

**TOWN OF LAKEVILLE**  
**Lakeville Planning Board Minutes**  
**October 9, 2012 – 7:30 PM**  
**Town Office Building**

On October 9, 2012, the Planning Board held a meeting at 7:30 PM at the Town Office Building in Lakeville. The meeting was called to order at 7:31 PM by Chairman Marot. Planning Board members present were: James Marot, Sylvester Zienkiewicz, Donald Bissonette, Gregory Kashgagian and Brian Hoeg.

Recording the meeting-Representative from LCAM

Also present: Rita Garbitt, Town Administrator, Applicant – Mike Slande, and other interested citizens.

Linda Grubb presented information regarding an Audubon meeting that will take place on October 23, 2012 from 4 PM to 6 PM at the Lakeville Library. The meeting is free and open to the public. The workshop will be on Saving Land and Money through Innovate Zoning: An Introduction to Open Space Design. There will be a presentation by Kurt Gaertner of the Mass Executive Office of Energy and Environmental Affairs on the state's new, improved model Open Space Design Zoning bylaw. Refreshments will be served.

7:30 PM Mike Slande – re: 6 Unicorn Lane (Lot 32 of Woodland Ridge) Tel. 617-913-1563

Mike Slande, applicant was present for the discussion. He stated that he lives in Quincy, Mass. He would though like to be able to sub divide his lot in order to build a house and sell that portion of it and then build another house on the remaining parcel. Mr. Slande stated that he is in the process of signing a purchase and sale on the property and is not sure whether he wants to move forward since it would depend if he could build two houses on the property. The entire property is 22 ½ acres.. Chairman Marot stated that the Board does not have the file in front of them at this time, thus cannot make any comments regarding the case. The particular lot that Mr. Slande is referring to was created to be just one lot on Unicorn Lane with a cul-de-sac. It was developed as a single lot. The secretary will have to pull the file on this land and by the next meeting of the Planning Board there should be all the necessary information in order to discuss the parcel. There are wetlands behind the site. The length of Unicorn Lane exceeds 700 feet and it is felt that the Planning Board wanted this parcel to remain as it was sectioned originally. The wetland is really high from the rest of the land and if the front of the land is changed it is not known what is holding back all the water and what might take place with the land. Chairman Marot stated that until he reviews the file with the Board he did not want to give Mr. Slande the impression that he could put two homes on it. The Planning Board will review the file, the minutes and the plan to find out what approvals were made for Lot 32, Woodland Ridge. The plan was signed according to the



length of the street and with conditions. If changes are made then that may change what happens to all properties at the end of cul-de-sacs.

Bob Iafrate – Discuss new proposed business zone – various locations on Bedford Street and Kennel By-Law

Bob Iafrate, Building Commissioner, Chairman MPIC, and Jim Rogers, MPIC, were present for the discussion. Mr. Iafrate provided two color coded maps for the new proposed business zone. Mr. Iafrate took the floor to go over the proposed business zone with the Planning Board. He stated that the MPIC had been asked to look at different ways to solve problems in town and enhance the towns' tax revenue. One way is to rezone the land on the northern side of Route 18, from residential to business zoned. Mr. Iafrate referred to the color coded maps and explained the present residential, industrial and business zones and what he was proposing. He explained that the MPIC decided to look at parcels of land and not just a portion of the parcel or buffers, in order to allow the parcel to be more adaptable. The existing use would not change for those who currently own the property, if have a house there, they can still have a house there. The Zoning map changed a few years ago with zoning, however, one area was not changed and it will be as a housekeeping item for the zoning maps. (Antolia) This is a cul-de-sac which is an existing business zone. Then, there is the intersection of Route 79, Rhode Island Road and Bedford Street. One corner has Rousseau's RV's which is an existing business but in an industrial zone. Also at that intersection is a rundown house owned by Ericsons. Someone might want to purchase and revitalize that property. The proposed zone would be extended to all 4 sides of that intersection. The two land owners on the opposite sides were very much in favor of having these parcels zoned business. The train station is already in a business zone. The Bartlett property is the large parcel to the north and many discussions have been had about that property. That has been added in since it is on the same path as traveling down Bedford Street. In the Industrial Park there is a cranberry bog zoned residential and that has been added in for discussion to change to industrial. Nelson Pratt, Captains Way asked about the 200 feet back versus the entire property line. Mr. Iafrate responded that in the past zones were created and done two ways, either the whole individual parcel or as seen along Bedford St. and Main St. a portion of the parcel going only 200', 400' or 600' feet back. However, then a parcel was in 2 zones and that is now not felt to make much sense. It would make more sense to have the entire parcel rezoned due to the configuration of parcels. It is hoped to give that corner parcel and the other 2 or 3 parcels the same zoning, since it is a non-conforming parcel right now. Mr. Rogers stated that the MPIC talked a lot about the depth of the parcels and the real issue is why cut a person's parcel in half, or thirds, and put them in two zones? Mr. Marot agreed and stated that there has been a dilemma created up and down Bedford St. due to portions of parcels being designated as two zones. Mr. Rogers stated that something has been taken away from the owner by doing that. Mr. Marot stated that then issues have been created to the owner, they cannot do anything else with their parcel due to the footage. Mr. Iafrate stated that that is why the MPIC would like to discuss adding parcels behind some of these lots to expand the lot to make them conforming. This is felt to be a good idea moving forward. Discussion took place regarding the A-Frame property. There is an auto dealership behind the A-Frame, it was a welding business before. The



