

**Planning Board  
Lakeville, Massachusetts  
Minutes of Meeting  
Thursday, February 23, 2023  
Remote meeting**

On February 23, 2023, the Planning Board held a remote meeting. It was called to order by Chairman Knox at 7:00 p.m. LakeCam was recording, and it was streaming on Facebook Live.

**Members present:**

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

**Others present:**

Marc Resnick, Town Planner; Jamie Bissonnette, Zenith Consulting Engineers; Taylor Perez, Robert Cabral; SRPEDD

**Agenda item #1**

Mr. Knox read this item into the record. It was an explanation of how the provisions of Chapter 20 of the Acts of 2021 allowed the Board to meet remotely.

**Discussion regarding Gillian Drive Road acceptance**

Mr. Jamie Bissonnette was present. He advised he and Mr. Resnick had been working together and taking the steps necessary to get the Gillian Drive subdivision roadway on the upcoming Town Warrant for roadway acceptance. However, he has heard back from the Selectmen's Office and found out that it will be on the Special Warrant in the fall due to the time constraints. He would still like to get the process going with the Planning Board and get everything in line so that when the time comes, they will be ready to go. At this time, he would ask the Board to allow Mr. Resnick and whoever they feel it would be appropriate, to work with him so that the As-built plans and inspections can be finalized in order that the Town can accept this public roadway as designed.

Mr. Knox asked Mr. Bissonnette to bring the Board up to date on this project. Mr. Bissonnette replied this project was permitted approximately seven to nine years ago. Mr. Nick Lanney from HML Associates did the peer review at that time. Mr. Lanney is now semi-retired, but several months ago he agreed to look at this project to close it out. He is hoping to hear back from him in regards to that. Mr. Bissonnette noted that over the past year or two, they have been in front of the Board for some landscaping revisions and a sidewalk modification from the original Definitive Plan.

He advised the subdivision is constructed and the pavement final coat has been down for about three years. The drainage is in. They cleaned up the basin and cut some of the taller vegetation that was growing on the side slopes, and the rip rap was cleaned up. They have As-builts ready to submit, depending if they go to Mr. Lanney if he is willing to do this, or another review company if not.

Mr. Knox suggested that Mr. Bissonnette contact the Highway Superintendent, Mr. Moniz, so that he could also be aware of this roadway acceptance plan and have the opportunity to take a look at it himself. Mr. Knox said if there were no comments from Planning Board members, they would proceed with a recommendation for Mr. Bissonnette to work with the Town Planner on the process and get this on the Special Town Meeting Warrant. They will authorize any peer review action that needs to take place. Some members were familiar with the road and had no problem with it.

Mr. Knox then made a motion, seconded by Mr. Lynch, for the Planning Board to authorize Mr. Bissonnette to work with Mr. Resnick to get a peer review done to close out this subdivision, and get it on the fall Town Meeting warrant.

**Roll Call Vote:** Mr. Conroy-Aye, Ms. MacEachern-Aye, Mr. Lynch-Aye, Ms. Cline-Aye, Mr. Knox-Aye

### **Housing Production Plan (HPP) – Review and discuss draft**

Ms. Perez and Mr. Cabral from SRPEDD were present. Ms. Perez asked if there were any comments from Board members on the draft HPP. Ms. MacEachern had several comments which were as follows:

- Page 7 - Consider hiring a part time housing staff member. She thought right now that might be a little bit too much considering the budget constraints this year. She would like to see consider Consultant Services and eliminate that part-time staff member.
- Page 8 – On the previous HPP, the topic Talking about Housing was called Planning for Affordable Housing. Has this changed because of a requirement through DHCD or a personal preference?
  - Ms. Perez replied this is the way they have been approaching their new suite of Housing Plans to give context about what housing is and what it is to people. This also lays out the landscape of the current socio-political climate they are in as it relates to housing. It is not required by DHCD, but is how they have been starting their HPPs. Ms. MacEachern noted that it comes off as very negative. She would like to see something more positive like what the benefits of home ownership are. She then stated several of these benefits. Mr. Knox said the paragraph regarding persistent unaffordability is not really geared toward Lakeville but toward a State problem that is being pushed onto Towns.
- Page 13 – Under Population and Demographics, the wording also seems to be negative. The Hazard Mitigation Plan notes that Lakeville has grown at a large rate. Ms.

