

**Planning Board  
Lakeville, Massachusetts  
Minutes of Meeting  
Thursday, June 23, 2022**

On June 23, 2022, the Planning Board held a meeting at the Lakeville Police Station. The meeting was called to order by Chairman Knox at 7:00 p.m. LakeCam was making a video recording of the meeting.

**Members present:**

Mark Knox, Chair; Peter Conroy, Vice-Chair; Nora Cline, Jack Lynch, Michele MacEachern

**Others attending:**

Marc Resnick, Town Planner

**Site Plan Review – 156 Rhode Island Road, continued – T. Sikorski Realty, LLC – applicant**

Mr. Knox advised the applicant had requested a continuance of this hearing to the Planning Board's meeting of July 28, 2022. Mr. Knox made a motion, seconded by Mr. Conroy, to continue the Site Plan Review for 156 Rhode Island Road until July 28, 2022, at 7:30 p.m. The vote was **unanimous** for.

**Discussion regarding modifying setbacks and coverage in business/industrial zones**

Mr. Resnick advised he had distributed some information to the Board. He stated that these zones have a 50% lot coverage, with a section in the bylaw that allows density bonuses if you meet additional standards. Those standards have to do with site and building design. What they wrote and Town Meeting approved was an updated Site Plan Review Bylaw. It has similar site and building design standards that they can control through the Review. The current density bonus is designed to apply only to the big box retail stores which is indicated in that section, but it has been applied across the board. He felt they should propose adjusting to allow a higher lot coverage by right. They can then control and work with an applicant on adjusting the Site Plan or building design as necessary. Therefore, they would not need this density bonus that prior has not been used in the intended way.

Mr. Resnick stated that he is proposing the following lot coverages:

- In the Business district they allow 70% lot coverage and 80% with a Planning Board Special Permit
- In the Industrial Zone 80% and

- In the Industrial B Zone which is only one area that contains some houses and wetlands an amount that is higher than what is currently allowed but not as high as the other Industrial Zone.

Mr. Knox thought that it should be 50% with a higher percentage allowed with a Special Permit. Mr. Resnick noted that the Town had a very limited amount of commercial and industrial land. Mr. Knox said his concern would be if new staff or board members didn't grasp the reasoning and intent of these changes, and how that was achieved through the new Site Plan Review improvements. He thought a Special Permit was a better way to steer the process. How would they maintain control to ensure that items i.e. a landscaping plan are still completed? Mr. Resnick replied once the Site Plan is approved and/or the Special Permit is issued the process is the same. It would be an enforcement action or the withholding of the building occupancy permit.

Ms. Cline asked what the benefit of this would be to the Town. Mr. Resnick replied it would be a more efficient use of property. If you have zoning for a business or industrial use, you want to maximize the use of that property. He noted that for some businesses getting to that number might be challenging. Ms. Cline said she thought it was a significant increase and she personally was not comfortable with it. Mr. Lynch asked if the Town currently had the ability to enforce this. Mr. Resnick replied he would speak to the Building Commissioner before their next meeting regarding how he would do this. Mr. Knox said this probably has two parts then. The first would be to come to terms with language within the bylaw change and an agreement with the Zoning Enforcement official. The next would be to have legal review to make sure what they have done is binding.

Ms. MacEachern stated she thought there had been discussion about mimicking residential with the 25%, and then going up to 50%, instead of going from 50% to 70% if they did away with the density bonus. She noted that the Hazardous Mitigation Plan talks about a strategy to promote creation of a low impact development bylaw for flood resilience and water quality. It also talks about the amount of development in Lakeville, the flooding issues, and the need for protection for the wetlands. She felt that to increase the coverage of the land would not be a smart move. She would personally not be comfortable with that.

Mr. Resnick replied in the new Site Plan Review Bylaw they can require the applicant to try to utilize low impact development methods to deal with drainage. Secondly, they have to contain all the drainage on site with no increase to the previous condition of the offsite drainage. He noted this was already occurring and will continue as they move forward. Ms. MacEachern felt that it was too much to allow by right. Mr. Conroy said previously they had surveyed residents in the Industrial B zone to see if they would want to change to a residential zone. A majority had been in favor, but there had been one group that had not. For that reason, he did not think they should increase the coverage in the Industrial B. In his opinion, the goal would be to eliminate that zone. They should keep it at 50% and not increase it. He noted this was from approximately five to six years ago, and the Article had been pulled from Town Meeting.

Mr. Knox advised there is also a note to change coverage for smaller non-conforming lots under 10,000 square feet up to 35% with a Special Permit. Mr. Resnick replied that some of the neighborhoods on the shore have lots as small as 5,000 square feet. People are coming in to either tear down and rebuild or add a garage, etc. The lot coverage in these areas is always coming up as an issue. Rather than needing a Variance, which is a higher standard to prove, the idea would be to be able to request a Special Permit. There may be other concerns which would come up during the hearing, but the Zoning Board would have some flexibility to grant a Special Permit or not.

