

**Planning Board  
Lakeville, Massachusetts  
Minutes of Meeting  
Thursday, July 14, 2022**

On July 14, 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. Mr. Knox explained this would be a hybrid meeting tonight. There was a quorum present, and Ms. MacEachern would be attending remotely via Zoom. LakeCam was making a video recording of the meeting.

**Members present:**

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

**Others attending:**

Marc Resnick, Town Planner

**Approve Meeting Minutes**

Ms. Cline made a motion, seconded by Mr. Lynch, to approve the Minutes from the May 12, 2022, meeting. The vote was **unanimous for**.

**ANR Plan – 3 Riverbend – presented by David Maddigan**

Mr. David Maddigan was present. He advised that he was here for the applicant Martha Schroeder. This ANR plan was on an oversized lot of approximately 13 acres. Ms. Schroeder would like to cut off a rear parcel consisting of approximately 2.17 acres as a non-buildable lot and donate that to the Wildlands Trust. This will not affect her frontage, and her lot and upland area is well over the minimum. Access to this parcel will be through her property. She is working with her attorney to create an easement on her current lot.

Mr. Knox asked if her current house lot meets the frontage requirements for contiguous frontage. Mr. Maddigan said her frontage was close to 300 feet on River Bend, and she also has some on Vaughn Street. Mr. Knox asked if by removing that parcel from the lot if it created a greater non-conformity to the lot in any way. Mr. Maddigan said that it did not impact the frontage. The area goes down but it will still be nine and a half acres with the upland area well over the 52,500 feet required.

Mr. Knox asked if it was possible to add a front yard circle on the existing lot. Mr. Maddigan was unsure as it was a narrow area and the lot is non-conforming. Mr. Knox said he was raising the point because he would not want a non-conformity to be created and be viewed as making an illegal non-conformity. Mr. Maddigan replied it is a pre-existing, non-conformity. It would

depend if the Zoning Enforcement Officer feels that a change to the lot makes it more non-conforming. Mr. Knox just wanted to make sure that the applicant would not be put into an unfortunate position. Mr. Maddigan said that is something Ms. Schroeder would talk to an attorney about. From the Board's perspective, they would be approving a plan and if there was an issue, it would be a moot point. Their approval is only for the Form A process.

Mr. Resnick said it was his opinion that it was okay to sign this Form A. There is no change to the frontage or access. This is also labeled as a non-buildable parcel. Mr. Knox said he believed because it was being conveyed the access is needed. Mr. Maddigan said he thought it was going to be conveyed in fee, but it also may be conveyed as a restrictive type of easement that would still stay with the lot. Other members had no additional comments.

Mr. Conroy then made a motion, seconded by Mr. Lynch, to approve the Form A Plan for 3 Riverbend for Martha Schroeder. The vote was **unanimous for**.

#### **Preliminary Plan – 44 Clear Pond, continued – Derek Maksy – applicant**

Mr. Rick Friberg from TEC was present. He advised he was the civil engineer representing the applicant for the preliminary plan for 44 Clear Pond Road. They had been in front of the Board at the end of May, and there had been some issues with the plan that needed to be resolved prior to advancing to the definitive phase of the project. The purpose of the plan is to draw these lines in the correct spot to make sure that the plan is in full compliance with the Subdivision Control Law. During that meeting two different alternatives were reviewed to satisfy the outstanding comments. One alternative was to create a through street from Clear Pond Road to Harcourt, the other alternative was to keep the cul-de-sac as originally submitted and add a property line to create a right of way and two development lots. They have confirmed that both lots have adequate frontage and sufficient lot area to meet the required dimensional requirements.

Mr. Knox asked if the plan had been reviewed by Town Counsel and the Zoning Enforcement Officer. Mr. Resnick replied a preliminary plan would not typically be reviewed by Counsel. He was not sure if the Building Commissioner had seen this version of the plan. Mr. Knox asked if there were any other comments or concerns. Ms. MacEachern stated that she thought they had requested the advice of Town Counsel in regards to a moratorium on the Development Opportunities (DO) District as these plans reference zoning which is currently under review in a Court of Law. Mr. Resnick said that it would have no bearing on the current zoning that is now in the bylaw.

