existing non-conforming structure as they do, the Zoning Board of Appeals can grant a Special Permit to allow you to keep your existing non-conformities. The reason for not pushing the building further back towards Rhode Island Road is right now they have 42.9 feet but the further they push it back would start to create a non-conformity after an additional 2.9 feet of movement.

Mr. Bissonnette said he would start to go through the issues one by one. He believed there was some discussion regarding landscaping on the property line for screenage with the abutter at the last meeting. They have updated their planting and vegetation plan to correspond and show additional screenage in that area. He thought that some architectural plans were shown at the last meeting that showed some potential build up for a second story which the owner of the property is not looking to do right now. In the future if she wants to, they showed a future area they called a potential future parking expansion area. They would need an additional five spots. The dashed area indicated parallel parking spots for cars if there was a future need for them. The note states that if this was to be constructed, the design approval would have to be looked at by an engineer, the Planning Board, and the Conservation Commission. The reason for that is their drainage system is designed to handle what is shown on the plan. It may not need anything, but that would have to be determined by the site conditions.

Mr. Knox said he assumed that what the parking has been gauged on is office space, which the bylaw states is one space per 300 square feet of gross floor area or one per each employee, whichever is greater. Were these five spaces derived from the building on the first floor being less than 1,500 square feet? Mr. Bissonnette replied that was correct and of the five spaces one those could be handicap accessible, so they actually have an excess of one space. Mr. Knox asked if the second floor was built out what kind of square footage would be up there for the additional five spaces. Is it less than 1,500 square feet so that would be more than adequate? Mr. Bissonnette said that was correct.

Mr. Bissonnette said that one of the comments from Mr. Bouchard, the Conservation Agent, was the vehicle storage. He scrolled down to their Erosion Control Plan. He thought he was looking at the 24' x 60' vehicle storage area. This was intended for during construction, where you would place the construction vehicles, dewatering, washout area, stockpile area, etc. It's more for Conservation and the contractors to know where they should be placing the equipment, and to help protect the resources that are off site and abutting properties from siltation, erosion, or any type of spills. He felt that Mr. Bouchard did understand that as soon as he pointed it out to him.

Regarding the driveway location, Mr. Bissonnette advised on Monday of this week, he had a Zoom meeting with Mass DOT. The point of this intersection from a safety standpoint is to try to get as far away from it as you can for an entrance, and then exit out onto the road. Mass DOT agreed that this is absolutely the best spot for them to be able to get into and out of their site. They would prefer for them not to try to access and remove part of their guardrail system. They also have an easement within that area, and they would prefer them not to access over it.

Mr. Bissonnette said he had touched a little bit on the setbacks, and he understands that if this was new construction a 40-foot setback from all sides would be required. They are meeting with the Zoning Board of Appeals tonight and they will be asking for a Special Permit which is pretty common to get with a tear down and rebuild. The applicant could keep the existing building and fix it up where it is if they so choose, but this is a much better scenario than that. He also had heard a comment about the sign setback. The setbacks for the sign in the Zoning bylaw is 10 feet, and they meet that. They are also less than the required 20 feet in height from the crown of the road in what they are proposing but they are asking for a little bit of a larger sign.

Mr. Bissonnette advised that regarding the municipal sewer and water, this was the first he had heard of municipal sewer on the plan set. That will be corrected as this is absolutely septic. Mr. Lynch asked why the plan stated that all work must conform with the City of Taunton rules and regulations. Mr. Bissonnette replied they are the supplier for the water. They have an inter-municipal agreement where they take their water out of our ponds, and then they give it back to them through their networking system. The water lines themselves have to meet Taunton standards, and they will come out and inspect them.

Mr. Knox asked if Mr. Bissonnette could touch on the exit the Fire Department had requested because of the inability to back up or turn a truck around on the site. This in turn has affected the dumpster location. Mr. Bissonnette replied on a site like this, the conditions don't allow for a turnaround. This lot is too narrow and the size truck that Lakeville has is not going to make the turn. They have talked to the Chief and went over a couple of options. If they have an emergency

exit out in case they ever need to access the site and get out; they could pull straight out. For safety reasons, they are looking to put in a gate with a lock that has a Knox key so the Fire Department can unlock it and drive straight out. They have also added notes that the gate is to remain closed unless used for emergency or maintenance purposes. Maintenance purposes would be to make sure that it is a clean, stable surface free of snow and any type of debris. They also would place do not enter, emergency vehicle only signs. Mr. Knox was correct that they did have to move the proposed dumpster to the side. That will actually force them to have a rollout dumpster because there's not going to be a way that a truck is going to be able to turn that 90 degrees and load into the dumpster pad, so they'll have to have a push out rolling dumpster that the truck can take and load that way.

Mr. Knox asked Board members if they had any questions or comments. Mr. Conroy said in the Police Chief's letter it seemed like he was under the impression there may be a retaining wall or something to stop cars from hitting this building. Has anyone gone back to him and told him there is presently no plans for a retaining wall or guardrail? Mr. Knox said that he noticed the guardrail at the site. Does the plan show the existing guardrail all the way to that corner? Mr. Bissonnette indicated on the plan where the guardrail ends. He was unaware of anything that goes beyond that. That guardrail would stay in place but when they go for their Mass DOT permit, they may mandate that they continue it up to a certain level. The guardrail does go a little further across the street. However, they cannot file with Mass Dot until they have all local approvals. In regards, to Mr. Conroy's question, Mr. Bissonnette said the only thing he could think of was that the Chief was looking at their existing conditions plan or maybe one of their layout plans and saw what appeared to be a wall or what is the remnants of a wall. He noted they have not proposed a wall on this site, but he has not talked to him about the wall or putting a wall in. If the Planning Board or Zoning Board is not comfortable with that, then they will address it.

Mr. Knox then asked for some more in-depth information concerning the setbacks that exist in comparison not to the layout of the road, but to the actual roadway. He thought that people did not understand that difference. Mr. Bissonnette agreed. He then indicated the darker line on the plan that has the hatching on it. This is actually the property line or the right-of-way line and what they are referring to as the setbacks of the 15.1 proposed feet from the building corners to the property line. The actual granite curbing on the corner is further out, and that is where the pavement starts for the roadway. There is greater than 15 feet to the asphalt on the sides and on the area on Rhode Island Road. Mr. Knox said there is concern regarding the sight lines. On the Bedford Street side of the property what is the actual distance from the proposed sign location that is ten feet from the layout of the road. What is it to the actual roadway? Mr. Bissonnette replied that it is in the vicinity of 20 feet.

