



Received & posted: Cathy Murray, ATC
Town Clerk LAKEVILLE TOWN CLERK
2021 JUN 22 PM 1:17

REMOTE MEETING NOTICE/ AGENDA

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, June 24, 2021 at 7:00 p.m.
Location of Meeting:	REMOTE MEETING
Clerk/Board Member posting notice	Cathy Murray

AGENDA

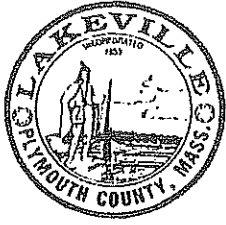
1. In accordance with the provisions allowed by S.2475; Ch. 20 of the Acts of 2021, signed by the Governor on June 16, 2021, the June 24, 2021, public meeting of the **Planning Board** will be held remotely. **However, to view this meeting in progress, please go to facebook.com/lakecam (you do not need 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. **Site Plan Review, continued – 124, 126, 128, & 130 Crooked Lane – Presented by Zenith Consulting Engineers**
3. **ANR Plan, 2 & 4 Stephanie Lane -Presented by David Maddigan**
4. **Julia's Way-Release of Covenant-Update**
5. **Discuss future meetings venue**
6. **Approve Meeting Minutes for April 1, 2021, and April 22, 2021**
7. **Old Business**
 - a. **Update with Mr. David Morrissey regarding drainage on 39 Cross St.**
8. **New Business**
9. **Next meeting. . . July 8, 2021**
10. **Any other business that may properly come before the Planning Board.**
11. **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 provisions allowed by S.2475; Chapter 20 of the Acts of 2021, signed by the Governor on June 16, 2021, the June 24, 2021, public meeting of the **Planning Board** will be held remotely. **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/>**

Date Submitted: _____



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

RECEIVED
JUN 11 2021
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, Stephanie Lane Date: _____

1. Owner's Signature: *Julie E. Kagan* Date: 6-4-21
Julie E. Kagan

2. Owner's Name (Please Print): Jaritt S. Kagan William P. Bachant
2 Stephanie Lane 4 Stephanie Lane
Owner's Address: Lakeville, MA 02347 Lakeville, MA 02347

3. Name of Land Surveyor: David Maddigan, P.L.S

Surveyor's Address: 88 East Grove St., Middleboro, MA 02346
Surveyor's Telephone: 774-213-5196

4. Deed of property recorded in Plymouth County Registry,
Kagan - Bk 42511 150
Book Bachant - Bk 35209 Page 141
Kagan: 14-004-006C

5. Assessors' Map, Block and Lot (MBL) Bachant: 14-004-006A

6. Location and Description of Property: 2 and 4 Stephanie Lane. Improved residential
property

7. Plan Contact Name and Telephone Number:

Contact Name: David Maddigan, P.L.S. Telephone: 774-213-5196

MADDIGAN LAND SURVEYING, LLC.

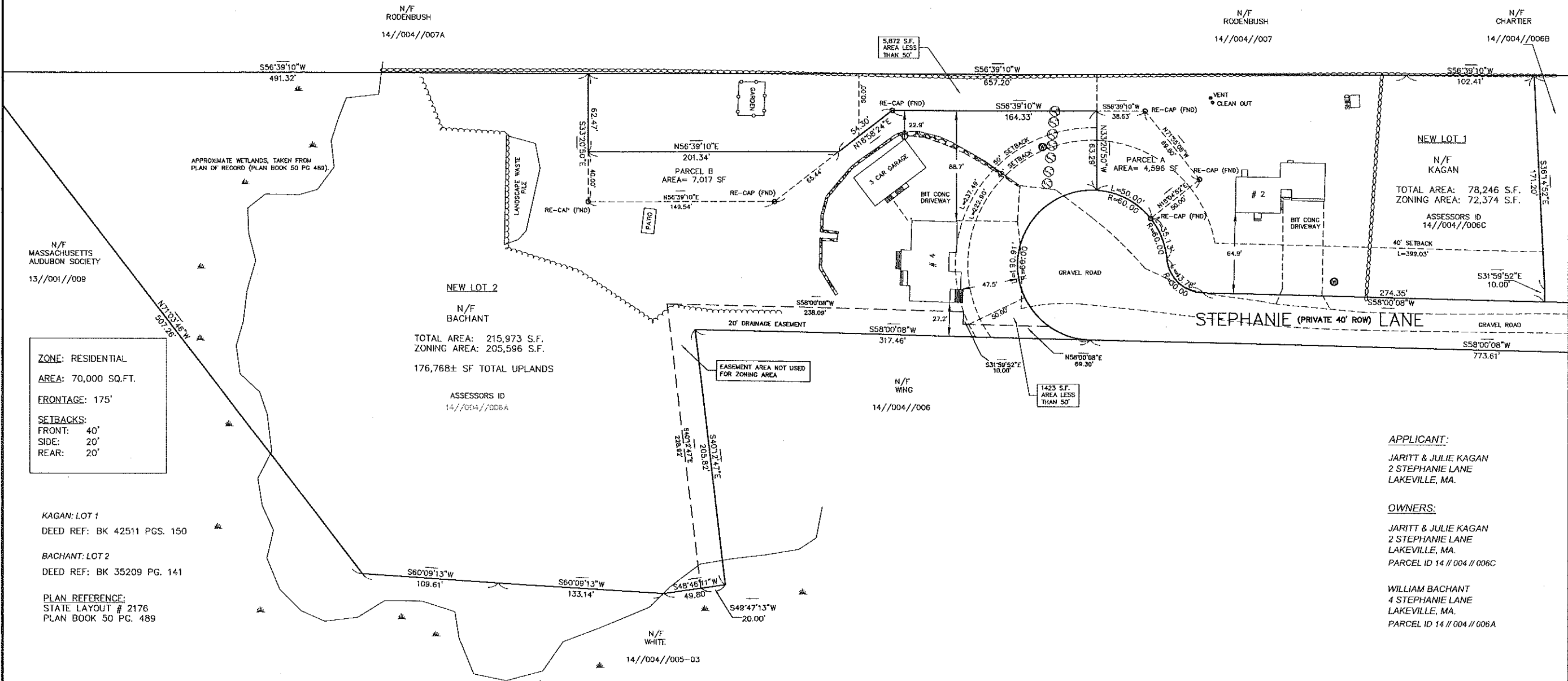
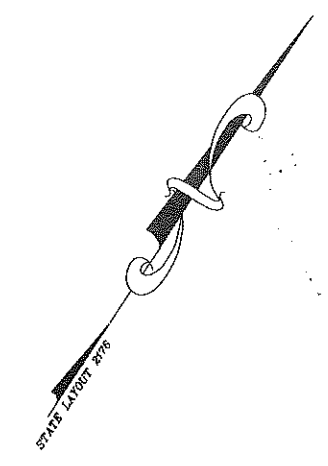
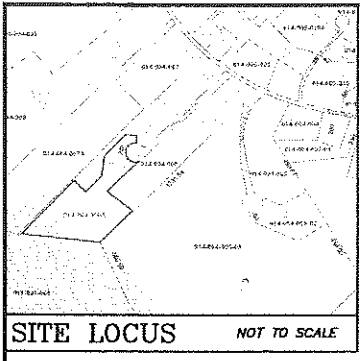
66 WOODLAWN STREET
MIDDLEBORO, MA 02346
T: 508-510-9940
DMADDIGAN@COMCAST.NET

FOR REGISTRY USE ONLY

PLANNING BOARD APPROVAL UNDER THE
SUBDIVISION CONTROL LAW NOT REQUIRED

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

LAKEVILLE PLANNING BOARD
DATE:



NO.	DATE	DESCRIPTION	APPROVED

DATE: MAY 25, 2021
 DRAWN BY: CMH DESIGN BY: DJM CHECK BY: DJM
 PROJECT NO. 21-0003
 ISSUED FOR:

ZONE: RESIDENTIAL
AREA: 70,000 SQ.FT.
FRONTAGE: 175'
SETRACKS:
 FRONT: 40'
 SIDE: 20'
 REAR: 20'

KAGAN: LOT 1
 DEED REF: BK 42511 PGS. 150

BACHANT: LOT 2
 DEED REF: BK 35209 PG. 141

PLAN REFERENCE:
 STATE LAYOUT # 2176
 PLAN BOOK 50 PG. 489

NEW LOT 2
 N/F BACHANT
 TOTAL AREA: 215,973 S.F.
 ZONING AREA: 205,596 S.F.
 176,768± SF TOTAL UPLANDS
 ASSESSORS ID 14//004//006A

NEW LOT 1
 N/F KAGAN
 TOTAL AREA: 78,246 S.F.
 ZONING AREA: 72,374 S.F.
 ASSESSORS ID 14//004//006C

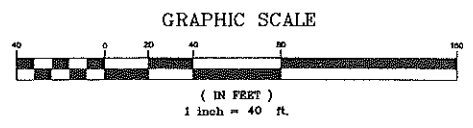
APPLICANT:
 JARITT & JULIE KAGAN
 2 STEPHANIE LANE
 LAKEVILLE, MA.

