

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

On March 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.

Members present:

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

Others present:

Marc Resnick, Town Planner

Public Hearing (7:00) 44 Clear Pond Road, continued – upon the application for Approval of a Definitive Plan submitted by Derek & Madelyn Maksy and Webster Realty Trust for a two (2) lot subdivision.

Mr. Knox advised the applicant was present and had requested a continuance. Mr. Knox said that at their last meeting they had requested no waivers to be given on the roadway. However, there is one waiver that was since discussed. The roadway currently comes in at an approximate 10 degree angle off of Clear Pond Road. If the Board doesn't allow that waiver, it would mean Mr. Maksy could go to Harcourt to put in the roadway, which is his right. Mr. Knox made the decision to allow him to continue that way, but the Board hasn't made any decisions. He anticipated the applicant will come back with a plan in about one month.

Mr. Derek Maksy, applicant, replied that was accurate. He advised there are a couple of changes that he had also requested of the engineer. The first was to move one of the detention basins further away from his neighbor. If possible, it would limit the number of trees that have to get cut down on the north side of the road. The next was to add the additional street lights, and then work on the drainage. They were hoping to meet with the Town Planner within the next couple of weeks to discuss this.

Ms. MacEachern made a motion, seconded by Mr. Conroy to continue the Public Hearing for 44 Clear Pond Road until April 13, 2023, at 7:00 p.m. The **vote was unanimous for.**

Public Hearing (7:00) Site Plan Review – 13 Main Street– Main Street Real Estate Holdings, LLC-applicant

Mr. Knox opened the public hearing and read the legal notice into the record. Mr. Robert Forbes and Atty. Michael O'Shaughnessy were present. Atty. O'Shaughnessy advised he represented Main Street Real Estate Holdings LLC. Mr. Knox asked if he was aware of the conversation he had with Mr. Jamie Bissonnette and the follow up with the Building Commissioner. He wants to make sure that the Plan they have in front of them complies with the underlying zoning. He reviewed that there is a 600-foot delineation off of Main Street that delineates between business zoning and residential zoning. It cuts at a diagonal right by the end of the hammerhead roadway turn around and through the retention ponds. The Building Commissioner's interpretation is the mixed-use development zoning doesn't have its own dimensional requirements so it reverts to the underlying zone. In this case that would be business, and the required setbacks would be 40 feet. The plan has 20 feet setbacks because the use is residential. This will need to be clarified before any approval could be granted.

Atty. O'Shaughnessy replied that he had spoken with Mr. Bissonnette and they would be moving forward with this project in some way, shape, or form. They are still waiting for peer review. In the meantime, they will work this issue out with the Building Commissioner and try to get something in writing, that he could act upon. If he disagrees, that is fine too and that would trigger a change to what they are constructing in the rear of the property. Atty. O'Shaughnessy then gave a brief presentation of the proposed plan. The parcel is approximately three acres and is flat in the front and rises up to a high point, and then pitches to the back. This plan calls for a 2,200 +/- square foot office building in the front that will face Main Street and nineteen age restricted units in the back. These units will be 900 to 1,000 square feet and have two bedrooms all on one single level.

Atty. O'Shaughnessy then displayed a proposed picture of the office building. One of the components of the Site Plan Review Bylaw is that they are now looking at the style of the building and comparing it to what is going on in the neighborhood, which is reflected in their proposed design. Some of the elements they had captured were the dormers on each end and the farmer's porch. The building is not massive, but looks pleasing, soft, and fits into the neighborhood. He then displayed the proposed residential unit.

Atty. O'Shaughnessy said they comply with Storm Water Management standards and are not increasing the rate of volume of runoff. It is all held on the site, and this is currently under review by the peer engineer. Atty. O'Shaughnessy said there is a hammerhead turn for the Fire Truck, and he believed Mr. Zagar had met with the Fire Chief. Right now, private trash pickup is intended and would include the office building.

Mr. Knox advised that when this goes through the process, they would like a set of building elevations included within the Site Plan when they sign off, because of the architectural standards. He also noted that if they were going to create any exclusive use easements around the units, that would take away from the acreage and could create a non-conformity. Atty. O'Shaughnessy said they had received a letter from Mr. Resnick, and he did not think they had any issues with the

items that were raised except for the sidewalk. He asked how the Board felt about that comment. Mr. Resnick said it would be a sidewalk the length of the roadway on the north side of the road. As there will be 19 age restricted units, people would want to go out to CVS, etc. and walk in the neighborhood.

