On September 12, 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; Peter Conroy, Mark Knox

**Members absent:**

Sylvestre Zienkiewicz, Vice-Chair; Barbara Mancovsky

**Continued-Meet with Michael Botelho regarding Site Plan Review for 310 Kenneth W. Welch Drive.**

Mr. Botelho was present. He advised he had been at their last meeting when the Site Plan had been presented to the Board. However, there had been some additions to the Plan that had not previously been approved by the Board. The Board requested the Site Plan be amended to take out any item that had not been approved by them. This is the Site Plan they now see in front of them. They should also have a packet from the Zoning Board that includes their Special Permit application. He would be happy to answer any questions they might also have regarding that.

Mr. Knox noted there were several pieces of correspondence in their packets. The Fire Department and the Board of Health have no problem with the Site Plan as presented. The most recent letter from the Conservation Commission makes mention of snow removal. Mr. Knox asked if the entirety of the pavement on the plan was existing. Mr. Botelho said that it was. The only thing that he was speaking to was the circular parking lot and that does have the first base coat only. The walk way is also not completely in. It goes to the first door but not to the exit door.

Mr. Hoeg asked if he was a lessee. Mr. Botelho said that he was. Mr. Hoeg said that he would not then be concerned with snow removal but that it would be the landlord. Mr. Knox said as they were approving the plan in its entirety, the questions have to be asked. If the pavement exists on the plan as it sits to the building right here, they will be okay with that. However, if this is a plan that shows hopeful pavement that doesn’t exist now
and it pushes closer to the wetlands, even though this is for the dispensary and the circular parking in the front, it is on the plan that they hold. As long as they can verify the pavement shown on the plan is existing. Mr. Hoeg stated that they also removed some parking spaces from the gravel drive for the fire access.

Mr. Conroy commented on the question Conservation had regarding the trash and whether it was dumpsters or indoors. Mr. Botelho explained any trash they would be generating would theoretically have no marijuana product in it, because everything they receive is prepackaged. If for some reason something was broken, fell on the floor, etc. they have to capture all the information and report it to the State. It would be returned to the wholesaler which for the most part would be Nature’s Remedy. They would then dispose of it. He expected the only other trash that would be generated would be breakroom type of trash from their employees which would be disposed of in a Nature’s Remedy dumpster.

Mr. Hoeg thought they had gotten answers to all the questions they had. Mr. Conroy agreed and said he was fine with the plan. Mr. Conroy then made the motion, seconded by Mr. Knox, to approve the Site Plan. Mr. Conroy then amended his motion to indicate approval was for 310 Kenneth W. Welch Drive only. The vote was unanimous for

---

Review the following petition from the Board of Appeals for:

Munro Associates – 310 Kenneth W. Welch Drive

Mr. Knox asked if the only sign would be the one on the building. Mr. Botelho said that was correct. Mr. Conroy asked when they expected to open. Mr. Botelho estimated it would not be until April. There is now an average wait of six months before the State reviews applications. Once the application is deemed complete, a provisional license is issued. At the time of the provisional license, there is architectural review and a few other steps. Before they can get the next State approval, they have to have conditional approval for the Special Permit. They need the Special Permit in order to pull a building permit and start building out the space.

Mr. Conroy asked for an explanation regarding what a vehicle trip end was. Mr. Botelho replied a trip end was going there and another trip end was leaving. Mr. Conroy said this was mentioned in every category of the traffic study. He clarified that trip daily was the total anticipated for the hours they are open during the day. Mr. Botelho said that was correct. He noted that these studies were prepared with data from States that have been open and have more history than the Commonwealth. Mr. Hoeg asked if the Zoning Board has hired or will hire a traffic engineer who would understand these studies. Mr. Hoeg then read the caution that had been included. Mr. Botelho said that because there are only a handful of dispensaries that are open in the State, it is difficult to get that kind of information.
Mr. Conroy asked what the proposed hours of operation are. Mr. Botelho replied Monday through Saturday 11:00 a.m. till 9:00 p.m. and Sunday 11:00 or 12:00 till 5:00 p.m. Mr. Botelho stated one of the other comments in the study is marijuana dispensaries are relatively new and although limited data is available, it has been shown that when a dispensary opens there is a surge and then it drops. He noted that when he drives by the dispensary located in Somerset, the only people in line are the parking attendants. Mr. Hoeg asked what time and commented on several peak days and hours. Mr. Botelho couldn’t say. He did add that if the community had any concerns, they were going to go above and beyond to mitigate them.

