

**Planning Board
Lakeville, Massachusetts
Minutes of Meeting
September 9, 2021
Remote meeting**

On September 9, 2021, the Planning Board held a remote meeting. It was called to order by Chairman Knox at 7:00 p.m. LakeCam was recording, and it was streaming on Facebook Live.

Members present:

Mark Knox, Chair; Peter Conroy, Vice-Chair, Barbara Mancovsky, Michele MacEachern, Jack Lynch

Others present:

Jamie Bissonnette, Zenith Consulting Engineers; Joshua Lee Smith, attorney for the applicant; Bob Carr, Nature's Remedy; Harris Shain, Jushi MA Inc.; Rodney Dixon, Master Plan Implementation Committee (MPIC)

Agenda item #1

Mr. Knox read this item into the record. It was an explanation of how the provisions of Chapter 20 of the Acts of 2021 allowed the Board to continue to meet remotely.

Site Plan Review, continued-310 Kenneth W. Welch Drive – Presented by Zenith Consulting Engineers, LLC (ZCE)

Mr. Jamie Bissonnette was present for the applicant. Atty. Joshua Lee Smith, Counsel for the applicant was also present. Mr. Bissonnette shared his screen and displayed the amended plan for the Board. He advised he was here following up from their last meeting and the Zoning Board of Appeals meeting which had been held shortly after. They had received conditional approval from the Planning Board, pending any Zoning Board comments. He would now like to go over the changes made to the plan that had been requested by the Zoning Board and the Planning Board.

Mr. Bissonnette stated the lines in the circle parking out front had since been striped by the construction company. Although an original plan by Azor had referenced 20 spaces, they counted only 19 and have indicated that update on the plan. The Zoning Board wanted them to specifically state that it was for Nature's Remedy so that has also been added in. At the last Planning Board meeting, it had been asked that they show the striping on the other side of the site even if it wasn't constructed and to take it from the intent of the approved Azor plan on record. He had also spoken with the Fire Chief regarding the fire access in the rear. They picked up the tree line in the back and also included the following note: Inspection is to be completed annually by the occupant of

the facility and vegetation is to be trimmed to ensure safety vehicular access. At a minimum, access is to be maintained in its existing state.

Mr. Bissonnette said the parking on the east has changed a little bit. He explained the number of spaces has not changed, but the location of some of the allocated spaces has changed. Their client was able to obtain, from the existing building owner, the spaces up closer to the entrance of their facility. They traded seven spaces out back for those six in the front. They are also going to move the dumpsters to where they are supposed to be and stripe those two other spaces. There are still eight spaces in the back that need to be striped. Mr. Bissonnette advised when he was last out there, the shed was still there, but some of the pallets had been removed. Some cleanup was still needed.

Mr. Bissonnette said something else that had been asked was they include on the plan that the spaces were to be designated for Nature's Remedy. The Planning Board wanted those lines painted on the ground. Atty. Smith stated that the Zoning Board actually wanted signs to be erected. Mr. Knox said he was fine with that. It was a ZBA Special Permit, and he didn't think the signage or parking lot painting would have one greater or more negative effect than the other. Mr. Bissonnette was unaware of this, but said that he would modify the plan to indicate that.

Mr. Knox asked Board members if they had any comments. Ms. Mancovsky asked that the Fire Access note be incorporated into the note box for the Plan. Mr. Bissonnette said he would take care of that when he revised the plan. Ms. MacEachern asked if there should be a note on the Plan indicating there would not be a dispensary. Atty. Smith said that is a condition of the Special Permit which would control that. Mr. Knox felt that should be fine.

Mr. Knox then made a motion, seconded by Mr. Conroy, to approve the Site Plan as presented by Nature's Remedy with the following two modifications:

- The note box will indicate there will be signage for Nature's Remedy's designated spaces rather than just painted markings on the pavement.
- The fire access comment will also be incorporated into the plan note box.

Roll Call Vote: Mr. Conroy-Aye, Ms. Mancovsky-Aye, Ms. MacEachern-Aye, Mr. Lynch-Aye, Mr. Knox-Aye

Form C – 162 Bedford Street – Set public hearing date

Ms. Murray advised she had circulated the plan and was just requesting the date the Board would like to schedule the Public Hearing. She advised the legal ad has to run two weeks prior to the hearing, leaving their October meeting as the first available date a hearing could be held. That date would be October 14, 2021. Ms. Mancovsky asked if they could use this opportunity to engage a Planning Consult as they still did not have a Planner in place. If so, they would need to invite them to the October 14th meeting and get some plans over to them. Mr. Knox said that he did not have a problem with that, but it would require pricing. It was basically as if they were looking for a peer review, or are they looking to pay for consulting because they don't have a planner. He thought they would then need to run that by the Board of Selectmen before they spend

that money. Ms. Mancovsky said that they did allocate that money in the budget but she agreed that they should run it by them before they engage anybody. Can they email Ari Sky and talk to him about this issue? Mr. Knox said yes.

