

**Planning Board
Lakeville, Massachusetts
Minutes of Meeting
Thursday, September 8, 2022**

On September 8, 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 present:

Marc Resnick, Town Planner

Presentation by the Problem Properties working group - Christina Cotsoridis

Mr. Ari Sky, Town Administrator and Ms. Christina Cotsoridis, Assistant to the Town Administrator were present.

Ms. Cotsoridis summarized the goal and composition of the Problem Properties Working Group. The group focuses on abandoned buildings; junk/blighted properties; unsafe/unsanitary occupied buildings; old farm/rural properties; unkempt commercial properties; and lodging houses. They have recommended six articles for the Special Town Meeting to help deal with blighted or abandoned properties. After Town Meeting, the Group will request that the Abutter's Program be adopted, which does not need to go to Town Meeting. That would allow the Town to transfer to an abutter an adjacent property worth less than \$35,000. However, the transfer of properties to abutters would require Town Meeting vote.

Ms. Cotsoridis said there had been many conversations about specific properties that had started this. Right now, there is no formal process beyond a complaint coming in. Ms. Cline asked when regulating residential use of exterior space, should this be time bound? Perhaps for the person that has bought building materials, but have not yet started construction. Mr. Sky said that was a good point. Ms. Cline also asked what qualified as an exempt property. Mr. Sky said that would be church, state or town owed. The proposed Articles were then discussed.

Discussion and action on possible Articles for fall Town Meeting – Add Licensed junk dealers to Section 4.1.2, Table of Use, Business Uses; Add reusable materials or equipment to Section 2.0, Definitions

Mr. Resnick said these first two items are for information and discussion purposes. After the Select Board's next meeting when this will be discussed, they may vote to place this on the Warrant. They would then forward it back to the Planning Board to hold a public hearing. Mr. Knox then read both of the proposed Articles into the record. Mr. Knox said his only concern with it is when you say no reusable materials, it does not clarify the 500 square feet. The idea of better defining storage was also discussed. Ms. MacEachern noted that wood could be people's heating wood. She did not think people that were storing this wood in their front yard should be included. Ms. Cline agreed. It was suggested that wood be changed to lumber or construction materials.

Discussion and action on possible Articles for fall Town Meeting – Associate member

Mr. Knox read the proposed amendment into the record. He stated they had talked about this at their last meeting, and their concern had been the length of the term. Mr. Resnick said he had sent what they previously had to Town Counsel, and this is what they had received back. Counsel said this should only apply to Special Permits because that is what the statute is specific to for alternate members. Mr. Knox said what they had talked about was the term of the appointment should be limited to a year at a time and not exceed two years. After discussion, Mr. Knox recommended it be changed to be an annual appointment.

Discussion and action on possible Articles for fall Town Meeting – Mullin Rule

Mr. Resnick advised he had gone through this with the Town Clerk and the Town has never adopted the Mullin Rule. Upon acceptance, it authorizes a member of a Board holding an adjudicatory hearing to vote in the matter even if they have missed a meeting provided, they meet certain conditions. It is usually adopted for certain Boards, specifically, the Zoning Board, the Planning Board, and the Conservation Commission. Mr. Resnick said a memo has been sent to these other Boards, and they are awaiting their response.

Mr. Knox asked if he made a motion to adopt the Mullin Rule it would be for the Planning Board only. He did not know what the action of the other Boards would be. Mr. Resnick said he could do that or make it pending on the response of the other Boards. The Select Board could then add Conservation and the Zoning Board if that is what the other Boards decide.

Mr. Knox then made a motion, seconded by Mr. Conroy, to have the Planning Board adopt the Mullin Rule pending the decision of the Zoning Board of Appeals and the Conservation Commission to adopt or decline, then said articles would be appropriately put on the Warrant to cover that action. The vote was **unanimous for**.

Mr. Knox also made a motion, seconded by Ms. Cline, to add the Associate member Zoning Bylaw change recommendation to the Town Warrant to the Board of Selectmen with the amendment to make that associate member a one-year appointment. The vote was **unanimous for**.

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

Mr. Knox said that he had spoken about this with Mr. Resnick and these are the two draft options concerning it. His suggestion would be in small or non-conforming business zoned lots to give a little bit of relief for one setback. This is something that he has talked about to several engineers, who said if this was done, it would be a benefit to commercial development. He felt that if they did allow relief on one setback, it would allow the building to be shifted and the parking could be around one side of the building or in the rear. This could make a small lot more conforming for good business use.