Mr. Knox stated that he noticed a requirement of this type of Special Permit would be that the roof drainage would be directly into an infiltration system. Mr. Knox noted that many of these small lots in the shore front communities struggle to do septic systems because the water table is so high. Mr. Resnick said that it may not be practical in all situations. Mr. Knox said if they did allow it, he would want to make sure that there was a trigger in the language so all the Boards would know. Mr. Resnick said that he had also discussed with the Building Commissioner the possibility of doing a second tier of a higher percentage for lots above 10,000 square feet, which might fall in between 20,000 and 30,000 square feet.

Mr. Knox then asked if they would want to remove big box design standards entirely. Mr. Resnick replied he would, as they technically only apply to big box developments. Mr. Knox asked if there were any parcels in Town this could apply to. Mr. Resnick said in discussing and reviewing the site and building design, it's a feature they can bring up under Site Plan Review under architectural standards.

Mr. Knox said the next item was in regards to off-site signs. Mr. Resnick explained they had already removed off-premise signs in the new sign bylaw. This was to make a correction to a section inadvertently left in the Special Permit section. Mr. Resnick said the last item has to do with more than one principal structure on a lot. Different examples of this in Town were then discussed. When asked, he noted this would not affect residential zoning as you can only build one house on one lot. This is for commercial and industrial properties only. Mr. Conroy said that he did not have a problem with this proposed change. Mr. Resnick said that with tonight's meeting he had wanted to get some ideas out there so they could be discussed, and he could get some feedback from the Board. Mr. Knox said they could vet this and then place it on their next agenda.

### **Approve Meeting Minutes**

Ms. Cline made a motion, seconded by Mr. Lynch, to approve the Minutes from the joint meeting held on April 20, 2022. Mr. Conroy, Ms. Cline, Mr. Lynch, Mr. Knox – **Aye**;  
Ms. MacEachern - **Abstain**

Mr. Conroy made a motion, seconded by Mr. Lynch, to approve the Minutes from the May 26, 2022, meeting. Mr. Conroy, Mr. Lynch, Ms. MacEachern, Mr. Knox – **Aye**; Ms. Cline - **Abstain**

### Review correspondence

There was no correspondence to review.

### Next meeting

The next meeting is scheduled for July 14, 2022, at 7:00 p.m.

Mr. Daniel Cooney then approached the Board. He advised he and his wife have a small business and they live and work at 59 Main Street. Last year they had come in front of the Board for some feedback. They then decided to purchase the land at 58 Main Street. They are trying to make adjustments so it fits, and they can build the building they want. This building would contain retail, offices, and some storage. The one issue was the clarity in the retail and storage which would make it commercial. He has spoken to Mr. Resnick, and they have tried to address that. They are looking for some direction moving forward. He noted there would be 2,000 square feet on the second floor for offices; 4,000 square feet in the front for retail consisting of two or three possible shops; and 6,000 square feet in the back for storage.

Mr. Resnick said there have been several discussions regarding this. He has also spoken with the Building Commissioner. He noted that with so many businesses now being online and also having a storefront presence, this may be helpful in trying to attract and fill retail space in the community. This allows businesses who have retail to be able to have a greater amount of storage. Therefore, they have talked about having retail with up to 7,500 square feet of storage in distribution. He felt that something over 10,000 square feet might involve a greater number of vehicles and other trucks which shouldn't be in the business zone.

Mr. Knox asked Mr. Cooney how he currently distributed his product. He replied they get one container a month. Smaller truckers then come in for distribution to customers. That would possibly be about five per week. He noted this was a fraction of what the Dollar Store is doing. He was also willing to stay within any limits the Board may set. Mr. Knox noted that his concern with the language change would be to prevent a loophole where a business could become a warehouse. They need to set some limits possibly that at least half of the building has to remain retail. Mr. Resnick advised this was for a use and not for a particular building. Mr. Knox asked if there were any comments from the Board.

Ms. MacEachern said she was interested in supporting small local businesses. She thought they should discuss this further and consider adding some language that would set limits as a reassurance. Mr. Conroy said there might be stores right now that are doing this, and this would bring those smaller stores into compliance. After further discussion, Mr. Resnick stated that if they craft some type of minimum retail associated with that, they would need to be careful that it is not too restrictive one way or another. Mr. Knox said they will continue to discuss this. Mr. Resnick added that the Planning Board will discuss this at their next couple of meetings. If they vote to move it forward, the final language will be sent to the Selectmen. It will then come back to the Planning Board for public hearing, and then be placed on the Warrant for the fall Town Meeting. Mr. Cooney thanked the Board for its time.

Ms. MacEachern then stated that regarding the Open Space Residential Development bylaw, she met with Ms. Yeatts, Mr. Cullen, and Mr. Spratt. They were going to take it to their next meetings and send the Board back their comments.

### **Adjourn**

Mr. Knox made a motion, seconded by Ms. MacEachern, to adjourn the meeting. The **vote** was **unanimous for**.

Meeting adjourned at 8:09.