

**Town of Lakeville**  
**PLANNING BOARD**  
*Meeting Minutes*  
**Thursday, March 8, 2018**

On March 8, 2018, the Planning Board held a meeting at 7:30 PM at the Lakeville Public Library. The meeting was called to order by Chairman Hoeg at 7:30 PM. Members Present: Brian Hoeg, Peter Conroy, Sylvester Zienkiewicz and Janice Swanson. Member Absent: Barbara Mancovsky. Also present: Town Coordinator Lorraine Carboni, and Building Commissioner Nate Darling. LakeCAM was recording the meeting.

**Public Hearing (7:30 PM) – Amend the Zoning Map to rezone approximately 174.584 acres of land from Industrial B “I-B” to a mix of Business “B” and Residential “R” (Kingman Street)**

*The Public Hearing was opened at 7:30 PM by Chairman Hoeg.*

Chairman Hoeg took a few minutes to update the audience about the proposed Amendment to the Zoning Map. Chairman Hoeg explained the difference between Industrial B and Business Zoning. He mentioned this zoning change would not affect the current use of the properties, as they would become pre-existing, non-conforming if this zoning change were to be approved. Chairman Hoeg continued to explain this zoning change would only benefit the residents who want to make upgrades to their property. A resident asked who brought this zoning change forward. Mr. Darling explained the Zoning By-Law Review Advisory Committee (ZBRAC) was formed to review the current By-Laws and Zoning. The ZBRAC felt Industrial B Zoning was primarily used for residential purposes and was no longer needed. A couple of residents voiced their concerns that they would like to have flexibility with their parcels should they ever want to do something other than residential. They wanted to know if their parcels could be zoned business instead of industrial. Mr. Darling said he would follow up with Town Counsel and find out if that would be possible within the scope of this public hearing.

*The Public Hearing was closed at 8:09 PM by Chairman Hoeg.*

**Public Hearing (8:00 PM) – Amend the Zoning By-Law relative to Fast Food Restaurant, Restaurant, Upland Circle, Drive Through Facility, Filling Station and Similar.**

*The Public Hearing was opened at 8:09 PM by Chairman Hoeg.*

Chairman Hoeg read the Public Hearing Notice out loud. He explained the Zoning By-Law Review Advisory Committee (ZBRAC) has been working with the Building Commissioner Nate Darling to review the Zoning By-Law to see what By-Law needs to be updated. Ms. Swanson explained the Town changes with time and the By-Law Sections need to change to keep up with the times. Mr. Darling was available and provided clarification when questions were asked.

## FAST FOOD RESTAURANT AND RESTAURANT

### FAST-FOOD-RESTAURANT

¶

#### 2.0 → DEFINITIONS

**Fast Food Restaurant** → Any restaurant serving the majority of its food in disposable containers, packages or other similar wrapping, for consumption on or off the premises. (Adopted at Town Meeting June 11, 2007; approved by Attorney General September 12, 2007) ¶

¶

4.1.2 → Business Uses → → → → → → R → B → I → I-B → →  
→ → → ¶

**Restaurant** → → → → → → → N → Y → Y → Y ¶

**Fast food restaurant** → → → → → → → N → SP → N → N ¶

(Allowed only in areas served by municipal water) (Adopted at ATM 6/11/07; approved by Attorney General 9/12/07) ¶

#### 6.5.3.3 → Parking Space Schedule: ¶

¶

**Restaurant** → → → → → → → One per each two occupants based on the designed occupant load, plus one for each employee. ¶

**Restaurant, Stadium, Gymnasium, Arena, Auditorium** → → → → → → → One per each three seats of total seating capacity, plus one for each employee. ¶

¶

#### 7.3 → Planned Special Purpose District Regulations ¶

##### 7.3.4 → Accessory Uses: ¶

The following uses shall be allowable as accessory to the above principal activities: ¶

- 1) → Banks ¶
- 2) → Barber/Beauty Shops ¶
- 3) → Tourist Shops ¶
- 4) → Dry-Cleaning Shop ¶
- 5) → Medical/Dental Office ¶
- 6) → Restaurants ¶