MacEachern said they should accentuate the fact that growth is still above County and State levels, rather than it has slowed.

- Page 15 – Regarding the decline of school enrollment and the chart which shows a decline. Ms. MacEachern noted that 2011 was when the Freetown and Lakeville Elementary Districts were combined. If you look a little further back, you would see the drastic increase during those first couple of years. She thought it better to go back more than just the twelve years for a more historical approach to this school issue.
  - Ms. Perez said she could try going back to see if they could find more historical data, but was unsure if it is available or if the conclusion would change.
- Page 18 – Regarding the median income, are these two main incomes or does it include incomes of young adults still at home?
  - Ms. Perez believed it was everyone in the household of working age. She could look into the methodology. She would also double check on the figure for households making under \$50,000 annually to see if it was correct.
- Page 20 – Regarding the decline of housing production, Ms. MacEachern felt that it was painted as a negative, when they have had steady growth.
- Page 22 – It states that 8% of the existing house stock is currently vacant. Do they know where this is?
  - Ms. Perez said they could try to elaborate on this. Mr. Knox said that it might be seasonal. Ms. Perez said they could remove that if it feels like it's not representational. Mr. Cabral added they could also look into it to see if other forms of data support that and provide context.
- Page 30 – Barriers to development, Ms. MacEachern said restrictive zoning is sometimes because of Board of Health (BOH) issues as well as water, wetlands, the high-water table, etc. Mr. Knox agreed and discussed some of the communities in Lakeville that have high nitrogen levels. He said this should be revisited to indicate that it's not restrictive zoning but something else.
  - Ms. Perez asked that they point them to some of those BOH resources so they could be referenced in the plan. It was suggested to reach out to Mr. Resnick and/or the Health Agent, Mr. Cullen.
- Page 31 – Lack of public utilities. Ms. MacEachern explained that Lakeville has a lot of water resources but they benefit Taunton, New Bedford, and Fall River. There is not a lack of this, but it is limited.
  - Ms. Perez said this is a required section. They need to explain why certain housing developments might be restricted or difficult to build.
- Page 32 – Lack of Staff Capacity and Experience – Ms. MacEachern said they have added staff over the past three of years. Is this something that they are also looking for?
  - Ms. Perez replied that this is just to acknowledge that in small rural towns it is more difficult than in a larger community where they might have multiple planning and housing staff.

- Page 34 – Goal C – Ms. MacEachern stated that regarding the MBTA zoning, that does not have an affordable component. If high density housing goes in, that pushes their affordable units even further away.
  - Ms. Perez replied under Section 3A zoning, you can have an affordability component. It is a little different from 40R. Mr. Cabral added that when they talk about housing it is not just about market rate or subsidized, but housing for everyone in Town. They try to approach a broad range of options. He would distinguish between affordable and subsidized. Market rate housing could be affordable. Ms. MacEachern said that she would like to see the second half of that paragraph removed. Ms. Perez said that anything referring to Section 3A is not required within the HPP, so if they don't want to address it here, they can remove it.
- Page 38 – Implementation – Ms. MacEachern stated that a lot of people in Town do not want to see multi-family units. She would like to see the Inclusionary Zoning Bylaw included there. That is something they are currently pursuing.
- Page 39 – Small single-family homes – Ms. MacEachern said that regarding 10,000 square foot lots, because of Board of Health regulations, that was not something they would see in Lakeville. Mr. Knox said that it appears that SRPEDD is just providing an option. It would be up to the Planning Board to examine the feasibility of that option. Mr. Resnick added that small lots could be an option with a treatment plant.
- Page 42 – Potential Funding Resources-HUD – Ms. MacEachern did not know if Lakeville qualified for that. She was told that they have too high of an income here.
  - Ms. Perez said she could look into that to determine the requirements. Mr. Resnick added that Lakeville is a member of the home consortium which is managed out of Taunton. They do have access and the ability to submit projects. They also can submit to DHCD.
- Page 44 – Ms. MacEachern would like to add 40R.
  - Ms. Perez replied that could be added.
- Page 45 – Hiring part-time staff – Ms. MacEachern thought contracting with a local Housing Consultant was better. Mr. Knox agreed.