OWNERS:
 JARITT & JULIE KAGAN
 2 STEPHANIE LANE
 LAKEVILLE, MA.
 PARCEL ID 14 // 004 // 006C

WILLIAM BACHANT
 4 STEPHANIE LANE
 LAKEVILLE, MA.
 PARCEL ID 14 // 004 // 006A

NOTES:

1. THE PURPOSE OF THIS PLAN IS TO CONVEY PARCEL A FROM LOT 2 (BACHANT) TO LOT 1 (KAGAN) AND TO CONVEY PARCEL B FROM LOT 1 (KAGAN) TO LOT 2 (BACHANT).
2. ABUTTING OWNERS OF THE PROPERTIES SHOWN ARE ACCORDING TO THE CURRENT TOWN ASSESSOR'S RECORDS
3. AN ACTUAL ON THE GROUND SURVEY WAS PERFORMED BY MADDIGAN LAND SURVEYING LLC. IN APRIL OF 2021.
4. WETLANDS TAKEN FROM PREVIOUS PLAN OF RECORD (PLAN BOOK 50 PG 489).



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

THE ABOVE CERTIFICATION IS NOT A CERTIFICATION TO THE TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF THE PROPERTIES SHOWN ARE ACCORDING TO THE CURRENT TOWN ASSESSOR'S RECORDS.

REGISTERED PROFESSIONAL LAND SURVEYOR _____ DATE _____

FORM A PLAN
 #2 STEPHANIE LANE
 LAKEVILLE, MA
 PREPARED FOR
 JARITT & JULIE KAGAN
 LAKEVILLE, MA.

DRAWING TITLE:
FORM A PLAN
 SCALE: **1" = 40'**
 SHEET NO.
1 OF 1

#6

TOWN OF LAKEVILLE
43D Public Hearing – Rhino Capital Advisors, LLC – 43 Main Street
Planning Board
Meeting Minutes
April 1, 2021 – 7:00 PM
REMOTE LOCATION

On April 1, 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 Chairman Mark Knox. 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 April 1, 2021 public meeting of the **43D Rhino Development Application** shall be physically closed to the public to avoid group congregation. **However, to view this meeting in progress, please go to facebook.com/lakecam (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, Planning Board, begins the meeting with a roll call vote of the members of the Board of Selectmen and then read an introduction regarding the need for a remote meeting and how a remote meeting will be conducted.

Chairman Knox opened the Planning Board meeting with a roll call vote of the members of the Planning Board Members and then read an introduction regarding the need for a remote meeting and how a remote meeting will be conducted. Planning Board Members present: Mark Knox, Barbara Mancovsky, Peter Conroy, Jack Lynch and Michele MacEachern.

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

Chairman Knox referenced the following correspondence that has been received, letter dated march 12, 2021 from Joe & Ellen Kenny, letter from Girard Roche, 24 Forest Park Drive submitted March 18, 2021, letter from Martha Schroder, 3 River Bend submitted March 13, 2021, letter from Annmarie Sherrick, 1 Sterling Court submitted March 19, 2021 and Toni Chiuppi, 18 Vaughan St, submitted March 19, 2021. Chairman Knox noted that most of the letters were in opposition of the project or had questions on the process of the public hearing. Also received were three submittals from Richard Scott, Rush Pond Road and Chairman Knox noted that while they may not reply to every comment, they are reading all the letters and documents submitted and that the comments matter to the Planning Board. Chairman Knox referenced correspondence received from E. Cullen, Board of Health that submitted a letter regarding the process that the Board of Health would enable to act on any noise complaints regarding abutters on this project. He referenced the state documents received on the project. He also noted that Matthew J. Koska, Attorneys Gay & Gay, have submitted a letter opposing the zoning use of the project.

Chairman Knox opened the hearing up for comments from the Planning Board.

Peter Conroy, Planning Board, read into the record a letter regarding his thoughts on the process, the project being presented and his recommendation of it.

Chairman Knox opened the hearing up for comments from the public. He asks that responders state whether they oppose or they are for the project and ask their question or make their comment.

Jack Healey, Middleborough Planning Board, reiterates that he had hoped that the Middleborough Planning Board would be included in a negotiation with the developer to draft an agreement that they would not use the cut over roads in Middleborough to Rt. 44. He states that it is clear that this will not be happening so he asked that the Lakeville Planning Board consider, that if the project is approved, that the developer sit with both Planning Boards to come up with an agreement that meets both of the Town's needs. He noted that he has not had a discussion with his Board as to what action that would take if Lakeville does not respond in a positive way.

Chairman Knox, explained that they did put a condition in that truck traffic shall not access Rt. 105 to Bridge Street. He noted that they can consider additional roadways to be included and that it can be discussed further once there is a tenant for the building. Barbara Mancovsky, Planning Board Member, noted that Mr. Healey's request is outside of the Board's jurisdiction. Chairman Knox agrees and that is why Mr. Healey wants an agreement with the Tenant and not the Developer.

Mike Cassani, 9 Pheasant Run, asked a question on the traffic and the reference of two trucks per hour at Rt. 79 and Rt. 18. He feels that figure is incorrect. Tyler Murphy, read the two sentences in the report questioned and confirmed that this was based on walking from the project to the train station, which he felt is where the confusion was coming from.

Chairman Knox, spoke briefly about the Southcoast Rail and the findings that they did when they were determining whether or not to expand their line down to Fall River.

Mike Cassani, 9 Pheasant Run, expresses concern with the conflict concerning John Olivieri being the Chairman of the Zoning Board of Appeals as well as being on the 43D Committee.

Amy Kwesell, KP Law, explained that John Olivieri volunteered for the 43D Committee and was not appointed from his Board. He is only one member of the 43D Committee that did vote on the completeness of the application. A. Kwesell explained that it is the Planning Board that is the only one that can grant the Special Permit going forward and that the purpose of the 43D Committee was to prove that the application was complete.

Chairman Knox explained that the 43D Committee was made up of members from all the Boards, Committees and Commissions to review the application for completeness only and was not an approval in any way.

Mr. Jenkins, Lakeville Resident, noted that it is his personal opinion that Rhino has done an impressive job in laying out their property and that he thinks the Planning Board and other Boards have done a lot of work that should be commended. He feels that it is okay to have opposing opinions and not be rude and that he tries to come off respectfully and not waste anyone's time. He states that with that said, he is against the project and he referenced the Sysco proposal and the 2/3rd majority that was needed to approve that project. He noted that once the Planning Board approves this building as a trucking operation it will always be a trucking operation, as oppose to allowing a mix use that might allow for something different to come into the building. He states that if the Planning Board does approve this project, they will work toward contesting it as they do not feel that it is the right project for the Town. He asked what the next steps are in the process, after the Planning Board votes to approve the special permit. Chairman Knox spoke about how there is a 35 day waiting period, then the permit will be issued, and then the applicant has other State applications that will need to move forward.

Mrs. Scott spoke about the hard work of the group and the applicant but that she feels that this project is not a good fit for the location. She asked the Board when the public will be able to hear the conditions of approval. Chairman Knox noted that the conditions will be shared during this meeting.

Annamarie Sherrick, Lakeville Resident, spoke about how she agrees with Mr. Jenkins and how he feels about the project. She feels that they are reliving the past and now they are back in the same situation except with a smaller group of people that are handling the project. She agrees the property has been sitting vacant for too long and she is not aware of who else has had interest in the property but that while, yes it is a good proposal, she does not think it is the right fit for the property. She feels that the Town can put more pressure on the current owner if this gets a 'no vote', she doesn't think that this has to be the only solution. She thanks the Board for allowing her to comment.

Heather Bodwell, Lakeville Resident, asked if the Environmental Impact Report has been completed. Brittany Gesner, VHB, explained that the Environmental Impact Report will be filed with MEPA on April 15th. H. Bodwell then asked if the Board can approve the conditions before the MEPA filing. Chairman Knox explains that they can approve the order of conditions before the MEPA submission and make that submission part of the conditions. H. Bodwell also asked about the certified abutters list. She explains that the hearing notice for the special permit did not go to the Rush Pond Road residents, yet they are 300 ft away. She asked whose list Rhino is using, the Town's on their own. Chairman Knox explains that the applicant requested a Certified Abutters list from the Assessor's Office to send the notifications to. He noted that originally it was 500ft but then it was reduced to 300ft. H. Bodwell noted that she just wants clarification on that.

