

**Planning Board
Lakeville, Massachusetts
Minutes of Meeting
Thursday, February 9, 2023**

On February 9, 2023, 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. He asked if anyone present was recording in addition to LakeCam who was making a video recording of the meeting. There was no response.

Members present:

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

Others present:

Marc Resnick, Town Planner

Discuss Zoning Overlay of existing Smart Growth Overlay on the former Lakeville Hospital site

Mr. Knox advised the first item on the agenda is to discuss with the Planning Board the possible application of the Smart Growth Overlay District over the former Lakeville Hospital site. He advised that throughout the permitting process that property went through, one of the threats was that it could be a 40B development. That would be detrimental to the Town and financially crippling. He feels if the Planning Board doesn't do something, they would be remiss in their duties. The Smart Growth Overlay would promote a 40R. Mr. Knox explained that in a 40B there is a profit cap and 25% of the units have to be affordable. With the 40R, there is no profit cap making it more appealing to a developer and the Town receives money. Initially, it is a \$3,000 per unit stipend from the State. For every student from the 40R that enters into the school system, there is a calculation the Town would file for additional funds to supplement that student. He asked for comments from the Board.

Ms. Cline noted that Kensington is already under the Smart Growth Overlay because it shows that they have 207 units now. Mr. Knox said it also includes Commercial and Riverside Drive. Mr. Knox distributed a printout from the Department of Revenue that showed the Town will receive approximately \$800,000 in funding. Mr. Resnick then briefly explained the process for 40R. You have to apply to the Department of Housing and Community Development in order to get your 40R district approved before you even go to Town Meeting. Ms. MacEachern said she did not know what kind of caps they have per project for the 40R. She noted that in regards to the handout they had received, something to keep in mind is the listed communities may or may not resemble the rural feel that a majority of Lakeville residents want to hold on to. Her hesitation comes from the 20% cap. If a 40B development profits more than 20%, that overage is supposed to go back to

the Town so there is some sort of compensation. She would hate to see them do a change like a 40R, if they don't know how long that funding would be in place.

Mr. John Gregory of 8 Bartelli Road asked who had put this item on the agenda. Mr. Knox replied he had put it on the agenda. Mr. Gregory asked if there has been any reach out to Rhino at this point. Mr. Resnick said that he has spoken to them, and they are following through with the appeal process. Depending on the decision, if they are successful they will build a warehouse. If not, they will possibly be looking to do housing there and would be open to this. Mr. Knox said that if the housing option is their last resort, and they don't have 40R in place, a 40B will bankrupt the Town. They are trying to be proactive.

Mr. Dick Scott of 9 Rush Pond Road said he understood a 40B goes to the Zoning Board of Appeals but what is the 40R process? Mr. Knox replied it goes through the Site Plan Review process with the Planning Board. Mr. Resnick added that they have an extensive 40R bylaw which they would have to follow. They could amend or adjust that specific to the State Hospital site. Mr. Scott asked if their proposal would include both the property owned by Rhino and the White House Superintendent house property. Mr. Knox said that was all up for discussion. His thoughts were much like the existing zoning for business only goes back so many hundred feet, he would like to keep the business opportunity on Main Street, and then past a certain point it would become eligible for housing. Mr. Scott asked if either option speak to the number of units per acre.

Mr. Resnick replied there are minimum requirements that you have to have for density under 40R depending on the type of unit being constructed, but he hadn't seen anything about a cap. If Rhino was interested in putting together a plan for the property, that is where you could negotiate the total number of units before anything is submitted to DHCD. They knew there were extensive clean-up costs, and they might want to have a mixed-use development. There are many examples of these types of developments where revenue can be received from commercial development as well as residential development. When the zoning is written for the 40R district, it would lock Rhino into a specific plan if they were willing to do that.

Mr. Scott said if this included having businesses along Route 105, it makes sense. It maintains the commercial goal within the Master Plan in an area that already has businesses. His concern would be that it includes all the property that remains, not just the Rhino property. The two lots to the right on Main Street were then discussed. Mr. Knox said it would not be his intention to put 40R on them, if they don't need to. He wants those to stay business. This would be up for discussion. Mr. Scott noted that there is a significant amount of wetlands on the property. There had been talk of having as much a buffer zone as possible to protect those wetlands. Mr. Resnick said that could be discussed and incorporated into the zoning. It would depend on how extensive a planning effort that Rhino is open to.

