

**Planning Board
Lakeville, Massachusetts
Minutes of Meeting
February 10, 2022
Remote meeting**

On February 10, 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; Barbara Mancovsky, Michele MacEachern

Others present:

Marc Resnick, Town Planner

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.

Master Plan Implementation- Fee Review Project - update

Mr. Knox said he had spoken with Mr. Resnick regarding this and they will continue it for now. This will allow Mr. Resnick some additional time to review. This would include the gravel removal fee as well as their other fees. Mr. Knox asked Ms. Mancovsky and Ms. MacEachern what like-communities they had used for their comparisons. Ms. MacEachern said that she would look for the original spreadsheet which included that information.

Mr. Knox made a motion, seconded by Ms. Mancovsky, to continue discussion on the fee review project until their meeting on February 24, 2022, at 7:00 p.m.

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

Review the following Zoning Board of Appeals petition:

- a. Ferrari – 3 Sassamon Circle

Mr. Knox made a motion, seconded by Ms. Mancovsky, to make no comment on the petition for Ferrari at 3 Sassamon Circle.

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

Review of possible amendments to the Zoning Bylaw – Sign Bylaw

Mr. Resnick summarized the first part of the sign bylaw the new definitions. These will be added to the definition section of the entire Zoning Bylaw. He has left in the definition for electronic outdoor advertising, but included it in the prohibited section. He did leave the electronic message boards in because those are the kind they have quite a few of both on Main Street and Bedford Street. Most are no larger than 12 square feet, so that is the limitation that has been put on those. Anything larger is prohibited. The definition for a wall sign and window sign has also been added with some limitations placed on both of them.

Mr. Resnick stated that some other new sections to the bylaw include some specificity for specific types of signs, as well as the section where free-standing signs can have either a changeable copy sign or an electronic message board as part of its sign, but not both. A section for wall signs, window signs, and temporary subdivision sales signs was also included. Under exemptions, permanent subdivision or residential development identification signs, project contractors signs, and fuel pump information signs were all added. There were also additions to the Special Permit section. He noted that if a type of sign was prohibited, a Special Permit could not be issued for it. He then went through the additions to that section. Several line items had been added to the General Sign prohibitions, and a new section for the removal of signs and nonconforming signs had also been added. The last section added was related to administration, violations, and appeals.

Mr. Knox asked regarding 6.6.3.13 that internally illuminated signs shall not exceed 24 square feet. He would like clarification if there was a common directory sign they allow up to 64 square feet of signage with multiple tenants. Are they saying that an individual tenant can't have a sign that is bigger than 24 square feet, but there could be more than one? Mr. Resnick replied you could have an internally illuminated sign for say an office park at 24 square feet and then under it, the individual businesses in the park would have to have a painted, carved, or some other type of sign. There are many internally illuminated signs in Town, so he thought they should start limiting the size of them.

Mr. Knox asked if they had a stand-alone business, and are allowed up to 32 square feet of signage, then only 24 square feet could be illuminated? Mr. Resnick said that was correct, unless they went to the Zoning Board. Mr. Knox noted that there may be a couple of these presently in Town where more than 24 square feet are internally illuminated. Mr. Resnick said they could write certain requirements for multi-tenanted signs where there is a certain minimum size, and you can add so many square feet per tenant or for leasable space.

Ms. MacEachern said she liked the idea of keeping it minimal, even if it is a common directory sign and having only one illuminated instead of all of them. She would ask why the difference on 6.6.4.8 and 6.6.3.13 between the 12 feet and the 24 feet. Mr. Resnick replied that 12 square feet for the message boards is fairly small, and it is almost the exact size of all the electronic message boards and changeable copy signs in Town. He was referring to the bigger marquee signs or the top portion of a multi-tenanted place that would have the name of the plaza internally illuminated.

He thought for a plaza 12 square feet was a little small. If they were not going to prohibit them, they should set some sort of limitation on the size of them. A standard size for a free-standing sign is 32 square feet so he thought it should be a little smaller at 24 square feet.