Mr. Knox said after reviewing these options, he would strike Industrial because they did not want to reduce the Industrial setback. They also need to change the word commercial to business in both options. Mr. Knox then read the first option into the record which was: in the Business District one side or rear yard setback on non-conforming lots may be reduced to ten feet by Special Permit issued by the Planning Board. This may only be granted if the applicant shows to the satisfaction of the Board that the reduced setback is necessary to allow for the most desirable and efficient site design due to the non-conformity of the lot. Mr. Knox said that he would like to add that this could only apply to a property abutting another business property. It could not be a residential property. Mr. Resnick asked for clarification if that would be another business zone property or a property that's used as business. They do have residential properties in the business zone. After discussion, Mr. Knox said he thought they should keep it as zoned Business.

Mr. Knox then read the second option into the record, which was: in the Business District one side or rear yard setback on non-conforming lots may be reduced by 50% by Special Permit issued by the Planning Board. Mr. Knox noted that the ten feet in the first option reduces from 40 feet to 50% which would be down to 20 feet. Mr. Knox asked the Board what option they would prefer. Board members thought the second option at 20 feet was better. They thought it should be either the side or rear setback rather than the option of both. Mr. Resnick then read the updated proposed amendment into the record. Mr. Knox made the motion, seconded by Mr. Conroy, to present that Article to the Board of Selectmen to be placed on the Warrant for fall Town Meeting. The vote was **unanimous for**.

Discussion and action on possible Articles for fall Town Meeting – Modify Section 5 to remove one principal structure, modify lot coverage, and remove density bonus

Mr. Knox said he was opposed to removing the language "one principal structure" and felt that should remain. Members agreed. Regarding the lot coverage, Mr. Knox said if they were going to allow greater lot coverage by Special Permit, they need the Special Permit language. Mr. Resnick said that he could write specific standards that would have to be met to be able to achieve the 70% coverage. Mr. Conroy said that he would not be in favor of increasing coverage in the

Industrial B Zone. Mr. Knox agreed that 70% should not be an option for the Industrial B Zone. He recommended to continue to work on this rather than rush to put something together for this Warrant.

Mr. Knox made a motion, seconded by Mr. Conroy, to continue this discussion until the next agenda after the fall Town Meeting in order to work on this for the spring Town Meeting. The vote was **unanimous for**.

Review Layout for Ledgewood Drive for recommendation to Select Board

Mr. Paul Turner was present. He was looking for road acceptance at the upcoming Town Meeting. It was noted that Environmental Partners was supposed to go out and take a look at the site, but had not had a chance to do so before this meeting. They had been out there in early 2021. Mr. Turner said that was correct. It had been satisfactory at that time, but the Highway Superintendent had requested it be looked at again. Mr. Knox said that he had spoken to Mr. Resnick about this and it was in process, but this was their last opportunity to vote on this before fall Town Meeting. He would like to make a motion that they approve this pending a satisfactory inspection report from Environmental Partners. If any corrections are needed, they will be taken care of by Mr. Turner prior to. Mr. Conroy seconded it. The vote was **unanimous for**.

Preliminary Plan – 44 Clear Pond Road, continued – Derek Maksy-applicant

Mr. Knox advised Mr. Rick Frieberg has represented the project on behalf of the applicant. The Board has been provided with a plan that shows a subdivision with a roadway and two parcels so it meets the requirements of the preliminary plan showing a subdivision. Mr. Knox asked if anyone had any comments regarding this property. Ms. Lois Neilson of 51 Harcourt Avenue asked where the right of way would be for this development. Mr. Knox said when they had discussed it, the Board had said they wanted it to go in straight as a cul-de-sac. That is the option that had been brought back to the Planning Board. What has been proposed does not go through and touch Harcourt.

Ms. Neilson said that there is no definitive plan of what this is going to be. Mr. Knox replied they will be required to put in a definitive plan within seven months of when this preliminary plan was filed with the Town. He noted that right within the notes of the plan they are looking to freeze the zoning of the Development Opportunities District, and that is what this action is doing. Ms. Neilson asked once the subject of the zoning comes up again and depending on the appeal, does it call for a public hearing. Mr. Resnick replied that in order to continue to freeze the zoning, a definitive plan would have to be filed within the next couple of months. That would require a public hearing and abutter notifications. If the appeal to the DO District is upheld and they move forward with a proposal, it would also require a public hearing and notifications.

Mr. Knox made a motion, seconded by Ms. MacEachern, to approve the preliminary plan as presented to the Planning Board with the stipulation that they are not making any zoning determination. The vote was **unanimous for**.

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

Mr. Knox advised they had received a request from the applicant to continue until September 22nd. Mr. Knox then made a motion, seconded by Mr. Conroy, to continue the 156 Rhode Island Road Site Plan Review until September 22, 2022, at 7:00 p.m. The vote was **unanimous for**.