¶

¶

#### 7.4.6→ Specific Uses by Special Permit¶

No Special Permit shall be issued, except in accordance with the following conditions and requirements for each specific use:¶

¶

##### Fast Food Restaurant:¶

~~SPGA Board of Appeals; Business District~~¶

~~A Fast Food Restaurant shall be subject to Site Plan Approval by the Planning Board as a condition of Approval from the Zoning Board of Appeals. The petitioner shall meet the following conditions and findings:¶~~

- ~~1) Fast Food Restaurants shall only be allowed in areas served by a municipal water supply.¶~~
- ~~2) Evidence of reasonable public need not adequately met by existing facilities within 1.5 miles of the proposed location.¶~~
- ~~3) That the proposed facility will cause no traffic hazard, congestion or interference with the flow of traffic especially at and near intersections.¶~~
- ~~4) That the number of vehicles served will be limited to those specified in the permit as governed by the rules and regulations as may be adopted regulating such facilities.¶~~
- ~~5) A detailed traffic impact analysis shall be submitted, done by a registered professional engineer qualified in traffic engineering.¶~~

~~(Adopted at ATM 6/11/07; approved by Attorney General 9/12/07)¶~~

¶

#### 7.5.3→ Permitted Uses as Principal Activities in the Mixed Use Development District¶

##### 7.5.4→ Accessory Uses¶

The following uses shall be allowable as accessory to the above principal activities:¶

¶

## UPLAND CIRCLE

### UPLAND CIRCLE¶

¶

¶

¶

#### 5.1.2→ Upland Front Yard Circle¶

No dwelling, building or structure having permitted use in any district shall be erected on a lot unless the lot has an area within its bounds which encompasses an upland front yard circle with a minimum diameter of 160 feet and within which the frontage, or frontage at the required setback must pass. ~~This by law shall not apply to any buildable lot legally established and existing prior to May 11, 1998. (Adopted June 14, 2004; approved by Attorney General September 16, 2004)¶~~

¶

#### PB, ZBA, ZBRAC Joint Meeting discussion:¶

¶

It was thought to find a place to add "Access to the buildable and/or improved portion of any lot must be through the required frontage".¶

¶

There was some discussion relative to "Front Yard Circle" vs. "Frontage Circle"¶

## DRIVE THROUGH FACILITY

### **DRIVE-THROUGH-FACILITY**

#### **2.0 → DEFINITIONS**

**Drive--Through-Facility:**...A commercial establishment which provides a service directly to the occupants of a motor vehicle or where the customer drives a motor vehicle onto the premise and to a window or mechanical device through or by which the customer is serviced without exiting the vehicle. (Adopted at Town Meeting June 11, 2007; approved by Attorney General September 12, 2007)

4.1.2 → Business Uses → → → → → R → B → I → I-B

Drive-through facility → → → → → N → SP → N-SP.....N

#### 7.4.6 → Specific Uses by Special Permit

No Special Permit shall be issued, except in accordance with the following conditions and requirements for each specific use:

Drive--through facility

SPGA → Board of Appeals; Business, Industrial Districts

~~A Drive-through facility shall be subject to site plan Approval by the Planning Board as a condition of Approval from the Zoning Board of Appeals.~~

The petitioner shall demonstrate ~~the need for the following conditions or findings:~~

~~1). Evidence of reasonable public need not adequately met by existing facilities within 1.5 miles of the proposed location.~~

~~2) That the proposed facility will cause no traffic hazard, congestion, or interference with the flow of traffic especially at and near intersections and that the proposed facility will have no detrimental effects on neighboring businesses or residences, as determined by the SPGA.~~

~~3) That the number of vehicles served will be limited to those specified in the permit as governed by the rules and regulations of the Board of Appeals and the Planning Board as may be adopted regulating such facilities.~~

~~(Adopted at Town Meeting 6/11/07; approved by Attorney General 9/12/07)~~

## FILLING STATION AND SIMILAR

The Board had a brief discussion regarding the municipal water at Filling Stations. Mr. Zienkiewicz questioned if there would be any locations that would be served without municipal water. Mr. Darling stated if where an environmental concern, then the Special Permit would not be granted. Mr. Zienkiewicz voiced there should be a hydrant located in front of all gas stations.

