

Town of Lakeville
PLANNING BOARD
Meeting Minutes
Thursday, January 25, 2018

On January 25, 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, Janice Swanson, Barbara Mancovsky, and Peter Conroy. Member Absent: Sylvester Zienkiewicz. Also present: Lorraine Carboni, Town Coordinator, Rita Garbitt, Town Administrator, Nate Darling, Building Commissioner, the Board of Appeals (ZBA) and the Zoning By-Law Review Advisory Committee (ZBRAC) were present and in session. Don Foster, ZBA Chairman was audio recording and LakeCAM was video recording the meeting.

Meet with the Zoning By-Law Review Advisory Committee and the Board of Appeals to discuss the Following Zoning By-Law Amendments:

Mr. Darling prepared the documents for the meeting. He crossed out the proposed language to be deleted and the proposed new text under each of the following categories... Fast Food Restaurant, Drive Through Facility, Filling Station, Upland Circle, and Industrial B. Aaron Burke, Chair of the Zoning By-Law Review Advisory Committee, opened the discussion on the proposed Zoning By-Law Amendments and walked the Committees through each topic.

1. FAST FOOD RESTAURANTS

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:

- 1) **Restaurant** or Cafeteria.
- 2) Warehouse and Distribution, as accessory to Office or Research and Development uses.
- 3) Parking and Access Drives for all permitted uses in the Mixed Use Development District, as well as any and all utilities necessary to support such permitted uses, whether or not on the same lot as the principal use.

7.7 THE RESIDENCES AT LAKEVILLE “STATION SMART GROWTH OVERLAY DISTRICT”

7.7.5.2 Other Uses

Any of the following non-residential uses may be permitted by special permit:

Neighborhood Businesses Small-scale (a maximum of 20,000 square feet of gross floor area per building) retail, service, and office uses that are compatible with residential uses and are intended to serve commuters and local residential populations within the SGOD. Examples include, but are not limited to: news stand, grocery or specialty food store, bakery, delicatessen, coffee shop, **restaurant**, bank, hairdresser, barber shop, launderette or dry cleaners (dry cleaning performed off-site), tailor, health club or exercise facility, video/DVD rentals and sales, shoe repair, drug store, florist, liquor store, gift shop or specialty retail, hardware store, home goods and furnishings, personal care items, medical/professional/ small business offices (up to ten (10) employees), and home occupations.

7.9 DEVELOPMENT OPPORTUNITIES (DO) DISTRICT

7.9.2.1 The following uses shall be permitted by special permit in the DO District:

- O. **Restaurants;**

2. 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.

~~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)~~

3. FILLING STATION

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. 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 <i>*(Adopted 6/16/97; approved by Attorney General 8/11/97)</i>	N	X SP	SP N	N
Filling station allowed only in areas served by municipal water <i>(Adopted at ATM 5/8/06; approved by Attorney General 6/14/06)</i>	N	SP	SP N	N
Car Wash	N	SP	N	N

4.1.3 Industrial Uses

Fuel establishment involving storage and distribution 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 serving the general public (except automotive service retail establishments)	One per each 300 square feet of gross floor area or fraction thereof, plus one for each employee.
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Automotive Retail and Service Establishments	One per each 1,000 square feet of gross floor area or fraction thereof, plus one for each employee.
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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

4. 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 set back 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)

5. INDUSTRIAL B

Mr. Hoeg and Ms. Garbitt provided background information about the original intent of Industrial B Zoning. The proposal would be to re-zone Industrial B to Residential. Currently, the Town has one (1) Industrial B Zone located on Kingman Street, and there is a business located there. If the zoning were to change to Residential, the business would remain and be considered, a pre-existing on a non-conforming lot.

Mr. Burke suggested Committee Members forward any comments or suggestions directly to Mr. Darling so he could compile all of the information and incorporate them into the proposed By-Law amendment.

At 8:32 PM, the Board of Appeals and the Zoning By-Law Review Advisory Committee adjourned.

Meet with Jeff Barton, CEO Bountiful Farms, and Paul Rathbun, Realty Professionals of MA, to discuss a preliminary conceptual plan for 5 Harding Street, Lakeville, MA.

