

**Zoning Board of Appeals
Lakeville, Massachusetts
Minutes of Meeting
August 16, 2018**

Members present:

Donald Foster, Chair; David Curtis, Vice-Chair; Janice Swanson, Vice-Clerk; Jim Gouveia, Member; Chris Carmichael, Associate Member, and Joseph Urbanski, Associate Member

Members absent:

John Olivieri, Jr., Clerk; and Daniel Gillis, Associate Member

Regular Meeting:

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

Roll called. Bills signed.

Mr. Foster stated that 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.

Tragiannopoulos hearing, continued – 160 Bedford Street:

Mr. Foster opened the continued Tragiannopoulos hearing at 7:05. He advised that Atty. Robert Mather would speak concerning the petition. Atty. Mather said that he had recently spoken to Mr. Tragiannopoulos regarding this application but he had not been involved long enough to get all the facts and issues. Therefore, he would ask for a continuance for one more month. Mr. Foster noted that they did have a letter from the engineer requesting the petition be withdrawn but it appears that Mr. Tragiannopoulos is continuing to explore alternatives. He would now entertain a motion to continue.

Mr. Curtis made the motion, seconded by Mr. Gouveia, to continue the Tragiannopoulos hearing until September 20, 2018. The time would be 7:00.

The vote was unanimous for.

The hearing closed at 7:06.

Nemasket River Landing, LLC hearing, continued – 27 & 31 Commercial Drive:

Mr. Foster opened the continued Nemasket River Landing, LLC hearing at 7:06. He then read into the record the August 9, 2018, correspondence from Atty. O'Shaughnessy requesting a continuance.

Mr. Curtis noted that Atty. O'Shaughnessy had requested a continuance until the meeting date in August but he wanted to make it clear that the meeting would be in September. Mr. Foster said that their next scheduled meeting would be September 20, 2018.

Mr. Curtis made the motion, seconded by Mr. Urbanski, to continue the Nemasket River Landing, LLC, hearing until September 20, 2018. The time would be 7:00.

The vote was **unanimous for**.

The hearing closed at 7:07.

Riverside Lakeville, LLC hearing, continued – 29, 32-36 Riverside Drive

Mr. Foster opened the continued Riverside Lakeville, LLC hearing at 7:07. He advised he had a similar August 9, 2018, letter from Atty. O'Shaughnessy requesting a continuance which he then read into the record.

It was noted again that Atty. O'Shaughnessy had requested a continuance until the meeting date in August but their next scheduled meeting would be September 20, 2018.

Mr. Urbanski made the motion, seconded by Mr. Curtis, to continue the Riverside Lakeville, LLC hearing until September 20, 2018. The time would be 7:00.

The vote was **unanimous for**.

The hearing closed at 7:08.

Nashawaty hearing, continued – 8 Beechtree Drive

Mr. Foster opened the continued Nashawaty hearing at 7:09. He advised this hearing had been continued because of a lack of information. Mr. Nashawaty then distributed plans to the Board. After consulting the drawings, Mr. Foster noted that the plan was to square off and add a second floor addition. Mr. Nashawaty said that was correct. He also displayed on the plan what he intended to do. Mr. Foster asked if he was changing the foundation. Mr. Nashawaty said that it would be a footing.

Mr. Foster then looked at the plan for the second floor. He asked how many bedrooms there were. Mr. Nashawaty replied there were two on the first floor. Mr. Foster asked what the first floor would become. Mr. Nashawaty said he was not touching the first

floor. He might have to break down a wall for the upstairs. Mr. Foster clarified that this was a two-bedroom house that was remaining a two-bedroom house with the addition of stairs. Mr. Nashawaty said that was correct and with an entire second floor.

Mr. Foster noted that the footprint was not changing so the intrusion into the setback would not be any worse. He asked how big the lot was. Mr. Nashawaty said that it was 8,600 square feet but he also owned three lots across the street for an approximate total of 20,000 square feet. It was noted that there was an existing shed which would be reconstructed and moved. It would be no closer to the sideline. Mr. Foster said that if it could be moved it would slightly decrease the non-conformity.