Approve Meeting Minutes

Ms. Cline made a motion, seconded by Mr. Conroy, to approve the Minutes from the July 14, 2022, meeting. Ms. MacEachern noted that on page four, paragraph one, she asked that the words “that had been spread” be stricken and a period be placed after misinformation. Ms. Cline accepted that amendment to her motion, which was seconded by Mr. Conroy. The vote was **unanimous for**.

Regarding the minutes of July 28, 2022, Ms. MacEachern made the following amendments: there is a typo in the 7:00 p.m. and a zero is missing; on page six, the second to last paragraph, it is missing a period. Mr. Knox made a motion, seconded by Mr. Conroy, to approve the Minutes from the July 28, 2022, meeting with the change to clarify the time of start of the meeting

Mr. Knox, Mr. Conroy, Ms. MacEachern, Ms. Cline – **Aye**; Mr. Lynch – **Abstain**

Discussion and action on possible Articles for fall Town Meeting – Industrial District map revision

Mr. Knox said they had a plan in their packet, but Mr. Resnick then distributed a plan that was more specific and included the metes and bounds. Mr. Knox read the proposal into the record which was to rezone 155.4 acres on County Street, as shown on the attached map, from the Residential District to the Industrial District. Ms. MacEachern said that she had a concern that this Industrial Zone was very close to the schools. Mr. Knox said that his concern was one advantage they had with the DO District was it was by Special Permit. If they changed the zoning to Industrial, it would be by right and only require Site Plan Review.

Mr. Resnick noted their revised Site Plan Review gave them a lot of authority to adjust site design and look at a wide range of items, and to mitigate any impacts. The owner of the property, Mr. Mohammed Itani, could not be present but his representative, Mr. Rami Itani was available to answer any questions. Mr. Itani then approached the Board and displayed the plan. He said it was a very preliminary plan. The entire parcel is 300 acres, but they would like to rezone the shaded portion of 155 acres to Industrial. The main access to the property will be through County Street. Currently, there is an access road that leads to the cell tower, which they would probably keep as

an access road for the property. He indicated the portion of the property where the work would be and the remainder would probably be left alone. He said there are no real plans at this point.

Ms. Noelle Rilleau of 22 Reservoir Avenue confirmed that this was the same developer of LeBaron. She has listened to some of the complaints from the residents of that development. She would not be enthusiastic about anything similar going into this area. Ms. Cline replied that she understood the concerns she was talking about, but they did not know today what the plans are for that property. Mr. Itani responded there had been a meeting last month with the ZBA because they are the developers of LeBaron Hills, and they have requested to modify their Comprehensive Permit. This is to just answer the resident's concern, but these are two separate properties. This is a parcel that they are trying to rezone a portion of it into Industrial Zoning as opposed to keeping it Residential. He did not know what the proposal would be because they are at the beginning stages. Mr. Knox added what they are being asked to do is spot zoning something that the Board and the developer have no idea what it is going to be. That is really taking a chance. Mr. Itani said he really couldn't commit to what they were doing. In today's market there are a lot of warehouses that are attractive to a lot of big companies, but in a year or two they don't know what is going to happen.

Mr. Conroy asked if with the bounds they have on this plan, those are going to be two separate lots. Mr. Resnick replied this is not changing any property lines, this is only rezoning the underlying land. They would come in later for Form A's or subdivisions. That is why the second plan gives specific metes and bounds and defines the area, because it is not according to property lines. Ms. MacEachern asked if there were two different zones for the same property and they try to develop the whole parcel, was it correct that they would have to pick either residential or industrial and couldn't do both?

Mr. Knox said at that point, they would have to change lot lines to mirror the zoning change. Mr. Itani said the lots on the plan are not delineated, but what they would be doing is the shaded area would be re-created as one lot and would be Industrial. Everything in the back would remain the same as Residential. Mr. Conroy asked besides the cell tower access, what other access to Freetown Street will that Residential Zone have. Mr. Itani replied there are other means of egress to the property or entrances.

Ms. Nielson asked what the distance was between the Industrial Zone and the homes currently there. Mr. Itani said it is approximately 220 feet. Other distances were also noted on the plan. Ms. MacEachern asked why this was being presented as a Planning Board item rather than by the applicant. If the applicants were to bring this to Town Meeting on their own, they would have to get signatures of residents which would mean there would be some support. She would suggest that might be the best way for them to go.