Mr. Friberg wanted to make the distinction that there was nothing proposed on this preliminary plan such as buildings or a use that require them to proceed with something allowed in the DO District. A preliminary plan can be advanced even if there is no DO District. He said the purpose of the plan is to utilize the zoning regulations that were in place on April 19, 2022, when the plan was filed. That does not mean the only purpose for the plan is to utilize the Development Overlay District. It also puts in place a freeze for the other ordinances that were in place as of then if the zoning becomes more restrictive.

Mr. Knox then opened the floor to public comment. Ms. Lois Neilson of 51 Harcourt Avenue questioned if Harcourt would become the access point. Mr. Knox replied that had been one of the two choices, but the Planning Board felt they did not want that to be a thru road because of any potential development dumping onto Harcourt would be unnecessary. Currently, they are using the existing driveway to the Lakeville Country Club and making a cul-de-sac off that to create frontage for two separate lots. Mr. Knox advised they were now just talking about two lots and whatever the zoning is. Ms. Neilson asked what the next step would be.

Mr. Knox replied the Board would not be approving anything tonight. He said if there were no other comments Mr. Friberg should proceed with a plan in this general direction and bring it back for another meeting. Mr. Resnick asked if the Board was going to vote on the plan tonight or continue it until another meeting. A denial does not affect the ability to file a definitive plan but at some point, a vote will have to be taken. Mr. Knox responded right now the plan shows a dashed line and not a hard lot line, so he would not vote to approve. Mr. Friberg should come back with either a definitive plan or a hard preliminary plan for them to approve.

Mr. Friberg replied if the Board feels comfortable with the rough location of the lot lines, that is what those preliminary processes are for. The next step would be to begin preparing the Definitive Plan which would be more detailed and show the design of the cul-de-sac, the cross section of the drainage, how the easement is laid out for the drainage of the lots, and those types of things. Mr. Knox said that he would at least want the Zoning Enforcement Officer to see this plan before they take action at another meeting. After discussion, it was agreed that the Board would wait to see if any comments come back after the plan was distributed. Mr. Knox then made a motion, seconded by Mr. Lynch, to continue the preliminary hearing for 44 Clear Pond Road until August 11, 2022, at 7:00 p.m. The vote was **unanimous for**.

#### **Discussion on possible Articles for fall Town Meeting – Alternate member**

Mr. Resnick stated that right now the Board has five members. If a Board member can't attend a hearing that continues more than one meeting, then they could no longer vote at that hearing. If they had an alternate, that person could sit in and vote instead. The alternate is a sixth member of the Board as far as discussion, reviewing, and being present at meetings and hearings. Ms. Cline noted that having an alternate member on the ZBA was productive for discussion. Mr. Knox asked how this member would be appointed. Mr. Resnick replied this member would be appointed by a joint meeting of the Planning Board and Board of Selectmen. He then read a draft from another community into the record regarding how this alternate member would be appointed.

The Mullin Rule was also discussed. Mr. Resnick advised that he had been unable to find a Town Meeting where that had been adopted by the Town. Mr. Resnick said they could discuss that at their next meeting to see if they also wanted to move that forward at the same time. Mr. Knox said he would like to look into the language of this a little more and place it on their next agenda.

**Discussion on possible Articles for fall Town Meeting – Open Space Residential Design (OSRD)**

Mr. Resnick advised two versions had been emailed to the Board. The first was the original version that was submitted to Town Meeting. The other one was an updated version that Ms. MacEachern had worked on with Ms. Yeatts. Ms. MacEachern said that she had also worked with the Board of Health Agent, Mr. Ed Cullen, and Board of Health Chair, Mr. Chris Spratt. The bulk of the edits had been based on the Town of Sherborn which more resembles Lakeville in regards to water and septic. She would suggest a meeting with the Board of Health to address the questions as well as the misinformation.