Mr. Foster asked Board members if they had any questions or concerns. Mr. Urbanski asked why there were two bathrooms on the second floor. Mr. Nashawaty said the bathroom on the first floor was extremely small and there was no room for expansion which is why he wanted to put it on the second floor. Mr. Foster asked if anyone present would like to speak for or against the petition. No one spoke.

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

The hearing closed at 7:16.

Moriarty hearing – 207-209 County Street:

Mr. Foster opened the Moriarty hearing at 7:16 and read the legal ad into the record. Atty. Walter Faria was present for the petitioners. He advised that there was an old dwelling on the property and the plan is to raze this house and build a new structure that would comply with all current construction practices. It is basically the same footprint but the engineer, Robert Forbes, could explain further what was being done.

Mr. Forbes displayed the plan. He stated that the lot is long and narrow and goes back to Long Pond, and that Mr. Moriarty also owned the adjacent lot. The existing side setback is 7.8 feet and they propose to maintain that. As the shape of the lot narrows as it approaches Long Pond and in order to get a rectangular shaped building, the other setback at 10.8 feet has been reduced to 10 feet. They also are proposing a deck and a slight increase to the lot coverage.

Mr. Foster asked what the coverage would be. Mr. Forbes replied that it would be 40%. Mr. Foster stated that it should be 25%. He asked if that included the deck. Mr. Forbes said that it did. Mr. Foster noted that there was also a concrete driveway. Mr. Foster then read the August 8, 2018, letter from the Board of Health into the record. It stated that in 2008 the septic plan was approved as one lot. If the Zoning Board decides it is two lots, the applicant would have to return to the Board of Health and properly permit a shared system and well.

Mr. Foster asked who owned the lot next door. Mr. Forbes replied that Mr. Moriarty owned both lots and he indicated on the plan where the septic system was located. Mr. Foster asked if Mr. Moriarty would be amenable to reducing the size of the concrete slab out front in order to meet the 25%. Mr. Moriarty said that he wouldn't have a problem with it but that it had been there many years. He noted there was no parking on County Street and the driveway was shared with two houses, one of which was his rental on the other side. Mr. Foster said that it could be replaced with a pebble driveway which was less impervious than concrete.

Mr. Moriarty replied he could do that but the driveway was in good shape, and that was the way he had bought the property. Mr. Forbes stated that the coverage now is well over 25% and this project does not get them from 25% to 40%. It is already non-conforming. Mr. Foster said this would make it more non-conforming. Mr. Forbes said he understood that and asked if the Board would be amenable to a reduction that would be comparable to where they are now. Mr. Foster said that could be an option.

Mr. Foster asked what Board members thought. Mr. Carmichael said this would make it more non-conforming and the rear deck was very large. Would Mr. Moriarty be opposed to moving the deck? Mr. Moriarty replied that he would like to have the deck. It is eighteen feet which he didn't think was unreasonable. Mr. Foster noted there was a walkway that went from the parking apron up to the house. Was that concrete? Mr. Moriarty said that it was. Mr. Foster said that he would be open to a suggestion of how Mr. Moriarty could reduce the impervious coverage by an amount equal to the amount that will be added by the deck. Mr. Moriarty said that he would be open to maintaining the current lot coverage.

Mr. Foster asked if there were any other comments. Mr. Gouveia noted that the application was for 207 and 209. It appeared that there were two lots and that a permit would be needed for a shared well and septic system. Mr. Foster said they could make that a requirement. Mr. Foster asked if anyone present would like to speak for or against the petition. Mr. Charles Edson of 205 County Street had no problem with the proposed plan.

Mr. Foster asked if there was anything further. Mr. Carmichael noted that there was a letter from Conservation and the proposed work requires an Order of Conditions. Mr. Forbes responded that they were aware they needed to file with Conservation before any work could begin. It was discussed if the applicant could meet informally with Conservation and return. It was decided that there would be a restriction in the Decision that would address this.

Mr. Gouveia then made the motion, seconded by Mr. Curtis, to approve the petition with the following restrictions:

1. A building permit shall not be issued until Conservation Commission requirements are met.

2. A building permit shall not be issued until Board of Health requirements are met.
3. The impervious area must not exceed the current lot coverage.

The vote was **unanimous for.**

The hearing closed at 7:35.