Mr. Scott asked if there was any difference between the 40B and the 40R in terms of what the density might be going vertically. Mr. Knox replied they presently had a 35-foot height requirement in the bylaw. He believed if that went to ZBA, it could be waived, but that would be up to them. Mr. Scott said his last comment would be in regards to the Master Plan and the concept of village. He thought it was still a good fit for Lakeville, but didn't know how to get that village

concept in the zoning. Mr. Knox said he thought their best opportunity if housing is coming is to try to work with the developer and steer it towards an attractive development that will hopefully give something back to the Town.

Ms. Heather Bodwell of 13 Rush Pond Road asked if Rhino sells it to a developer for a 40B, who is responsible for the clean up? Mr. Knox was not sure. Ms. Bodwell asked who would pay \$11 million to clean that site up and then put up a 40B? She said they were threatened with that but who would buy it? Mr. Knox replied with the density they could achieve between 15 and 25 units per acre, and it would be approximately \$13,000 per unit. Ms. Bodwell also asked about the landfill. Mr. Resnick then explained the process that the Town of Foxborough had gone through as they had a similar State Hospital site.

Ms. Bodwell next asked where they were getting the water. Would it be an issue? Mr. Knox replied there is public water supplies on both sides; Middleborough on one, and Taunton on the other. She also asked about height as Kensington Court was very high. Ms. MacEachern said in the bylaw the height for 40R is three stories or 55 feet maximum. Ms. Bodwell asked if Rhino loses the appeal and they sell the property, would the Town be interested? Mr. Knox said she would have to talk to the Board of Selectmen, but after speaking with their State reps, they were confident that they wouldn't get enough Brownfield money to be able to clean up the site.

Ms. Brynna Donahue of 87 Crooked Lane asked how this would bankrupt the Town. Mr. Knox explained that if 700 units were built there with approximately 100+ affordable units, that could put a thousand kids in the school system. They might get \$3,000 in tax dollars from each unit, but it costs \$12,000 to educate a child. Financially, it is just not sustainable. Ms. Donahue asked about MBTA and if 40R went with that. Mr. Knox said they have an existing 40R district that includes Kensington Court, Riverside, and Commercial, which is their Smart Growth Overlay area. Now the State wants them to rezone for approximately 250 units with the same type of criteria.

Mr. Resnick added because they moved the train station, they are now an adjacent small town and they only have to zone for 231 units instead of the original 750. Ms. MacEachern noted that they do share a school with a commuter rail town that is required to do 750 units plus their own 230. Ms. Donahue asked if the State could deny the amount of money the Town would get back. Mr. Knox said he thought that money would be available for at least another ten years as the State has this concerted effort to have Towns recreate their zoning. Mr. Resnick said he also thought that a lot of communities would look to have at least a portion of their MBTA designated site to be under 40R. Ms. Donahue then said financially for the Town, it makes sense to do this as opposed to a 40B. Mr. Knox said between those two options, it is the better option.

Ms. Susan Spieler of 10 Valley Road asked, hypothetically, if they did create this zone with the front part business, couldn't a developer still put 40B in there? Mr. Resnick said he supposed, but during the planning process they may want to consider the entire property as well as seeing if the other abutting businesses would be interested in being part of the overall plan. That gives you more flexibility in the design and layout, as well as, how much you reserve for solely business, mixed use, etc. There are many possibilities if you know what you're working with. Mr. Scott asked if inclusionary zoning could be part of that concept. Ms. MacEachern replied she did not

think so as inclusionary zoning is not high-density housing, it's more like if there is a subdivision, you have to allow for a certain number of affordable units based on how many units you are building. Mr. Knox said that you might allow a developer to build additional homes on smaller lots but in return there would be some affordable units.

Mr. Scott asked as they should soon know what is going to happen with the appeal, do they want to have that 40R in place before, so there is an alternative to 40B. Mr. Knox said that is why this is on the agenda tonight. Mr. Scott asked regarding a certain amount for business, how is that drawn up. Mr. Knox replied there is currently a strip of business along there, so it is probably going to take work with the developer because you need access. In theory the preliminary plan provides access, so if they could have this Smart Growth Overlay start 600 to 800 feet back to allow suitable business development on Main Street and cover the remainder of the property with the Smart Growth. As this is the most likely spot for 40B, this would give the option of 40R and maintain the business on Main Street.