Mr. Conroy asked in regards to the sign, did the Selectmen want the sign shifted back as well as pulled further down Bedford Street for any reason. He noted that last week he drove past Tamarack Liquors, also on Bedford Street, and they have a very similar size sign. He didn't want to be hypocritical and give this sign a negative comment and then drive by the Tamarack sign that is a good size sign and very similar in height. Mr. Bissonnette replied in regards to moving the sign, they were not going to do that because they have their proposed septic system going in that area. Mr. Bissonnette then explained the following constraints of the property: a Mass DOT drainage easement, their stormwater system also going in that same vicinity, wetlands across the way and

the other side off site, so a buffer zone. They are trying to keep it out of the Town easement. They have to stay 20 feet off of the building at a minimum for the septic. This site is tight. The sign fell in what is now the existing part of the driveway. It stays out of the septic system, and is located pretty close to the existing building. It meets all the zoning requirements except for the size. Mr. Conroy stated regarding the difference between the property line right there and ten feet from the property line distance to the street, would he say it is 20 feet to the signpost. Mr. Bissonnette responded what is going to happen here is Mass DOT is going to make them close off the curb cut as part of their filing. Mass DOT will mandate to them what they do. They may have them extend the granite curbing part way down or all the way down to the end. They may have them take and extend the guard rail, but the dashed line is roughly where the edge of the pavement runs connecting pavement edge to pavement edge when it's closed off. That is roughly 20 feet from the edge of the sign.

Mr. Lynch asked for an explanation of the size of the sign. Mr. Bissonnette replied it is a little more than seven feet across, counting the posts it would be approximately eight feet. The overall height of the sign will be somewhere between 13 and 14 feet. It could be 15 but the bylaw refers to the height taken from the crown of the road in front of it, which is typically the center of the road. The roadway might be a couple of inches higher or lower, but they anticipated it is going to be right around 13 feet 2 inches to the top of the sign. Mr. Knox clarified the actual sign is 5 foot 6 inches by 7 foot 6 inches. The bylaw states that signs shall be limited to a maximum height of 20 feet as measured from the crown of the road directly perpendicular to the sign. They were well underneath what is allowed for the height of the sign. It was only the square footage of the placard that is in question, and if it was considered a common directory sign, then 64 square feet would be allowed.

Mr. Bissonnette said that was correct. He explained that if a building site has more than one use, you are allowed a sign per business or a common directory sign which is allowed to be 64 square feet. This could take on that persona, and it would definitely have at least one or two businesses inside. Instead, what they are looking to do is just come in and ask for the Special Permit because it is really close in size requirements to meeting the regulations. Mr. Knox added that at their last meeting there had been some questions related to general sign prohibitions. He had spoken with the Zoning Enforcement Official who said that he, as well as, the Police Chief have the ability to enforce that if the becomes a traffic hazard.

Mr. Bissonnette said that is correct, and it is in the Zoning Bylaw. There is also a time associated with how long people have to fix those issues. He advised the proposed sign is not a flickering type of sign, and he believed there was an eight to ten second refresh rate on the image changing. It is not going to be like a television action screen. Ms. Maksy said she believed that refresh rate was correct. She thought Mr. Messier might be better versed on the details as he was the sign representative. It did not appear that he was present. Mr. Knox said that Mr. Darling had advised him that the Zoning Board of Appeals had the ability to condition into that sign approval that refresh rate or the duration if they felt that public or traffic safety was an issue.

Mr. Knox asked Mr. Bissonnette if he would be making the changes on the plan about the on-site sewage rather than the public sewer that had been brought up by Conservation. Mr. Bissonnette replied that they are waiting until they go to the Zoning Board before they go to Conservation.

They would like to make sure all the changes are made if there are any from the Zoning Board prior to filing with Conservation. All of their work was buffer zone work, and he believed the majority of it is even out of 50 feet. He didn't believe there was any potential risk to the resource areas. Mr. Knox said they were satisfied with the discussion regarding the gate and the lock with the Fire Department turning around. He advised Ms. Maksy that they had requested she supply them with a lighting plan. She advised that she had not yet had the chance to do that.

Ms. MacEachern stated that Mr. Bissonnette had said if the building was to move back an additional two feet, it would create a non-conformity. Mr. Bissonnette clarified they now have a 42.3-foot setback and if it moved back beyond the 2.3 additional feet, it would create a new non-conformity. In his opinion, that would require a Variance not a Special Permit. She noted she was referring two feet south. Mr. Bissonnette said the problem with that is multifold. They have exactly 20 feet to their proposed septic area, and then they can see the proposed to the existing Mass Dot catch basin, easement area, and the drainage system. The other part is getting the ADA compliant handicap access ramps and walkways to work. When you change one item, it affects numerous other things.

Ms. MacEachern then asked about the additional parking that was added. When they were looking at the slope, it looks like a 2:1 slope where the parking is proposed. Mr. Bissonnette replied that was correct. Typically, they would have looked to put parking exactly this way on the side coming out. The problem is they would be one foot off the property line which is unbuildable. You would have a retaining wall and would be digging a footing on the abutter's property. That is why they put in parallel parking spaces to minimize the length coming out of site. That also allows the applicant to build a partial wall and do some grading at the bottom with far more work room that they would have if they had gone the other way. What they are stating here is this is just a potential future parking area. If the zoning regulations or parking sizes change in the future, this would have to be revisited and they wanted to make sure that was stated very clearly on the notes with the plan.

Ms. MacEachern said that they did see the elevations at the last meeting, and Ms. Maksy said it was only storage for the second level but it did show two offices. She felt that if they were going to have the complete structure built, the parking is essential especially if she was to sell and then not change the use. Mr. Bissonnette understood the concern, but he could only really try to design as to what they actually have before them which is an office building with approximately 1,500 square feet and the parking that is required for that. Mr. Bissonnette explained that if Ms. Maksy went to construct that second floor, she would need a building permit which would trigger the Zoning Enforcement Officer to look at that. If he said that she didn't have enough parking, she would have to revisit that. The intention right now is just that first level.