owner would like to do something with the property, but due to how it is presently zoned, his hands are tied. Since Paddock Hill Road and Surrey Drive are mostly residential the MPIC felt it should just be left the way it is. But, there are opportunities on the north side, electric co, gas station, auto place. So, that lends to business opportunities in the future. By adding a few more parcels at the intersection near the lower portion of the map would be beneficial. All who are affected by this proposed map are in favor of it. Mr. Marot stated that rather than give the areas a special zone he would rather overlay it to have more control over it. It would include then the lot that goes into the Industrial Lot. Mr. Iafrate asked if an overlay can be done over an existing business zone? Mr. Marot responded that it could be. Mr. Iafrate asked if they did decide to rezone it business can they then overlay it in the future? Mr. Marot responded that they might do it simultaneously. Michelle Bird, 132 Rhode Island Road, stated that she would like her parcel also zoned business and Susan LeClaire, neighbor, would like the same as well. Mr. Iafrate stated that the plan is to take comments and then use them to make any necessary changes, then come back to have a public meeting of which the abutters would be notified. Then to have this go to the spring town meeting. If the Planning Board wants to move forward with overlay then that can be done with the abutters list and discussed at the next public meeting. The final plan will have to be taken to the Assessor's Office to get the certified abutters list to make sure that everyone is notified for the public meeting hearing. Mr. Marot stated that all in all what is being proposed makes sense, however he is not prepared to make a recommendation without physically going out and looking at the parcels. He would like to know more about the areas than just a 2 dimensional map to see if zones are appropriate in a 3 dimensional space. The housekeeping change is fine and he is familiar with Ericksons and the two pieces behind it, however he would like to know more of how big those parcels are and if it is possible to include parcels at the 4 corners lower portion of the map. Mr. Nelson asked, other than retail what is different from an industrial zone to that of a business zone? What would go there that would not go into an industrial zone? Mr. Marot responded that retail is small office type, offices, anything larger is like warehouse and industrial. A Car dealership is business. Mr. Marot stated that in November the Planning Board should be prepared to make a recommendation on the proposed business zone after doing some research. The Planning Board can then meet with Mr. Iafrate to formulate the next steps and then go through the hearing process before town meeting, which is usually not before June.

#### Kennel bylaw discussion

Mr. Iafrate stated that at the last town meeting a Kennel Bylaw had been proposed and it was one of the last articles of the warrant. There had been a significant number of meetings and discussion on it and the committee moved forward with its condensed bylaw to help control some of the problems that there are in town. At the 11<sup>th</sup> hour of town meeting it was brought to Mr. Iafrate's attention that it would bring people to the plate that had 3 or 4 dogs as pets and it would then be classifying them as having a kennel. In an effort not to bring them all to the table and to have them have to go through the special permit process, the MPIC revisited the language and definition and mirrored



pretty much what the Town of Middleborough has in place. They have 3 categories to eliminate all people to come forward. Thus, there is a reconfiguration of the definition. The current bylaw will not change how it is. It is being proposed to have a-Kennel, commercial, b-Kennel, hobby, c-Kennel, household and d-Kennel, private.

A-An establishment in which a pack or collection of more than ten (10) dogs, three (3) months or older are housed, groomed, bred, boarded, trained or sold.

B-An establishment in which a pack or collection of six (6) to ten (10) dogs, three (3) months or older are housed, groomed, bred, boarded, trained or sold.

C-A pack or collection of up to five (5) dogs, three (3) months or older maintained on a site as pets and not for breeding purposes.

