

**Planning Board  
Lakeville, Massachusetts  
Minutes of Meeting  
January 27, 2022  
Remote meeting**

On January 27, 2022, 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:**

Marc Resnick, Town Planner; Jeffrey McQuiston, Terrance Russell, Epstein Global; Antonio Velasco, Ryan Cook, Nate Kahn, Jushi

**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.

**310 Kenneth W. Welch Drive - Discuss temporary parking plan**

Mr. Nate Kahn, National Director of Construction for Jushi was present. He advised because they were expanding their business, they needed to add additional parking. They were here tonight to request permission to create temporary parking on the Site. The proposed temporary lot will be there for two or three months, and it is just intended to work with what is existing to create the needed additional spaces. The permanent design will be a well-designed parking lot with appropriate traffic patterns.

Mr. Kahn said the proposed temporary parking area will have four inches of gravel placed and compacted over filter fabric. The filter fabric will keep it from becoming muddy, and the compaction of the gravel will make it possible to paint lines on the temporary lot. They realize they will have to handle these spaces administratively so they will be by assignment and scheduled to avoid conflict. They will be requesting permission to add permanent parking in the next meeting in February. The proposed permanent lot is designed to preserve existing mature trees on the lot with additional landscaping to be added. They are requesting to move forward with their temporary proposal.

Mr. Knox said the plan did not look ideal, but that it would serve the purpose. Mr. Conroy asked where all the spaces had gone, and why did they need so many new spaces. He saw some huge

differences from when they first permitted this location. Mr. Kahn said he didn't know what it looked like before this, but as they are expanding the business they know they will need many additional spaces. Mr. Ryan Cook, Executive Vice-President of Operations, added they had recently made this acquisition in Lakeville. It looks like there had been a circular parking area and there had been some challenges from using that space across the front. They want to clean up that front landscape area, along Kenneth Welch Drive and add those additional spaces.

Mr. Knox said that they would just want to make sure that they are going in the right direction with the improvements that they are making. The temporary plan is fine, as long as it stays temporary. The next plan, to be discussed at an upcoming meeting, looks much improved, but he wants to make sure that it is enough. He also has a concern that they have approval from the property owner to make all these changes. The Board will need some sort of owner's authorization either documentation or having the owner come in to support the project. Mr. Cook replied they would be happy to do that. He noted that there had been a recent change in ownership of the building.

Ms. Mancovsky said it was her recollection that when this originally came in front of the Board, they had discussed the parking extensively, and they had approved a plan with parking on both sides of the building. Mr. Kahn said he had not seen that plan, but said that is a fairly tight area to be able to have parking on both sides and to still have access in the back. For them, this was a much better solution to move this along Kenneth Welch Drive and remove it out of that area. Mr. Knox asked Mr. Resnick to speak to the temporary parking plan.

Mr. Resnick replied that they were dealing with a business on a site that was probably originally developed with limited parking or that had a use that didn't need a lot of employees. It appears that this is the best solution for right now, but what if there is further expansion? What is the long-term solution? Mr. Kahn said their tenant space is fully built, and there is no additional space that they would be able to expand into. They are making some changes inside the space from a safety and efficiency standpoint, but no additional square footage. He did not think they would be expanding beyond that.

Mr. Knox stated the challenge with this site has been there are multiple tenants, and the building is owned by another entity. He noted Lakeville has a bylaw for lot coverage. They will need the percent of impervious lot coverage shown on the Plan, and it has to exclude wetlands from the allowable space. Mr. Conroy said that he would also want to make sure that the final parking plan is reviewed by the Fire Department for access to the rear of the building. An adequate amount of handicap accessible parking was also discussed.

Mr. Knox made a motion to approve the proposed temporary parking plan for 90 days, and they would continue the Site Plan Review hearing until the February 10, 2022, meeting at 7:00 p.m. It was seconded by Mr. Conroy.

**Roll Call Vote:** Mr. Conroy-Aye, Ms. Mancovsky-Nay

Ms. MacEachern expressed her concern that the gravel would not be suitable for plowing and it would not be substantial enough to paint lines over it. Mr. Cook said that had been discussed and

the team had also discussed flagging the area. Their objective is that they have the parking, so it is in their best interest to ensure the amount of parking spaces that they have identified are utilized efficiently. The gravel with the fabric barrier will allow that to stay above the grade. When snow does arrive, they will not be able to plow in a traditional way, but more of compacting in that area on top of that gravel. That should work well over the winter months.

