

**Zoning Board of Appeals
Lakeville, Massachusetts
Minutes of Meeting
January 17, 2019**

Members present:

Donald Foster, Chair; David Curtis, Vice-Chair; John Olivieri, Jr., Clerk; Janice Swanson, Vice-Clerk; Chris Carmichael, Associate Member; Daniel Gillis, Associate Member; Joseph Urbanski, Associate Member

Regular Meeting:

Mr. Foster opened the regular meeting at 7:05 p.m.

Roll called.

Mr. Foster stated in accordance with the Open Meeting Law he was announcing that he and the secretary were making an audio recording of the meeting. LakeCAM was making a video recording. He asked if anyone present was making a recording. There was no response.

Mr. Foster advised in their packets was an application for the Adult Recreational Use of Marijuana from Nature's Remedy. They may remember a few months ago they permitted Nature's Remedy for medical use but the Planning Board is responsible for permitting for recreational use. They will be considering and deliberating on this so it is their responsibility to get comments to them by early February. He asked that members take a look at the package and when they meet again in a few weeks, he will ask if there are any comments or suggestions on this petition.

Mr. Olivieri made a motion, seconded by Mr. Gillis, to approve the Minutes from the May 17, 2018, meeting.

VOTE: Mr. Olivieri, Mr. Gillis, Mr. Urbanski, Mr. Foster – **AYE**
Mr. Curtis, Ms. Swanson, Mr. Carmichael – **ABSTAIN**

Mastrangelo hearing – 40 Main Street

Mr. Foster opened the Mastrangelo hearing at 7:08 and read the legal ad into the record. Mr. Mastrangelo was present. He advised he would like to have a sign for better visibility and to also allow them to advertise specials. It would go at the bottom of the existing sign. Mr. Foster asked how large the sign is now. Mr. Mastrangelo believed it

was 64 square feet. It was conforming. Mr. Foster questioned how large the sign they allowed for Mr. Panettieri was. Ms. Swanson thought it had been larger.

Mr. Foster would suggest that he be allowed to have a sign that was at least as large as that. The only thing he would be concerned with is impeding visibility for safety reasons. He sometimes likes to ask that signs have a clear place beneath them so when you pull in with a car, your vision down the road is not blocked. Mr. Mastrangelo noted the sign was set back so that shouldn't be a problem. There would still be an opening underneath which he estimated to be four to five feet.

Mr. Foster asked if the increase to 88 feet was simply to accommodate the LED sign he wanted to put in or was he planning to put in more. Mr. Mastrangelo said it was just for the LED sign. It would go on the existing sign. There would be no video or flashing lights. Mr. Foster asked if anyone present would like to speak for or against the petition. No one spoke.

Mr. Urbanski noted that he had looked at the sign and thought it could be raised up a little higher than where it was presently to allow for more visibility for public safety reasons. Mr. Foster asked if that could be accommodated. Mr. Mastrangelo said that would require a new sign. Mr. Foster then read the January 14, 2019, memo from the Planning Board into the record. They had no comment on the petition. The January 14, 2019, letter from the Board of Health indicated they had no issue with the petition.

Mr. Olivieri made a motion, seconded by Mr. Curtis, to approve the petition as submitted. The vote was **unanimous for**.

The hearing closed at 7:15.

Documents distributed for the hearing:

Petition packet

Legal ad

Board of Health correspondence of January 14, 2019

Planning Board correspondence of January 14, 2019

Rose hearing – 67 Main Street

Mr. Foster opened the Rose hearing at 7:16 and read the legal ad into the record. Mr. Rose was present. He advised he had purchased the property in the summer. He was granted a Dealer's license by the Selectmen and told that even though it is commercially zoned, he would need a Special Permit for the ten-car license that he has. Mr. Foster asked if this would be a repair business. Mr. Rose replied there would be no repairs, no garage, no storing of parts, no hazardous waste, etc.

Mr. Foster then read the January 14, 2019, memo from the Planning Board into the record. They had no comment on the petition. The January 17, 2019, letter from the

Board of Health noted that a Title V inspection was not conducted at the time of the property transfer. The existing cesspool must be pumped every six months and a septic upgrade be completed by May 3, 2020. Mr. Foster asked Mr. Rose if he was aware of this. Mr. Rose said that he was. He would be tearing down the building as it was in disrepair and replacing it.

Mr. Foster asked when he met with the Selectmen and received the license was there any discussion about the ten cars. Is it ten cars for sale, or a total of ten cars on the property? Mr. Rose replied ten cars on the property for sale. There would be no other unregistered vehicles on the property. Mr. Foster asked if Board members had any questions. Mr. Urbanski asked about impervious area. Mr. Rose said he had not put in any black top. There was also a large area in the back that was just dirt. It is the same as what it was previously.

Mr. Foster asked if anyone present would like to speak for or against the petition. No one spoke.

Mr. Carmichael made a motion, seconded by Mr. Olivieri, to approve the petition as submitted. The vote was **unanimous for**.

The hearing closed at 7:24.

Documents distributed for the hearing:

Petition packet

Legal ad

Board of Health correspondence of January 17, 2019

Planning Board correspondence of January 14, 2019

Informal meeting with Jamie Bissonnette regarding a future 40B project hearing

Mr. Jaimie Bissonnette from Zenith Consulting Engineers and Mr. Paul Turner were present. Mr. Bissonnette advised they were here tonight to briefly introduce a Comprehensive Permit project off of Rhode Island Road that would be coming before them. This project will be for 12 single-family, three-bedroom homes. Each home would have its own septic system with municipal water, and off street parking. Their intent tonight is to just introduce the project to the Zoning Board and see if there were any concerns or anything that stands out.