Mr. Conroy asked if there were any plans for remote parking, either initially or long term. Mr. Botelho replied they are in the process of talking with Cold Storage, who has multiple properties in the park, about off-site parking for employees. Initially, that will also be used for overflow. The circular parking is the only spaces allowed per the lease. The other parking shown on the Site Plan is for Nature’s Remedy and the other Cold Storage facility. The plan for the opening month is by appointment only. They will then see how much business is being generated and either keep it appointment only or open it up. If they experience higher traffic flows, they will have a shuttle.

Mr. Botelho said appointments would be done online. The average time for a transaction is 15 minutes and includes the time to park and return to the customer’s vehicle. Mr. Hoeg said he was still concerned about the traffic and the issues that could be possible for at least the first three to four months. Mr. Botelho replied that as more of these stores open, there will be less surge traffic associated with each one. Mr. Conroy was concerned with safety if people look to park in other areas. Mr. Botelho replied that they will always have two security guards. One will be in the building and one will be roving outside. Initially, there will also be police details. There will be signage to indicate where you can park and where you cannot park. He noted the dispensary in Somerset had opened on Labor Day and now there were no restrictions.

Mr. Knox then made the motion, seconded by Mr. Conroy, in regards to the Special Permit request to caution the Zoning Board of Appeals to the traffic data that is within the report. The vote was unanimous for.

Establish a standard Site Plan Review fee for Marijuana uses

Ms. Murray stated they have a standard Site Plan fee for minor and major reviews. When they were the Special Permit Granting Authority for marijuana uses, they established a fee of $240 for the Special Permit and $1,000 for the Site Plan Review. Did they want to retain that fee structure for Marijuana Site Plans? After discussion, Mr. Knox made a motion to place this item on the October 10, 2019, agenda so the full Board could make a determination. It was seconded by Mr. Conroy. The vote was unanimous for.
Meet with Zenith Consulting Engineers, LLC regarding Site Plan Review for 5 Harding Street

Mr. Jamie Bissonnette was present for Zenith Consulting Engineers. He submitted an amended plan to the Board. Mr. Knox made a motion, seconded by Mr. Conroy to accept the plan as the one of record. The vote was unanimous for. Mr. Bissonnette said they are proposing a building that will be comprised of professional office/bays. The front will be offices and the back will have garage bays for professionals.

Mr. Bissonnette explained the change from the original plan is they have gone from five buildings to one building. This allows them to disturb less of the site and handle septic and drainage in a better way. Right now they are working on a couple of items. They expect to have a Form A plan for the Board's next meeting where they will take what is now 5 Harding Street and 39 Cross Street and divide it into Lot 1 and Lot 2. The purpose of that division is there will be the Commercial Site Plan they see in front of them and on the Form A plan there will be two residential house lots in the back. They do understand they will have to go to the Zoning Board of Appeals for a Special Permit because the majority of the lot is zoned Business.

Mr. Bissonnette advised that on the subdivision in the back they are looking for a Form A in the front and then two four acre lots to the rear. They have worked with National Heritage because this is zoned Endangered Species Habitat for disturbance areas. They have come to an accord where what they are proposing meets what can be disturbed and what they want to protect. They are still working with Natural Heritage on some turtle nesting areas but he felt that was pretty much wrapped up.