Bountiful Farms, Inc. hearing – 200 Kenneth Welch Drive:

Mr. Foster opened the Bountiful Farms, Inc. hearing at 7:35 and read the legal ad into the record. Mr. Jeff Barton, President of Bountiful Farms, was present. Mr. Ryan Winnill, who was the Security Consultant and Principal of the Winnill Group, was also in attendance. Mr. Barton distributed some information to Board members which detailed the steps that had already been taken. Mr. Barton advised that they were present to request approval for a Special Permit to operate a medical marijuana cultivation facility and dispensary. He then briefly went through what they had already done to arrive at this point.

Mr. Barton said the current facility would be gutted and built up for cultivation purposes. This would include an addition for the production of edibles, a small dispensary, and office space. They met with the Board of Selectmen in April and received a Letter of Non-Opposition which was submitted to State Department of Public Health as part of their site profile. They have the Provisional Certificate of Registration from the State and, as of today, the House Community Agreement has been fully executed.

Mr. Barton advised they met with the Board of Health on August 2, 2018. They had a Title V inspection and met all flow requirements. Regarding the Wastewater Discharge or the irrigation water, this will be filtered and recycled or stored in a tight tank for disposal. None of it would be going into the septic system. Plant waste, stems or plants that have to be taken out, will be stored in a separate locked room in the facility and then hauled away.

Mr. Foster stated that one concern associated with these facilities is smell. Would they be processing as well as growing? Mr. Barton replied that the processing would be the extraction of the oils. They intend to use carbon filters to control the smell and they are working with a consultant out of Colorado. Mr. Foster asked how often they were changed. Mr. Barton believed it was every three months.

Mr. Foster then asked about security. Mr. Barton responded that a risk assessment was put together and then the draft of the Security Operations Plan. Mr. Winnill met with both the Police Chief and the Fire Chief to go through the assessment. This will be a very secure facility with perimeter fencing and alarmed systems. Mr. Foster asked if the

facility would be staffed 24/7. Mr. Barton said there would be a guard there 24/7 but he expected it to be a two shift operation.

Mr. Foster noted that the plan is to cultivate, grow, and process these plants for medical use. Will they be distributing to other places for recreational use. Mr. Barton said that it would only be for medical use. They are not applying for a recreational license. The amount of proposed facilities was also discussed. Mr. Barton said that the niche they intend to play in is very high quality, high end cannabis for medical use. He advised that another item that had come up with the Planning Board was the number of patients they expected. Two thirds of their plan is for delivery. Mr. Foster asked what kind of traffic they anticipated. Mr. Barton said they expected 25 to 30 vehicles a day.

Mr. Foster asked if there were any questions or comments. Mr. Carmichael said that their handout indicated they presented the Police Chief and Deputy Fire Chief with the Risk Assessments but had they heard back from them yet? Mr. Winmill said that he would like the record to reflect that he met with both of the Chiefs last week, and they were incredible and outstanding men. He was looking forward to partnering with them in a proactive and transparent manner. With regards to the question, the Risk Assessment is 85 pages and the Security Report is 40. It is a confidential behind the curtain schematic of what their security and internal alarm systems look like. He said that he would come back at any time to talk with them but suggested they take about two weeks to look through it. As the security plan does not have to be finalized until a later point, almost six months down the road, he wants this done right. He did plan on at least a couple of follow up meetings.

Mr. Winmill advised there was no requirement to do these risk assessments, but this business entity, in a proactive and transparent manner decided to pay the money for an independent risk assessment and share it with the Town and ask for input. The findings adhere to a path for the buildout and construction where they can quantify, on a scale from 1 to 100 with a numeric number. By the time they are done looking at the factors, they say this is going to be a safe operation. Although there is risk for everything, he would state professionally and independently on record, this place will be as safe as the CVS Pharmacy, a jewelry store, or a bank.

Mr. Foster then read into the record the responses from various Boards. The August 8, 2018, letter from the Board of Health indicated that a Title V inspection had been done and the proposed facility would be utilizing the existing system with a maximum of 40 employees. The proposed kitchen will have a grease trap and the wastewater generated from plant irrigation will be recycled back through the irrigation system with the excess being directed into a wastewater holding tank. The Conservation letter of August 7, 2018, advised that no permits were required from them. The August 13, 2018, letter from the Planning Board stated that they had approved the Site Plan on August 9, 2018. They had no further input.