Mr. Foster asked how many units would be affordable. Mr. Bissonnette replied three units would be affordable. He displayed a picture of a home that Mr. Turner had built in the past. They planned to do something very similar in style. Mr. Foster commented that it was a nice looking house. Mr. Bissonnette said they thought there was also a great value in the price point which would be about \$390,000.

Mr. Foster asked exactly where on Route 79 this would be located. Mr. Bissonnette said it was the part of the hospital property. It was two of the Form A lots and across the street from Haskell Circle. Mr. Carmichael asked the size of the lots. Mr. Bissonnette replied they were approximately 7,000 square feet and the frontage varied from lot to lot.

Mr. Carmichael asked if the Board of Health had seen this. Mr. Bissonnette said they had not. There are percs that have been done on site but with this configuration many more would have to be done. He noted they are only in the beginning stages, and this is just an introduction. They still need to do surveying, soil testing, etc.

Mr. Foster asked what waivers they could expect to see. Mr. Bissonnette responded lot size, setbacks, roadway construction, and a number of other ones. Mr. Foster said his only suggestion would be to have some variations in the homes. Mr. Bissonnette thought they could work some architectural features into the front and maybe even into the shape of it.

Mr. Carmichael asked what type of road relief they would be seeking. Mr. Bissonnette said this would be different from a traditional sub-division plan in the fact that a sub-division would have a cul-de-sac at the end. The roadway width is a 50 foot right of way with 24 feet paved. They are showing 24 feet paved with Cape Cod berms, but they are not showing the 50 foot right of way. They are not looking for the Town to take over the roadway. It would be private and essentially act like a driveway for the community. Mr. Foster asked who would maintain the road. Mr. Bissonnette said there would be a Homeowners Association responsible for the road and its maintenance.

Mr. Foster asked if the property was part of the Hospital property. Mr. Bissonnette replied not anymore. The property was owned by Mr. Turner. Mr. Foster asked if there were other properties like this for sale. Mr. Bissonnette stated that a Form A with five lots had been approved and this was two of the five lots. Mr. Foster said they might then expect someone else to come to them with more of these. Mr. Bissonnette said possibly. Mr. Foster asked if anyone had anything additional. No one spoke.

Informal meeting with Michael Drayer of MD Holistics

Mr. Michael Drayer of MD Holistics was present. He advised his company has been working with the Town over the last couple of years, and they have received a letter of non-opposition to locating a registered marijuana dispensary for medical marijuana on Kenneth Welch Drive. In the interim, they have been pursuing a Special Permit for a property in West Bridgewater. They were unable to meet the setback there and requested a waiver but were denied. They are now trying to navigate the appeal process as they work to find a location in Lakeville.

Mr. Drayer then gave a brief biography. Although he is a Massachusetts native, he gained a lot of experience in regulated markets in California. A friend of his then put together some family resources so they could finance a venture here in Massachusetts.

He is also a Director for a company called Ipswich Pharmaceuticals as well as another company called Native Sun Wellness out of Brighton. He comes to this project looking for a medical permit although they would like to eventually consider the recreational end of it so their business does not become irrelevant. His purpose tonight was really just to introduce himself and his company. As they continue to work with Mr. Parenteau on the location, they will eventually come back to this Board seeking a Special Permit for 234 Kenneth Welch Drive.

Mr. Foster asked if he planned to grow, process, and prepare in Bridgewater and sell in Lakeville. Mr. Drayer replied as they are not certain about getting things resolved in Bridgewater, it would be fairly easy to turn, change their location, and then do a change of address with the State. The other option is they do have the ability to locate up to three different locations. If the West Bridgewater business does go through, they would still want to continue with their momentum to put another retail, vertically integrated, cultivation, processing, and retail here in Lakeville.

Ms. Swanson asked if he had spoken with the Selectmen. Mr. Drayer responded that he had been in touch with Ms. Garbitt back in February to confirm that they wanted to keep their letter of non-opposition active. If need be, they could go back to the Selectmen to make sure to keep that status. He noted their next step would be to start navigating through the Host Community Agreement, but Ms. Craig had suggested first going through an introductory process with the Boards that issue the Special Permit.

Members then discussed the proposed location. Mr. Drayer noted that as you head up Kenneth Welch Drive, 234 is a little further up than 315 which is the main building for Cold Storage Solutions where Mr. Parenteau has the co-generating systems in place. He thought 475 could be another cannabis company, and 315 was also occupied by a cannabis company. They might be occupying 20,000 square feet of the building or just start out with 10,000 square feet.

Mr. Foster asked if he would be doing any processing or growing at this facility. Mr. Drayer believed so. Mr. Foster noted there was a significant investment required in this such as the cultivation equipment, the disposal equipment, air control, odor control, security, etc. Mr. Drayer replied that he was aware of what would be involved. Mr. Foster thanked Mr. Drayer for taking the time to come in and introduce himself and his project. He looked forward to seeing him come back in a few months.

Documents distributed for the informal meeting:

Michael Drayer correspondence of January 17, 2019

Board of Selectmen letter of non-opposition of May 1, 2017

Mass. Provisional Certificate for RMD correspondence of November 16, 2016

Mass. approval to change location of a RMD correspondence of January 29, 2018

Photos of site (2)

Mr. Foster adjourned the meeting at 7:55.