Planning Board
Lakeville, Massachusetts
Minutes of Meeting
Thursday, August 8, 2019

On August 8, 2019, the Planning Board held a meeting at the Lakeville Senior Center. The meeting was called to order by Chairman Hoeg at 7:30 p.m. Ms. Murray, recording secretary, was audio recording, and LakeCAM was making a video recording of the meeting.

Members present:

Brian Hoeg, Chair; Sylvester Zienkiewicz, Vice-Chair; Peter Conroy, Mark Knox, Barbara Mancovsky

Public Hearing – To amend the Town of Lakeville’s Zoning By-Law and Zoning Map with respect to the regulation of Marijuana Uses by establishing a Marijuana Overlay District

Mr. Hoeg opened the Public hearing at 7:30 and read the legal ad into the record. Ms. Mancovsky advised when they first began to consider marijuana growing in Town and the Board of Selectmen began to enter into Host Community Agreements, she felt the community thought they were going to have a limit and the locations would be in the Industrial Park on the north side of Town. Right now, marijuana is allowed in any Industrial zoned area. It has come to their attention that there are locations throughout the Town that are zoned Industrial but where this use may not be appropriate. The Overlay District is proposed for two areas in Town. The first is in the Industrial Park off of Route 18 where there are existing medical facilities. The second is on Route 44 on Millennium Circle. There will be no issue with any of the Host Community Agreements that have been signed with the Town.

Mr. Knox added their concern is there are three other areas in Town that are zoned Industrial, but are not currently operating as Industrial properties. When originally presented to the Town and the Planning Board, he felt the general mindset had been that marijuana uses would be located in the active Industrial Parks not these pop up areas that aren’t currently active Industrial areas but zoned that way. They are trying to curb marijuana from going into these areas and keeping it only where it is already approved and where there are active Host Community Agreements.

Mr. Hoeg asked if anyone from the audience would like to speak. Ms. Rea Martin of Cedar Drive said she had the same thought when they had Town Meeting. She believed this would be in the Industrial Park only and now it seems to be spreading everywhere. She would like the Planning Board to support only these two Districts. In talking to other residents, she found that it was believed this would be limited to the Industrial Park. Mr.
Mark Bosse stated that under the circumstances this is the best possible alternative to limit marijuana to Industrial sections that have already been approved and are currently in use. He said if they have to have this, they should control it and keep it out of the neighborhoods it doesn’t belong in. He was very much in favor of this Zoning amendment.

Mr. Hoeg asked if anyone else would like to speak to this. No one spoke. He advised the Planning Board had spent a lot of time on this. He asked Board members if they had anything additional. Mr. Zienkiewicz said he agreed with all that had been said.

Mr. Knox then made a motion, seconded by Mr. Conroy to close the hearing. The vote was unanimous for.

Mr. Knox made a motion, seconded by Mr. Conroy, to recommend approval of the amendment to the Town of Lakeville's By-Law and to the Zoning map for the Marijuana Overlay Districts as proposed in the public notice. The vote was unanimous for.

Mr. Conroy made a motion to move the amendment to Town Meeting. It was seconded by Mr. Zienkiewicz. The vote was unanimous for.

Meet with Michael Botelho regarding Site Plan Review for 310 Kenneth Welch Drive

Mr. Botelho advised that he had attended the last Planning Board meeting and there had been some confusion when transferring the responsibilities of the Special Permit Granting Authority from this Board to the Zoning Board of Appeals. It had also been questioned if the Site Plan needed to be reviewed if there was no new construction and there were no additions to the building. He advised what they had in front of them is the revised Site Plan that was approved previously.

Mr. Hoeg asked if they had been informed what the difference is between Northeast Alternatives and Nature’s Remedy. Mr. Botelho clarified he works for Munroe Associates which has a Host Community Agreement for the dispensary. This drawing does have additions of Northeast Alternatives and some additional parking on that end of the building but he has no knowledge of what is happening there. Mr. Knox questioned approving the Site Plan when it had something on it that did not apply to Mr. Botelho. Mr. Zienkiewicz agreed that they could not sign something that had Northeast Alternatives on it. Mr. Botelho said he had reached out to the civil engineer to ask him to update the plans but did not realize there were additions for Northeast Alternatives. The only recommendation he had made to him was to show where the dispensary is located and the extension of the walkway.

Mr. Conroy noted the parking for the dispensary was limited to the 20 spaces inside the circle. Mr. Botelho said that was correct. Mr. Hoeg said that he was concerned because they did not have a Site Plan for the subdivision of the property, and they would be
unable to sign this plan. He did not have a problem with the dispensary because he believed parking spaces had been added. Mr. Zienkiewicz asked how many square feet he had. Mr. Botelho replied roughly 2,700 square feet. Mr. Zienkiewicz noted that 1,500 square feet was the trigger for a Site Plan Review. This would be considered a minor review with a $300 fee. He referred Mr. Botelho to page 30, Section 6.7.2 of the Zoning By-Laws. “Applicants for a building permit for new construction or for modification of or addition to a business or industrial structure resulting in floor area of over 1,500 square feet in the aggregate shall submit six (6) copies of a site plan as described herein to the Town Clerk for Planning Board approval.”