Mr. Knox asked if there were any additional comments. Ms. Cline said she agreed with Ms. MacEachern that there were a lot of negative words in the document. She suggested a better choice of language. Mr. Resnick wanted to note that it had been pointed out that 18% of the households in the community make less than \$50,000, and another 11% make less than \$75,000 a year. That makes home ownership for one third of the community unaffordable. The other types of housing, though not popular, would be necessary to provide for future housing options for people in the community. Ms. MacEachern added that 40B has been around for 50 years and it is clearly not working. It is time for the State to stop putting in on the Towns and take responsibility and see what else can be done.

After further discussion, Mr. Knox said they want to finish this Housing Production Plan, but they want it to be a good representation of Lakeville as well. Mr. Lynch said that he agreed with Ms. MacEachern that they should do a consultant rather than a full-time employee. He hasn't been in the Town as long as some other members, but if some of the statistics represented in this report are accurate, although they may be negative, they should be in there. Ms. Perez then said she had taken notes and will also talk with Mr. Resnick and get those revisions in place. The only other thing she would say is that there are some requirements that DHCD will want them to include that they still must discuss before they move on. The first would be eligible sites for 40B and 40R additional housing. DHCD is looking for two sites. They would not be bound to them but need to show that due diligence has been done.

Mr. Resnick replied they have reviewed the Town owned sites, but the options are limited. If Rhino is not successful in their appeal, he thought the State Hospital site should be listed as one of those sites for housing. He asked Board members to email suggestions to either Ms. Perez or himself. Mr. Resnick also suggested the County Street site could be included. Realistically, probably a good portion of it will be developed as a 40B over the next five to ten years.

Mr. Lynch wondered what impact this type of development would have on utilities and the school system. Mr. Resnick said a part of this is trying to understand what the school's projections are for future enrollment. He is a member of the Committee that has been created to evaluate and begin an analysis of future growth and projected needs for their facilities. Regarding water, Mr. Resnick advised discussion with the City of Taunton indicates they have significant capacity over what is currently used. He thought that there would be some discussion between the Board of Selectmen and Taunton about Lakeville's allocation which currently is not all being used by the Town.

Ms. Perez thought that she had all the information that she needed. She would ask Mr. Resnick to review the infrastructural capacity section. They reference the 2020 Master Plan and want to ensure that the information is up to date. She also noted that if anyone had high resolution photographs, they would like included, to send those over to her.

### **MBTA Communities Program Discussion**

Ms. Perez noted that she and Mr. Robert Cabral were working on this jointly. Mr. Cabral explained what their 3A technical assistance to Lakeville is, and how it came to be. He noted that funding is provided by Massachusetts Housing Partnership with no match required. There is nothing binding provided, but it is to help the Town explore options and feasibility. It is also to examine current bylaws, for example the 40R, to see if the Town is already compliant. If not, then what would be the next steps to take to reach toward compliance. The goal of the study is to provide information in order for the Town to make a judgement for itself.

Mr. Cabral said the Town has submitted the initial step in this and is now interim compliant until the end of 2025. They will study the existing zoning in Town and any potential expansion or other sites for decision making purposes in the next few months. Mr. Knox said that at a previous meeting, they had briefly discussed using their current Smart Growth Overlay Zoning to apply to the hospital property, if the developer lost their appeal for a warehouse and came back with a 40B development. Can you comply earlier, if it was felt that they needed to place a 40R zoning overlay on that property. Could this process be accelerated? Mr. Cabral clarified they want them to study the expansion of a 40R on the hospital property and see if that also reaches the 3A capacity? Mr. Knox replied he was not saying to expand it because there is no purpose if Rhino puts a warehouse there. However, he would hate to see it then become a 40B development. Then the Town would not be whole again if they put in 700 units over a ten-year period, and they did not act to do something to at least get some money back from a 40R development. Mr. Cabral said that without expediting, the study would still wrap up in June or July, but they are flexible and could work within a time frame if they needed them to.