Mr. Resnick recommended that instead of using gravel, they could use a dense grade material which would compact and stay in place over the course of the winter. It is not dramatically more expensive, and it can be plowed once it sets up. Lines could also be painted on it and stay in place for a couple of months. Ms. Mancovsky stated that the reason she was not in support of the temporary parking measure is because they had a plan that was approved, and there is now a problem because that plan was not followed. This bigger problem is requiring more pavement and more coverage beyond what was originally approved which is why she is not supportive of this. Mr. Cook replied they don't like this problem for the community or their own employees. The goal and objectives are to do anything they can to remedy it. Mr. Knox wanted it to be clear that the plan in front of them proposed 103 parking spaces of which 3 are handicap accessible. The Site Plan to be submitted will have 107 spaces with 5 handicap accessible. This upcoming plan is a drastic improvement from what they are now dealing with.

**Roll Call Vote- continued:** Ms. MacEachern-Aye, Mr. Lynch-Aye, Mr. Knox-Aye. The motion carries.

#### **Adoption or amendments to the Zoning Bylaw – Sign Bylaw update**

Mr. Resnick advised that he has added definitions for different types of signs for clarity. For example, electronic message boards of which there are several on Bedford Street. There is a freestanding sign but there is a portion that can change electronically with messages, advertising for the business, pricing, etc. There is also an outdoor electronic ad advertising that was going to be prohibited, but he may remove that as he limited the size of electronic message boards to 12 square feet. Anything over that is prohibited. He added anything that is specifically prohibited cannot receive a Special Permit from the Zoning Board. Another section added is Permit Required which was not called out anywhere, and the fees shall be determined by the Select Board. He also added to the General Sign Regulations requiring landscaping and maintenance.

Regarding Exemptions, Mr. Resnick added language related to signs for subdivisions, both temporary and permanent, signs for construction projects, and also fuel pump signs. He noted that a Special Permit from the Zoning Board would not be allowed for signs that were prohibited, and then went through the additions to that section. He advised he would be working through this section again before their next meeting. A section for both the removal of signs and nonconforming signs had also been added.

Mr. Conroy stated that he would not have a problem extending the shut off time until midnight as that might be a more business friendly time, but he would agree to 11:00 p.m. if members did not agree. He also asked if the brightness would still be included. Mr. Resnick replied they will wait on that until there is more information. Right now is the basic stuff to get a better bylaw. As they

move forward, they can submit some amendments to tighten it up. Mr. Knox asked about the removal of signs if they are deemed to be unsafe or abandoned by the Building Commissioner. Would there be any enforcement behind that? Mr. Resnick said he could add in it would be a violation of the zoning bylaw and enforceable under the rules of zoning violations.

Ms. MacEachern asked if this definition of electronic message board would cover any future electronic sign. Mr. Resnick said he could add to the definition to be clear that it is the led controlled sign. Ms. MacEachern said they had discussed trying to encompass anything that exists currently and any new technology that may come along in the future. Mr. Resnick added that he did not know if the Board wanted to define internally illuminated signs and place some sort of limitation on the portion of a freestanding sign being that way. There appears to be a lot of them now. Do they want to continue to allow them? Ms. MacEachern said that it would be good to limit them to something that is lit a different way. Ms. Mancovsky agreed. Mr. Knox added what would the alternative be. If they were going to regulate back lit, they would have to allow some sort of a down-lit or up-lit sign even if they can make the definition so that it can coexist with the lighting bylaw. Mr. Resnick said he would look into making some of these changes and discuss at their next meeting.

Mr. Knox made a motion, seconded by Mr. Conroy, to continue this sign bylaw agenda item discussion at their February 10, 2022, meeting at 7:00 p.m.

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

#### **Adoption or amendments to the Zoning Bylaw – Design Standards update**

Mr. Resnick advised design standards are typically a fairly large project. They can draft their own, but it is a long-term project that requires a lot of discussion. He felt it would be more of a project for spring through the summer, so they can get it on the fall Town Meeting. Ms. Mancovsky noted that at SRPEDD last night, New Bedford ran through the design standard guidelines that they are implementing. She will forward a copy of it when she receives it. She also noted that help had been offered through a SRPEDD planner, Phillip, in regards to design standards. She felt if money was still available it would be a good time to make a request to use some of those resources to work with Mr. Resnick.

#### **Adoption or amendments to the Zoning Bylaw – Site Plan Review**

Mr. Knox advised they had also talked about amending the Site Plan Review bylaw for fall Town Meeting. Mr. Resnick said they have until March to submit Articles for Town Meeting. He could go through the Site Plan Review bylaw and try to update it which would at least bring it up to today's standards. He expected he could complete that draft by the end of next week. It would not include a large separate section for design standards but he could write in a few general basic requirements or goals and objectives. Mr. Knox said that he thought there was a short coming in the language presently as there isn't any clear approval at the end of it. He asked members to review it over the next week, and they could then further discuss it.