Mr. Rathbun introduced himself and Mr. Barton. He explained Mr. Barton represents Bountiful Farms, and he represents Gilded House, LLC, which is a Real Estate Development Company. He said Gilded House has a Purchase and Sale Agreement on 5 Harding Street. Their plan is to build a 40,000 square foot building on the property for the purpose of a Medical Marijuana grow facility. They have a letter of non-opposition with contingencies (zoning approval) from the Lakeville Board of Selectmen, and the property is under agreement. They are requesting, through the Planning Board, a Public Hearing to rezone the property from Business to Industrial.

The Planning Board scheduled the Public Hearing for Thursday, February 22, 2018.

Meet with Jamie Bissonnette from Zenith Consulting Engineers (ZCE) to receive and discuss Site Plan Review submittal for the new Lakeville Police Station

Mr. Bissonnette explained he was there on behalf of the Town of Lakeville to present the Planning Board with an overview of the plans for the new Police Station. He provided six (6) sets of plans along with the Storm Water Management Report. Mr. Bissonnette reviewed the plans with the Planning Board and explained the layout of the project. Mr. Bissonnette requested another meeting with the Board the beginning of February for Site Plan Approval. The next Planning Board is scheduled for Thursday, February 8, 2018.

Ms. Garbitt explained the Board of Selectmen voted to waive all Town fees for the project, but would pay for Peer Review. The Board agreed to not have a Peer Review done. The Board also decided they did not need to see the Architectural Plans. Mr. Bissonnette will submit a digital copy of the Site Plans for the Board.

Meet and receive an update from Derek Maksy of Lakeville Mixed Use Development, LLC, on the Lakeville Hospital Site

Mr. Maksy was unable to attend the meeting and will reschedule.

Meet with Robert C. Carr Jr., President of Nature's Remedy, for a Site Plan Approval of 310 Kenneth Welch Drive, Lakeville, MA

Before discussion with Mr. Carr, Planning Board Member Mr. Conroy asked Mr. Bissonnette to clarify the design dates on the plans for 310 Kenneth Welch Drive. Mr. Bissonnette explained the Planning Board approved the plans back in April of 2017, contingent on the review of the drainage. Mr. Bissonnette explained he designed the drainage for Azor Land Sciences, Inc., and he reviewed the plans with the Interim Superintendent of Streets, Roger Hamilton.

Mr. Carr introduced himself, Mr. Brady and Mr. Parenteau. He reviewed the revised plans for the proposed Registered Marijuana Dispensary, which included the Planning Board's suggestions. After a brief discussion on the project, Mr. Hoeg pointed out there was a catch basin discrepancy on the set of plans. Mr. Carr said he would have the correction made and would return to the Planning Board for approval at their February 8, 2018 meeting.

Receive and Review Board of Appeals Petition for Hearing for Valiant Enterprises

The Board realized the Petition for the Hearing for Valiant Enterprises, was for the same project they just reviewed with Mr. Carr for 310 Kenneth Welch Drive. Mr. Conroy noticed under the "Brief to the Board" section of the Petition, it stated "Retail sales of Medical and Recreational Marijuana and associated paraphernalia. The balance of leased space will be allocated for planting, grazing, harvesting, preparing, testing, packaging and storing Marijuana products for consumption." It was noted Mr. Carr presented the Planning Board with the business model of a Medical Marijuana Dispensary. Mr. Conroy also stated the parking lot would not handle the traffic, if this were to become a retail sales operation. The Board decided to hold off submitting comment to the Zoning Board of Appeals, until they had a chance to have another discussion with Mr. Carr at their next meeting on February 8, 2018. The Board continued brief discussion on Marijuana Legislation and the Draft Regulations.

Approve Meeting Minutes for January 11, 2018 and January 17, 2018

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

VOTED: To approve the Meeting Minutes for January 11, 2018 and January 17, 2018.
Unanimous in favor.

Next Meeting

The next Planning Board Meeting is scheduled for Thursday, 2/8/18 at 7:30 PM at the Lakeville Town Office Building

Adjournment

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

VOTED: To adjourn the meeting at 10:04 PM.
Unanimous in favor.