Barbara Mancovsky, Planning Board Member, explained that the reason why the Board is not dealing with the tenant issue, is that tenants will come and go over a period of time. The Town's approach to this project is to not be concerned with the tenant yet, but instead condition the permit has to do with the property itself and a higher level of control for the community.

Pat Wren, Lakeville Resident, expressed concerned about the project and stated that she opposes it because of all the things Mr. Jenkins went through. She references the traffic nightmare and how they were all opposed to Sysco and she doesn't understand how they ended up with the DOD District. She feels that this project isn't the right fit for the Town and she has concerns that the pedestrians will not be able to cross the road. She also thinks that there should be a public vote on this. She asks who is going to put in the traffic signal at Bridge Street. Chairman Knox explained that MassHighway is working on the traffic light and that they are the ones that approved it.

Daniel Ferreira, Lakeville Resident, asked the Board to visualize what Rt. 105 is going to look like in the next 2-3 years. With the addition of new apartments and the warehouse constructed, the roadways in the area are going to be gridlocked, similar to Weymouth or Quincy. No one in the Town want's that. He is unhappy that there is a small group of people that are making a decision on a very large project in Town. He doesn't believe that the residents that voted down two big projects over the past years to then vote to give away their rights at a Town Meeting to have a DOD District. He would like to see the minutes from that meeting.

Richard Scott, asked if he will hear back up alarms at his home when Rhino Capital's tenant is operating their business at 43 Main Street. Chairman Knox spoke briefly explaining that one some level you will hear them. Tyler Murphy noted that he had the sound study broken down out for Mr. Scott's property and it was sent directly to him. His answer is that Mr. Scott will not hear anything as the noise is below perceptible dba. R. Scott spoke about the sound issue and how he would like to hear a condition that address that. He feels that right now there are two approaches to the sound, one is proactive and one is reactive. He feels that residents need to be involved in the building permit process and the DEP part of the project and that they are going to have to continue to fight their way to continue to have their voices heard.

Chairman Knox states he isn't sure how the residents can be involved in the building permit process as it is between the applicant and the Building Inspector.

Tony Chiuppi, 18 Vaughn Street, asked if there has been any discussion on having existing trucks going right out to Rt. 495. Chairman Knox read the specific condition that trucks will be directed to and from Rt. 495 interchange at Rt. 105, site truck traffic shall not use Rt. 105 to access Rt. 44 or use Bridge Street. Chairman Knox explained that the only reason for a truck to turn right would be for local deliveries in Lakeville and Rochester. Tony Chiuppi asked about the trucks that are coming into the facility and how they can arrive from all different routes. Tyler Murphy noted that businesses are efficient and it seems that taking Vaughan Street is so far out of the way that it provides no benefit to access that way. Tony Chiuppi asks about alternate routes coming into the building as traffic backs up in other areas in Town, he expresses concern that they will use Vaughan Street. He also speaks about the project isn't a great fit for the Town. He asked if the revenue generated from this project will equate to a tax reduction for the residents. Barbara Mancovsky, Planning Board Member, answered that the figure is estimated at \$400,000. Chairman Knox explained that this has already been discussed and that those revenues will not be used to reduce the Town taxes but they will be used to benefit the Town. Michele MacEachern, Planning Board, noted that the project will take the burden off the regular tax base.

Mr. Jenkins, Lakeville Resident, noted that in his experience and research there is no legal way that someone can control the route that a truck driver chooses to take. Recommendations can be made but there is no legal way to control it.

Chairman Knox concludes the comments and reviews the findings:

Pursuant to the Town of Lakeville Zoning Bylaw Section 7.4.1, the Special Permit Granting Authority (SPGA) 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 permit were denied.**
- **7.4.1.3 The applicant has no reasonable alternative to accomplish this purpose in a manner more compatible with the character of the immediate neighborhood (1).**
- **7.4.1.3 The Special Permit Granting Authority finds 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 (2).**

Pursuant to the Town of Lakeville Zoning Bylaws Section 7.9.4, the Special Permit Granting Authority (SPGA) affirmatively finds the following:

- 1. That water and sewerage facilities will be adequate to service the activities without a detrimental effect upon municipal services in any other area of town.**
- 2. That the activities are consistent with the comprehensive plan of the Planning Board for the general development of the Town of Lakeville as a whole as well as for the DO District.**
- 3. That the activities are compatible with or separated by sufficient space or topographical features from adjacent areas.**
- 4. That resource of open space, surface and ground waters are protected and preserved.**
- 5. That public, health and safety are secured.**

The SPGA affirmatively makes the following additional findings:

- 1.) Under Section 7.9.3.2 the Property consists of 25 or more acres and is located in the DO District and eligible to receive a special permit under Section 7.4 and 7.9 of the Bylaw(s)
- 2.) A special permit is granted pursuant to Section 7.9.2 to allow the uses in Section 7.9.2.1 (a,b,c,g) and accessory uses to such primary uses.
- 3.) The project meets the intent of 7.9.1 for appropriate activities for large land areas, provides opportunities for economic development, protects natural resources, and has limited impacts relative to the scale of the development.
- 4.) The project has been reviewed and designed by professional engineers and is in compliance with 7.9.5 of the Bylaw.
- 5.) The legal notice and publication was undertaken in full compliance with 40A and the Zoning By-law. Additionally, the Town of Lakeville provided supplemental noticing over and above what is required such as mailing all abutters within 300ft a notice before each hearing.
- 6.) The Applicant has been thorough and complete in their presentations. They have been diligent in responding to and closing out peer reviewing comments/questions.
- 7.) The SPGA has provided ample opportunities to abutters and other interested Lakeville residents to voice their comments and concerns about the project.
- 8.) The applicant has been diligent throughout in their response to public comments/questions at the public hearings.
- 9.) The applicant has presented all project components in a thorough, competent, complete, and digestible manner.
- 10.) The Applicant has made significant improvements to address comments and concerns from abutters and the peer reviewer. As described in hearing #5, so as to mitigate noise and visual impacts from the project they made large grading, planting and fencing changes. The project is compliant with MassDEP Noise Policy as well as Zoning By-law and Special Permit Conditions.
- 11.) All peer review comments/questions have been addressed and closed out. There are no outstanding comments/questions.
- 12.) The applicant has been responsive to, and incorporated comments/requests from the Open Space Committee
- 13.) The decision is reflective of, and incorporates all materials, presentations, submissions, memos, letters, responses, etc. submitted by the Applicant.

- 14.) The Applicant has demonstrated that the benefits of the project such as asbestos remediation, demolition, SWDA removal, tax revenue, job creation, and public safety, are achieved while also being the least impactful development proposed to date for this site.
- 15.) As discussed above the project also meets the purpose of Site Plan Review pursuant to 6.7 of the Zoning Bylaw

Upon motion made by M. Knox and seconded by P. Conroy, the Board voted to accept the findings as read by the Applicant at the March 18, 2021 public hearing and incorporate them into the Decision and Site Plan Approval Special Permit. Polled vote: Mark Knox - Aye, Barbara Mancovsky – Aye, Jack Lynch - Aye, Peter Conroy - Aye and Michele MacEachern – Aye.

Chairman Knox reads into the record the following in regard to the waivers.

WAIVERS

A letter requesting waivers was submitted by Robert J. Mather, Esq. on March 2, 2021. The list below is a reflection of that letter and includes a correction to density bonus. Provision 7.9.6 G of the zoning bylaw provides that the SPGA may waive strict compliance with its regulations when in the judgement of the SPGA such action is in the public interested and consistent with the intent and purposes of the zoning bylaws. The applicant considers this list to be complete.

The SPGA hereby grants the following waivers in accordance with the plans submitted, namely C2.00:

1. Allow a maximum building height for this project of 45 feet
2. Allow a maximum percentage of land covered by structures, parking and paved area to 58%
3. Allow for the 8' tall fence within the setback 100' buffer strip as shown on the approved plan
4. Allow for parking as outlined within the parking summary chart included on C2.00 *

*chart lists parking space counts in line with all submitted documents (298 day one spaces/206 land banked spaces)

Upon motion made by M. Knox and seconded by P. Conroy, the Board voted to grant waivers in accordance with the plans submitted to allow for a maximum building height for this project of 45 feet, allow a maximum percentage of land covered by structures, parking and paved area to 58%, allow for the 8' tall fence within the setback 100' buffer strip as shown on the approved plan and allow for parking as outlined within the parking summary chart included on

C2.00. Polled vote: Mark Knox - Aye, Barbara Mancovsky – Aye, Jack Lynch - Aye, Peter Conroy - Aye and Michele MacEachern – Aye.