Ms. MacEachern stated that she had wanted to see the lighting plan whereas it is right next to residential. Mr. Bissonnette said his experience with lighting is having a plan on file is a good thing. The things they can do with LED lights for directions and strengths is great. They can aim the diodes now and direct them 15 to 20 degrees away from a property line, and they also have the dark night sky regulation. However, they will provide them with that lighting plan. Ms. MacEachern asked if there was anywhere on record on Route 18 north where the current stop line is. Mr. Bissonnette replied no. Ms. MacEachern said she just wanted to see if it was a significant

improvement or if it is still blocking the sight line. She noted that Rhode Island Road has a slope and people fly down Route 18. She was concerned about safety. Mr. Knox asked what they were gaining on that Rhode Island Road side. Mr. Bissonnette replied they are pushing it back from about two feet from the diagonal to 15 feet so they are gaining roughly 13 feet, and the visibility is increased drastically. He thought the biggest improvement would be for people driving down Rhode Island Road toward Route 18 and toward Main Street.

Mr. Knox said that he received some comments from Ms. Mancovsky who wasn't available at 6:30. One of her concerns would be the maintenance of the retention basin. Mr. Bissonnette responded they were within 100 feet of a wetland resource, and this is a commercial project so storm water management is applicable. This means they will have a full operation and maintenance package as part of the Notice of Intent. Mr. Knox noted that her other concerns had been discussed tonight.

Mr. Knox advised after following up with the Building Commissioner regarding this, the applicant could go for a building permit to renovate the existing structure in its existing location if the project was denied. It would not be business zoned, it would be residential which he thought would be a negative impact to the tax base in the Town. The Master Plan says that they want to grow business so they offset the tax base of the number of kids in the school system. He felt that overall, this was a good project. The improvements they are making are far better than what is there and if they don't act, they could just keep the same thing. He would recommend approval with conditions.

Mr. Knox asked Mr. Bissonnette where they were with the timing of this, and what did they want from this Board tonight. Mr. Bissonnette replied their hope tonight was to get approval from the ZBA on the sign and the building with the Special Permit. He believed those time frames were 14 days for the written decision and then the 20-day appeal period. That will provide them the time to get the lighting plan, make the change to the municipal sewer plan, bring it back to the next meeting with the Planning Board, and hopefully have the Zoning Board closed out so they can start their filing with Conservation.

Mr. Knox said if they recommended approval he would like to have him at least through one of those two Boards. If he couldn't obtain a lighting plan in time, he would entertain conditioning, or if it was indicated on the plan that the lighting plan would comply with Lakeville's Lighting Bylaw. This would include all of the lights mounted on the building. Ms. Mancovsky asked if they would require the tree line to also be indicated on the plans. Mr. Knox said that he had a concern that at the lower part of the plan where the entrance is, if somebody's coming into the parking area in the evening with their headlights on, the lights could actually go behind the trees to the back of the abutter's house and illuminate their back yard. Was it possible to do something to mitigate the light a little further along toward that culvert until they're pointed parallel back to the street and the light is eliminated from panning across the backyard? Mr. Bissonnette said they do have a turning radius program so they will model a couple of vehicles pulling, and then they will be able to project the lights over there and see what they can do to address that issue.

Mr. Knox asked if they would be okay if they continued this until their December 10th meeting. Mr. Bissonnette said that would be fine but they would like to get a verbal from the Board that

they did not have an issue with the sign. They were not looking for an approval. Mr. Knox summarized the recommendation that had been sent to the Zoning Board which was if the ZBA decided to grant relief on the size of the sign then all other aspects of the sign should comply with the bylaw. Mr. Knox asked for comments from the other Board members.

Ms. Mancovsky said she did have some concerns about the prohibited effect from the existing design, but she planned on attending the Zoning Board meeting as a concerned citizen. Mr. Conroy said that earlier he had mentioned he had been more negative about the sign but after driving by Tamarack all week, he didn't have a problem with it. He would like for the intensity to stay similar. Ms. MacEachern felt it was a little different because this sign was so much closer to the set of lights. She was concerned about safety. She wouldn't mind a peer review in regards to the sign. Mr. Lynch asked if those concerns would have been identified by the Police Chief.

Mr. Bissonnette noted that if they subtracted roughly nine square feet off of the sign, they would have the sign by right. He explained the sign would have a picture, an eight to ten second refresh, with a new picture. It's going to be the minimum of 10 feet off the property line and roughly 20 feet off the existing pavement. The Special Permit is for an additional 9.25 square feet in size than what's currently allowed. The actual sign is four feet two inches by seven feet six inches. The top part is an address sign that will be backlit.

Ms. Maksy advised that Mr. Bob Messier was going to be present on the Zoom meeting for the ZBA. He has done extensive studies within the State of Massachusetts, specifically within southeastern Massachusetts. They've done road tests and studies so he would be able to go into more detail. She believed that Mr. Messier would be able to speak to and satisfy all of their concerns regarding safety. Mr. Knox said his only recommendation to the ZBA would be if they have concerns about safety is to condition that sign with the refresh rate to be a little slower because the intersection, but that was up to the Zoning Board.

Mr. Knox made a motion, seconded by Mr. Conroy, to continue the Site Plan Review for 149 Bedford Street until their next meeting on December 10, 2020, at 7:00 p.m.

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

Site Plan Review – 202 Main Street

Mr. Knox advised that he had been informed that there would be no one present from River Hawk to represent this, and that it would be up to the Planning Board. Mr. Knox believed that they had already vetted this, and they were just waiting on any response due to the plans being circulated in a tight amount of time. At this point, he would like to recuse himself from this hearing and turn the floor over to Ms. Mancovsky. Ms. Mancovsky stated they had received some feedback from the Board of Health and the Fire Department. She asked if anyone had questions or comments.

Ms. MacEachern noted that she had seen on the Board of Selectmen meeting that they did make some comments. Their questions were in regards to the existing entrance and exit safety. They

did not have any significant complaints. The Board of Health did say they need to evaluate the septic. She would like to approve conditionally as long as the Board of Health approves the addition. Mr. Knox said he thought the Board of Health intent was that it left the door open that they weren't granting approval, but advising that an improvement to the septic system may be needed. They will have to find that out based on usage. There were no other questions.