Mr. Knox then made a motion, seconded by Ms. Mancovsky, to hold the public hearing for the Form C, at 162 Bedford Street, on October 14, 2021, at 7:00 p.m.

Roll Call Vote: Mr. Conroy-Aye, Ms. Mancovsky-Aye, Ms. MacEachern-Aye, Mr. Lynch-Aye, Mr. Knox-Aye

Mr. Knox said to Ms. Mancovsky's point of discussion, they either need to secure a consult, or do something in order to be better prepared for this Form C-Definitive Subdivision. Mr. Knox said that he could communicate with Mr. Sky and copy Ms. Murray to get something in the budget to have that review done.

Housing Production Plan-update

Mr. Knox said they had a lot of information in their packet regarding this. Ms. Mancovsky said they need to make a recommendation to the Board of Selectmen who have to allocate the funds. There are different levels of expense and the two categories that were not covered under the least expensive plan were the samples that had been provided to them. She asked if they had a chance to look at the samples. Mr. Knox said he had. His question was if their plan was going to look like the samples provided. He noted that time frames in those plans was longer than what they were requesting, and he would like to know the years of comparison. Ms. Mancovsky said they should make a list of their questions and get it over to SRPEDD. Lakeville would also have far less data than the sample municipalities.

Ms. Mancovsky said as she reviewed the data points, it would be nice to have the percentage of sales price to affordable housing, as well as the estimated percentage of equity, based on both age and income. She did not think they needed the foreclosure or distressed property information. Mr. Knox asked if there were any other points that should be included in this plan. His would be that the plan would be at least for five years, as there has to be some information that they could track backwards. It was also discussed what Tier level the Board would be looking at having completed.

Ms. Mancovsky asked if they should check with the other stakeholders in Town such as the Building Commissioner and the Zoning Board to see if they would be interested in having input on this. Mr. Knox noted that the Town Administrator has been involved, and he has to provide some documentation. Ms. Mancovsky said that she would email SRPEDD and copy Mr. Sky as well as the Building Commissioner. Mr. Knox would like this resolved by their next meeting. Ms. Mancovsky said they would need a figure for the Special Town Meeting, or they would have to wait until next April. She will send an email in the morning and get an answer if it is too late for the fall meeting. Mr. Knox asked that it include that they are working on this but they haven't gotten a price yet. Can it still be included on the Warrant even though they don't have a number?

Correspondence from Harold Card-Recommendation whether to exercise the right of first refusal

Mr. Knox advised the plan was attached. The Board had approved this ANR lot at their last meeting. He would ask if the Chapter 61 status would remain on the rest of the parcel and if only the ANR lot will be removed. His concern would be if they allowed this, will they remove it from all the land and then there is no right of first refusal on the rest of the land. Ms. Murray said she will try to find an answer regarding that. Mr. Knox asked if they were prepared to make a recommendation if it's only the ANR lot with the clarification that not all of the property is going to be removed from 61A.

Mr. Knox said it is being presented that they are just removing the house lot from 61A, but if they are granted some relief to remove some of this land, it should be clear that it is just the ANR lot not the remainder of the property. He asked if anyone had an opinion if it was only the ANR lot. Mr. Conroy said if that was the case, he supported it being removed and passing on any first right to buy it. Ms. MacEachern said she had thought about all the concerns the residents had raised at their last meeting, and the Planning Board needs to be concerned about safety. It is just an ANR lot but it could lead to more road flooding or a safety issue. She asked what other members thought.

Ms. Mancovsky said there used to be a list of priority areas that Conservation had identified. She wondered if even though this lot may not be individually listed, was the entire parcel on a priority list. Mr. Knox said he could ask Mr. Bouchard. Ms. Mancovsky felt having a list even if it was an older one would be helpful for them. Ms. Murray will reach out to both Mr. Bouchard and the Open Space Committee to see if a list is available. Ms. Mancovsky added if they had access to the GIS system that would also be helpful.