Mr. Forbes said he did not think they had any problem providing the sidewalk on the north side of the road, but there were a couple of problems with extending it out. It would be a shorter walk for people to walk out this other way, which they would be providing the sidewalk for. They don't control the other land and there is no sidewalk on Rhode Island Road. They would have to do something with one of the abutting parcels, as well as get permission from MassDOT. Mr. Knox said that he thought bringing something out to Route 105 makes sense and people would utilize that. However, sending them out the back would probably be a hindrance.

Mr. Conroy asked what the sidewalk would be like when you got to the residences. Would it be segmented with everybody's driveway? Atty. O'Shaughnessy said based on this layout, he was not sure how to do this. Mr. Forbes said they would run a four-foot-wide side rope walk with a foot separation from the berm and run it along there. It would have to cross the driveways, like every other sidewalk. Mr. Resnick said they could sit down and try to figure out the best way to do this. Mr. Knox asked about a landscaped walking path behind those units. Atty. O'Shaughnessy said they would take a closer look at all this.

Mr. Conroy noted that parking for this building seems extremely limited. Atty. O'Shaughnessy replied it meets what is required by zoning and is based on the square footage. Mr. Conroy said that in the presentation he had said 2,200 or 2,400 square feet but as it is two floors, it should be presented as 4,800 square feet. It's fourteen spots plus two handicaps. Ms. MacEachern said that she knew two spots per unit would conform, but her concern would be that any guest may block the emergency turn around. Have any guest spots been designated? Mr. Forbes said that right now, they do not have any guest spots shown. She also asked about the lighting. Atty. O'Shaughnessy said they would comply with whatever the bylaw requires. In regards to the sidewalk, could they also consider a crosswalk on Route 105. Mr. Forbes said that is their intention. Ms. MacEachern asked if a traffic study had been done. Atty. O'Shaughnessy said they have not done a traffic study. They meet the safe site stopping distances on both sides. He did not think they would impact traffic there that much, but he would leave that up to the Board. Mr. Forbes said they could review the traffic study for next door and compare it to what the expected traffic volumes would be for this development.

Ms. MacEachern asked if these units were going to be leased. Atty. O'Shaughnessy replied the plan is to rent them all out. Ms. MacEachern asked if there would be some sort of lease agreement they could look at along with this. Atty. O'Shaughnessy replied yes. This will be managed by a professional management company, who will take care of this. Ms. MacEachern said her concern was the senior component, and how that will be written in. Mr. Bo McMahon, manager of Main Street Real Estate Holdings, LLC, then advised he planned on taking the second floor of that building with one other person in the office. He currently engages with a professional property management company that manages all his properties and uses the Mass standard lease form. They will probably carve out a small portion on that second floor so they can be available to meet with

tenants for the signing of leases, or if there are any concerns. Ms. MacEachern said she would like to see what sort of agreement he comes up with because someone could be over 55 when they move in, and then what happens next? Mr. Knox said they would like to see the best possible option to keep it age restricted.

Mr. Lynch wanted to make sure that the handicap and parking requirements are met, as well as the seniors having access to stores such as CVS, etc. Ms. Cline said she was also concerned about visitor parking. There was a lot going on this area, and it would be wrong to not have something allocated for visitor parking, especially in an over 55 development. Atty. O'Shaughnessy said they would take a look and see if any visitor parking could be squeezed in. The snow removal locations were also discussed. Mr. Knox then reviewed the letters that had been received from other departments. The Board of Health Agent saw no reason for denial. The Fire Chief stated that he previously met with the engineer to review the project and modifications were made to the plan based on that meeting. Mr. Resnick noted also a curb cut permit would need to be obtained from Mass DOT.

Mr. Conroy asked if there was a detail of the proposed guardrail as it seemed to be substantial. Mr. Forbes said they would get that on the Site Plan so it would stand out more. Mr. Knox said he had a concern during construction of how the roadway is pitched and the potential for wash out. They might want to consider a little bit of silt fence at the top of the retention pond just beyond the roadway. After discussion, Atty. O'Shaughnessy said that he would reach out to the Building Commissioner before any peer review is done. He then asked for a 30-day continuance.