Mr. Foster asked if anyone present would like to speak for or against the petition. Atty. Kwesell stated that they would need to know if the signage is conforming, as well as, the

hours of operation. Mr. Barton advised the signage will conform to the State's. Atty. Kwesell replied that it would have to be the Town's. Mr. Barton said they had discussed hours of operation and would like Monday through Friday 8:00 a.m. to 8:00 p.m., Saturday 8:00 a.m. to 6:00 p.m., and Sunday 10:00 a.m. to 6:00 p.m. Mr. Foster said he did not remember what had been done for the last one but he thought it had been reasonable. He would propose that the facilities have the same hours. He explained it had been based on a combination of the hours of the Walgreens and the CVS Pharmacies. Atty. Kwesell advised the hours had been not to exceed 8:00 a.m. to 9:00 p.m. Monday through Friday, Saturday 9:00 a.m. to 6:00 p.m., and Sunday 10:00 a.m. to 6:00 p.m. They could go less but they could not go more.

Atty. Kwesell asked if the Board would be waiting for some type of recommendation from the Police Chief concerning security. Mr. Foster said he thought they would be waiting on their approval or recommendations for changes. Atty. Kwesell also had a question on the trucking. Mr. Barton had said it would be 25 trucks. Will the cultivating process go to any other locations? Mr. Barton said if the product was sold it would go in a van, maybe two or three times a day.

Mr. Foster asked if they could approve tonight. Atty. Kwesell replied that they had to wait for the recommendation from the Police and Fire Chief. Mr. Foster asked if they could make that a restriction. She advised that would be up to the Board. Atty. Kwesell asked if the parking would be modified. Mr. Barton replied that had been discussed at the Planning Board meeting. It is pretty much staying the way it is.

Mr. Foster asked if they had a signed Host Community Agreement (HCA.) Atty. Kwesell said they had. Mr. Foster noted that all they needed was a response from the Police Chief and Fire Chief. Atty. Kwesell said her only concern would be if something was proposed that had to go into the Special Permit, they would then have to come back for a modification. She asked if a month would be a hardship. Mr. Barton said that it would.

Mr. Foster said that he would recommend they approve with restrictions, waiting for the approval from the Police Chief and the Fire Chief. Mr. Winmill noted that the State currently does not require the Police Chief or Fire Chief to sign off on security. That being said, the reason they went to them is to surpass that standard. They want as much frank input from them as they can get. He would ask, as a consideration from the Board, as it is not a requirement, that they be allowed to still move forward but continue to work with Police and Fire over the course of a period of time.

Atty. Kwesell advised that it was required in the Host Community Agreement. Mr. Carmichael noted that he would also like to voice his concerns. This was the third facility brought before them within the last few months, and he would like to hear from them. Mr. Foster thought they should move forward.

Mr. Urbanski then made the motion to approve the petition with the following condition:

1. Police and Fire approval is required.

Mr. Foster asked who in this instance would be responsible for ensuring this condition was met. Atty. Kwesell replied that they could require a Police and Fire sign off prior to the Certificate of Occupancy being issued. Mr. Foster asked Mr. Darling if he could be responsible for that. He replied that he could. The condition was then changed to the following:

1. The issuance of the Certificate of Occupancy will require approval from the Police and Fire Chiefs.

Mr. Curtis seconded the motion. Atty. Kwesell amended the condition to reflect that the approval of Police and Fire would be on the operation and security of the facility. She noted that a general approval from the Fire Department could be interpreted as they were signing off on the building, not necessarily the operation. This permit is actually for the use of the building. Mr. Foster stated that the Decision would specify that it was for the operation.

VOTE: Mr. Curtis, Mr. Gouveia, Ms. Swanson, Mr. Urbanski, Mr. Foster = **AYE**
Mr. Carmichael – **ABSTAIN**

The hearing closed at 8:02.