Mr. Conroy made a motion, seconded by Ms. MacEachern, to approve the Site Plan Review for 202 Main Street.

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

Adjourn

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

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

Meeting adjourned at 7:35.

DRAFT

TOWN OF LAKEVILLE
43D Public Hearing – Rhino Capital Advisors, LLC – 43 Main Street
Joint Meeting with the Planning Board and Conservation Commission
Meeting Minutes
December 17, 2020 – 7:00 PM
REMOTE LOCATION

On December 17, 2020, the 43D Public Hearing was held at 7:00 PM remotely via Zoom. The meeting was called to order at 7:00 PM by Mark Knox of the Planning Board. 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 Public Hearing – Rhino Capital Advisors, LLC – 43 Main Street** 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 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, Jack Lynch and Michele MacEachern. 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, John LeBlanc, Josh Flaherty and Mark Knox. Chairman Bouchard turned the meeting back over to Chairman Knox.

Chairman Knox said that this is Public Hearing #2 where the wetland delineation determination has been continued to from the Conservation Commission. The topics will include the delineation, zoning, use, site layout, parking, access and circulation. Chairman Knox explained that at the direction of Town Counsel, the Planning Board has to adopt, at the January 7, 2021 meeting, the Development Opportunities (DO) District rules and regulations related to densities, land use, structures which already mirror our existing industrial zoned areas. The Town of Lakeville adopted the DO District Zoning Bylaw at the June 4, 2012 Town meeting and the 43 Main Street property was approved by the Mass Interagency Permitting Board to the Chapter 43D Program on October 10, 2012.

Chairman Knox acknowledged others present as follows: Scott Turner and Brad Holmes – Environmental Partners, Nate Darling – Building Commissioner, Amy Kwesell – KP Law, Tyler Murphy – Rep. Rhino Capital, Brittany Gesner – VHB Civil Engineer and Sarah French – VHB Wetland Scientist and Attorney Robert Mather

Brittany Gesner, Project Engineer, began the presentation of the proposed Lakeville Hospital Redevelopment project. She explained that this is the second public hearing and that they

are going to cover the continuation of the Wetland Delineation, Zoning, Use, Dimensional Provisions, Site Layout, Parking, Access and Circulation.

Wetland Delineation

Sarah French, VHB Wetland Scientist, explained that they are looking for approval of the wetland delineation for the property. They have been working with Environmental Partners and the Town to get an agreement on the four wetland lines that are out on the property. Wetland #1 – there is a review of the topography elevations and the slope down to the open flat area. She noted the high bush, blueberry, sweet pepper bush, red maple and the large open marsh area with the buffer of green briar and bittersweet to a swimming-hole area that stays flooded year round. There is a decrepit dock and further north the wetland goes off property and then back onto the property within the area of the solid waste disposal. Wetland # 2 and Wetland #3 – there is a review of the topography. It is noted that both are small isolated depressions or can be considered isolated wetlands. Wetland #4 – there is a review of the topography and it is noted that this is Rush Pond. A review of this was done at the request of the Environmental Partners. The findings are a bordered vegetated wetlands that include a variety of red maple, pepper bush, green briar and Japanese brier.

Chairman Knox asked about the vernal pool matter. Sarah French explained that she has reached out to Natural Heritage and received the details of the vernal pool based on the certification done in 1991. She noted that Rhode Island Road Extension was done in 2010 so the area has changed significantly and it is likely the vernal pool has grown. Sarah French proposed flagging the high water mark to take a conservative approach. It is noted that stormwater features are not allowed within 100ft of a vernal pool. They are still working on the high water line for the vernal pool. Chairman Knox asked Scott Turner, if the wetland lines are correct and for confirmation that the vernal pool is making progress. Scott Turner confirms this is correct.

Chairman Bouchard stated that it would be helpful in reviewing the plans if there was more detail given in the maps that show the potential impact areas and what the work in progress is so that the Commission has a working knowledge of what is going on and what is expected down the road. He agrees on the wetland line as flagged and that the vernal pool still needs to be worked on. There is clarification on the 100ft buffer.

Commissioner Yeats asked about the potential for fish in Wetland #1. Sarah French reported that while they were doing the delineation of the large ponded area they did not see any egg masses but she made the note as potential for fish because of the shallow large area of water. Commissioner Yeats agrees to the wetland line as flagged.

There are no further questions or comments.

Motion is made and seconded to approve the wetland line as it is flagged for the 43 Main Street property. Polled vote: Bob Bouchard - Aye, Nancy Yeatts - Aye, Joe Chamberlain - Aye, John LeBlanc - Aye, Josh Flaherty - Aye and Mark Knox - Aye

Chairman Bouchard, Conservation Commission, stated that there is no further business that involves the Commission, so he asks for a motion to continue the hearing to February 4, 2021.

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, January 7, 2020 at 7 PM. Polled vote: Bob Bouchard - Aye, Nancy Yeatts - Aye, Joe Chamberlain - Aye and Mark Knox – Aye.

Upon motion made and seconded the Conservation Commission adjourned at 7:30 PM. Polled vote: Bob Bouchard - Aye, Nancy Yeatts - Aye, Joe Chamberlain - Aye and Mark Knox – Aye.

Zoning – Development Opportunities (DO) District

Brittany Gesner provided the Development Opportunities (DO) District requirements and gave an overview of how the 43 Main Street application meets the requirements. Development Opportunities (DO) Districts allow the use of warehouses and wholesale distribution centers by special permit with the Planning Board as the Special Permit grant authority. No special permit shall be granted unless the total land area, including streets, of the subject property consist of twenty-five or more acres and the site presented is 49.4 acers. There is a review of the Intensity Regulation items which show an increase in the setbacks from existing conditions in the front, side and rear yard setbacks. The maximum building height will be reduced from seven stories tall to 45ft.

Site Layout, Parking, Access & Circulation

Brittany Gesner reviewed the 402,500 sft of warehouse and the 1000 sf per person that equates to the 403 parking spaces with 2/3rd of the parking in the front and 1/3rd of the parking the rear. There are two green grass areas that are shown on the plans, they can become additional parking if the tenant needs them. There is a review of the loading dock area. There is reference to the Environmental Partner's Peer Review letter.