Chairman Knox reads into the record the following conditions.

IV. CONDITIONS

A. General Conditions

A.1) Except as may be provided for in the following Conditions, or in the Approved Plans referenced below, the Project, including all Project driveways and shall be constructed substantially in conformance with the plans and drawings listed below in this Condition A.1, which for purposes of this Special Permit shall be considered the Approved Plans for the Project (“Approved Plans”). The Approved Plans consist of the following:

Plans entitled “Site Plans, Lakeville Hospital Redevelopment, 43 Main Street, Lakeville, Massachusetts,” prepared by VHB, revised through March 9, 2021, consisting of 40 sheets.

A.2) The Project shall comply with all local regulations of the Town of Lakeville and its boards, commissions and departments unless specifically waived herein.

A.3) The Applicant shall copy the Board on all correspondence between the Applicant and any federal, state, or Town official, board, or commission concerning the conditions set forth in this decision, including but not limited to all testing results, official filings, environmental approvals, and other permits issued for the Project.

A.4) Except as otherwise specifically provided herein, where this Decision provides for the submission of plans or other documents for approval by the Building Inspector or other Town Departments, the Building Inspector or applicable Department Head will use reasonable efforts to review and provide a written response within thirty (30) days following submission. For submissions that require assistance from an outside consultant, as determined by the Building Inspector or applicable Department Head, the thirty-day time period shall not begin until the consultant’s fee has been fully funded by the Applicant.

A.5) The provisions of this Special Permit Decision and Conditions shall be binding upon the successors and assigns of the Applicant, and the obligations shall run with the land. In the event that the Applicant sells, transfers, or assigns its interest in the development, this Special Permit shall be binding upon the purchaser, transferee, or assignee and any successor purchasers, transferees or assignees. The term “Owner” as used in this Special Permit shall refer to the Applicant, owner, any successor in interest or successor in control of the property referenced in the Special Permit and supporting documents. The Planning Board shall be notified in writing within 30 days of all transfers of title and any portion property that take place prior to issuance of an occupancy permit.

- A.6) The sidewalks, driveways, utilities, drainage systems, and all other infrastructure shown on the Approved Plans as serving the Project shall remain private in perpetuity, and the Town of Lakeville shall not have, now or in the future, any legal responsibility for the operation or maintenance of the infrastructure, including but not limited to snow removal, drainage and landscape maintenance.
- A.7) Variations to timelines imposed herein may be waived at a duly noticed public meeting by the Planning Board at the sole discretion of the Planning Board. If the Planning Board determines that a public hearing pursuant to G.L. c. 40A, § 11 is required, the modification/variation shall be considered after the requirements for notice pursuant to G.L. c. 40A, § 11 have been complied with.
- A.8) Exercise of the Special Permit Decision becomes fully vested and is not subject to any phased construction or delay in completing future phases per 7.9.6 (d).
- A.9) The Owner will provide will serve letters from the local utilities to the Town of Lakeville when received. These letters will be provided prior to completion of demolition.
- A.10) This approval allows the construction of 504 parking spaces: 298 parking spaces will be constructed as part of the first phase of the project and 206 parking spaces will be reserved and only built if needed. The owner will only construct the amount of parking required by the project's tenant. Construction of additional parking spaces – or any reserved parking spaces as shown on the site plans– will require the resubmission of plans and traffic studies for approval by the Board.
- A.11) This Project approval is for a warehouse use which is defined herein as a use that is primarily devoted to the storage of materials. In the event that a tenant for the property desires to operate a facility that is different from a traditional warehouse use, the owner shall seek a modification from the Board with a reevaluation of project impacts. This includes any uses that serve as a regional and local freight-forwarder for time sensitive shipments or regional or local distribution facility.
- A.12) The Applicant or successor shall re-evaluate Project impacts (including but not limited to noise, traffic, stormwater, etc.) and meet with the Board once a tenant is selected for the facility. In the event that, at the sole discretion of the Board, Project impacts are greater than characterized in the Project application submittals, the Applicant shall apply for an amendment to the Special Permit issued by the Planning Board, as well as any additional permits obtained from local regulatory agencies.
- A.13) High Hazard use groups (Group H) as identified in, and regulated by, the Massachusetts State Building Code (780 CMR) are prohibited from occupying this facility or any land area associated with this approval.
- A.14) The Owner will post a bond in the amount of One million dollars as surety to guarantee the clean-up of solid waste and hazardous materials and buildings on the property. Demolition of existing facilities, including the existing buildings, will be performed in a phased

manner. The bond value can be reduced upon the request of the Owner and approval by the Board determined in a public meeting.

- A.15) Copies of all additional permits received, including but not limited to:
 - a) Water Quality Certification from the Massachusetts Department of Environmental Protection.
 - b) Certificate on Single Environmental Impact Report from the Office of Energy and Environmental Affairs, will be provided to the Town of Lakeville Planning Board.
- A.16) A Licensed Site Professional will oversee the removal of Solid Waste Disposal Area to ensure all materials are handled in accordance with appropriate state regulations. Copies of observation reports will be submitted to the Town of Lakeville.
- A.17) Copies of all grading or construction easements will be provided to the Town of Lakeville by the Owner.
- A.18) Any costs incurred by the Town of Lakeville regarding the hiring of outside consultants to monitor progress during construction (similar to the tasks outlined on the proposed schedule submitted by Environmental Partners dated March 30, 2021 and approved by the Chair of the Planning Board) will be borne by the Owner.
- A.19) Any costs incurred by the Town of Lakeville regarding the hiring of outside consultants to review additional documents prepared as part of an application for an amendment to the Special Permit will be borne by the Owner.
- A.20) The Owner shall provide the Board and Building Inspector with recording information documenting the fact that an Order of Conditions for the Project issued by the Conservation Commission (or MassDEP) has been recorded in the Plymouth County Registry of Deeds and that all appeals (if any) have been exhausted. This Special Permit includes the conditions described in the Order of Conditions for this project issued by the Lakeville Conservation Commission.
- A.21) In the event the project is substantially changed based on comments received through the MEPA process, the Owner will inform the Planning Board regarding the changes. The Planning Board will determine if the changes require an amendment to the Special Permit. If so, the owner will request an amendment to the Special Permit and submit the required documentation.
- A.22) In the event that the Applicant, or successor, proposes a change or changes to the Project that they believe to be minor or insubstantial with regard to Project impacts, they may request to appear before the Board at a duly noticed public meeting of the Planning Board, and request the Board to approve the proposed change or changes. If it is determined by the Board, at its sole discretion, that the proposed change or changes are minor or insubstantial changes that do not increase Project impacts (if any), the Board may modify the Special Permit to incorporate such changes. If the Board determines that the changes are substantial changes, the Applicant, or successor, shall be required to apply for an

amendment or modification to the Special Permit and comply with the notice requirements of G.L. Ch. 40A, Sec 11.

Upon motion made by M. Knox and seconded by B. Mancovsky, the Board voted to accept the General Conditions as read A.1 through A.22 excluding A. 14 and incorporate them into the Decision and Site Plan Approval Special Permit. Polled vote: Mark Knox - Aye, Barbara Mancovsky – Aye, Jack Lynch - Aye, Peter Conroy - Aye and Michele MacEachern – Aye.

Chairman Knox reads A.14. B. Mancovsky stated that it is in the best interest of the Town to have sufficient funds to adequately to clean-up this property, so she is proposing that if this project is approved, she would recommend a 3 million dollar bond as opposed to a 1 million dollar bond. Chairman Knox feels what is written is sufficient and asks the Board for their comment. P. Conroy asked Tyler Murphy what his the thoughts are for 1 million versus 3 million bond. T. Murphy responded that if the bond value were to be increased, the only thing he would ask is that it be a blend of surety and an escrow bearing account. P. Conroy agrees with B. Mancovsky's suggestion. M. MacEaren agrees with the idea. It is noted that there is an additional cost to the applicant for this but if the applicant is comfortable with 2/3 surety and 1/3 on escrow side she would like to see that amended.

Upon motion made by M. Knox and seconded by B. Mancovsky, the Board voted to accept the amended A.14 as follows: "The Owner will post a bond in the amount of Three million dollars to guarantee the clean-up of solid waste and hazardous materials and buildings on the property. Demolition of existing facilities, including the existing buildings, will be performed in a phased manner. The form of the guarantee is 2/3 surety and 1/3 escrow. The bond value can be reduced upon the request of the Owner and approval by the Board determined in a public meeting." Polled vote: Mark Knox - Aye, Barbara Mancovsky – Aye, Jack Lynch - Aye, Peter Conroy - Aye and Michele MacEachern – Aye.