Mr. LaCamera of the Select Board then spoke. He stated that three years ago, he had come to the Planning Board to talk about areas for commercial and industrial development. This is important to the Town because they can't continue running the Town with residential properties. They had 100 houses this past year with occupancy permits. This is becoming an issue because of school children, etc. This particular property has been for sale for years. If you look at this property, it

is a perfect location for commercial or industrial because it is right on Route 140. Some of this property is not developable so it would give them an opportunity when they get to that point, to negotiate and have the developer put the other 100 to 150 acres in open space. Right now, they do not have any open Industrial area. As a Town, they have to decide if they don't want commercial, they are going to have residential and it would be substantial.

Mr. Knox said what would make him more comfortable would be if they had some sort of a bylaw. It would say that any building over 100,000 square feet over or some other number, is by Special Permit. It doesn't matter what zone it is in. That way the Planning Board and Town have more control over the development, and what goes there. After a discussion about how it would be defined, Mr. Resnick said something could be drafted. Mr. Knox said having the Planning Board have a little bit of control over the situation with the Special Permit would have him be more on board with pushing this to Town Meeting and letting the towns people decide on the rezoning. Ms. Cline agreed that they should let the Town decide. Ms. MacEachern asked if the Planning Board should bring this. Mr. Conroy said he thought they should be the ones to bring this forward. They have looked at this property historically several times over and spoke about how close it is to Route 140, and how it is a preferred property to be industrial or commercial. They have to own the message, and it is this Board's purview. Ms. MacEachern said having a Special Permit tied to this made her feel better about it. Mr. Conroy said the townspeople will have the final word on it so he did not want to deny them of that.

Discussion and action on possible Articles for fall Town Meeting – Off-premise Sign correction

Mr. Knox read what was currently in the by-law which was proposed to be removed.

Mr. Knox made a motion, seconded by Ms. MacEachern, to remove the text as had been read. The **vote was unanimous for.**

Mr. Resnick then stated in regards to a Special Permit for warehouse use, he thought they could add to the Industrial Use Chart, Industrial buildings greater than 100,000 square feet and then make that only permitted by a Planning Board Special Permit in the Industrial Zone, Members wanted the Industrial B Zone included and the 100,000 square feet to be in aggregate. Mr. Resnick said they would also add a description of this under the Special Permit listing. Mr. Knox said that he would like to have Counsel review this so that they knew the intent, and they were doing the right thing.

Mr. Knox then made a motion, seconded by Mr. Conroy, to act on this Special Permit process for buildings over 100,000 square feet in the Industrial and Industrial B Zones by Special Permit. The **vote was unanimous for.**

Mr. Knox also made a motion, seconded by Mr. Lynch, to see if the Town will vote to amend the Zoning Map by rezoning 155.4 acres located on County Street as shown on the attached map entitled, Zoning Amendment Plan of Land in Lakeville, MA, from the Residential District to the Industrial District. The **vote was unanimous for.**

Approve Housing Survey Questions for the Housing Production Plan

Mr. Knox said they had sample questions from the Mansfield Survey. Ms. MacEachern had suggested also looking at a couple more options for questions that were from Towns similar to Lakeville. What did members think? Ms. Cline said that after looking at them all, Mansfield had more in the application. Mr. Lynch agreed the Mansfield one was better. Mr. Resnick said that the Mansfield one tries to find out what peoples' opinions are about housing. It may not be housing that's representative of a lot of Lakeville, but it is representative of housing that is found throughout the Commonwealth. Some of the other demographic questions in the other surveys are not constructed to what they are trying to do, which is trying to find out what peoples' attitudes are toward a variety of housing types. He thought the Mansfield one was more comprehensive.

It was discussed that some additional questions in regard to senior housing should be included. Mr. Resnick said that he would reach out to SRPEDD in regards to adding these additional questions. Mr. Knox made a motion, seconded by Ms. Cline, that they advance with the Mansfield Housing Production Plan Survey questions with the caveat that SRPEDD add additional age-restricted housing questions in addition to what is presently there. The **vote was unanimous for.**

Review correspondence

Mr. Resnick said there were general notices received from other Towns. An application for a large message board on the other side of Taunton along 495 had also been received. It is 90 feet high, and they are asking for several different Variances. It has no impact on Lakeville, but you will notice it as you drive down 495.

Discussion and possible action regarding Planning Board goal setting

Mr. Knox advised that Ms. MacEachern had put together some information in regards to this item. He would ask members if they wanted to look forward, they can look back at the Master Plan between now and September of next year and see what the Town wants to achieve. They can then set some goals, in regards to the Master Plan, zoning changes, business and industrial lot coverages, etc. He asked that this be put back on the agenda for next week so they can see what it is they want to achieve in the next six months to a year.

Next meeting

The next meeting is scheduled for September 22, 2022, at 7:00 p.m. at the Lakeville Police Station.

Adjourn

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

Meeting adjourned at 9:00.