### FILLING STATION¶

AUTO-OR-BOAT-SALES, RENTALS-OR-SERVICE¶  
CAR-WASH¶

¶

#### 2.0 → DEFINITIONS¶

**Filling Station:** ~~~An establishment involving on-site distribution of fuel to be sold retail and primarily used to power vehicles for transportation purposes. A filling, service or gasoline station shall mean a place where motor fuels, lubricating materials and other automotive accessories and supplies are sold at retail and where motor vehicles are serviced and installation of batteries, tires and minor repairs of like nature are undertaken, but not including a body or paint shop, garage for major automotive repairs or a car wash.¶~~

**Auto or boat sales, rentals or service:** ~~An establishment involving auto or boat sales, rentals or service, including but not limited to; a body or paint shop, auto or boat dealership, and repair/service garage.¶~~

4.1.2 → Business Uses → → → → → R → B → I → I-B¶

**Auto or boat sales, rentals or service** → → → → N → ~~¥SP~~ → ~~SP±N~~ → ~~N~~.....  
*\*(Adopted 6/16/97; approved by Attorney General 8/11/97)¶*

**Filling station** ~~allowed only in areas served by municipal water~~ → N → SP → ~~SPN~~ → ~~N~~.....  
*(Adopted at ATM 5/8/06; approved by Attorney General 6/14/06)¶*

**Car Wash** → → → → → → → → N → SP → N → ~~N~~¶

¶

#### 4.1.3 → Industrial Uses¶

¶

**Fuel establishment** involving storage and distribution to → → N → N → SP → SP¶  
~~to be sold wholesale to suppliers, allowed only in areas¶~~  
~~served by municipal water (adopted at ATM 5/8/06; approved by Attorney General 6/14/06)¶~~

¶

#### 6.5.3.3 → Parking Space Schedule:¶

¶

Commercial Establishments → → → → One per each 300 square feet of gross...¶  
~~serving the general public~~ → → → → floor area or fraction thereof, plus one...  
~~(except automotive service~~ → → → → for each employee.¶  
~~retail establishments)¶~~

¶

**Automotive Retail and Service Establishments** → → One per each 1,000 square feet of gross floor...  
→ → area or fraction thereof, plus one for each...  
→ → employee.¶

¶

#### 6.5.3.5 Aisle and Entrance Dimensions ¶

For business and industrial uses, the minimum width of aisles and entrance drives providing access to more than two spaces shall be at least 24 feet wide. On lots where one entrance and exit driveway or access is constructed, the access shall not exceed fifty-four (54) feet in width. Where two driveways or accesses are constructed, the accesses shall each not exceed thirty (30) feet in width. ~~For automotive service stations, the maximum width shall be thirty two (32) feet for each driveway or access.~~ ¶

¶

#### 7.4.6 → Specific Uses by Special Permit ¶

No Special Permit shall be issued, except in accordance with the following conditions and requirements for each specific use: ¶

##### Auto or Boat sales, rentals or service ¶

SPGA -- Board of Appeals; ~~Industrial Business~~ Districts ¶

Must be compatible with the surrounding areas, subject to site plan review by the Planning Board. ~~(Adopted June 16, 1997; approved by Attorney General August 11, 1997)~~ ¶

##### Car Wash ¶

SPGA -- Board of Appeals; Business District ¶

Subject to a site plan review by the Planning Board, which site plan shall be incorporated into the Special Permit. ~~Drainage must be contained on site. Suitable provisions shall be made for proper discharge of water into the ground so as not to pollute groundwater.~~ ¶

##### Filling or service station or automotive repair garage ¶

SPGA -- Board of Appeals; ~~All Business~~ Districts ¶

~~The petitioner shall demonstrate: An automotive repair garage shall be subject to an annual license by the Board of Selectmen and shall be found to be compatible with nearby uses, and shall include provisions for parking and screening. A gasoline service station shall be subject to an annual license or permit by the Board of Selectmen and to the following conditions or findings. 1) Evidence of reasonable public need not adequately met by existing service stations within 1 mile of the proposed location. 2) 1) That the proposed service filling station will cause no traffic hazard, congestion or interference with the flow of traffic especially at and near intersections. 3) 2) That adequate provisions will be made to minimize pollution due to oil, gasoline and other chemical spills, fumes and particulates. 4) That the numbers of vehicles served will be limited to those specified in the permit. 5) 3) That there will be no outdoor storage of materials except as provided by the Special Permit and no parking of unregistered or wrecked vehicles.~~ ¶

