

**Planning Board
Lakeville, Massachusetts
Minutes of Meeting
Thursday, August 11, 2022**

On August 11, 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; Jack Lynch, Michele MacEachern

Others attending:

Marc Resnick, Town Planner

ANR Plan – 17 & 19 Leonard Street - presented by Zenith Land Surveyors

Mr. Knox noted that an amended plan was in their packets. Mr. William McGovern, from Zenith Land Surveyors, advised this plan was to alleviate an issue with a shed. It is not an even land swap, and both parcels will continue to have conforming frontage area. They made one minor correction to show the required lot width at the setback.

Mr. Knox made a motion, seconded by Mr. Lynch, to approve the Form A Plan for 17 & 19 Leonard Street. The vote was **unanimous for**.

Preliminary Plan – 44 Clear Pond Road, 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 last been in front of the Board in July. At that time no new issues had been raised, but they wanted to allow some extra time for Town staff to look at the plan and make sure that nothing had been missed. Mr. Resnick said they had not received any comments back. There were no Planning Board comments.

Ms. Pat Wrenn of 7 Taunton Street asked for a clarification of what this item meant. Mr. Knox replied this was a plan to freeze the zoning on the entire parcel. Mr. Friberg explained this plan takes the property as it exists today and merges the lots. This creates the following three parcels: a cul-de-sac right of way that will be the driveway; a parcel that is split off and has the solar panels; and a parcel that includes the remainder of the golf course. This is the first step in the subdivision process.

Mr. Normal Orrall of 120 Crooked Lane stated that in the notes on the plan it refers to the Development Opportunities (DO) District. Does this plan allow them to go under the current DO District? Mr. Resnick said it freezes all the zoning, not just the DO District. Mr. Orrall asked how the process worked. Mr. Knox explained that Mr. Friberg would return with a Definitive Plan within seven months of the initial submission for this subdivision. That time frame is by mid-November. This is not an approval for any development other than to freeze the zoning on said parcel. Once the Definitive Plan is submitted and if it is approved, that approval is good for seven years.

Mr. Knox asked Mr. Friberg if he would agree to continue for one meeting as they were missing two board members. Mr. Friberg replied he was fine with that. Mr. Knox made a motion, seconded by Ms. MacEachern, to continue the 44 Clear Pond Road Preliminary Plan until August 25, 2022, at 7:00 p.m. The vote was **unanimous for**.

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

Mr. Knox advised since their last meeting, they had attended a Board of Health meeting and a Conservation Commission meeting for additional feedback. Mr. Resnick said he had not yet had a chance to update the draft. It should be completed by their next meeting. It will address Board of Health concerns regarding septic and water, as well as the Conservation Commission's concerns on the language of the restrictions on the open space. It will probably also have a component for age-restricted housing.

Mr. Knox made a motion, seconded by Mr. Lynch, to continue the OSRD bylaw discussion until August 25, 2022, at 7:00 p.m. The vote was **unanimous for**.

Discussion and action on possible Articles for fall Town Meeting – Retail with storage and distribution in the Business Zone

Mr. Resnick advised the property owner that had originally proposed this had asked to come back to the Board because he didn't attend the last meeting. Mr. Dan Cooney of 59 Main Street then approached the Board. He advised he would like to continue the conversation that had been started with the Board. He felt at first the Board was open to this idea. He continued to talk with Mr. Resnick and a draft Article had been created. It had been talked about putting limitations on it, which he had been fine with. He noted that it would not be just for them but for local small businesses.

Mr. Cooney said he felt he needed to address some of the concerns that had been raised at the last meeting. They are intent upon at least letting the Town hear them. Despite the word warehouse that had been thrown around at the last meeting, they fully intend to have service, retail space, office space, and a very small distribution center. They are very small and what they would like to do is half the size of the neighboring dollar store. He wanted to make sure that they address any

concerns there might be so that this Article gets fair consideration. Ultimately, they really would like the Board's support.

Mr. Knox replied his concern was not this business, but if they create a zone or zoning relief in the Business Zone as a by right use and a business comes in that is not favorable. Mr. Cooney agreed, but said that part of this is built into limiting the size and scope. He also did not want to see large distribution centers coming into Town but as a small business, they have to adapt to the changing marketplace. He noted that with the Special Permit requirement, it gives the Board the right to build in any safeguards that are needed.

Ms. MacEachern said she wants to support small business, but is concerned about what could happen in the future. She thought a petition was a good idea as that way the Town could discuss it and vote on it. Mr. Knox stated that his concern is a different and less experienced Board may not know how to interpret and enforce that Special Permit to the fullest. Mr. Knox asked if there were any additional comments.