Mazin hearing – 475 Kenneth Welch Drive

Mr. Foster opened the Mazin hearing at 8:02 and read the legal ad into the record. Mr. Mazin advised that he was here tonight to talk about the cultivation, manufacture, and retail sales of medical use marijuana at 475 Kenneth Welch Drive. They are also looking to add and expand in the back of the building. He noted that their operation was the smallest of the three that had been proposed.

Mr. Foster stated that he would first like to briefly hear about the upgrades, changes and improvements to the property. The engineer for the project displayed the plan. There are wetlands on the east, west, and south sides of the property and the majority of the site is in the 100' buffer. They will be upgrading the existing septic system and moving it to the front of the building to meet current Title V requirements. Part of the Conservation approval process includes installing new storm water drainage and runoff control and treatment. They are also installing a new infiltration and treatment system underneath the existing parking lot which will be resurfaced when the project is completed and will capture all the runoff.

Sidewalks will be added around the perimeter of the building which will be ADA accessible. The existing loading area in the back will be maintained along with an access

set of stairs to the addition. Utilities are already on site and the transformer will be relocated so that it will be in closer proximity to where the electrical room will be. There will be some grading and clearing of some immature growth but they will be maintaining all the existing mature trees.

Mr. Carmichael asked if they were adding to the parking to accommodate the addition to the building. It was indicated on the plan that the entire front parking area was new and it had a total of 37 spaces. They anticipated 20 employees at a time leaving 17 spaces for visitors and customers. Mr. Mazin advised that employees would enter into the new part of the building so employee parking will be in the back. Looking at the design, the part of the building that is a lower structure will become the retail portion of the building. That is why they will have customer parking strictly in the front so there is no reason for customers to come close to the entrance on the facility side. He noted that the parking does meet Town requirements.

Mr. Foster asked what they anticipated their daily traffic will be. Mr. Mazin replied they are proposing both medical and adult use in this location so higher than the previous applicant. He estimated 150 customers a day. Mr. Foster asked if a separate license is required for recreational use. Mr. Mazin said that was correct. Currently and for tonight's Permit, they were proposing medical use. As the CCC rolls out the licensing for the adult use market, they would need separate adult use licenses for each application of the building. That would be a Retail License, a Processing License, a Manufacturing License, and also a Cultivation License. They intended to pursue that later on. Under the Medical Program, a Medical License grants the ability to do all those things.

Mr. Foster asked if he would then need to return to the Board for a Special Permit for adult use. Atty. Kwesell said it was very confusing. There is no Host Community Agreement for retail, only medical, and she was unsure of how to break it up. If you know that it is going to eventually have retail, you need to know things such as 150 customers, parking, etc. They would definitely have to come back. Mr. Foster said that for tonight they are only considering a Special Permit for cultivation and medical use. Atty. Kwesell noted that this is in an Industrial District. Why is there a Special Permit for a change of use? This is not now a non-conforming use that is being changed. It is just a Special Permit for medical marijuana and the change of use does not matter. Mr. Foster said that it sounds like change of use intended to change the use from a distribution warehouse to the medical marijuana business. However, that may be irrelevant.

Mr. Mazin said that he believed the change of use is the fact that all these cultivation facilities have multiple or mixed use. He did not submit the application himself but believed the intention was because the use before did not require a Special Permit but this facility does. Atty. Kwesell advised the Decision is being made under 7.4, Special Permit for medical marijuana. They do not have to look at the whole extension or change.

Mr. Gouveia asked if they would be shipping to other sites. Mr. Mazin said they do have other locations across the state. Atty. Kwesell asked how many times that would go out

per day. Mr. Mazin thought maybe one delivery a day in a small white box van. He noted there are also regulations concerning that.

Mr. Carmichael asked if the applicant went to retail would they have to return to the Planning Board. Atty. Kwesell said she did not think that would be required under Site Plan review. Mr. Carmichael said with retail operations adding parking would be his concern and if that should be included in this proposal. The engineer advised regarding the adult use side, they would have to determine if the current site layout met the current Town regulations. If it did not, they would be in front of the Planning Board again. Atty. Kwesell stated that they would have to go to the Planning Board for the Special Permit and make modifications to the Site Plan at the same time.

