

**Planning Board
Lakeville, Massachusetts
Minutes of Meeting
October 28, 2021
Remote meeting**

On October 28, 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; Barbara Mancovsky, Michele MacEachern, Jack Lynch

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.

Public Hearing (7:00 p.m.) – To amend the Town’s General and Zoning By-Law and delete the words “Board of Selectmen” or “Selectmen” in each place they appear and insert in their place the words “Select Board.”

Mr. Knox read the public notice into the record. He then made a motion, seconded by Ms. Mancovsky, to waive the reading of the full text of the changes to the bylaw.

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

Mr. Knox then went through the areas in the bylaw where that change would be made. He asked if there were any comments. Ms. Mancovsky said she was happy to see this gender-neutral change to Select Board. Ms. MacEachern added that because of the ongoing recodification project, if this is accepted at Town Meeting, it would be rolled right into that process. Mr. Lynch was also in favor.

Mr. Knox then made a motion, seconded by Ms. Mancovsky, to recommend approval of this Zoning bylaw change.

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

Mr. Knox made a motion, seconded by Ms. Mancovsky, to close the hearing.

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

Mr. Knox noted that he did not think he had properly opened the hearing. He then made a motion, seconded by Ms. Mancovsky, to open the hearing to amend the Town's General and Zoning By-Laws and delete the words "Board of Selectmen" or "Selectmen" in each place they appear and insert in their place the words "Select Board."

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

Mr. Knox read the public notice into the record. He made a motion, seconded by Ms. Mancovsky, to waive the reading of the full text of the changes to the bylaw.

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

Mr. Knox then made a motion, seconded by Ms. Mancovsky, to recommend approval of this Zoning bylaw change.

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

Mr. Knox made a motion, seconded by Ms. MacEachern, to close the hearing.

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

The hearing closed at 7:12.

Public Hearing (7:00 p.m.) – To amend the Town's Zoning By-Law Section 7.4, Special Permits, Sub-section 7.4.6, Specific Uses by Special Permit, Marijuana Uses; Sub-section A, by adding the following: "All allowed uses and special permit uses in the underlying district shall remain allowed by right or by special permit as designated in Section 4.1, Table of Use Regulations."

Mr. Knox made a motion, seconded by Ms. MacEachern, to open the public hearing noted above.

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

Mr. Knox then read the legal ad into the record. Ms. Mancovsky asked who had recommended that this be changed. Ms. Murray advised she believed this had been recommended by the Attorney General and had been submitted by the Town Clerk. It had been unclear that in the overlay district, the underlying uses that were allowed by right were still allowed. This was just a clarification that those industrial uses are still allowed.

Mr. Knox made a motion, seconded by Ms. Mancovsky, to recommend approval of the proposed change to the Zoning Bylaw.

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

Mr. Knox made a motion, seconded by Ms. Mancovsky, to close the hearing.

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

The hearing closed at 7:17.

Sign By-law - update

Mr. Knox advised that Ms. MacEachern had sent them the latest version of the updated redline copy. He noted they had tried to put some hours of operation in. Ms. MacEachern said she had added it under the grant requirements for Special Permits and had numbered them. There were four items so far, and she was not sure of the best way to put them in. Mr. Knox said the only reason he would want to take that out from the Special Permit section is it may negate the control on existing signs because they don't require a Special Permit as they are pre-existing. Could they add a requirements or regulations section for electronic signs? The other part of the discussion is does the 11:00 p.m. and the 6:00 a.m. work for every business?

Ms. Mancovsky said she thought it did for Lakeville and those were reasonable hours. Mr. Knox asked if there was any reason why a sign should be on later, or is there any reason why it should be earlier. Another option is to have the sign turn off 30 minutes after the business closes. Ms. Mancovsky asked what would happen if they had a medical facility come in, and they need to leave their sign on. Would they have to go through ZBA? Mr. Knox said in this exercise, they want to make the Planning Board the Special Permit Granting Authority. He did not think you could grant relief if it says it shall be turned off during the overnight hours from 11:00 p.m. to 6:00 a.m. You would have to say at the end of that unless by Special Permit. Ms. MacEachern noted that these were the requirements for electronic signs. Mr. Knox said they could include it for all types of signs. He said they could have it that lighted signs should be turned off at 11:00 p.m. and turned back on at 6:00 a.m. unless they have a Special Permit for 24-hour operation. That would give them broader control over all signs and not just one type.