Chairman Knox reads into the record the Construction section.

B Construction

- B.1) The Owner and Owner's contractor will conduct a preconstruction meeting with appropriate Town staff including, but not limited to the Building Commissioner, Health Agent and a representative from the Conservation Commission and Planning Board prior to the start of demolition, and the start of building foundations.
- B.2) Demolition and construction (not including interior work) hours will be limited to 7:00 AM to 5:00 PM Monday through Friday and 8:00 AM to 4:00 PM on Saturdays. Vehicles may enter the Property up to ½ hour prior to construction start times and personnel may remain on the Property for up to one hour after construction end times for clean-up work only. This shall not apply to passenger vehicles and trips associated with interior work. No heavy equipment (except for a sweeper) shall be utilized before or after listed start and end times. The hours of construction may be modified by the Board at a duly noticed public meeting at the recommendation of the Building Commissioner. No construction will be allowed on

Sunday's or the following holidays; Christmas, New Year's Day, Memorial Day, July 4th, Labor Day, and Thanksgiving Day.

- B.3) During construction Rt.105 (Main St.) is to be swept clean of sediment and debris as often as needed.
- B.4) Dust control, including but not limited to the use of water trucks, will be used throughout the construction period to mitigate dust leaving the site.
- B.5) Landscape berms shall be constructed as early in the demolition and construction process as logistically possible. The owner shall submit a construction schedule, including the construction of the landscape berms, prior to any demolition or construction activities on-site.
- B.6) Owner and contractor shall be responsible for clean up and disposal of any debris that may blow onto abutting properties, and perform daily checks for debris.
- B.7) Any and all hazardous materials, including asbestos, shall be handled and removed consistent with all applicable state and federal guidelines. Copies of all documentation regarding the handling and removal of hazardous materials will be provided to the Town of Lakeville.
- B.8) Any police details required by the project will be the responsibility of the Owner and contractor.
- B.9) All Asbestos Containing Materials shall be abated and/or removed from the existing buildings pursuant to 310 CMR 7.00 and/or any Order issued by the Massachusetts Department of Environmental Protection. Demolition of buildings will occur as outlined on the proposed Demolition Schedule submitted by Rhino Capitol dated March 25, 2021. The Applicant may apply for one demolition permit for the Project but may only conduct structural dismantling on up to three buildings at one time.. Any modification of the Demolition Schedule may be modified by the Board at a duly noticed public meeting of the Planning Board upon the recommendation of the Building Commissioner.
- B.10) Solid waste disposal area, and all associated pollutants associated with the solid waste disposal area, will be completely removed prior to the construction of infiltration basin 1. Removal of solid waste disposal area will be observed by a licensed site professional, professional engineer. The removal of the SWDA that impacts the wetlands (510 sf) to be inspected by a professional wetland scientist.
- B.11) Applicant shall adopt a Pest Management Plan acceptable to the Building Commissioner and Health Agent prior to demolition.

Upon motion made by M. Knox and seconded by B. Mancovsky, the Board voted to accept section B. Construction B.1 through B.11 as drafted and incorporate them into the Decision and

Site Plan Approval Special Permit. Polled vote: Mark Knox - Aye, Barbara Mancovsky – Aye, Jack Lynch - Aye, Peter Conroy - Aye and Michele MacEachern – Aye.

Chairman Knox reads Section C. Noise.

C. Noise

- C.1) The owner will perform one post-construction sound level measurement study six months after project start-up. Additional measurements may be required if increased noise is observed at abutting properties at the discretion of the Town of Lakeville. Any increase in noise over levels described in the memorandum entitled “Lakeville, MA Warehouse Sound Study – Project Grading and Berm Height Update,” dated February 24, 2021 will be deemed a violation of the Special Permit and action will be required to reduce noise levels to approved levels. Noise levels will be compared to sound levels described in the memorandum as calculated and described in the columns headed as Feb-20-2021. Any additional studies will be conducted by the same principals, methods, parameters as the sound study for the project “Lakeville MA Warehouse – Sound Study Ref 4597” dated 10/29/2020. Any additional study is recommended to be conducted by Tech Environmental to ensure consistency; however, if another reputable, established firm is tasked to do the study, it can be reviewed and commented on by Tech Environmental. Any firm that cannot prove relevant experience, reputability, locality, and sound understanding of the standards in which sound studies are performed, cannot, and should not perform the study.
- C.2) All emergency generators should have a manufacturer approved exhaust muffler.
- C.3) All emergency generators should be scheduled for daytime-only testing.
- C.4) Mechanical rooftop units shall be limited to three (3). Specifications associated with the mechanical rooftop units must be consistent with those levels indicated in the Sound Study, “Lakeville MA Warehouse – Sound Study Ref 4597” dated 10/29/2020. Their power levels should be consistent with those described in the pre-construction sound study.
- C.5) If the tenant requires refrigeration equipment, or trucks will be using the site that require refrigeration, the applicant is required to resubmit to the Planning Board for an amendment to the Special Permit for the use of these units as well as the use of refrigerator units.
- C.6) Refrigerator trucks (reefers) are not allowed for use on the Property. Any proposed use of refrigerator trucks will require Planning Board approval.
- C.7) The owner and tenant will endeavor to use low-noise back-up beepers for tenant owned trucks.
- C.8) The proposed Acoustifence (or equivalent) will be maintained in good condition in perpetuity.

- C.9) Future tenants shall complete a sound management plan to submit to the Planning Board. The sound mitigation plan will ensure that the total sound generated by the site is below the levels identified in the Tech Environmental memorandum dated February 24, 2021.
- C.10) Any tenant owned or leased loading equipment or machinery (including forklift, yard truck, mule, etc.) that mostly operate externally of the building, will include reduced decibel back up alarms if legally allowed.
- C.11) Intermittent or occasional noise shall not exceed 10 decibels over ambient levels as described in the noise memorandum dated February 24, 2021 at residential receptor(s).

Upon motion made by M. Knox and seconded by P. Conroy, the Board voted to accept section C. Noise C.1 through C.11 as drafted and incorporate them into the Decision and Site Plan Approval Special Permit. Polled vote: Mark Knox - Aye, Barbara Mancovsky – Aye, Jack Lynch - Aye, Peter Conroy - Aye and Michele MacEachern – Aye.

Chairman Knox reads Section D. Landscaping & Lighting.

D. Landscaping & Lighting

- D.1) All site landscaping will be maintained in good condition in perpetuity. The Town of Lakeville reserves the right to inspect all landscaping for five years to insure it is being maintained properly and provides screening as intended by the project's landscape architect.
- D.2) All landscape materials shall be installed prior to the issuance of an occupancy permit; a Temporary Certificate of Occupancy may be issued absent full installation.
- D.3) Upon selection of a tenant, a site lighting schedule will be provided by the owner to the Town of Lakeville. The owner will endeavor to reduce lighting, either by turning lights off or include dimmers on specific lights as appropriate. The lighting schedule shall be dark sky compliant and endeavor to have the temperatures of lighting to be 3000K or lower and mounted on poles of a dark color.
- D.4) The landscape plan will be revised and submitted to the Town of Lakeville to ensure the silt fence and straw wattle line is consistent on all drawings and that they are required to remain for the duration of construction activity to ensure the protection of woodland edges.
- D.5) All shrubs planted within the parking areas will be maintained and pruned to not exceed four feet in height.
- D.6) Snow will not be stored on the proposed planting areas.
- D.7) The owner will provide a watering plan to the Town of Lakeville for establishment of the proposed landscaping. This plan will be in effect for 2-years following the installation of

site landscaping. The contractor will be bound by the requirements of this plan to ensure the landscape is established.

- D.8) The owner will provide a landscape maintenance plan to the Town of Lakeville that stipulates that Creeping red fescue will be mown only once annually in the spring.
- D.9) The owner shall submit a landscape maintenance plan to the Planning Board for review and approval. Said plan shall include specifics regarding the removal of invasive species in areas disturbed by the current development, and those that appear following planting. As slopes greater than 2:1 on the western berm and adjacent to parking and drives at the southeast and northwest corners of the site are too steep to be safely mown, invasive species will not be able to be controlled by mowing. These slopes will be maintained consistent with the maintenance plan's directives for the removal and management of invasive species.
- D.10) The owner will include in the landscape maintenance plan protocols by month and year for the establishment and maintenance of meadow areas.