Mr. Gregory suggested compiling a comparison of 40B and 40R characteristics to be discussed. Mr. Knox said that is something that could be done and placed on an upcoming agenda. Mr. Knox then explained to Mr. Scott that Town Meeting was coming up fast. He did not want to be in a position where they rush this along, and then get it wrong or be remiss in acting. He also did not want to be in the position he felt he was in six months or a year ago. Mr. Scott replied that he has said publicly and privately the best outcome for this property is in negotiation and discussion. Mr. Knox responded that the Planning Board's goal is what is this going to look like, what the Town's input is, and what Rhino can do to make it work. That is going to take some discussion. After continued conversation with Mr. Scott, Mr. Knox said that this will be placed on the agenda at a later date.

Review the following Zoning Board of Appeals petition:

a. K & J Doggy Palace – 330 Bedford Street

Mr. Resnick advised this was the former flower shop at the Lakeville Market Plaza. It is only for a few dogs to be boarded. It is mostly a grooming and some daycare for the dogs. Mr. Knox said that his only concern would be congestion during the drop off and pick up times. Members agreed that could possibly be a challenge. Mr. Resnick said the Board could send a memo to the Zoning Board expressing their concerns so it could be discussed during the hearing. Ms. MacEachern said she would like to see an extra trash barrel as well as doggie bags available for any accidents.

Mr. Knox made a motion, seconded by Ms. MacEachern, to send those comments to ZBA regarding 330 Bedford Street, K & J Doggy Palace. The **vote** was **unanimous for**.

Discussion regarding parking regulations for marijuana facilities

Mr. Knox said this has been discussed from time to time. He thought they should look at the highest shift count, and then add a percentage on for additional parking. This is also for maintenance vehicles, deliveries, etc. Mr. Resnick said they had been asked to look at what other communities do. They looked at a majority of southeastern communities and found three communities that have marijuana regulations. This includes Dartmouth, Kingston, and Middleborough. Dartmouth has what they have, but they also have one space plus one for each 200 square feet of building that is devoted to customer service. Mr. Knox read the next one which was one parking space per 1,000 square feet of gross floor area plus one space for each employee on the largest shift. Ms. MacEachern added it was similar to Middleborough's which was one per 600 square feet of gross floor area. Members discussed that Kingston's might be excessive as that was a huge facility.

Ms. Cline noted that when going by the facility in Lakeville on a Sunday morning, there were 24 cars on the side and two cars in the parking lot. It is also the responsibility of management to enforce where employees should be parking. Ms. Cline thought the placement of signs should be brought up to the Select Board again. After continued discussion, Ms. MacEachern said she liked that idea, but they would have to trust that the employee count is accurate. She thought the square footage is a much more static figure.

Mr. Resnick noted that the plan has changed again. Northeast Alternatives is going to take less space. SeaTrade is going to take a little bit more. This will mean fewer overall employees. SeaTrade will still have to maintain a couple of truck bays, so they are in the process of reconfiguring. Ms. MacEachern asked if they change it, what number would work. Mr. Knox added when they are doing parking, it needs to say parking for marijuana and have the uses for the disciplines they perform there be labeled. Mr. Resnick said it would also be helpful to know the breakdown of employees, and where they work. How many work in the offices? How many are in the manufacturing end? They need to be more precise about figuring out why there are so many employees. Ms. Cline also asked how are they handling their shift changes?

Ms. MacEachern said she felt that they need something more static, rather than an employee count from the applicant. They need to have something they can calculate and verify. Mr. Knox said if they say they need 250 spaces and they overflow that constantly, is that not a zoning violation? Mr. Resnick replied it would be up to the Zoning Enforcement Officer to make that determination. Signs and handing out tickets were also mentioned as options. Mr. Knox said maybe this requires some communication with the Building Commissioner to ask what language would be enforceable. Mr. Knox said they would place this on a future agenda.

Next meeting

The next meeting is scheduled for February 23, 2023, at 7:00 p.m. at the Lakeville Police Station.

Correspondence

There was no correspondence of significant impact to review.

Adjourn

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

Meeting adjourned at 8:16.