After discussion concerning critical care facilities, Ms. Mancovsky said she liked the idea of adding an exception to the Special Permit. Mr. Knox asked if there were any other types of establishments that they thought they would allow to have a sign on overnight besides a medical or veterinarian facility. He thought there should be some type of language that denotes they are providing an actual medical service, 24 hours a day. Mr. Knox said there would need to be certain criteria in the bylaw to allow it. Some possible language suggested was "shall be turned off during the overnight hours from 11:00 p.m. until 6:00 a.m. unless medical related care with hours of operation outside of this time frame hours is established. In which case, the applicant may apply for a Special Permit."

Ms. MacEachern asked if the ZBA was aware of the sign bylaw. Mr. Knox thought they should get as far as they could in this and then circulate a copy to ZBA for their input. Members then discussed the refresh rate. Mr. Knox stated it should stay up there for so many seconds before it changes so it doesn't look like a flash or is a distraction. Ms. Mancovsky said the definition is the refresh rate of a led screen is the number of times in a second that the led screen hardware draws the data. The refresh rate stands for how many times per second the sign redraws the images on the screen and is measured in Hertz. The more times the screen is refreshed the smoother the

images are in terms of motion rendering and flicker reduction. Mr. Knox questioned if the refresh was creating the illusion of movement, which he believed was not allowed by the bylaw. Is refresh rate the right term to use? Mr. Knox then read the proposed 6.6.2.1, signs, any part of which moves, flashes, or incorporates traveling or animated lights, static images which refresh, and all beacons and flashing devices whether a part of, attached to, or apart from any sign are prohibited. His understanding of an animation refreshing means it's animating. It doesn't mean the led sign is prohibited, they just can't refresh so fast it doesn't look like it's flashing because its changing. Maybe they should eliminate that static language and put as the second part of this section, led images must be displayed for at least 20 seconds before changing. A sign could then only change three times in a minute. It was just a suggestion he was throwing out. Members then discussed what might determine the change in an image, and if there could be some type of science to it.

Ms. MacEachern also discussed the area of 6.6.4.5 for unlighted signs. They had touched on that at a previous meeting, and she had included that there would be no logos or markings. Is there anything else they would want to add to that or change? Mr. Knox noted that it said only unlighted but what if the sign was lighted? Ms. Mancovsky agreed and said they should delete the word unlighted. Mr. Knox suggested the language "signs less than two square feet designating entry and egress from parking areas and other necessary directional traffic control and safety-related signs shall not be lighted and shall not have logos or markings other than directional markings." He understood the logos but did they want to prevent them from being lighted. He would recommend eliminating that part. Should they still address color? After further discussion, Ms. MacEachern suggested above the small signs it say "shall not be lighted in colors other than" and keep it to whether it's white or white light background only.

Ms. Mancovsky then made a motion, seconded by Mr. Knox, to continue this subject until their next meeting.

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

Master Plan Implementation – Fee Review Project - update

Mr. Knox said it looks like some changes had been made. Ms. MacEachern said she believed they had started to talk about this last time, but had not come to a good conclusion. She had not changed any dollar figures yet. Mr. Knox said it looks like they still need to revisit the public hearing and street acceptance fee. He would like everyone to go through it over the next week so they could resolve this at their next meeting.

Design Standards – update

This will be discussed at their next meeting.

Next meeting

Mr. Knox advised the next meeting is scheduled for November 4, 2021, at 7:00 p.m.

Old Business

There was no old business.

New Business – Correspondence – Costello & Greydanus

Ms. Mancovsky asked if there had been a conclusion in regards to the Planner position. Ms. MacEachern advised the item had been tabled. She also noted that because of the recent storm, she wanted to raise the issue of underground utilities. Mr. Knox said he believed most of the projects they have done have been underground. Their most recent subdivision, Rachel's Way, had not been. This was because they already had poles in, and it was an extension of something existing. She was right that it should be a requirement, and it should not be waived.

Adjourn

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

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

Meeting adjourned at 8:22.