Ms. Claire LaPointe of 61 Main Street asked how they could deny a person who has a plan, and is working with the Town to create this small business on this small lot. She didn't understand why they were worrying about a younger Board. That would be their responsibility to know the bylaws and either approve or not approve. She said to her it seems unfair. Mr. Resnick added there are two sides to every proposal. There could be a future business that might be a more intensive warehousing use, even though this building is limited in size. The Business District is small compared to the remainder of the Town, and they may want to preserve it for retail, restaurants, offices, etc., and those types of uses. He had discussed this with Mr. Cooney and told him the Board may want him to submit the Article and let Town Meeting decide.

Mr. Cooney said he had done that, and he had actually increased the limitations to show good faith. They don't want it to be big. The maximum size would be half the size of the Dollar Store. He noted there is another use that is for wholesale office or showroom with no on-site storage. You could go with that but with limited storage. He wants to bring it to Town Meeting but also wants to answer all their concerns and any concerns of the voters.

Mr. Orrall noted that whenever you make zoning by right, even with a caveat of a Special Permit, that alone does not mean you're not going to get what the original intent was. That is the concern. He feels it could open the door to increasing that size. He asked if what was being requested could be done by the Zoning Board of Appeals under the current business zone at this one site only. Ms. Brynna Donahue of 87 Crooked Lane said there are some Towns where small businesses can receive exemptions or certain perks if they are under a certain number of employees, or if they make less than a certain amount a year. Is something like that possible, as it would prevent a company like Amazon from coming in and purchasing 15 lots to have multiple small distribution centers. Mr. Resnick said you could limit the number of employees, but that would get into monitoring the site which could get challenging for the Zoning Enforcement Officer. You do not see that type of bylaw very often.

Ms. Christine Cooney then spoke. She said looking at the alternatives, they might have to consider selling the land. There are businesses that could go there that would be more impactful on the neighborhood. Traffic has increased on this road, and their business does not draw much traffic. The size of the building was then discussed. Mr. Knox was not in favor of 6,000 square feet and said that was too large. He said maybe they would consider something smaller which would deter other businesses in the future. Mr. Cooney said that he felt they could put enough limitations on this so they could contain and control any worst-case scenario that they are concerned about. He would like the blessing of the Board but was prepared to move forward and take it to the Town.

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

Mr. Knox thought they had agreed to leave the coverage for all the zones at 50% and have a Special Permit for anything up to 70%. Ms. MacEachern agreed that at their last meeting they had decided to leave it at what it is currently and anything higher would be a Special Permit. Different business areas that were in the Flood Zone were also discussed. Mr. Knox said if they could tier it on the lower scale for properties that are under three acres, and maybe give relief for lot coverage to make sure there is adequate parking in the Business Zone. Mr. Resnick suggested they keep it at 50%, but they go to 70% by Special Permit giving them the ability to look at all those other issues.

Mr. Orrall asked how these changes help to keep Lakeville rural. Mr. Knox said they allow 70% with the density bonuses, so they are not giving any more than they used to. This gets them there by a different means because they have implemented architectural standards. Mr. Orrall clarified that what was in the agenda was not then what they had in mind. Mr. Knox said that was correct. Mr. Orrall asked what were the proposed setback changes. Mr. Resnick said that they had only talked about it. Mr. Knox added that he has heard from some engineers that the setbacks in the Business Zone make it challenging on small lots to get a nice business in. They have talked about reducing one side setback to allow them to move the building. Buffer zones to residential districts would still have to be maintained. Mr. Knox asked Mr. Resnick to come up with some language for their next meeting.

Discussion on possible Articles for fall Town Meeting – Discussion with Brandon Crawford regarding rezoning portions of Crooked Lane

Mr. Resnick said they had received an email from Emery Orrall expressing some concerns about this proposal. Mr. Crawford and Mr. Crossley were meeting with Mr. Orrall to discuss this further and asked to be placed on their next agenda. They would like to prepare a more detailed proposal as well as speak to the neighbors. Mr. Norman Orrall wanted to add that if they are looking at rezoning, then the whole area should be looked at. It should not be done piecemeal.

Review the following Zoning Board of Appeals Comprehensive modification plan:

- a. LeBaron Residential LLC

Mr. Resnick advised a plan had been submitted for Phase 5 and Phase 6. Phase 5 is several townhouse buildings to be located after the apartment building, but before the first group of townhouse buildings. Mr. Knox asked if this would require Site Plan Review. Mr. Resnick said as this is under a 40B application, it is all permitted through the Zoning Board. The applicant will submit a list of waivers that they are requesting for all the various elements of the zoning. This does not include any State laws such as the Wetlands Protection Act or stormwater design guidelines. Mr. Resnick advised there were 35 units in Phase 5.