Mr. Zienkiewicz continued the plan should also indicate Munro Brothers on the plan under item F instead of “Future Dispensary” and the amount of spaces they were asking for. 20 seemed to be rather light. Mr. Conroy asked what his thoughts were on more parking. Mr. Botelho replied the first thing they would be doing is employees will be parking off site. The owner of Cold Storage is going to rent them some spaces at another property up the street so they will shuttle the employees back and forth. He noted those details would be in the packet submitted to the Zoning Board which he hoped to be done by next week. He has been looking at multiple pieces of information. They know the average time someone spends in a dispensary is 15 minutes. What they don’t know is how much traffic they are going to get. They will have a tiered plan including the following:

- Appointment only, definitely for the first month.
- Police details
- An employee in the parking lot managing traffic going in and out.
- If needed, they can rent additional space from Cold Storage and shuttle customers back and forth.
- Ideally, they would also like to explore and discuss expanding any parking that is allowed at 310 Kenneth Welch Drive.

Mr. Knox would like the plan amended so that the different addresses are written on the building. Their motion to approve this plan should clearly indicate where and what they are approving. Mr. Conroy noted there had been previously been a parking issue with this plan and they had discussed the removal of two parking spaces that were blocking the fire lane. These spaces are still drawn on the plan. He would like to see that corrected.

Ms. Mancovsky noted that one of their big concerns when they originally talked about this was traffic on that road with those trucks. It is her understanding that the building that Mr. Knox had previously discussed had trucks coming and going. That could be a challenge for retail traffic coming in. Mr. Botelho advised that one of the things they were doing was with any of the off-site traffic they have, they will have no one walking and it will be for that very reason. Mr. Conroy said that customers will need to be aware if the parking lot is full that going down the street and parking is not an option. Mr. Botelho said they will have people in the parking lot and there will also be signage. They will do anything within their power to prevent those types of things from happening.
Mr. Knox summarized the items the Board would like to see amended on the plan when Mr. Botelho returned next month.
1. The address added on the building to the right of 310 Kenneth Welch.
2. To remove the Northeast Alternatives portion from the plan.
3. To change the list of parking spaces and add their name.
4. To also correct the parking in the fire lane. Mr. Conroy then displayed and explained on the plan what they were referring to.

Meet with John Riley regarding an update on a Subdivision plan for Colpat Drive

Mr. Riley approached the Board with his approved plan. He advised it had been approved a number of years ago in 2012. He said he did plan to do something in the future but was not ready to at this time. Mr. Zienkiewicz noted this plan is good for eight years after it is signed. He still had one year remaining to act on it. Mr. Knox asked if that was just to begin or to be completed. Members then discussed if it was to have a building permit and ground broken. Mr. Hoeg thought the easiest thing would be to update the plan and return to the Board. Mr. Riley agreed. He would contact the engineer and return when the new plan was complete.

Approve Meeting Minutes

Mr. Conroy made a motion, seconded by Ms. Mancovsky, to approve the Meeting Minutes from May 9, 2019. The vote was unanimous for.

Mr. Conroy made a motion, seconded by Ms. Mancovsky, to approve the Meeting Minutes from July 25, 2019. The vote was unanimous for.

Old Business—SRPEDD Municipal Assistance request form

Ms. Carboni advised this was for the two hours that SRPEDD used to prepare the Zoning maps that reflected the proposed Marijuana Overlay District.

Ms. Mancovsky made a motion, seconded by Mr. Conroy, to approve the Municipal Assistance request form for SRPEDD for two hours for Zoning Map cut outs to reflect the proposed Marijuana Overlay District. The vote was unanimous for.

Old Business—Update Lakeville Hospital Site

Mr. Conroy asked if the property was still to be auctioned off on August 15th. Mr. Zienkiewicz replied he went yesterday on the walk-thru. He noted there is a plan of the property in their packets which shows the land fill and the prime property is the one next to it. It’s considered the prime property because it doesn’t have any buildings on it and
approximately 80% of it is uplands. There are also two accesses to it. He indicated on
the plan how the parcel was divided and was to be sold. Mr. Zienkiewicz advised when
National Development owned this, they had gone through all of the paperwork,
permitting, and engineering for the clean-up of the land fill site so a lot of the work has
already been done. He noted the permit was also transferrable. He was unsure if anyone
would want to sign those papers and take ownership of it.

Ms. Mancovksy said that then it could not be sold without this being addressed as there
should now be a deed restriction. Was that correct? Mr. Zienkiewicz said originally they
had done a series of Form A plans and although they had checked, they had been told it
was a legitimate Form A and there was no way to stop it. It turns out that if the DEP
trumps the Registry; there was a way to stop it. Ms. Mancovsky noted at that time it was
able to be sub-divided because there was no deed restriction. Now the letter has been
received. Mr. Knox added that you cannot subdivide the landfill, and the landfill must be
registered. Mr. Zienkiewicz added why didn’t the State take care of this when it owned
the property? It was noted that although owned by the State, there were different
departments involved. Members then discussed the Mixed Use Zoning Overlay and the
impact of dividing up the property and selling it to.

**New Business**

A letter had been included which requested the Town Administrator provide a copy of the
Annual Update that had been provided to DHCD. Ms. Murray asked Mr. Hoeg to sign
the memo so she could forward it to Ms. Candito.

Mr. Conroy made a motion, seconded by Mr. Knox, to approve, sign, and deliver the
memo to the Town Administrator. The vote was **unanimous for**.

**Next meeting**

Mr. Hoeg advised the next meeting is scheduled for Thursday, September 12, 2019, at the
Lakeville Senior Center.

**Adjourn**

Mr. Knox made a motion, seconded by Mr. Conroy, to adjourn the meeting. Meeting
adjourned at 8:25.