Mr. Resnick advised he had spoken to Mr. Cullen and his understanding had been that there were no Board of Health objections. He also did not see any specific Board of Health regulations except for one that the Board of Health would have to approve all the lots. He felt that should be a recommendation to the Planning Board that they would have to follow. Ms. MacEachern explained that Mr. Poillucci was not in favor of changing the lot sizes because of some issues there had been. Smaller lot sizes could require variances for well and septic setback distances. She said she would rather wait until spring Town Meeting to ensure they get this right. Mr. Knox felt they should be able to find a middle ground between the two proposals to satisfy all the parties. Mr. Resnick noted this is not a change to the zoning map, but a change to the dimensional standards in the zoning that allow you to undertake this type of development provided certain standards are met.

Mr. Resnick then briefly went through the sections and noted the following:

- Purpose and Intent - It's good to have this in there, but this version is quite long and could be summarized. Under number one, there should be an f added for recreational use as something that is desirable. Ms. MacEachern added that language had been added as it was key to being able to qualify for grant money.
- Definitions – Mr. Resnick advised he didn't feel the definitions were necessary. These were very basic and usually definitions are put in only when something specific really needs to be defined. He noted that when they reorganize the Zoning By-law all the definitions will be in a single section.
- Dimensional and Design Requirements – Mr. Knox noted that they had discussed the frontage previously and had agreed that it should be 100 feet. However, they had also talked about the Board allowing 20% of the lots to have the frontage reduced to 50 feet on outside corners of the roadway, etc. He felt they should keep that in.
- Dedicated Open Space – Ms. MacEachern explained that all that had been added in this section was language from the Sherborn By-law. Mr. Resnick said one of the things in here was in regards to a Homeowners Association and a lot of the balance of this document relates to that. He felt the Board should discuss if that is something they were in favor of. They had previously discussed the problems associated with a Homeowners Association. Mr. Knox said that had been put back in because of Conservation. Mr. Resnick said that seems to be a management issue in Town. If Conservation does not have the staff and

resources to manage land parcels, they should go to the administration for additional funding. Mr. Conroy said that he was not in favor of a Homeowners Association option.

Mr. Knox asked that this be kept on the agenda. He asked the Board to review it and come back with their comments.

**Discussion on possible Articles for fall Town Meeting – Modifying setbacks and lot coverage in the Business/Industrial Zone**

Mr. Resnick advised now that they had passed Site Plan Review, it allows them to control lot coverage and site and building design. They can increase coverage in the commercial and industrial districts from 50% to 70%. They had been using a bylaw designed for big box stores and applying it to any commercial development. He would recommend 70% by right, and then they could review the site and building design. He didn't think they were losing any of their authority because it is now written into the Site Plan Review. Ms. Cline and Ms. MacEachern were not comfortable with 70% coverage by right.

The business zone was then discussed. Mr. Knox felt that was where the help was needed, not in the industrial zone. Should they allow some relief on setbacks or some kind of a tier system based on lot size? There are many lots along Main Street that are business zoned, but you could not have a business located on them because of the Town's set back and lot coverage requirements. Members also spoke in regards to some of the business zone being within the flood zone. Mr. Knox suggested the option of separating the zones as Business A or Business B based upon the flood zone designation. That would determine what relief would be allowed.

**Discussion on possible Articles for fall Town Meeting – Modifying lot coverage on pre-existing, non-conforming lots**

This referred to the smaller lots located mostly in the shore communities. Mr. Resnick said this was put on the agenda because it had been brought up a few times. However, if there are a lot of houses in a neighborhood and you start to allow a higher lot coverage, then it could begin to affect all the other houses. Now, it keeps the lots smaller and unburdened. Mr. Knox noted that this has also been discussed in Conservation. They had asked if some relief could be given if a bylaw was created regarding the recharge of roof water into the ground water, as excessive lot coverage that is non-permeable is the issue. Mr. Resnick said you could do that but the problem is in those areas the land is low and the ground water is not going to recharge. Mr. Knox recommended removing this from the agenda and having Mr. Resnick work on a proposal when he had additional time.