Mr. Knox asked what would happen if the Zoning Board did not waive Site Plan Review. Mr. Resnick replied the Board would have to have a very good reason or the applicant can appeal to the Housing Appeals Committee (HAC).

Ms. MacEachern noted that she had seen a presentation where for a Town with the number of units that Lakeville has there is a cap of 200 units per project. Mr. Resnick said he was not sure where that came from but there is terminology that defines projects between certain sizes and it gives them a name depending on the number of units. He will check with DHCD regarding that requirement. Mr. Resnick advised they were opening the hearing next week, but it would go for multiple meetings. If this Board wanted to think about more specific comments, they could place this on their next agenda.

Mr. Resnick also noted that 40B regulations do not require fully engineered drawings. They do need to be administratively reviewed when the applicant submits more refined drawings and before the Zoning Board approves it. The number of affordable units was also discussed. Mr. Resnick then distributed the architectural drawings. It was noted that the proposed plan was more of a contemporary style. Mr. Knox said usually the Planning Board would do the Site Plan Review. Mr. Resnick asked if they would want the applicant to come in informally. Mr. Knox said that he was not looking to do the ZBA's business, but it was something they could discuss with them. They would usually do the peer review on the stormwater, the parking, handicapped, etc. Mr. Resnick said he could talk to the applicant and see if he would be willing to come in informally.

Discussion regarding 40B land area guidelines

Mr. Knox said this is in regards to the one and a half percentage coverage over the Town. Ms. MacEachern had provided them with a spreadsheet that included parcels that were excluded from the buildable land area. She noted that there are some more, and some of the estimated land areas of the Subsidized Housing Inventory (SHI) is what she could find on the GIS map. She thought that this was a number that they need to know where they stand. Mr. Resnick then distributed some additional calculations. Ms. MacEachern said that it appears that only very small portions of the land on these are being counted.

Mr. Resnick said that he used the guidelines and technical instructions to get the numbers that were passed out. In for sale developments, the area that you can count is the actual unit and the area around the unit that contributes to the use of that unit such as backyard space, parking for that unit, etc. The apartment building sits on its own parcel of land so that entire parcel can count toward

the one a half percent. Regarding the age-restricted townhouses, six or 10% are affordable, you should then draw an area around each of those townhouses, the parking, a reasonable yard space, and 50 feet around the side to calculate a more precise land area. He had taken 10% of the entire area, so that number could possibly come down to even less.

Ms. MacEachern said it sounds like they are trying to minimize it, rather than maximizing it. She thought for the benefit of the Town it would be better to go for the max. Mr. Resnick replied if you follow the guidelines, they are very specific and there is only one way to do this. He said it would be very time consuming to look at all the 40B developments and calculate the correct number. Ms. MacEachern said it does need to be mapped out. SRPEDD should have capabilities to potentially map this, and that is what has to be done. Mr. Resnick said he has tried to show the Board the Town is not close to that number unless they can get that developable land area down.

When asked, Mr. Resnick said he had not done this in another Town, and was unaware of any other Towns that had achieved this. Ms. MacEachern said there is a list of Towns that have, and she has emailed a couple of them for information. She felt that would be a good starting point, and they should know what portion of this 1.5% they are at. Although this is a Zoning Board item, she thought it would be nice to offer some assistance or help if Planning Board could offer some SRPEDD hours to help ZBA get this done. Mr. Resnick said he would disagree with spending municipal resources and limited time until that number was more realistic. Ms. MacEachern would like to keep this on for their next meeting and also have a conversation with Ms. Cline.

Review correspondence

There was no correspondence to review.

Next meeting

The next meeting is scheduled for August 25, 2022.

Discussion on possible Articles for fall Town Meeting – Industrial District revisions

Mr. Resnick said they were supposed to discuss the Industrial land rezoning which was skipped over. They had talked about two parcels; an area by Route 140 and an area up on Bedford Street. He had talked with the owner, Mr. Itani, regarding the land by Route 140 which he has purchased. He had a preliminary sketch of the land that he thought he may want to request to be rezoned. This shows Route 140 and the on-ramp at County Street, his frontage, and a potential access road that meet the requirements that Mass Highway has for a driveway from an on-ramp. This is not ready for submittal but it is for discussion. The owner is willing to further discuss this with the Board. Mr. Knox said to place this on their next agenda.

Adjourn

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

Meeting adjourned at 8:42.