Mr. Lynch said he was also concerned with the water situation in this area. He wouldn't have a problem with it if they had an assurance that it could be controlled. Mr. Knox said there are two different components to that. He would think most of the runoff would come from the subdivision that they had talked of proposing to the left of this ANR lot. There probably would not be a Site Plan Review for the lack of disturbance of less than an acre. Mr. Conroy noted that even if it came to the Board for site disturbance, they would find what they needed to fix it but it would still be a house. Mr. Knox agreed that the reward would not be high to buy one house lot on the chance that they might be able to buy more contiguous land adjacent to it in the future.

Mr. Knox then made a motion, seconded by Ms. Mancovsky, to recommend to the Board of Selectmen to not exercise their right of first refusal, as long as all of the land does not come out of 61A and it is only the ANR lot.

Roll Call Vote: Mr. Conroy-Aye, Ms. Mancovsky-Aye, Ms. MacEachern-Aye, Mr. Lynch-Aye, Mr. Knox-Aye

Sign By-law – Discuss amending and related definitions

Mr. Knox advised they have talked about this previously. He explained what they are trying to do and what it would trigger. Ms. MacEachern did some research and found some Towns that had bylaws with a definition for an electronic message display which is a sign utilizing light emitting diodes or leds, plasma or any other technology that presents static or multiple static advertisements on a rotating or repeating basis, freestanding or attached which may or may not be double-sided, including programmable images, animation, or letters. He acknowledged that there were 12 of these in Town already. He was hoping to put some controls on them as well.

Mr. Knox then read the next change or addition they would put into the sign bylaw which would be in 6.6.21. Electronic signs less than 12 square feet in size are allowable by Special Permit only granted by the Planning Board. Electronic signs 12 square feet or more are prohibited. He then reviewed some of the locations where these signs already were. He stated they are trying to minimize the size of what could be there and through the Special Permit, they could condition hours of operation. Mr. Knox said they are also trying to define billboards as any sign larger than 64 square feet, which is the largest sign allowable, and is currently the common directory sign. This is a sign with multiple signs because of multiple businesses within one building. Anything larger than that would be considered a billboard and is not permitted. Mr. Knox said this does trigger other things and there is a lot more work to do on it. What were their thoughts on what they had done so far?

Mr. Conroy said that while they are doing this, do they want to find out what the brightness level is that pushes it over the limit. They have seen signs that seem to push that level up to make up for the size. Mr. Knox said if they did allow those by Special Permit, they could govern the amount of lumens and have them be under a certain level. Ms. Mancovsky said in her opinion, she would like to have none of these types of signs in Town, so they can maintain that rural character. Although they have 12 in Town right now, in the future they could see quite a few more. Signage has a big impact on the aesthetics of a community. It's not just about that individual property. She would want to make sure that they have stronger controls even outside of the Special Permit for electronic signage.

Ms. Mancovsky asked if they could get that Planner Consult in. How would they feel getting feedback from that person as well? Mr. Knox said he was fine with it but thought it would go further to have a discussion or get something and send it to Counsel. He rather have the legal opinion to see what is controllable and what is not. Maybe someone who has written a bylaw or has seen those in other Towns and understands it. He noted that there is still a lot of work that must be done and they could work for several hours to try to hammer it out. They also need a good back and forth conversation with the Building Commissioner because he will have to enforce it. Maybe when they get further along, it can then go to Counsel where they not only send what they've done but also their intent. Ms. MacEachern asked for clarification that if they do put this language into the bylaw, can they then use it to control their existing signs. Mr. Knox said that is their intent but again it needs to go by Counsel to see if that is possible. Ms. Mancovsky noted that signs were listed in the Master Plan under strategy 2.2.2 to maintain Lakeville's semi-rural character by encouraging growth that matches its surroundings, while supporting the local business community.

Design standards – Discuss how to implement for business zoned development

Mr. Knox advised that MPIC keeps asking when is the Planning Board going to do something regarding design standards. You cannot just create a zone to have design standards unless it is a historic district, but they are trying to control business zone properties. His opinion is that they need to change the density bonus that they have. Currently, they allow 50% lot coverage by right. They could lower it to 25% and then grant relief back up to 70%. For example, they could hit the architectural trigger at 25%, the landscape trigger at 40%, with perhaps the balance of 10-15% for open space or something else they want to try to achieve. They have something now but it is missed because it doesn't hit the coverage.