Mr. Foster advised that they did have some input from some Town Boards which he then read into the record. The August 13, 2018, letter from the Planning Board stated the Site Plan had been approved August 9, 2018 and they had no further input on the project. The Board of Health, August 9, 2018, letter advised that proposed septic plans had been submitted. The kitchen would have a grease trap and floor drains, and that the wastewater generated from plant irrigation would be recycled back through the filtration system. There will be a maximum of 25 employees. The Conservation Commission advised in their August 7, 2018, letter that the work proposed had been approved and an Order of Conditions had been issued on June 19, 2018.

Mr. Foster asked if they expected the peak amount of employees projected would happen when they also have adult use. Mr. Mazin replied yes. The operation would not change in size. In the retail, they are designed to process five transactions at the same time. They cannot have more retail staff in the location to do more transactions, so that would not change.

Mr. Gouveia asked if the security would increase when they switched over to retail. Mr. Mazin replied the security is already from the DPH. They would have one guard on site during retail or dispensary operating hours. There will also be someone on premise 24/7 watching the cameras. Atty. Kwesell advised that this was completely different from the other two facilities. She thought the whole retail side of it, which was more impactful, would have to be reviewed by the Planning Board.

Mr. Mazin said the hours they were proposing were Monday through Thursday 10:00 a.m. to 7:00 p.m., Friday and Saturday 10:00 a.m. to 8:00 p.m., and Sunday 10:00 to 6:00 p.m. Mr. Foster thought that all three establishments should have the same hours. Atty. Kwesell noted that the approved hours on Saturday were 9:00 a.m. to 6:00 p.m. Mr. Mazin was fine with those hours as long as everyone was able to operate equally at the same hours.

Mr. Gouveia asked if there would be a compost pile for excess product. There will be no compost pile. They have a separate dedicated trash in the back that will be fenced and locked. There will be a chute that will mix all of their material with dirt in a 5:1 compost

ratio. That will go in a locked dumpster that will be removed. This will probably be removed on a weekly basis.

Mr. Foster asked if anyone would like to speak for or against the petition. Mr. Carmichael stressed the importance of the impact statements from Police and Fire. He felt the true impact would not be felt for a year or two. He would weigh heavily on that Police and Fire input. Mr. Foster suggested that they use the same wording on this approval that had been used on the last one. Mr. Foster asked what the restrictions had been. Atty. Kwesell replied the approval of the operation by Police and Fire and also to include the hours of operation. The rest would be findings such as the disposal practices, etc. Mr. Mazin wanted clarification that the hours of operation pertained to the dispensary and not the actual operation of the facility. Mr. Foster said that was correct, and it was only when the doors were open to serve customers.

Mr. Curtis then made the motion, seconded by Mr. Urbanski, to approve the petition with the following condition:

1. The issuance of the Certificate of Occupancy will require approval from the Police and Fire Chiefs.
2. The hours of operation are not to exceed:
Monday-Friday 8:00 a.m. to 9:00 p.m.
Saturday 9:00 a.m. to 6:00 p.m.
Sunday 10:00 a.m. to 6:00 p.m.

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

The hearing closed at 8:29.

The Residences at LeBaron Hills, LLC, continued -M26-B3- L10

Mr. Foster opened the continued Residences at LeBaron Hills LLC, hearing at 8:30. Atty. Kwesell advised the draft decision began with the Procedural History and Findings which she briefly went over. She also went over the Conditions which she noted were for Phase IV and Phase V. There are certain submittals which have to be made to the Building Department prior to certain events happening.

Atty. Kwesell stated there is a list of the waivers that need to be voted on. She then began the review of the following waivers:

Mr. Curtis made the motion to waive the provisions of Lakeville General Bylaws; Chapter 5; to waive the requirements on street numbering for multi-unit buildings in Phase 5. It was seconded by Mr. Gouveia. The **vote** was **unanimous for**.

Mr. Curtis made the motion to waive the provisions of Lakeville Zoning Bylaws; Section 4.0; to allow duplex units and multi-family attached dwellings. It was seconded by Mr. Gouveia. The **vote** was **unanimous for**.