Upon motion made by M. Knox and seconded by J. Lynch, the Board voted to accept section D. Landscaping and Lighting D.1 through D.10 as drafted and incorporate them into the Decision and Site Plan Approval Special Permit. Polled vote: Mark Knox - Aye, Barbara Mancovsky - Aye, Jack Lynch - Aye, Peter Conroy - Aye and Michele MacEachern - Aye.

Upon motion made by M. Knox and seconded by B. Mancovsky, the Board voted to close the hearing and not take any further public comment. Polled vote: Mark Knox - Aye, Barbara Mancovsky - Aye, Jack Lynch - Aye, Peter Conroy - Aye and Michele MacEachern - Aye.

Chairman Knox reads Section E. Traffic.

E. Traffic

- E.1) A traffic monitoring plan will be conducted as directed by MassDOT in five annual intervals with ongoing communication with the Town of Lakeville and the appropriate MassDOT units, including the Public/Private Development Unit (PPDU) and the District 5 office. The monitoring plan will begin six-months after initial occupancy of the warehouse. Post opening data collection will consist of Automatic Traffic Recorder (ATR) counts to be conducted for a continuous typical one week (7 day) period at each site driveway. Turning Movements Counts (TMCs) will be collected at select study area intersections to be determined by MassDOT and the Town of Lakeville during the morning and evening peak hour of the same weekday. Any additional requirements imposed by the MEPA Review shall be incorporated into the traffic monitoring plan.
- E.2) The Owner shall require that the tenant implement a Transportation Demand Management program on site to promote the use of alternative modes of transportation and to minimize the use of single occupancy vehicles as specified in the project's Traffic Impact and Access Study dated October 2020.

- E.3) All site generated trucks not making local deliveries or pick-ups will be directed to and from the I-495 interchange at Route 105. Site truck traffic shall not use Route 105 to access Route 44 or use Bridge Street.
- E.4) The project's average trip generation shall be equal to or less than the following thresholds: 682 total vehicle trips per day; 242 truck trips per day; or 77 vehicles trips per hour.
- If a specific tenant is identified by the Applicant that is anticipated to generate traffic exceeding any of the aforementioned thresholds, the Applicant may apply for an amendment to the Special Permit and produce a new traffic impact study using trip generation specific to that tenant to prove no substantial impacts will result and, following review and approval by the Town, to adjust the above specified threshold limits as appropriate.
 - Following the site being in operation and recognizing that trip generation may slightly exceed the above noted thresholds occasionally, the permit will be violated if: the five-day (Monday through Friday) workweek average site generated traffic counted during the monitoring efforts exceed the above thresholds; or if at any time during the seven-day week, the thresholds are exceeded in excess of 10%. If the permit is violated, the Applicant shall produce a new traffic impact study to prove no impacts result for review and approval by the Town.
 - In the event that there is a permanent and substantial change in traffic delay or a change in Level of Service grade as a result of the increase in site generated trips identified during the supplemental study, the Owner shall be responsible for all off-site mitigation required to mitigate the increase in trips with physical improvements in coordination with the Town and MassDOT.
- E.5) All supplemental Town traffic reviews of the project, including reviews of the monitoring plan data, shall be funded by the Owner of the site.

Upon motion made by M. Knox and seconded by J. Lynch, the Board voted to accept section E. Traffic E.1 through E.5 excluding E.3 as drafted and incorporate them into the Decision and Site Plan Approval Special Permit. Polled vote: Mark Knox - Aye, Barbara Mancovsky - Aye, Jack Lynch - Aye, Peter Conroy - Aye and Michele MacEachern - Aye.

B. Mancovsky, Planning Board, asked that, Rt. 79 be included in the list of roadways under E.3. M. MacEachern, Planning Board asked if Vaughan Street could also be included.

Upon motion made by M. Knox and seconded by B. Mancovsky, the Board voted to accept E.3 as follows: All site generated trucks not making local deliveries or pick-ups will be directed to and from the I-495 interchange at Route 105. Site truck traffic shall not use secondary Route 79, or Route 105 to access Route 44 or use Bridge Street or any secondary roads, town owned or private throughout Lakeville. Polled vote: Mark Knox - Aye, Barbara Mancovsky - Aye, Jack Lynch - Aye, Peter Conroy - Aye and Michele MacEachern - Aye.

Chairman Knox reads Section F. Operations.

F. Operations

- F.1) Trucks will not idle on site for more than five minutes.
- F.2) Snow will be removed from the tops of trailers prior to them leaving the site.
- F.3) The entry booth will be operated to provide security for the tenant.
- F.4) The tenant shall endeavor to dim or shut off the lights on the South West side of building between 10pm - 6am.
- F.5) Delivery Vans consistent with a fulfillment center are not allowed without a substantial modification of or amendment to this Special Permit.
- F.6) Use of drones for shipping and receiving is not allowed.
- F.7) Loading dock activity will be restricted on the southwest side of the building adjacent to Rush Pond Road from 12:00 AM to 6:00 AM. Trucks and other vehicles will be allowed to drive through this area of the property during this time but will not be able to load, unload, or idle in this area between 12:00 AM and 6:00 AM, with the exception of the 10 bays shown as Nos. 6 through 15 on the sketch plan attached hereto, which will remain active. This represents an 87% reduction on loading dock activity in that area during those hours.
- F.8) Vehicle fueling stations will not be included on-site, with the exception of electric charging stations.

Upon motion made by M. Knox and seconded by B. Mancovsky, the Board voted to accept section F. Operations F.1 through F.8 as drafted and incorporate them into the Decision and Site Plan Approval Special Permit. Polled vote: Mark Knox - Aye, Barbara Mancovsky – Aye, Jack Lynch - Aye, Peter Conroy - Aye and Michele MacEachern – Aye.

Chairman Knox reads Section G. Post Construction.

G. Post Construction

- G.1) Prior to the application for the Certificate of Occupancy, construction must be fully completed.
- G.2) This Special Permit shall apply to all successors in control or successors in interest of the property described in the Special Permit application and accompanying plans.

- G.3) Within 45 days of the issuance of a Certificate of Occupancy, the owner shall submit the following:
- a) One hard copy set of the as-built plans. The as-built plans shall contain the following at a minimum:
 - i. Location of all buildings, driveways, parking areas, utilities, stormwater basins, site lights, plantings, and all other visible – and subsurface – elements installed and constructed as part of the project.
 - ii. All wetland resource area boundaries with associated buffer zones and regulatory setback areas.
 - iii. Site topography.
 - iv. Wetland resource line delineating the limit of work – “work” includes any filling, excavating and/or disturbance of soils or vegetation approved as part of this Special Permit.
 - v. Wetland resource replication areas constructed as depicted on the site plans.
 - b) An electronic copy of the as-built plans; and
 - c) A compliance report and detailed narrative prepared by the Professional Engineer certifying compliance with the requirements of the Special Permit and any deviations that exists and their potential effect on the project.
 - d) Stormwater calculations based on the as-built plans demonstrating consistency with the approved stormwater calculations.
- G.4) In perpetuity: The Applicant shall perform Annual Maintenance to the project’s Stormwater management system consistent with the approved Operations and Maintenance Plan. The Applicant shall submit annual Operations and Maintenance Reports to the Town of Lakeville.
- G.5) In the event that project impacts increase due to the selection of a tenant, and the project requires off-site mitigation, all off-site mitigation measures will be constructed prior to the issuance of a Certificate of Occupancy. As-built plans of those off-site improvements will be required to be submitted to the Town of Lakeville.

Upon motion made by M. Knox and seconded by M. MacEachern, the Board voted to accept section G. Post Construction G.1 through G.5 as drafted and incorporate them into the Decision and Site Plan Approval Special Permit. Polled vote: Mark Knox - Aye, Barbara Mancovsky – Aye, Jack Lynch - Aye, Peter Conroy - Aye and Michele MacEachern – Aye.

Upon motion made by M. Knox and seconded by P. Lynch, the Board voted in consideration of all of the foregoing including the plans, documents and testimony given during the public hearing, the Board hereby grants the applicant a Special Permit and Site Plan Approve for the Development described above. Polled vote: Mark Knox - Aye, Barbara Mancovsky – Aye, Jack Lynch - Aye, Peter Conroy - Aye and Michele MacEachern – Aye.

Chairman Knox and the members of the Planning Board made final comments.

Upon motion made and seconded the Lakeville Planning Board voted to close the public hearing and adjourn at 9:39 PM. Polled vote: Mark Knox - Aye, Barbara Mancovsky - Aye, Jack Lynch - Aye, Peter Conroy - Aye and Michele MacEachern - Aye.