Chairman Knox spoke about the discussion with the Fire Chief on the placement of hydrants on the site layout as well as the egress from the building. Brad Holmes, Environmental Partners, spoke about how the turning radius for the trucks and vehicle movements. There is a review of the ADA compliant parking areas. They are proposing 14 accessible parking spaces that will be split between the two parking areas. Out of the 14 total spaces, 11 will be standard and five will meet the van requirements. It is also noted that the applicant is proposing twenty electric vehicle charging stations and one of those charging stations will be handicap accessible also.

Brittany Gesner highlights the roadway traffic and flow to the loading docks for the trucks and a separate area for vehicles. There is a review of the two land banks to give the tenant options for additional parking and the two 30ft wide lanes entering and exiting to the roadway. Chairman Knox asked for a demonstration of a right turn in and a right turn out of both the curb cuts. Scott Turner, Environmental Partners, explained that he reviewed the turning radius plan at the entrances and they looked good. Scott Turner speaks about the need for additional signs to direct passenger vehicles on the west side.

Chairman Knox speaks about the proposed back parking lot and the earthen berm on the left hand side. It looks like those 60 spaces are going to be at an elevation higher than Rhode Island Road and there is no, buffer, privacy visual or sound mitigation on that side of the building. Brittany Gesner speaks about the significant amount of vegetation that is existing on the hill top that will provide screening both visually and separate the activity from the abutters. She explained that their limits of work and slopes are all in the existing vegetation so they will not be disturbed as part of the project. They feel it is one of the benefits that the mature vegetation will remain back there.

Chairman Knox requests better angles and renderings of the site lines. Brittany Gesner agrees that they will be providing some 3D rendering views of some of the areas for the next hearing. He also specifically requests a 3D Model Comparison of the existing hospital with the new project. The applicant agrees to make this part of the next presentation.

Barbara Mancovsky, Planning Board Member, has no questions.

Peter Conroy, Planning Board Members, asked about the right side of the building, loading dock area and the short maneuvering distance to turn around. Brittany Gesner responded that those loading docks are for box trucks and smaller vehicles.

Michele MacEachern, Planning Board, asked that in regard to the entry and exit, she would like to see the trucks head toward Rt. 495, rather than any other direction and asked if there has been consideration of that. It is noted that passenger vehicles will be going in either direction even though the trucks will have a dedicated route back to the highway.

Chairman Knox asks about signs. Brittany Gesner noted that she will add specific signs to the next hearing discussion.

Joe Chamberlain, Conservation Commission, asked about what the plan is going to be for snow removal. Brittany Gesner shows two areas on the presented plan where snow can potential be stored. These areas are outside of the future parking areas. There is discussion on the soils and it is confirmed that there are sandy soils out there, which have been very workable with the stormwater design and the recharge which meets the stormwater standards.

Scott Turner asked for renderings of the berms and the varying heights in relation to the building so you can see how the building will look. Scott Turner asked about the entrances and if they are precast concrete. Brittany Gesner confirms that all the curb cuts are granite. Scott referenced some of the questions still outstanding on the project, such as pavement thickness and maintenance. He noted that sign detail was submitted. There are additional questions on the buffer on the western side but those will be coming up.

Jack Lynch, Planning Board, asked how the site access is going to flow once the newly constructed funeral home is completed next door. There are two lanes coming from Rhode Island Road that drops down to one lane right in that area. Brittany Gesner noted that this can be discussed as part of the offsite access.

There is a question asked as to when the demolition of the project is going to be discussed. Chairman Knox explained that it is not part of the Planning Board process. Nate Darling suggested that if the Planning Board saw fit to condition the hours of operation, dust control measures, it might be appropriate rather than have Rhino Capital control that.

Chairman Knox encourages the residents to put their concerns and questions in writing and submit them to the Board so that they can review them and get answers.

Dick Scott, resident, expressed his concern about the noise levels during the demolition. Attorney Kwesell explained that the demolition hours controlled by the hours of operation can be made a condition of the permit.

Aguiar Octavio, 23 Rush Pond Road, had no comments on this presentation.

Paul Turner had no comments on this presentation.

Brian Smith, 22 Rush Pond Road, had no comments on this presentation.

Janet Scott, 11 Rush Pond Road, had no comments on this presentation.

Chairman Knox thanks the residents for their participation. He asked if any Planning Board Members have any further questions. They do not. It is noted that at the next hearing there will be a lot of discussion on the noise and traffic.

Motion is made and seconded to continue the Planning Board hearing of the 43D Rhino Capital Advisors, LLC, 43 Main Street project to Thursday, January 7, 2021 at 7 PM with the topics of Architectural Design, Landscape, Lighting, Noise, Signs and a 3D rendering along with 2D sections in various locations. Polled Mancovsky - Aye, Peter Conroy - Aye, Jack Lynch - Aye and Michele MacEachern vote: Mark Knox - Aye, Barbara - Aye.

ADJOURNMENT

Upon motion and seconded made at 8:30 PM to adjourn the Planning Board meeting. Polled vote: Mark Knox - Aye, Barbara Mancovsky - Aye, Peter Conroy - Aye, Jack Lynch and Michele MacEachern - Aye.

TOWN OF LAKEVILLE
43D Public Hearing – Rhino Capital Advisors, LLC – 43 Main Street
Joint Meeting with the Planning Board and Conservation Commission
Meeting Minutes
January 21, 2021 – 7:00 PM
REMOTE LOCATION

On January 21, 2021, 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 Mark Knox of the Planning Board. 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 Public Hearing – Rhino Capital Advisors, LLC – 43 Main Street** 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/>**

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, Jack Lynch and Michele MacEachern. Chairman Knox turned the meeting over to the Conservation Commission Chairman.

Chairman Bouchard recognized the members present but noted that the Conservation Commission is observing this evening as their hearing has been continued to February 4, 2021. Conservation Commission Members present: Bob Bouchard, Nancy Yeatts, Joe Chamberlain and Mark Knox. Chairman Bouchard turned the meeting back over to Chairman Knox.

Chairman Knox said that this is Public Hearing #4 where the speculative development and traffic are being discussed. He noted the full occupancy of the remote meeting and that he will be limiting comments to two minutes with no exceptions. However, if there is more time at the end of the meeting he may allow for an additional comment.