### **Adoption or amendments to the Zoning Bylaw – MBTA Communities – update**

Mr. Resnick advised that a little over a year ago, the legislature passed an act that said all MBTA communities need to do more to provide housing. There are specific requirements in order to create a zone that allows multi-family by right, and it needs to meet the following criteria:

- It needs to be an area of at least 50 acres.
- It needs to meet a density of 15 units per acre.
- In the case of Lakeville, it needs to allow for 750 units.

Mr. Resnick explained that this does not mean they have to actively seek developers, acquire land, or get it built. It means that they have to provide the opportunity to create the zoning to allow it to happen. It allows for mixed use or you can do it as an overlay district, as long as you meet that basic criteria. Right now, there is a lot of flexibility. Communities will have to create a timeline and an action plan for implementation by July of 2023, and then adoption by December 31, 2024. It is a long-term project, but something they will have to do to continue to be eligible for a variety of grants.

Ms. Mancovsky noted they had also addressed this at SRPEDD last night. The Rural Policy Advisory Commission is really going after this issue. She advised that there was no affordable housing component on this guideline, so they could see a higher end development in this type of area. Existing units also do not count toward this goal and package treatment plants would be allowed. Right now, there is a community that is considering saying no altogether. Mr. Knox asked if they knew what those grants were right now. Mr. Resnick replied that there is a preliminary list of grant programs that he could have for the Board for their next meeting. There was then discussion if the Town could establish the zoning and then remove it at a later date.

### **Adoption or amendments to the Zoning Bylaw – Filling Station-correction from 2018 Town Meeting**

Mr. Knox said this appears to be a housekeeping item. Mr. Resnick said that is correct. There were several items the Board held public hearings on and submitted Articles for, but they did not make it onto the Warrant which related mostly to filling stations. He should have that available for their next meeting.

### **Adoption or amendments to the Zoning Bylaw – Open Space Residential Development (OSRD)**

Mr., Resnick stated the Open Space Residential Development bylaw also known as the Cluster Development bylaw is something that was recommended in the Master Plan. Most communities that have lots of developable land have this bylaw. He then began to go through the draft by section which had been sent out to the Board. He began with the purpose, pre-application meeting, dimensional and design requirements, screening and buffering, dedicated open space, and the ownership of the dedicated open space. The procedural sections include the preliminary subdivision and OSRD concept plan application process with the next step to file for definitive approval. The next sections include the special permit application and filing, decision, and approval criteria.

Mr. Knox asked if they were to pursue this could there be a requirement that no greater than 10% of the open space be wetlands. He didn't think a builder should be able to come in and get all the upland, and then donate the wetlands. The open space should be usable land. Mr. Resnick replied they could add some language in. After additional discussion, he said that he will look into it further. Ms. Mancovsky said if they did decide to move forward with this, they must have a very clear plan. She had many conversations with Mr. Zinkiewicz concerning this and was unsure if someone was determined if they could get that land out of open space. Mr. Resnick then explained different ways they could add another layer of protection. He will also talk to the Conservation Agent to see how they manage other Town conservation land.

### **Housing Production Plan – update**

Mr. Resnick advised that money was appropriated at the fall Town Meeting to do an update to the Housing Production Plan. He believed the current one was good until March of 2023. He has reached out to SRPEDD and is waiting for someone to get back to him. He is thinking that they will encumber the money for this into next year's budget and work on it over the fall of next year. They can then submit it to the State in time to be re-approved, so there will not be a gap in their plan. He will follow up next week

### **Old Business**

There was no old business.

### **New Business – Honeybee Farm**

Mr. Resnick advised that at their next meeting, they would be getting a request for the Subdivision Honeybee Farm, Gillian Drive. Their request is to be allowed to not put in the street trees on the left-hand side as you drive in. There is presently a berm and where you would plan the trees is where they ran the electric utilities. They are offering to submit a landscaping plan for the cul-de-sac island in exchange for not putting in the trees.

### **New Business – Signing of Invoices**

Mr. Resnick asked if since he was now here, for expediency purposes in the future would they want him to sign invoices? Mr. Knox said that if other Board members were okay with that, he would make a motion to have Mr. Resnick sign invoices on behalf of the Planning Board. The motion was seconded by Mr. Conroy.

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

**Next meeting**

Mr. Knox advised the next meeting is scheduled for February 10, 2022, at 7:00 p.m.

**Adjourn**

Mr. Knox 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 8:46.