Planning Board
Lakeville, Massachusetts
Minutes of Meeting
April 22, 2021
Remote meeting

On April 22, 2021, the Planning Board held a remote meeting. It was called to order by Chairman Knox at 7:00 p.m. LakeCam was recording, and it was streaming on Facebook Live.

Members present:

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

Others present:

Nyles Zager, Zenith Consulting Engineers, Bo McMahon, Atty. Michael O'Shaughnessy; William Mohan, Bruce Benoit, Brandon Currier, Barlo Signs; Sara Andrade; Susan Spieler

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.

Site Plan Review – 15 Main Street, continued – presented by Zenith Consulting Engineers

Mr. Nyles Zager was present. He advised he would like to give them an update. Since their last meeting, they have provided a revised Site Plan. This plan has incorporated the following changes that were discussed at the last meeting:

- The addition of the ten-foot striped fire lane and the removal of the no parking signs.
- The addition of the additional landscaping that had been discussed.
- A fire hydrant has been added into the site up gradient of the entrance from Main Street into the building.

Mr. Zager said that he had met with the Fire Chief and went over the Site Plans and his concerns. He believed an email had been sent that stated what they had provided was adequate. He did mention that he does not like the idea of the project, but it meets all the codes. The fire lane and hydrant are actually above and beyond the code. Mr. Zager said the only other change was to the drainage basin in the rear of the property. They moved the access berm outside of the residential zone and there is now no work at all in the residential zone. They also relocated the outlet structure out of that infiltration basin. He asked if there were any questions.

Mr. Conroy asked if there were any plans for a security gate. He said in his opinion, if they were thinking about doing a gate, that should be in this right now. If not, that was fine, but it should not

be added post-Site Plan Review without coming back to them. Mr. MacMahon replied they had gone back and forth with this item, but at this time there is no anticipation of a gate. Mr. Knox said they had received a letter from Counsel which indicated that no part of the workings of the business property could be within the residential district. In Counsel's opinion, it does meet the zoning requirements. The residential portion of the property can be used toward the lot coverage requirements, so it is within the 50% and does not require a waiver.

^Ms. Mancovsky then advised that Ms. MacEachern, who was not present, had left some questions with her. Ms. MacEachern wanted to know if the property includes ADA access aside from the one handicap pace. Mr. Zager said it had the one handicapped space. You are required one handicapped, van accessible space for up to a 25-space parking area. Then it goes up from there. There is handicap accessibility into the office space as well. Mr. Knox asked if there was an elevator. Mr. McMahon replied there were two elevators in the building.

Mr. Knox noted he did have a communication from the Fire Chief. It stated the fire lanes and turning radius is acceptable and compliant. He was also in favor of the painted fire lanes as had been described in the April 8th meeting. There are no restrictions from him at this time.

Mr. Knox then made a motion to recommend approval of the Site Plan for 15 Main Street with the stipulation that it comply with all stated or unstated bylaws of the Town of Lakeville. Mr. Conroy would like to amend that to they will receive the will serve letters from Taunton Water for both municipal water and fire. Mr. Knox so moved and amended the motion. Mr. Conroy then seconded the amended motion.

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

Site Plan Review – 56 Main Street – presented by William Mohan

Mr. Mohan was present. He advised he was the licensing and permitting consultant working with S & L Pizza Inc, and Sara Andrade and Luis, owners of the Domino's franchise. He noted they were very appreciative of all the support and help they had received from Town employees. He advised they were moving into the extreme left side of the Dollar Tree plaza. Most of the technical aspects were approved when Dollar Tree was constructed.

Mr. Mohan advised they are looking to build a Domino's Pizza, and they will also be appearing before the Zoning Board of Appeals on May 20th for what Lakeville calls a drive-through but which Domino's calls a drive-up window. The Town is rightfully concerned about traffic back up and congestion, but that does not happen with Domino's. It is a window, and there is no menu board in the back where you can place an order to someone inside. In order to come up to the drive-up window, the customer has already pre-ordered and paid, and they are there to pick it up. He also noted that the overwhelming majority of their business is delivery.

Mr. Mohan noted that presently there are no chairs or tables planned for the interior, although that might change if there becomes a need. He advised regarding signs, there will be an entrance sign and an exit sign on Route 105. There will also be an entrance sign on Ebony Farm Road. People

will be directed along the right side of the Dollar Tree and around the back so they are coming up the right side of the building for that drive-up window. They will have a dumpster out back that they will be contracting out to be emptied. There will also be a dumpster during construction they which will be emptied on a regular basis. He was open to any questions the Board may have regarding this application.

Mr. Knox said regarding the drive-through, the Planning Board will have to make a recommendation to the Zoning Board for that. He explained that the Special Permit, if granted, is in perpetuity. Although this business sounds ideal and there would not be a backup; if a similar business moved into that space and they have a different drive-through capacity, there could be a backup. He felt that a condition to the Special Permit should be that it would not be transferrable to other tenants without them having to return to the Zoning Board for another Special Permit. Mr. Mohan said they would agree to that.

Mr. Knox said the outside lights of that building have been a concern to some of the abutters, and he was under the impression that some lighting might be added. They will need to make sure that all of their lights comply with Lakeville's night sky lighting bylaw. Mr. Knox noted that they were also dividing a space that was previously approved. Although it is for a use that was approved, they are leaving a third space that wasn't part of the original design and approval. The Board's concern would be there might not be another Site Plan Review so they need to make sure the handicapped parking and all the access for ADA requirements is still met with that third tenant. Finally, regarding signage, they would need to comply with the Town's sign bylaw.

Mr. Conroy asked if there were any doors exiting the new tenant space onto the side where the drive-through will be passing or were they on Main Street. Mr. Mohan said that was correct. There are some doors on the back, but that was for taking out the trash or an emergency, and if a second egress is needed that is possible. Mr. Conroy asked if this drive up system was in operation at other Dominos. Mr. Mohan replied that it is the newest thing nationwide. You order on the phone and then pick it up on the way home. Mr. Conroy clarified his question was when someone comes to the building and they enter into a queue to pick up their order and it's not ready, what is the process. Mr. Mohan said they would be instructed to park and come into the store, then if there was someone else in line serve that person.

Mr. Conroy asked what would happen if there was a problem with the dispersal of the order. Mr. Mohan said if that was the case, they would ask the driver to bring the car up to the front and they would come out with the order and put it in the car. Mr. Knox asked if any signage was proposed related specifically to the pickup window. Mr. Mohan replied that has been provided by Barlo, the sign company. He explained the sign locations as one on the front under the Dollar Tree sign and one on the front entrance at the roof of the store. There will be other signs directing traffic around the right side of Dollar Tree and around the back, some 'Do not Enter' signs. He counted eight locations for some type of a Dominos sign to direct the traffic. A couple of the signs would be attached to the back of the building to keep the flow of the traffic moving. There will be a couple in front for entrance and exit, and a like sign on Ebony Farm Road if you enter from that street.

Ms. Mancovsky asked if the signs were illuminated. Mr. Mohan replied they were interior lit with low lighting. Mr. Knox clarified it doesn't broadcast lumens but is backlit. Mr. Mohan said that was correct. Mr. Currier then shared his screen. He displayed the locations of all the proposed signs. Mr. Currier said they wanted to provide a package that would allow the most minimal amount of negative effect on the community, but also have a positive enough number of signs where they could direct and move people around the best as they could, resulting in this package.

Mr. Conroy questioned the sign referred to as F, which was on Ebony Farm Road. He asked if it was possible to make this sign so that it would not be illuminated on the back side towards Ebony Farm. He did not see how it would hinder the business, and the residents of Ebony Farm road would appreciate that it would be one side only for people coming in from Main Street. Mr. Currier said that was something that could be set up and done as all their signs are custom. Ms. Mancovsky agreed. She thought the signage was too visible for the community, especially with the 55+ community at the edge and end of Ebony Farm Road. She was not in favor of the drive-through or any additional lights or traffic.

Mr. Knox believed that the Domino tile on the left side of the building would be in violation of the bylaw. Two signs are allowed and all the other signs would need to be traffic directory signs in order to not have to comply with the bylaw. Mr. Currier replied that they had submitted this package for permits but they have not yet received approval or denial from the Building Commissioner. Fire access was briefly discussed but it appeared it was more than adequate. Mr. Lynch said regarding the drive-through, he felt it would be less congestive than people coming in, parking, and going in and out. Mr. Mohan said that was one reason why they opted to include sign F so that customers know they don't have to drive through the parking lot to get around the back of the building. There is an easier way that leads to less congestion. It is easy enough to make sure that there is no light projecting back down Ebony Farm Road.