Mr. Poillucci noted the lot on Cross Street was a separate lot that he was buying to get in there. It is zoned Business. Buying the lot in the front at the top of the nursery is going to allow him to reconfigure the Form A and in the back he gets the two Form A's over four acres. Mr. Bissonnette then displayed the areas impacted and restricted by National Heritage. Mr. Knox asked if the area between the new commercial building and the proposed road was still wooded. Mr. Bissonnette replied it is a mix of forests and over growth. There will be berms and barriers from the commercial site as a protection. They will not be using, for the commercial site, any access out to Cross Street as that will be a house lot. The Commercial will go out to Harding and the Residential to Cross Street.

Mr. Conroy asked if these would be sold or leased units. Mr. Poillucci replied they are going to call them condos but he and his brother would own them. Mr. Conroy asked about the road width at 24' whereas they are creating at 30' is that based on the culvert. Mr. Bissonnette responded that is based on a few things. In the front, they have a number of resource areas like wetlands, flood plain, and river front area. They are trying to minimize disturbances because they still have to go in front of Conservation and they are dealing with endangered species. The 24' width should be ample and it is wider than the majority of their streets. The 30' is to allow more maneuvering. Mr. Conroy asked if the culvert has been tested. Mr. Poillucci said they would test it but they haven't had a problem.
Mr. Hoeg asked if they were going to change the grade of the road coming in. Mr. Bissonnette replied there would be some elevation change. Mr. Hoeg stated that once the road is raised it will spread out the burden of the culvert. Mr. Bissonnette said that is something that will be looked at. Mr. Bissonnette said they would like to return to the next meeting and get approval on this with the Form A plan. They will follow up with a Form C definitive plan for the waived subdivision in the back if that is amenable to the Board.

Mr. Knox stated he was okay with the basic consideration. He did see comments from other Boards and the only reason they might not want to have them on the next agenda was if these Boards did not have time to comment or review. They should have time to review this new plan. Mr. Bissonnette said he could drop this plan off to them right away so they have adequate time to review.

Mr. Bissonnette asked if they could attempt to make the September 26th agenda. They would be filing the beginning of next week with the Conservation Commission. Mr. Hoeg wondered whether Conservation would send this out to Mr. Lanney for peer review. If so, he would want the Planning Board to be included in that review. Mr. Bissonnette said that he could reach out to Mr. Lanney. Mr. Poillucci noted that what they were proposing was much smaller than the previous project for the site that had been approved. Mr. Knox requested they do an elevation for the front, store front side of the building when they do return.

Mr. Conroy asked if there would be signage on Route 44. Mr. Bissonnette replied there would be. It will be near where their entrance comes out. It will come out perpendicular to the road which should provide a better line of sight. The Board then provided Mr. Bissonnette with the memos they had received from other Town Boards.

Mr. Poillucci then noted that Mr. Zienkiewicz had informed him that tonight the Board was going to review Riverside but he had not seen that item on the agenda. Ms. Murray advised that had been their first meeting as the Plan Approval Authority (PAA.) Mr. Bissonnette asked if they could talk about Lot D. He advised it was the lot in the center and was not yet built. Last year when they were in front of them for the 40R, they originally planned Lot D to have townhouses. They have had great success with duplexes on Lot C and Lot B so they would like to propose duplexes on Lot D. He believed that in their approval any changes required them to come back to the Board. They understood that drainage and septic would have to be reviewed again by Mr. Lanney.

Mr. Poillucci said it would the same number of units but he would be unable to stay in the footprint. Parking and driveways would also all change. Members were supportive of the change. Mr. Bissonnette said they would then like to proceed forward with the design, grading, and drainage and send it to Nick Lanney for review. They could then forward a final plan to the Board for final approval.
Meet with Bill Logan regarding Shamrock Estates

Mr. Bissonnette was present on behalf of Mr. Logan. He advised they would like to discuss bond of the road. Although a bond had been discussed previously, it had never been posted which had caused some confusion. The road is essentially completed so they would like to find out from the Board what they would like them to do financially, as far as bond posting, so they could get a final release. There is one lot with no permits issued on it and one lot that has a foundation permit.