Chairman Knox acknowledged others present as follows: Scott Turner, Jim Fitzgerald and Jane Davis – Environmental Partners, Amy Kwesell – KP Law, Tyler Murphy – Rep. Rhino Capital, Brittany Gessler – VHB, Civil Engineer and Matt Healey – VHB Traffic

Brittany Gesler spoke about a proposed change to the hearing schedule. She referenced the feedback from public comment, peer review, board and commission members on the project and that the applicant would like the opportunity to go through the changes that have been made to the project. They are proposing to present those changes at the next hearing which is scheduled for February 4, 2021. Originally that hearing date has been scheduled to discuss stormwater management as well as impacts proposed in the wetland buffer zone, grading and erosion control, which will be moved to the February 18th hearing instead.

Chairman Knox noted that the Conservation Commission will need to open and continued their hearing at the February 4, 2021 to the February 18, 2021 date, which is also when the septic and utilities will be discussed. It is confirmed those items till plan to be discussed on that date.

Tyler Murphy, Rhino Capital, explained that the traffic study being done is based on speculative development. They do not have a tenant so they have to use estimates. If they did have a tenant, the tenant would have to use the standards that they are applying, they would include their own traffic date and there would the same use of the ITE Trip Generator. The estimates are based on a combination of data and a speculative tenant and they are following the typical process. He reiterates that these are estimates.

Matt Healey, VHB, provided an overview of the ITE Trip Generation Rates and reviews the typical comparative scenario. He spoke about the Transportation Impact Assessment which looks at existing conditions of traffic volumes, crash history and capacity analysis. Future conditions, historic traffic growth rates and other proposed development projects are looked at. "No Build" traffic volumes through to 2027 conditions without the project, trip generations projects, trip distribution, "Build" traffic volumes to 2027 conditions with the project capacity analysis comparing "No Build" and "Build" conditions, identify potential impacts and determine if mitigation is required.

M. Healey reviewed the study area intersections. The intersections are listed as, Rt. 105 at I-495 northbound ramps; Rt. 105 at I-495 southbound ramps; Rt 105 at Rt. 79 Rhode Island Road/Commercial Drive; Rt. 105 at northern site driveway; Rt. 105 at Bridge Street, Rout 105 at Lori Lane/Site Driveway; and Rt. 105 at Clear Pond Road/Vaughn Street. The analysis periods were 7 AM to 9 AM and 4 PM to 6 PM.

M. Healey reviewed the data collection of the traffic volumes. There were existing counts available at the Rt. 105 and I-495 Interchanged from 2017, at rt. 105 at Rt. 79 and Commercial Drive from 2017 and Rt. 105 at Bridge Street from 2019. There were new counts conducted for the study area in September of 2020. He noted that comparisons were made to pre-Covid counts and they worked with MassDOT to adjust volumes accordingly. Additional counts were done in January of 2021. There is a solid base for existing conditions.

M. Healey spoke about the future conditions and 2027 projects. He noted the background projects of, 12 Main Street Urgent Care, the funeral home, 181 South Main Street 40R Development, Old Field Estates, 77 Riverside Drive, Ocean Spray facility and the South Coast Rail. The historic grown rate has been 0.55% per year for the last seven years.

M. Healey explained the trip generation methodology. They use the Institute of Transportation Engineers (ITE) Trip Generation Manual 10th Edition. It has a national database of traffic counts at a wide range of land uses. They are using the land use code of 150, which is warehousing. The trip generation rates used to make projections are based on the size of the project. This is an industry standard, even when the tenant is known. The ITE data is also used to quantify the truck trip generation. It is also part of MassDOT's process for their projects.

M. Healey presented a total of 682 trips generated per day, based on a week day. The breakout is 440 cars and 242 truck trips. The traffic study was reviewed by Environmental Partners and MassDOT. If a tenant is secured during permitting, the trip generation can be revisited. He also noted that post-occupancy traffic monitoring will be done for MassDOT as well as a comparison of what was projected versus what the actual outcome is. He explained that the proposed warehouse results in a 4-7% increase in peak hour traffic on Main Street. He said that based on the trip distribution 77% will go east on Rt. 105 – Main Street, this is based on the US Census Journey-to-Work data. The truck distribution is anticipated to be oriented to I-495 primarily and the trucks will not be allowed to use Bridge Street.

M. Healey provided further detail on the traffic results. He noted that the intersection capacity analysis conducted was for the following conditions; 2020 – existing conditions, 2027 “No Build” conditions and 2027 “Build” conditions. The capacity analyses evaluates the Level Of Service (LOS) for each intersection. The LOS is a grading system based on average vehicle delays (A through F) and the results showed no drops in LOS between 2027 “No Build” Conditions and 2027 “Build” Conditions indicating minimal impacts during peak hours.

M. Healey reviewed the proposed mitigation and what the applicant can do to reduce the amount of traffic and the amount of single occupancy vehicles using the Comprehensive Transportation Demand Management (TDM) program. This program is geared toward reducing vehicles trips to and from the site. The details are coordinated with the Town of Lakeville and MassDOT. Some examples include, carpooling, information on alternative modes of transportation, on-site amenities, such as bike racks, showers/changing rooms and the incentivizing use of public transportation. He spoke about the transportation monitoring program, which is conducted six months after occupancy and then conducted annual for five years. They look at continuous 24-hour traffic counts at both site driveways, the AM and PM peak hour turning movement counts at select intersections, a travel survey of employees and they report back to the Town of Lakeville and MassDOT.

M. Healey closed the presentation by highlighting the review process for the traffic. On the local level, TIA reviewed by the Town of Lakeville and Peer Review, Environmental Partners. VHB submitted response to the peer review comments. The Town and Peer Review are current in receipt of the comments. On the State level, TIA has been reviewed by MEP and MassDOT as part of the expanded Environmental Notification Form Review. VHB will submit a response to MassDOT comments as part of the Environmental Impact Report. MassDOT will again review and comment on the VHB environmental Impact Submission Report. The project will require a MassDOT access permit after the completion of the MEPA review.

Chairman Knox noted that he likes the management program but explained that the Town’s biggest concerns are about traffic. He asks why Season’s gas station was used as a comparison and notes that it doesn’t matter how its presented, the trip generation is reflecting new trips generated. He reiterates that any traffic from this project is new traffic. Scott Turner turned the discussion over to Jim Fitzgerald and Jane Davis to talk about the peer review of the traffic study.