Mr. Resnick said the State Hospital property probably would not have a decision from the Court until the end of this contract, sometime around June or July. This contract is to evaluate the 40R district for compliance, but also to evaluate and find other sites for this. It does not mean that 'Option 2' becomes the selected site. He noted there will be additional funds available that they could access to work through some additional planning and rezoning that may be needed if they must work on Option 2, or if they are working on Option 1 with Rhino. The State is making plenty of funding available. Mr. Knox stated that they will want SRPEDD to start looking at the hospital property. If members want to use this week to think about one other site, let Mr. Resnick know and he could convey that to Ms. Perez.

Mr. Cabral also asked if anyone had a set of criteria to share. They have talked about protecting natural resources in Town, but also providing housing near transportation. That could be the basis for exploring different zones. He noted again that this is not binding. They would do a suitability analysis to see where these things might make sense based off the criteria that is important to folks in Town. Mr. Knox asked if there were additional comments. Mr. Conroy said he would email Mr. Resnick this week.

Ms. MacEachern said now that they are an adjacent small town, there is no minimum land area. It is based on density and now must just meet the minimum multi-family unit capacity. Mr. Cabral responded that you are required to have 15 units per acre, and then the number that is mentioned for compliance. Ms. MacEachern said that number is approximately fifteen and a half acres, so she did not think they had to look for a large area to be considered. She also noted that as Freetown is a rail community with 750 units required and they share schools with them, she would like to reach out to them and see where they stand in regards to creating this zoning. Mr. Resnick said he believed they had submitted an action plan.

Mr. Cabral said that is something that would take place in a longer timeline. This study is the first part of what would be that longer process. Ms. Perez said they will start with the suitability analysis on their end, as well as reviewing their existing 40R, not accounting for an expansion with the compliance model that had been released by DHCD. They would let them know when that was completed.

Regarding the HPP, she advised they would revise the text and send it out to them within the next two weeks. She thought the basic revisions to the text could be done in that time, but if they wanted to see it laid out in a final report, that time frame would be closer to a month. Mr. Knox asked that she email the revisions to them, and if she could have the final draft for the March 23<sup>rd</sup> meeting. Ms. Perez said that would work.

### **Discussion regarding Inclusionary Zoning By-law**

Ms. MacEachern said that she had sent around the Smart Growth/Smart Energy Toolkit Bylaw. It gives you everything that you need to draft an Inclusionary Bylaw. There is an explanation within it on how to tailor it to your own community. She thought it was a good place to start. They might want to have a specific meeting to go through it and see how they want to handle each section, or if they wanted to just go through it and come to a meeting with their thoughts and suggestions on how they would like each section to look.

Ms. MacEachern advised this is a toolkit that is provided by the State. There are also examples of how other Towns have done this. Mr. Knox agreed that this should be done in an in-person meeting. They might want to go through their regular business, and then take some time to work through this. He asked Ms. MacEachern to send out the link where the examples were available.

### **Approve Meeting Minutes**

Ms. MacEachern made a motion, seconded by Mr. Lynch, to approve the Minutes from the January 12, 2023, meeting.

**Roll Call Vote:** Mr. Conroy-Aye, Ms. MacEachern-Aye, Mr. Lynch-Aye, Ms. Cline-Aye, Mr. Knox-Aye

### **Correspondence**

Ms. MacEachern said that she had talked to Mr. Darling and a site walk had been done at the Lakeville Hospital Site. An Action Plan will be forthcoming. When it is available, it will be posted on the Town website.

**Next meeting**

Mr. Knox then advised the next meeting is scheduled for March 9, 2023, at 7:00 p.m. at the Lakeville Police Station.

**Adjourn**

Ms. MacEachern made a motion, seconded by Mr. Lynch, to adjourn the meeting.

**Roll Call Vote:** Mr. Conroy-Aye, Ms. MacEachern-Aye, Mr. Lynch-Aye, Ms. Cline-Aye, Mr. Knox-Aye

Meeting adjourned at 8:13.