#### 7.7 -- THE RESIDENCES AT LAKEVILLE -- "STATION SMART GROWTH OVERLAY DISTRICT" ¶

##### 7.7.5.4 -- Prohibited Uses ¶

##### Filling Stations ¶

Upon a motion made by Mr. Zienkiewicz and seconded by Mr. Conroy, the Board

VOTED: To recommend approval of the Zoning By-Law Amendments relative to Fast Food Restaurant, Restaurant, Upland Circle, Drive Through Facility, Filling Station and Similar.  
Unanimous in favor.

*The Public Hearing was closed at 8:45 PM by Chairman Hoeg.*  
PB Meeting Minutes 3/08/18 LAC

**Meet with Jamie Bissonnette from Zenith Consulting Engineers (ZCE) to discuss a conceptual plan.**

Mr. Bissonnette presented the plan to the Planning Board. The property is located on Pierce Avenue off of School Street. Mr. Conroy commented the property owner had mentioned, a while ago, that this proposal would be coming in front of the Board. Mr. Bissonnette mentioned he would be asking for a waiver on the roadway to get to the two (2) lots in the back. It would be about 750 feet of private way.

**Vote to amend the vote taken at the February 22, 2018 Public Hearing to change the reference to Town Meeting in June to the Special Town Meeting in April.**

Upon a motion made by Mr. Conroy and seconded by Ms. Swanson, the Board

VOTED: To amend the vote taken at the February 22, 2018 public hearing to change the reference to Town Meeting in June to the Special Town Meeting in April so that the vote states "that we move the vote to Town Meeting on April 30, 2018 to change the zoning from Business to Industrial and that we recommend favorable action on such matter."  
Unanimous in favor.

**Vote to designate the Master Plan Implementation Committee to update the 2005 Master Plan**

Upon a motion made by Ms. Swanson and seconded by Mr. Conroy, the Board

VOTED: To designate the Master Plan Implementation Committee authority to update the 2005 Master Plan.  
Unanimous in favor.

**Review, discuss, approve final draft of the updated Town Zoning Map**

The Board would like to have the Zoning Map available on the Town website once it is finalized and approved. They would also like to make sure the Planning Board Approval Date is included on the map.

Upon a motion made by Mr. Conroy and seconded by Ms. Swanson, the Board

VOTED: To approve the final draft of the updated Town Zoning Map dated December 2017.  
Unanimous in favor.

**Approve Meeting Minutes for February 22, 2018**

Upon a motion made by Mr. Conroy and seconded by Mr. Zienkiewicz, the Board

VOTED: To approve the Meeting Minutes for February 22, 2018.  
Mr. Conroy – In Favor, Mr. Zienkiewicz – In Favor, Chairman Hoeg – In Favor,  
Ms. Swanson - Abstained

## **Old Business**

- a. Received the Notice of Public Hearing and Memos sent to the Town Clerk and the Board of Selectmen regarding the rezoning of Industrial B District to a mix of Business and Residential (Kingman Street).
- b. Received the Notice of Public Hearing and Memos sent to the Town Clerk and the Board of Selectmen amending the Zoning By-Law relative to Fast Food Restaurant, Restaurant, Upland Circle, Drive Through Facility, Filling Station and Similar.
- c. Received Planning Board memo sent to Board of Appeals regarding petition review for: Nature's Remedy, Flynn, and Johnson.

## **Next Meeting**

The next Planning Board Meeting is scheduled for Thursday, March 22, 2018 at 7:30 PM at the Lakeville Public Library.

## **New Business**

Received Letter from Eversource dated February 8, 2018 regarding Solar Project Update.

## **Adjournment**

Upon a motion made by Mr. Conroy and seconded by Mr. Zienkiewicz, the Board

VOTED:           To adjourn the meeting at 9:04 PM.  
                      Unanimous in favor.