**Discussion on possible Articles for fall Town Meeting – Off-premise sign clarification**

Mr. Resnick advised this had been passed out at the last meeting. Off premise signs had been removed and not allowed in the new sign bylaw. However, it was not removed from the Special Permit section. It's a housekeeping issue.

**Discussion on possible Articles for fall Town Meeting – Development Opportunities (DO) District revisions**

Mr. Knox noted the removal of the DO District was on their next agenda. They had talked about having something to bring business to Town and either localize areas or amend what is within the existing bylaw that may be removed. Mr. Resnick distributed a handout which indicated areas a mile and a half a mile from highway ramps. He stated that there were not a lot of parcels within some of these circles, but it was a good way to look at where you might want to locate some business. Mr. Resnick then reviewed the various parcels that were on the handout.

**Discussion of the previously submitted Development Opportunities (DO) District Zoning Article**

Mr. Resnick asked the Board if there is a Special Town Meeting prior to the regular Fall Town Meeting does the Planning Board want to have that moved on to the Special Warrant. Mr. Knox said his understanding is the Article that was submitted for the Special is not valid because of the way it was submitted. Ms. Cline noted there was some legal verbiage that was not correct in the way the petition was written. If a quorum doesn't show up at the meeting, then it will not be voted on. Mr. Resnick clarified that there were rumors of another petition being submitted. If that comes before the Selectmen, they have to vote to open and hold another Town Meeting within 45 days. The question would then be if that happens, would they like to move this Article up to that meeting.

Mr. Knox replied it would be fine to move this Article up if there should be another Town Meeting prior to the fall meeting. Members all agreed. Mr. Conroy said they could then continue on with a plan for the fall if this additional meeting should not materialize. Mr. Knox then made a motion, seconded by Mr. Conroy, to show their intent of when they would like to be on the Warrant for the Zoning Article for the DO District removal which would be the next valid Town Meeting. The **vote was unanimous for.**

Ms. Noelle Rilleau of 22 Reservoir Avenue then spoke. She stated it sounds like something was accomplished just now. She said the better the communication was between this Board and the Select Board the less issues there will be going forward.

**Discussion regarding amendments to the Development Opportunities District Rules and Regulations**

Mr. Resnick said at an earlier meeting, the Board had voted to amend the Rules and Regs by increasing the setbacks and reducing the lot coverage. He then distributed the updated copy and stated that where changes and adjustments had been made, it should be indicated by an asterisk (\*). Mr. Knox noted that the 25% coverage was an adjustment, but there was no indication. There was no additional discussion.

### **Discussion regarding Housing Production Plan**

Mr. Resnick advised that last year the Board had requested funding to update the Town's Housing Production Plan. He met with SRPEDD this morning and their work plan shows that it will be completed by March 2023. Included in their handout is a copy of the Housing Production Plan Community Survey that is currently being used in Mansfield. They have asked that the Board review it and make recommendations for any changes. The Board can review and discuss this at their next meeting. Mr. Resnick explained SRPEDD would then like to meet with the Board in October when they could present some of the updated information that has been compiled related to the plan that was completed five years ago.

### **Review the following Zoning Board of Appeals petition:**

- a. Huerth – 8 Edgewater Drive

Mr. Resnick said this was to expand the second story on a residential home. Mr. Conroy made a motion, seconded by Ms. Cline, to make no comment on the petition for Huerth at 8 Edgewater Drive. The vote was **unanimous for**.

### **Review correspondence**

Mr. Resnick advised there were notices from other communities. There wasn't any proposed major project that he felt needed to be highlighted.

### **Next meeting**

The next meeting is scheduled for July 28, 2022, at 7:00 p.m. at the Lakeville Public Library. This will be a joint meeting with the Zoning Board of Appeals. Mr. Resnick also noted that the Community Preservation Committee will hold their first meeting next Thursday at 6:00 p.m. in this meeting room.

### **Adjourn**

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

Meeting adjourned at 8:54.