Ms. MacEachern made a motion, seconded by Mr. Conroy, to continue the 13 Main Street, Site Plan Review, Public hearing until April 13, 2023, at 7:00 p.m. The **vote** was **unanimous for**.

Mr. Knox then made a motion, seconded by Mr. Conroy, to retract the motion to continue and re-open the hearing. The **vote** was **unanimous for**.

Mr. John Gregory of 8 Bartelli Road was concerned that units would be built but would not be occupied. Has there been any presentation of the market for these types of units at this particular location. Atty. O'Shaughnessy replied given the need for housing, he did not feel they would have any issue in being able to rent the units out. There is also a huge demand for 55+ units. Mr. McMahon added the Lakeville Housing Production Plan specifically calls out cluster style housing for 55 and older. They refer to data that backs this up.

M. Knox made a motion, seconded by Mr. Conroy, to continue the 13 Main Street, Site Plan Review, Public hearing until April 13, 2023, at 7:00 p.m. The **vote** was **unanimous for**.

Housing Production Plan (HPP) – Review changes

Ms. Perez had forwarded a draft for the Board with the changes that had been discussed at their last meeting. She would like any comments back to her by next Wednesday. Mr. Resnick said that would allow her enough time to incorporate everything into a final draft that would include

the pictures, graphs, etc. and would be ready for their next meeting in two weeks. Ms. MacEachern said that she had noticed included in their previous HPP is the quantity of units needed per year because it is .5% of the year-round housing. If they reach that in their Subsidized Housing Inventory (SHI) then that gives them one year. Mr. Resnick said he was unsure if that was still applicable to HPP's but he can check on that annual goal. Ms. MacEachern said that looking at the previous HPP, she did not see the same negativity in regards to the 'Talking about Housing' section. Mr. Resnick said he believed they were required to put in some information about housing inequities in general. Mr. Knox asked if there were suggestions to altering the wording. Ms. Cline said she would send her comments to Mr. Resnick tomorrow. Mr. Knox said he assumed that when it was said it was negative, they were calling out what they think are deficiencies, it is not that they are being disparaging but maybe they don't agree they are there in the level that they are being called out. He suggested Ms. MacEachern and Ms. Cline work on some language change and forward it to Mr. Resnick.

Ms. MacEachern said she had asked about a time frame for when they can expect to have the 40R district determined. Mr. Resnick replied that SRPEDD was coming back in two weeks, but he could email Ms. Perez to see if the compliance would be done by then. He also advised that once the Planning Board approved the HPP, it would be forwarded to the Select Board for their approval as well. It would then be submitted to DHCD.

Discussion regarding One Stop Grant applications

Mr. Knox advised they had a memo from Mr. Resnick regarding the One Stop Grant applications. He then summarized the following grants expected to be submitted: Design and engineering of a traffic light for the Main and Bridge street light; major improvements and work to be done to the Peach Barn at Betty's Neck; install bathrooms and other facilities at John Paun Park. Regarding the proposed Bridge Street traffic light, Ms. Cline thought \$2 million had already been approved. Mr. Resnick replied there was money in a bond bill, but many times projects don't get funded. Even though it is in a bill, it does not mean the money will ever be released. This would be funding for the engineering to redesign that intersection. Ms. MacEachern added that Senator Rodrigues has said that they have the money, but the Town is responsible for the engineering portion.

Mr. Knox said regarding the proposed project at Betty's Neck, he was unsure if it would be allowed to be open to the public. Mr. Resnick said the original purpose in the Conservation restriction is that the property is to be used as a visitor and educational center for the public. He said once these improvements are made and there is staffing, it should be open to the public. Mr. Knox noted that with these grants it is great to get the infrastructure built, but there will be a continuing cost with staff, electricity, plumbing, etc. He thought the project at John Paun Park was more beneficial because it had more usage. Ms. MacEachern agreed that the cost of continued maintenance was a concern. Mr. Resnick then discussed the project at John Paun Park. He advised it would include a re-design and expansion of the parking area. They will also be making some drainage improvements and installing a septic system.