Mr. Curtis made the motion to waive the provisions of Lakeville Zoning Bylaws; Section 5.1; to waive minimum lot dimensions, lot frontage, front yard setback, side yard setback, rear yard setback, and 25% maximum percentage of land covered by structures. It was seconded by Mr. Gouveia. The **vote** was **unanimous for**.

Mr. Curtis made the motion to waive the provisions of Lakeville Zoning Bylaws; Section 5.1.2; waive requirement of a 160' diameter upland circle. It was seconded by Mr. Gouveia. The **vote** was **unanimous for**.

Mr. Curtis made the motion to waive the provisions of Lakeville Zoning Bylaws; Section 6.5.1; to allow single entrance parking areas. It was seconded by Mr. Gouveia. The **vote** was **unanimous for**.

Mr. Curtis made the motion to waive the provisions of Lakeville Zoning Bylaws; Section 6.7; waive requirements for site plan review. It was seconded by Mr. Gouveia. The **vote** was **unanimous for**.

Mr. Curtis made the motion to waive the provisions of Lakeville Subdivision Rules and Regulations. It was seconded by Mr. Gouveia. The **vote** was **unanimous for**.

Atty. Kwesell advised that the last thing to do would be to vote on the actual modification which was item #24 on the Decision.

At a public meeting on August 16, 2018, the Board deliberated on the Notice of Project Change/Request for Modification. Mr. Gouveia made the motion, seconded by Mr. Curtis to approve the Modification with the conditions set forth in this Decision. The **vote** was **unanimous for**.

The final item was to authorize the Chairman to sign the Decision on behalf of the Board. Ms. Swanson made that motion. It was seconded by Mr. Gouveia.

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

The hearing closed at 8:38.

Mr. Foster said their final item tonight was an informal discussion and presentation on the Island Terrace property. Mr. John Delli Priscoli was present. He stated he was a commercial and residential real estate developer. He was here tonight to put some ideas up for discussion of a plan to reposition the property known as Island Terrace. He advised the property is currently owned by the Tolles family and is now closed.

Mr. Priscoli stated that he has been in business 39 years. He has built over 1,200 units both condominiums and single family. This property was originally a home for the elderly and grew into a nursing home, hospice, etc. It also needed a lot of work so the Tolles mortgaged the property and did the infrastructure first. When they went for the second phase of financing which had been pre-approved, the Bank pulled their support. The property is now in pre-foreclosure and abandonment.

He stated that he looked at the property and thought what could work there. He thought the idea of elderly housing, upscale and market rate. It could be shingle style buildings with multiple units and all for 55+. He has already done a workshop with the Town's Building Inspector and Town Manager. The project would have to work through existing zoning, and they would work with this Board, as well as Conservation, and the site plan review process with the Planning Board.

Mr. Foster clarified that the proposal is to replace a closed elderly housing facility with a totally new vision of elderly housing. Mr. Priscoli said that was correct. Mr. Foster said it looks like there are 27 dwellings. Mr. Priscoli said those are multi-story buildings which he plans to make very similar to what is there. He would like to provide some services, for example, a visiting nurse, hairdresser, and things of that nature.

The Attorney noted that they felt that this would fit into the Special Permit realm which they would not bring forward tonight. The sewer treatment facility that is in there is what is driving the capacity of project that can go there. They are taking a situation and trying to use what is there, stick within the parameters of what should be there, and build something that fits in. They had displayed a concept of what it would like and noted that they could have no more than 85 units. The calculation for gallons per day was then discussed. It was noted that when you do a 55+ DEP calls the unit 150 gallons and that is the State law.

It was noted that everything there would be demolished and there would be some abatement required. The demolition would also need to be very controlled because it is a sensitive area. The signature trees would remain. Mr. Foster asked if there would be employees. Mr. Priscoli replied he thought the situation would be a Board of Directors that would be made up of the people that live there like an Association. Then they would have people contracted to the Association that would periodically come through. Although there would not necessarily be a full time person there, there would be people there and a schedule.

Mr. Foster asked if there were any questions. There were none. Mr. Foster said he liked the idea and thought it was a much better use of the property. He asked Board members if they were in agreement. Board members collectively thought it was a good idea. Mr. Foster said he thought the Board was receptive to the concept but there was a long way to go.

Mr. Foster adjourned the meeting at 9:08.