Mr. Conroy asked if there are bollards that protect the transformer in the back of the building as cars will now be traveling back there, and how far is it from the land that'll be back there. The owner, Mr. Benoit, said presently there are not bollards, but they do have the ability to do that. He would estimate the distance to be 20 feet +/- . A picture from the plan was then displayed. Mr. Conroy said he was fine with it after seeing the distance.

Ms. Mancovsky then made a motion to not recommend approval for the drive-through to the ZBA. The motion died for lack of a second.

Mr. Knox did not have a problem with the drive-through. Mr. Conroy said he did agree somewhat with Ms. Mancovsky but they knew about the drive-through when they originally permitted this building. It had been presented and discussed.

Mr. Knox then made a motion, seconded by Mr. Conroy, to recommend approval of the Site Plan with the following conditions:

- All signs must be compliant with the Lakeville sign bylaw.
- All handicapped parking and access for all three business units in that property must meet ADA requirements.

- Any additional lights, if outside of the building, must comply with the lighting bylaw for Lakeville.
- The sign on the Ebony Farms entrance will not be illuminated on the back of the sign facing residences.
- The Planning Board will also recommend that the Special Permit, if granted, will have a condition that it will not be transferrable to any other tenants, and that the Zoning Board will make sure that a queue will be no longer than the parking area allowed.

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

Julia's Way – Release of Covenant – Update

Mr. Knox stated that Town Counsel has asked if a reviewing engineer approve the roadway. If so, that should be attached to the Form F prior to signing so the Board can be assured that all work under the Covenant decision and Subdivision Rules and Regulations was completed. Mr. Knox asked Atty. O'Shaughnessy if he had anything to present. Atty. O'Shaughnessy asked if they wanted something from the contractors engineer or the Town's engineer. Mr. Knox asked if anything was ever done by the Town. Ms. Mancovsky noted that this was a private way and would not be adopted.

Mr. Knox said Atty. Kwesell was not saying it was required but that it should be attached if it was done. Atty. O'Shaughnessy said that he could ask the developer to get a statement from his engineer, who had designed the roadway, indicating that it was in compliance. Mr. Knox said that they would like a letter stating that it does comply. They will then attach it to the Form F and sign it. The Board agreed with handling it in that manner. Atty. O'Shaughnessy was fine in delaying this until he had the letter.

Ledgewood Estates – Release of Municipal Interest in Subdivision Security – Update

Atty. Kwesell was unsure if an amount was still being held why the Certificate of Completion was being contemplated. Atty. O'Shaughnessy replied they had filed in the fall that the roadway was complete and to get the bond monies released. Peer review had been engaged and the determination was the roadway was constructed in accordance with the plans and specifications. The issue is they need something for the record that shows the road is built as this could be a different Board in two years, or when they go to get it accepted. They need something on record that shows the roadway is complete. Atty. O'Shaughnessy said that if the Board voted to sign it tonight and hold onto it, he would be fine with that.

Mr. Knox noted that Atty. Kwesell had reiterated her comments about having the engineers sign off report attached to the signed Form. Mr. Knox suggested they reach out to Atty. Kwesell for clarification of her response. Atty. O'Shaughnessy could then attend their next meeting.

Approve Meeting Minutes

Mr. Knox advised that one of the sets of minutes for 43 Main Street had misspellings. They had approved them with the changes as noted. However, he saw them go to the Conservation Commission and the corrections had not been made. If they were not opposed, he would like to continue those minutes until their next meeting. He would like to act on the March 11, 2021, minutes which were from a regular Planning Board meeting. Board members were fine with that.

Mr. Knox made a motion, seconded by Mr. Conroy, to approve the minutes from the March 11, 2021, meeting.

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

Reorganization of the Board

Ms. Mancovsky made a motion, seconded by Mr. Lynch, to have Mr. Knox remain as Chair of the Board.

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

Mr. Knox made a motion, seconded by Mr. Conroy, to have Ms. Mancovsky remain as Vice-Chair of the Board.

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

310 Kenneth W. Welch Drive – Site Plan/Update Determination

Mr. Knox said that he had spoken to Mr. Darling regarding this. Ms. Murray added an email had been sent. They are changing some things at the location and originally the question had been if they wanted them to come in for Site Plan Review. However, because this was first permitted through the Planning Board and now it is through the Zoning Board it has made it a little more complicated.

Mr. Knox said he thought they needed to confirm that they are not the Special Permit Granting Authority as voted at Town Meeting, and that aspect of the request will not come to the Planning Board. They may want to see the Site Plan to make sure with the additional space the tenant is taking over, it does not impact parking. He also felt Atty. Kwesell should review this for an opinion to see if this would be considered a major or minor change. Members agreed with that. He asked that this be sent along for those opinions and when it is time, they would probably like to see them for Site Plan Review just to make sure that the parking hasn't changed.

Next meeting

Mr. Knox advised the next meeting is scheduled for April 29, 2021, at 7:00 p.m. This meeting will be the public hearings for the Zoning Amendments. Mr. Knox said regarding the Development Opportunities District was eliminated some concerns were brought up if it was eliminated. It was his understand that the 43 Main Street project would then be considered pre-existing non-conforming. In turn, that would eliminate the special conditions that they had put on it and would be harmful to the abutters.

He would like to see the citizens who had worked on the petition come back and work with the Planning Board on that. He would rather create a Zoning Overlay to include only that parcel and maybe some adjacent parcels to protect the work they did. He would also like to have Town Counsel's written opinion on this.

New Business

Mr. Knox then read out of the chat. Tony Chiuppi had said please no drive-through. Mr. Knox said that it was approved on the Site Plan but it was something that was the purview Zoning Board of Appeals. Barbara Standish made the comment that she could see the lights in the back of the building from Bridge Street. Ms. Mancovsky thought when they approved that Site Plan she thought there was a possibility that a drive-through was going to go in there, but drive-throughs have always been the purview of ZBA. She doesn't know if they would have approved that plan with the existence of a drive-through, it was a hypothetical at the time. Mr. Conroy said that was exactly how they did it. They knew there was going to be an opportunity for a drive-through and that it would go to ZBA.

Mr. Knox said a vegetated buffer is a real thing between a residential area and a business area. On the back edge of the property they could make the recommendation with the drive-through that the headlights would put light pollution onto Ebony Farms and the properties behind there which are residential.

Mr. Knox made a motion, seconded by Ms. Mancovsky, that if the ZBA approves a drive-through window then along the back of that property, they require a vegetated buffer to stop light from going out the back of the property onto the residential properties.

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

Ms. Mancovsky advised before they adjourned she would like to fill them in on the Housing Production Plan. They had talked about getting some pricing from SRPEDD. They were recommending they do not pursue an update for another year. They might want to start discussing what they want from the project. The cost is going to be somewhere between \$15,000 to \$27,000 depending on what they elect. She will forward a copy to the Board and the Board of Selectmen so they understand the services they have at their disposal. She suggested getting something started by the fall so they would have something for the following spring.

Old Business

There was no old business.

Adjourn

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

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

Meeting adjourned at 8:22.

DRAFT

#7

6/29

Cathy Murray, Appeals Board Clerk

From: David Morrissey (davidj7210@comcast.net) <davidj7210@comcast.net>
Sent: Thursday, June 10, 2021 11:27 AM
To: Cathy Murray, Appeals Board Clerk
Subject: Re: Bella Way drainage

Hi Cathy,

I have been meaning to email you so I will address the drainage first. It is hard to say for certain how effective it has been. So far, it seems to be working, but, i do think we won't know for sure until Jan/Feb/March when the water table is high back there again. I would very cautiously say it seems to have helped. The recent rains did not result in the same ponding as previously observed!

I do have two questions and they are more for safety/upkeep. What I am seeing quite regularly are cars/vehicles that i do not recognize. I feel like this will only get worse as they bring materials onto the site, specifically lumber. I've called this number (provided by zenith) 508.946.6953 but that seems to be a dead end. Having said that, how would the town want me to proceed when suspicious vehicles enter?

Lastly, there is a ten foot section between my property and the silt fence. I'd like to keep that maintained and really don't mind mowing it, but I would need some approval to do that. I feel it's senseless for them to pay for that small strip right now.

I think that's about it. Just need answers on those two issues or who could provide them!

Thanks,
David Morrissey

On 06/09/2021 10:08 AM Cathy Murray, Appeals Board Clerk <cmurray@lakevillema.org> wrote:

Good morning Mr. Morrissey,

Just reaching out for an update. Although right now it has been unbearably hot, we did have a significant amount of rain a couple of weeks back. How has the swale and drainage been working out? Has there been an improvement in the conditions? Just let me know and I can update the Board at their next meeting.

Cathy