J. Fitzgerald spoke briefly about “pass by” traffic and the conformation that the 600-700 trips are all new to the network of traffic in that area. S. Turner spoke about how the number of

parking spaces proposed on the plans do not coincide with the traffic counts. There is discussion on the possibility that this will be a 24 hour operation. There are questions about traffic during the evening shift and overnight shift. He also expressed curiosity about the Transportation Demand Management program given the nature of the site and location. He asked how many folks would walk or ride their bikes given its location.

J. Davis spoke briefly about the questions regarding ITE and the use of code 150. She noted that there are other warehouse codes that can be used and some give 500 per day and some give 2000 per day, so it is difficult to say if the estimate of 682 vehicles is correct. She spoke about the discrepancy between the number of parking spaces on the site and trips generated just based on the parking spaces. She also questions the feasibility of the TDM regarding biking, as there has been no plans for biking on the main road. There needs to be further work on the number of vehicles entering and existing the site. B. Gesner provided a response on the analysis of trip generation and parking. She spoke briefly about how the parking was designed based on the zoning and the septic design. She acknowledged Environmental Partners review and their valid concern with regard to parking on site as it relates to traffic and she plans to adjust the parking on the site accordingly. She estimates the removal of 100 parking spaces, this will be incorporated into the changes to the plans that will be presented at the February 4, 2020 meeting. There is reference to code 150 and it is explained that the code is based on 47 different warehouse counts. There is discussion on the shift change overs and the need to get a handle on that flow. J. Davis added that there needs to be further review of the loading docks and those truck trips.

M. Healey noted that they have not received their comments from MEPA yet, they are expecting them on Friday and they do plan to share them with everyone, once they are received. S. Turner spoke about the shift in the way municipalities have approached parking and how it has changed to only building the parking that you need.

Chairman Knox opened the meeting up for comments from the Planning Board Members.

B. Mancovsky, referenced the train station moving from Lakeville to Middleborough and the housing development around the train station, now having to drive or take a shuttle and asked if that was taken into consideration with the traffic counts. M. Healey explained that they utilized the most recent study for Southcoast Rail and compared their volume shifts to their calculations. J. Davis asked M. Healey to provide those figures so that Environmental Partners can confirm that it was looked at. B. Mancovsky referenced the traffic estimates going to 2027 and asked if they should be extended to 2028. M. Healey explained that this is acceptable and they do not have to redo it. B. Mancovsky asked what the decision was for looking at only those six intersections. M. Healey explained that it is stand practice to look at the intersections that are most impacted by the project, in terms of how MassDOT scopes it. B. Mancovsky noted that the project does not plan to use Bridge Street. She explained that this can be a condition of the Planning Board's special permit. B. Gesler spoke about the applicant wanting to voluntarily eliminate the traffic on Bridge Street. T. Murphy noted that they are willing to work with the Town on this.

Chairman Knox noted that he has heard concerns about truck traffic going up and through the center of Middleborough on Rt. 105 and accessing Rt. 44 on North Main Street. He explained that this will probably be a joint condition to keep the traffic on Rt. 495.

P. Conroy spoke about the road grading A through F. He asked if the proposed project being added will change the grade of the intersections. M. Healey confirms that none of the intersection will have to lower their grades once the project is in place. M. Healey noted that the majority of the intersections are at B's and C's. B. Gesler noted that the grading score is industry standard and it is different for a signaled versus a non-signalized intersection. P. Conroy asked about the queuing of trucks at the Season's intersection and is there enough space that there will not be a backup. M. Healey explained that vehicle queuing is done as part of the traffic study and they did not find any significant difference between the "build" and "no build" scenarios. P. Conroy asked about the land bank parking numbers. B. Gesler will finalize those and noted that the intent is to reduce the amount of spaces and land. P. Conroy spoke about the potential to subdivide the building and how the potential is there to increase employees. He asks if there is any plan on that or how you plan to move forward with marketing that.

T. Murphy spoke about how they are marketing the project as a single tenant building but that if for some reason they want a two tenant building, he would like to have some flexibility there, which is why the site was designed with parking in the back and front and loading on both side of the building.

M. MacEachern spoke about looking forward to seeing what Environmental Partners comes back with in regard to the revisions and the decreased in parking proposed. She asked when they think a response will be received from MassDOT? M. Healey noted that as part of the submission of the expanded MEPA, all comments were done on Friday and it will take a week for them to generate the certificate. B. Gesner confirmed that they are expecting their first MEPA certificate is due and it will include all the public comments and agency comments. She explained that they requested the two step process, so in the certificate is included what they want in the next filing. She also explained that if the project was that significant the State would not allow the two step MEPA process. M. MacEachern asked about receiving the MEPA review comments when they are available.

Chairman Knox referenced that correspondence that has been received on the project which are, a letter from Mr. Richard Scott's attorney, a letter from James & Elizabeth Hutchinson, 7 Rush Pond Road, a letter from Mark & Heather Bodwell, 13 Rush Pond Road, a note from Susan Oxticolis and many MEPA related comments from Richard Scott of 9 Rush Pond Road. Chairman Knox also noted that he has received comments from the Middleborough Conservation Commission as well as the Middleborough Planning Board. He explained that all of these have been forwarded along to the applicant and to Environmental Partners, the Town's Peer Review Agent.

Chairman Knox noted that in attendance for tonight's discussion is the Town of Middleborough's, Planning Director, Leeann Bradley. Leeann Bradley thanked everyone for the opportunity to speak at the hearing. She stated that one of the Town's major concern is the tractor trailer trucks entering Middleborough past the I-495 interchange and heading down South and North Main Streets and through our downtown area. She asked if that could be a condition within the approval, that it is prohibited it would address their concern. Chairman Knox confirms that this can be a condition of the special permit and it will be his recommendation to do so. He asked

the Planning Director to put the request in writing to the Lakeville Planning Board. L. Bradley asked about the 682 vehicle number and asked about the breakdown. M. Healey explained that they do expect that more trucks will get on Rt. 495. He estimates about 85% turning left out of the project and 15% turning to the right and headed in the opposite direction.