D-A pack or collection of up to five (5) dogs, three (3) months or older maintained on a site as pets and maintained for breeding purposes.

The Table of Uses would be Residential, Business, Industrial, and Industrial/Business

Mr. Iafrate then went over the 4 categories. It was noted that the Zoning Board would be the approving authority. The Kennel-Hobby would be restricted to 6-10 dogs. A doggie daycare would have 15-20 dogs. There is a cap on the number of dogs, however, each individual case will be handled differently by the special permitting authority thus there are safeguards built into the bylaw.

Chris Poulos, Montgomery Street, stated that she wanted to contradict what Mr. Iafrate was saying. Towns have run into huge problems with commercial kennels since it is not an appropriate use for residential areas. In August, the state of Massachusetts has redefined the kennel designation and broken it down into different categories. They have new regulations for animal control. Commercial kennels should not be in residential or business areas she stated, in her opinion.

Town Administrator Garbitt stated that Kopelman and Paige will be coming out with their memorandum of all the changes that the state has currently made. They are currently reviewing it and all the Boards will get a memo explaining the changes, which is better than reading the statute. Kay Doyle, Town Counsel will also be reviewing the state statute. Mr. Iafrate stated that he has read the regulations and what is being proposed is more stringent. The town has to be able to trust its own special authority approvers since they are experts in what they do. Safeguards are in place with the special permit process. The bylaw is intended for residents that want to do things the right way; this gives them an avenue to do that.

Mr. Marot asked if this would then be presented for discussion prior to Spring Town Meeting? The Town Administrator stated that the Town can have different definitions than the state. Mr. Rogers stated that if the Animal Control Officer (ACO) manages the sites that have kennels, and the special permitting people put the appropriate controls in place, there should not be any problems. M.G.L. says that if the town does not control it then state law controls it. A private kennel is allowed by right. The ACO will enforce the bylaw, to a certain degree, after a person receives a zoning permit. Once the guidelines are set up and in place and the people in the neighborhood see if it is or it is



not what it appears to be then they call the ACO to look into it if necessary. Mr. Iafrate stated that the MPIC is just trying to set some rules that are not in place now that Town Clerk and people can live by.

#### Review SRPEDD allowable hours

Town Administrator Garbitt stated that annually the town receives the news from SRPEDD that the Planning Board is allowed 20 hours and the Board of Selectmen are allowed 20 hours. Traditionally, the Planning Board gives up their hours to the Board of Selectmen or another Board that needs them for one reason or another. Part of the hours have been provided for the DOD and permitting for Lakeville Hospital. Tomorrow, she will be going into Boston see if they have approved expedited permitting. The Economic Advisory Committee has been formed since the LDC (Lakeville Development Corporation) has more or less sold all the properties in the Industrial Park. Mrs. Grubb asked that the information regarding the hours be provided to all Boards and Committees in the event that there may be others interested in them in accomplishing a task with the support of SRPEDD. Chairman Marot asked if the Planning Board did provide their hours to the Board of Selectmen, would there be any left for them if they needed them? The Town Administrator responded that the Planning Board can choose the items that they would like to prioritize the Selectmen to be working on. The Town is looking to do an inclusionary bylaw, this can basically be reflected from other communities, it does not have to be tailored to Lakeville. Chairman Marot then went over a list which had many of the times that the Town had already completed or were working on. He stated that some of the hours could be used for zoning bylaw and planning reviews, along with local traffic and economic planning. It would be worthwhile to look at the northern part of town to see what has been proposed would affect that change. Since the Town does not have a planner, Chairman Marot stated that he is then more than willing to let the Selectmen utilize the hours. Thus, he made a request that the Planning Board provide the hours to the Board of Selectmen, with the intent that the Planning Board be provided some information on Route 18 to go forward with for the next Town Meeting.

Upon a motion made by Mr. Hoeg; seconded by Mr. Kashgagian it was:

VOTED: To allow the Board of Selectmen, through the Town Administrator to utilize the 20 hours that have been provided from SRPEDD in order to help move the Town forward on some matters.

Unanimous in favor

#### New Business

There was no new business presented for discussion.

Old Business

Review progress Cedar Pond – a brief update was provided on the Cedar Pond progress.

Review progress Woodland Ridge – a brief update was provided on the Woodland Ridge progress.

Any other business that may properly come before the meeting

There was no business presented for discussion

Adjournment

Upon a motion made by Mr. Hoeg; seconded by Mr. Kashgagian it was:

VOTED: To adjourn the Planning Board meeting at 9:04 PM.  
Unanimous in favor