Mr. Knox also wanted clarification on section 6.6.3.14 on the 15% of wall area or 150 square feet, whichever is less. Mr. Resnick replied it could be up to 150 square feet if it is a large building. 15% is to give it a proportion to the wall it is attached to. Mr. Knox said that his concern was 150 square feet is six times the allowable size of the sign at the street. Ms. Mancovsky said that was very large, and they may want to see that smaller. Mr. Resnick said that it also states earlier in the regulations unless permitted elsewhere in this bylaw, no sign shall exceed 32 square feet in area. They could leave that up to 32 square feet, but if it is a very large building, a small sign might not look right. Mr. Knox suggested leaving it at the 32 square feet, and if relief was needed the applicant could go to the Zoning Board.

Ms. Mancovsky had a question regarding 6.6.4.7 for temporary subdivision sale signs. These should be coming down sooner than they are, and there should be some criteria. What she is seeing is them deteriorating over time. There are a few of them on Route 44 that have been there for years. She would like to see something put in so these signs will be coming down. Mr. Resnick said that they could move it out of exempt and temporary and put it in the general section. They would then need a permit on an annual basis from the Building Commissioner. After further discussion, Mr. Knox noted that he would also want Mr. Conroy and Mr. Lynch to have the opportunity to add their input. He then made a motion to continue this until their next meeting on February 24, 2022, at 7:00 p.m. It was seconded by Ms. Mancovsky.

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

Review of possible amendments to the Zoning Bylaw – Open Space Residential Development (ORSD)

Mr. Knox advised he had read through this and found it to be very comprehensive, but he did have a couple of small concerns. He liked the change where the Homeowners Association would not be allowed to keep ownership which would prevent the potential of redevelopment. He noted that with the reduced frontage and setbacks, it would only allow for a 20-foot wide building. He would like to see the frontage increased to 75 feet. Mr. Resnick stated that usually what happens with a 50-foot frontage is that it allows for the flexibility of a narrower entrance into the buildable area. He noted that the developer still has to prove that they can build the conventional subdivision with their required zoning requirements on a preliminary plan.

Mr. Resnick advised that he had not yet spoken to the Building Commissioner regarding this, but had spoken to the Health Agent discussing the potential lot sizes. He wanted to add something for their next meeting that refers to surface water protection districts as shown on the Mass GIS maps. There are different levels of protection, Zone A, B, and C. There are some State requirements on these zones as far as sewer flow, and how many square feet of upland is required. He noted that about half of the Town is in within some of these districts, and there is a limitation of 10,000 square feet per bedroom. In order to build in these zones, you would need 30,000 square feet. He was

going to add an additional requirement that if you are in a surface water protection district as shown on a plan, the minimum lot size will be 30,000 square feet. This is regardless if there is water or sewer or both.

Mr. Knox asked if a percentage of permeability would be a good item to add in. Mr. Resnick replied there is already something within the bylaw. Mr. Knox added that he didn't know with this cluster zoning if they wanted to adjust that to suit the smaller lot but still protect the recharge of permeable. Mr. Resnick said that he thought it would be reasonable to increase that. Mr. Knox suggested that a memo be sent to Conservation for comment. Mr. Resnick said the chart in their zoning has several other dimensions. He would copy the entire list and put it in the draft for the next meeting. In the meantime, he will talk to Conservation and the Health Agent to see if they would have any concerns if they increased the lot coverage because the lots are smaller.

Ms. MacEachern stated it had been said there are benefits to the Town by adopting this OSRD bylaw. What would those benefits be? Mr. Resnick replied it will preserve some of the land as open space; smaller lots can keep some of the houses more affordable in the community; and there is less drainage and road runoff, so there is less pollution going downstream to wetlands. Ms. Mancovsky said she believed this was referenced in the Housing Production Plan. Mr. Resnick said that it does allow for a variety of housing in the community. Mr. Knox said if there were no additional questions, he would like to continue this. He would like to hear from Conservation, the Building Commissioner, as well as Mr. Conroy and Mr. Lynch.

Mr. Knox then made a motion, seconded by Ms. Mancovsky to continue discussion on the OSRD proposed bylaw until their next meeting on February 24, 2022, at 7:00 p.m.

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

Review of possible amendments to the Zoning Bylaw – Site Plan Review

Mr. Resnick advised that he would summarize this as they had not yet gone through the entire bylaw. He advised the first part remains the same. The things that he would like them to consider were convenience of safety and vehicular, pedestrian safety, waste disposal, and just some general goals. There were two sections for procedures for business and industrial and then residential. The limitation on residential was the amount of land being disturbed or one acre. He did not change any of the requirements for submittals but removed one of them as it was redundant. There is now enough authority in this bylaw that if there is something the Board feels should be addressed that's reasonable, they can request it.