Mr. Conroy agreed. He said it was the only way to have any kind of clout with design standards to force the developer's hand. Mr. Knox asked Ms. Mancovsky if he could task her with looking at that section of the bylaw for the density bonus. There are guidelines in there right now, and where he felt they could implement some guidelines that could be more of that rural character they want. Ms. Mancovsky said she liked it and thought it was a quick fix, but did it answer the questions about what type of aesthetics they want in their community. She thought it would be nice to have in the bylaw some design standards that are a little bit narrower. Mr. Knox said to make it something that is a rural, cape cod, Nantucket style, etc., rather than what is currently there which could be a very modern looking building.

Mr. Knox said that one other item he would like to change is on Site Plan Review, they want that to be concluded in the bylaw as Site Plan Approval. There should be a guideline laid out of what the approval consists of with so many signed copies, etc. Presently, there is no conclusion to it in the bylaw. It would be nice to eliminate that and have some teeth in their decision. Mr. Conroy added that he would like to see some kind of a checklist in regards to private and public ways. It would be fair for the developer and the Town. Mr. Knox said what has come in front of them over the past year has been private ways and approval has not been sought for a Town road. He noted that if it is going to be a private way that's not accepted, they should have a standard for that. The public way should have a different standard. Everybody that comes in to put in a private way should be playing by the same rules. Mr. Conroy agreed and having a list of criteria would be helpful for the developer.

Mr. Rodney Dixon then joined the meeting and the discussion returned to design standards. Mr. Knox advised that Ms. Mancovsky would be one of the driving components on the Board regarding this. Mr. Dixon might be able to work with her to come up with the actual language they will use, if they are going to change the density bonus design standards to more reflect that rural character. One of the easiest ways they have been able to do things like this is to look at other Towns that have those types of bylaws and replace the language. Mr. Dixon replied that as he recalled they had looked at surrounding Towns back as early as 2005 in regards to design standards. Ms. Garbitt has agreed to research their notes and their original Master Plan to see if she can come up with that information. They are actively in the process right now of getting that information together. Ms. Mancovsky noted that Selectwoman Carboni had also done a lot of research on this a few years ago and she might also have some good input on this.

Mr. Knox said their biggest challenge will be explaining exactly why they are doing this and why lowering those triggers will be for the benefit of the Town. Mr. Knox hoped that would be promoted at MPIC meetings and that nobody would have a false sense of this is to take away from anybody. Mr. Dixon said that was correct. This is a direct result of feedback that they receive continuously over the years from citizens regarding the rural character of the Town. Mr. Knox also clarified for anyone watching that this was not on residential property. This is on business zoned properties.

Julia's Way – Release of Covenant and Master Plan Implementation – Fee Review Project - update

Ms. Murray advised regarding both items she had emailed Town Counsel and was waiting for a response.

Approve Meeting Minutes

Mr. Knox made a motion, seconded by Mr. Conroy, to approve the Minutes from the August 12, 2021, meeting.

Roll Call Vote: Mr. Conroy-Aye, Ms. Mancovsky-Aye, Ms. MacEachern-Aye, Mr. Lynch-Aye, Mr. Knox-Aye

New Business

Mr. Knox said that something had been circulated in regards to 475 Kenneth W. Welch Drive. It looks like Boston Botanical is not going to be in that space but instead it was to be another establishment called Bud's Goods. Ms. Murray explained that in February the Board had approved the Site Plan and there were certain items they had wanted included. It was revised and that was what had been signed. The one that was submitted was a little bit different. Do they want those changes that were already made on the plan or should they just come in that night and have to go through the whole thing again? Mr. Knox said what he would like is for the applicant to be provided the plan that was approved with the requirements and changes they had requested. Those should be added to their plan, and then they can come in for the Board to have another review.

Old Business

Ms. MacEachern advised regarding the recodification project, there are a number of items that were suggested to be revised throughout the process. Anything as small as a single word, spelling or grammatical correction would need to be approved by Town Meeting. Therefore, the Planning Board would have to hold a public hearing. She thought it would be best to address everything at once and believed they had to get the changes back by October. It was not going to be approved until spring Town Meeting. She asked if there would be any reason to hold back and pass on those

smaller recommendations, or is it best to just get them all done. Mr. Knox said they should get them all done as they will not be having the public hearing until after January.

Next meeting

Mr. Knox advised the next meeting is scheduled for September 23, 2021, at 7:00 p.m.

Adjourn

Ms. Mancovsky made a motion, seconded by Mr. Lynch, to adjourn the meeting.

Roll Call Vote: Mr. Conroy-Aye, Ms. Mancovsky-Aye, Ms. MacEachern-Aye, Mr. Lynch-Aye, Mr. Knox-Aye

Meeting adjourned at 8:20.