Chairman Knox noted that the comments received from Middleborough have been forwarded along to both the applicant and Environmental Partners for comment. He states that the Town's concerns have not fallen on deaf ears. Chairman Knox referenced all the data that has been received from the residents ranging from amazon's traffic, sound studies, traffic, project assessments, feasibility of installation of noise reduction technology, noise agreements and reversing alarm mitigation measures. These documents have been sent to the applicant as well as Environmental Partners for review. He states that Mrs. Smith from Rush Pond Road has been heard. Chairman Knox opens the discussion up for public comment.

Joe Chamberlain, Conservation Commission, likened the project to a dry sponge with a drip of water on it for a long time. At some point the sponge is going to overflow, so as Rt. 105 gets developed, there will continue to be traffic issues. Chairman Knox spoke about the Planning Board's special permitting process and conditions. There is discussion on the monitoring program and additional mitigation. S. Turner spoke about the traffic monitoring program. M. Healey spoke about how they will be doing their first monitoring program after six months of the building being in operation. He explains that if there is a notable increase then MassDOT will be requesting additional capacity analysis to see what accommodations can be made to the traffic patterns. J. Fitzgerald explained that there will be some fluctuations and that it is not an exact science but they do get as close to realistic as possible at the start with adjustments being made as they move forward. J. Chamberlain said that he sees the perfect storm development with the relocation of the commuter rail and the crossing of the street at Rt. 105 and Rt. 28.

R. Scott, Rush Pond Road, requested copies of the peer review comments discussed and a copy of the power point presentation. He asks about the TDM and night activity. He also asks about the frequency of the trucks, the peak times and non-peak times. He asks that the average number of trucks are. M. Healey explained that we don't know for sure the temporal distribution of the trucks but there is a range of one truck every six minutes. Mr. Scott asked about the ITE Warehouse Code 150. He asked of the 47 sites, where are those warehouses located. M. Healey said that he assumes that they are located across the country unless specified otherwise. Mr. Scott asked for further breakdowns of the cars versus the trucks. He referenced Christmas Tree Shops and their chart that showed the velocity of traffic coming out of that facility. He said that there might be some information there that might help us narrow it down. He also speaks about a turn lane into the facility. Chairman Knox noted that this is something that MassDOT would look at, not the project. Mr. Scott spoke about the turning trucks and cars in relation to Bridge Street and Lori Lane. Mr. Scott expressed concern with the Board's plan to vote at the March 4th meeting. He explains that it takes six to nine months to flush out details and that without a tenant it is that much more difficult. Chairman Knox explained that the March 4th date is not a definite date for a vote of the Board, it is a timeline with flexibility. There is a discussion on the number of spaces for empty trailers. T. Murphy spoke on the need for the trailers and how the empty trailers work into the system.

Daniel Ferreira, Lakeville Resident, asked about drone deliveries for this project and air traffic. T. Murphy states that he is not familiar with this concept and he has not seen anything to date about it. He asks whether the trucks will be registered out of Lakeville. T. Murphy explained that they do not have a tenant at this time, but the plan would be for them to be registered in the Town.

Mary Murphy, 2 Lori Lane, asked about the hearing notice and how it was sent to a 300ft radius of abutters to the project. She explains that not all the residents of Lori Lane were included in this mailing and how can they be notified. Amy Kwesell – KP Law, explained that the notification requirement for the district is a 300ft radius. Chairman Knox said to Mrs. Murphy that she can let those residents know herself or they can request the information if they want to participate.

John Ayers, 29 Rush Pond Road, asked for confirmation that there will be no traffic lights to enter or exit the property. Chairman Knox confirms this is correct. M. Healey confirms that it would remain un-signalized. Mr. Ayers noted that he doesn't agree with that himself. He likened the project to Hannaford's intersection and the danger of pulling out there. Mr. Ayers asked if there was any consideration of the intersection of Rt. 105 and Rt. 18. M. Healey said no, that it was not considered. Mr. Ayers then asked if the project is required to do a risk assessment. M. Healey explained that the State and Federal Agencies do not require a risk assessment. T. Murphy and M. Healey both speak further on mitigation and how the State Highway handles that.

Richard LaCamera, Board of Selectmen, noted that even before the project began the Town had requested to the State that a traffic light be installed at Rt. 105 and Bridge Street. He explained that all the studies and analysis were ready to go and it was supposed to be addressed last year. The Town was waiting for funding from the State to help to do the traffic light and it was put in the Transportation Bill that was signed last week. He states that the light is moving forward no matter what happens with this project.

B. Mancovsky asked Tyler Murphy about the EV Charging Stations. T. Murphy reported that they are currently showing 20 EV Charging Spaces.

Octavio Aguiar, 23 Rush Pond Road, asked if it is possible to have a restriction on certain time periods in the night. Such as only allowing five trucks in during the 3rd shift hours or something like that. Chairman Knox confirms that they do plan to condition the overnight truck traffic and they will be requesting activity remain on the east side of the building away from Rush Pond Road.

Daniel Ferreira, Resident, asked why all the neighbors were not notified of this project. It is his understanding that a 500ft radius could have been used. He thinks that it is in the Town's best interest to notify more people, and keep the meetings rolling. He states that there are a lot of people who do not know that this is happening. Chairman Knox noted that there are many people that actually are following along because it is being broadcast on Facebook and can be looked at later. He explains that you can subscribe and receive notifications. He explains that public hearing process and the applicant's notification of abutter requirements, which are a 300ft radius of the

project. Mr. Ferreira reiterates that it is the Town that should reach out. Amy Kwesell, KP Law, explained that the Town cannot make the applicant do that.

Chairman Knox thanks the residents for their participation. He asked if any Planning Board Members have any further questions. They do not. It is noted that at the next hearing will be on Thursday, February 4, 2021 at 7 PM.

Motion is made and seconded to continue the Planning Board hearing of the 43D Rhino Capital Advisors, LLC, 43 Main Street project to Thursday, February 4, 2021 at 7 PM with the topics of the Site Changes in Response to Abutter Coordination and 3rd Party Review Process. Mark Knox - Aye, Barbara Mancovsky - Aye, Peter Conroy – Aye, Jack Lynch and Michele MacEachern – Aye.

ADJOURNMENT

Upon motion and seconded made at 9:24 PM to adjourn the Planning Board meeting. Polled vote: Mark Knox - Aye, Barbara Mancovsky - Aye, Peter Conroy – Aye, Jack Lynch and Michele MacEachern – Aye.



CONTROL P.O.L. 881-882



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