Mr. Bissonnette stated as the tipping receipts have been turned in, the two year time frame has started on the final pavement. They would like to get everything released so now they would like to know what the Board is looking for financially and what steps they should take to do it. Mr. Hoeg said typically the bond is $15 a foot. Mr. Conroy asked how long the road is. Mr. Bissonnette replied it is between 900 and 1,000 feet. They had a waiver from the Board because of the drainage basin in the front.

Mr. Conroy said it would be $15,000 to start. He asked when the second coat was done. Mr. Bissonnette replied it had been a year ago. Mr. Conroy said this would then only be for one year. He thought the way it had been done in the past was to get a letter from the Highway Superintendent that he was satisfied with the road, and if he was, they would post the $15 per foot bond for the release and that would be held until the road is accepted.

Mr. Hoeg noted he did not think their Highway Surveyor now was an approval authority. Mr. Bissonnette should send the Board and Mr. Lanney a letter stating the work that’s been done and what is anticipated to be done and ask Mr. Lanney to go out and review the subdivision on behalf of the Planning Board. He could let him know what the Board is requesting for a surety and then have Mr. Lanney return the letter to the Board. Mr. Bissonnette said he would contact Mr. Lanney at HML Associates.

Mr. Bissonnette asked as far as posting would it be a passbook savings with the Town Clerk. He requested the Board find out if that was correct and if not to notify him of the proper procedure. Mr. Hoeg said he believed that was correct. It goes to the Town Clerk first and then the Treasurer. Mr. Bissonnette said he would return to the Board in a couple of weeks.

Review the following petitions from the Board of Appeals for:

Fess – 12 Dunbar Road

Mr. Knox felt they should comment on the petition regarding public access and fire access to Dunbar Road. Members also stated the lot coverage did not appear to be accurate. After further discussion, Mr. Knox made the motion, seconded by Mr. Conroy, to forward the following two comments to the ZBA regarding the Fess petition for 12 Dunbar Road:
1. Proper public access and the roadway should not be impeded in any way.
2. For clarification purposes, the lot coverage should be verified.

The vote was unanimous for.

The Davis petition for 113 Nelsons Grove Road had been withdrawn by the applicant.

**Approve Meeting Minutes**

Mr. Knox made a motion, seconded by Mr. Conroy, to approve the Meeting Minutes from June 13, 2019. The vote was unanimous for.

**VOTE:**
- Mr. Conroy, Mr. Knox – AYE
- Mr. Hoeg – ABSTAIN

Mr. Conroy made a motion, seconded by Mr. Knox, to approve the Meeting Minutes from August 8, 2019. The vote was unanimous for.

**Old Business-Review letter from Atty. Michael O'Shaughnessy**

Mr. Conroy said this is the letter they had requested from Atty. O'Shaughnessy. It stated what they had been told at the meeting he had attended. Mr. Conroy made a motion to place the letter on file. Mr. Knox seconded the motion. The vote was unanimous for.

**New Business-Southcoast Media Group Invoice**

Members signed the Invoice for submittal to be paid.

**New Business-Review MEPA for Crooked Land**

Mr. Hoeg asked if anyone wanted to make any comments on this. He noted there was a habitat on this land and that was why they had gotten this notice. It was also agricultural and had unique soil. Mr. Conroy said the rare species is the Eastern Box Turtle. It noted a turtle plan had been filed and accepted by National Heritage. Mr. Knox said he believed the Conservation Chairman had attended the site visit, and it seemed like National Heritage was going to let it go.

Mr. Knox made a motion, seconded by Mr. Conroy, to make no comment. The vote was unanimous for.
Next meeting

Mr. Hoeg asked if they were going to determine their next meeting location. Mr. Knox said that if they did move their location to the Police Station, he would want consistency and they should then keep that as their meeting location. After discussion, members were okay with moving their meetings to the Police Station. Ms. Murray said she would inquire how to go about booking that space. Mr. Hoeg advised the next meeting is scheduled for Thursday, September 26, 2019, at the Lakeville Senior Center.

Adjourn

Mr. Conroy made a motion, seconded by Mr. Knox, to adjourn the meeting. Meeting adjourned at 9:08.