Mr. Resnick said some items that have been removed are the 21-day requirement for a hearing and he moved the submittal requirements to a section under review procedure. Under residential review, he added an item that stated Site Plan Review shall apply to new multi-family building construction of three or more units. He advised that in most communities, site plan review applies to multi-family construction of any size. The procedural section at the end of residential is the same as the one that was at the end of commercial so it has been moved to the procedural section and the remainder has been deleted. Regarding the procedure where the applicant distributes

copies of the plan to the various departments, he would like to change that to have the applicant submit them to the Planning Department to be distributed by the office. Members were okay with that change and believed that because of Covid and the office being closed to the public, it was currently being done like that. Mr. Knox questioned if Open Space and Board of Selectmen did not have a meeting within that 10-day period were they being denied an opportunity to comment. Mr. Resnick replied that Open Space is normally formed to rewrite the Open Space Plan and is then dissolved. It is not usually part of a Site Plan Review distribution. In his experience, the balance of the departments listed would get copies of the plan. He could change the verbiage so there will be enough time for review.

Mr. Resnick said the next section concerns giving notification of a hearing and notifying abutters at least seven days prior to the hearing. There is no State statute pertaining to Site Plan but this is what he has done in some other communities. Mr. Knox said that it would be nice to be able to have a reasonable amount of time to act on a plan. Ms. Mancovsky asked if there is another way of noticing people that would be a bit more progressive than the newspaper. Mr. Resnick replied that although today people get their information from so many different outlets, it would be hard to pinpoint one particular source. That is why notifying abutters is so important.

The next section discussed was Performance Standards. This is a new section the Board can use to evaluate and let the developer know what the Board is going to be looking at. Mr. Resnick then read through each section. He noted that also included is a basic statement regarding architectural requirements. Some communities then adopt additional architectural requirements as a subsection to this. You could also adopt a whole set of separate design guidelines. Over the next couple of weeks, he was going to try to draft a series of short sub-sections so that they will have something about roof lines, siding, windows, etc., and they will be able to require it. Ms. Mancovsky noted regarding 6.7.37 Conservation might have some additional input on this.

Mr. Resnick continued the review of the new sections under Performance Standards. In regards to underground utilities, Ms. Mancovsky stated that she would like to see this addressed in residential areas as well. Mr. Resnick replied that as they get through zoning over the next couple of months, they will begin to look at the Planning Board rules and regulations so they can begin to address them. A new section, 6.7.6 has also been added. It includes sub-sections on decisions, inspections, fees, and appeals. He noted for clarity that they should begin to inspect Site Plans under construction to ensure that they are constructed as per the plans. They could discuss if they wanted to hire an engineering firm or a retired engineer, but they should be setting an inspection fee and having projects reviewed and inspected during construction.

Mr. Knox then made a motion, seconded by Ms. MacEachern to continue discussion on the Site Plan Review bylaw until their next meeting on February 24, 2022, at 7:00 p.m.

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

Next meeting

Mr. Knox advised the next meeting is scheduled for February 24, 2022, at 7:00 p.m.

Approve Meeting Minutes

The minutes from the January 13, 2022, meeting had not been distributed so they will be placed on the next agenda.

Old Business

There was no old business.

New Business

Mr. Resnick advised there have been some inquiries from someone wanting to open a brew pub in Town. He was thinking for the next meeting of writing a definition for a brew pub/tap room and allowing it in the Business District and possibly the Industrial District. It would be clear that way as it may or may not be interpreted to be defined as a restaurant as many of them do not serve food. He could first define it, and then they could determine if it will be allowed by right, by Special Permit, etc.

Mr. Resnick stated he expected a Site Plan to be filed with the Board next week. It would be for 2 Bedford Street. This review would probably be on their March 10, 2022, agenda.

Mr. Resnick also advised that he had met with the Open Space Committee. They are moving forward and have almost completed rewriting and updating the plan. They are now at the section that evaluates the various inventory of properties and recreational properties. He has been in touch with the Parks Commission and will be coordinating that. He will help evaluate those properties and them into the plan.

Ms. Mancovsky asked if they could be updated in regards to the redevelopment of Route 79. Mr. Knox said that they could check with Mr. Moniz to see if he was aware of anything.

Adjourn

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

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

Meeting adjourned at 8:49.