Discussion regarding Lakeville Code Project-Final Draft

Mr. Knox then reviewed the March 1, 2023, letter from the Town Clerk. It advised that the last phase of the Town's Bylaw codification was complete. The next step is the adoption of the Bylaws by Town Meeting and submission to the Attorney General for approval. Two draft motions had also been included. Mr. Resnick advised there was a draft of the General Bylaws just for their information. The Planning Board would not hold a public hearing regarding that. They would need to hold a public hearing for the renumbering of the Zoning By-law. He would like to schedule that for April 13, 2023. Planning Board members were all fine with the proposed date.

Discussion regarding 40B and 40R comparison

Mr. Knox said they should have a handout that goes through the comparison of the two. This is really just for their discussion so that they and the public understand the difference between 40B and 40R. Mr. Knox then read into the record each item from the handout and the differences between 40B projects and 40R projects. He asked if there were any comments. Ms. MacEachern said that under the limited dividend/profit limit requirements, there is a limit for 40B, but not 40R. Is there a way to put a profit limit on 40R? She would be supportive with it, if that was the case. Her argument with the 40R is it is still the same as the 40B as far as the affordable units and the higher density.

Mr. Conroy said if you tied that together with a minimum number of units that must be affordable and you limit the profit requirements, the builder doesn't look at anything else except for those two items. He then would say how many do I have to build, and how much can I make? To him, 40R is advantageous to the Town, and 40B is advantageous to the builder. Mr. Knox replied that is unit wise, but not from a profit standpoint. Mr. Knox also noted with the 40R, you get money for the school system. Ms. MacEachern replied as more communities join the program and create these zones, that money gets dispersed more, so those funds will get lower and lower. After discussion regarding reimbursement rates, Mr. Knox said if it costs \$12,000 to put a student in the school system, and the excise and property taxes on the unit were \$3,000, then the State would give \$9,000 to make the full reimbursement of that education as long as those funds hold out and the Town files the paperwork.

Discussion regarding Inclusionary Zoning By-law

Mr. Knox asked members if they had a chance to review the draft that was in their packets. Ms. MacEachern said it was the same draft that was in their last packet, but she had put it into a word document. It writes it for you, and the blue box has the comment as to how you want to tailor it to your own community. Mr. Knox said that he had read it, but thought that might stop all development in Town. Ms. MacEachern said that at least when you have these larger developments, you are still getting units towards their SHI, rather than having to continue to add them. Mr. Knox noted that in the past four years, there had been only one development that came in front of the Planning Board that had more than ten homes.

Mr. Resnick advised that a 40B or 40R development would not be subject to this. This would be developments of which would only be subdivisions, as they did not allow multi-family housing developments elsewhere in the community. This would be for a large subdivision over ten houses. Some Towns like this, where others feel it has a nominal impact on affordable housing so they are not interested. He said the true way to really impact their housing is to work with 40B developers and try and get some rental projects, where all the units can be counted, as opposed to just counting the affordables in a for sale project.

Ms. MacEachern advised this had been one of the first items in their previous HPP. Her thought was with all the land they have protected in Chapter 61, if those large parcels come out and potentially become subdivisions, they could have something like this in place, rather than seeing all those units push them further away from their 10%. This would help them get there, and it is worth at least bringing it to Town Meeting. Mr. Knox felt that this could hurt the small developer. He would want to raise that number from ten to at least twenty or twenty-five. Mr. Conroy agreed that ten is too small, and they should go higher.

Mr. John Gregory of 8 Bartelli Road then asked if the Board or any other Board was aware of the Smart Energy Toolkit that is on the State's website. Mr. Knox replied he was not aware of it, but he would have to look into it. Mr. Gregory said there was a lot of information on the website. Mr. Knox thanked him for the information and said it is something they should consider for the future.

Planning Board Goals

Ms. Cline then distributed a spreadsheet to the Board. She said that one of her concerns about goals is to not drill down to the point of what makes a goal happen or work, but they need smart goals. Smart goals are specific, measurable, attainable, relevant, and time bound. As they look at this, they should have goals that can be short term, or within a year. They should also look at long term goals, but never have more than ten. She is proposing that they look at the goals that Mr. Resnick sent out and the goals that she sent out, as well as the feedback that Ms. MacEachern had and take a look at these goals. She will collect the feedback, and then they will come up with a document that would be the overall ruling goals that this Board wants to move forward with.

Ms. Cline said they need to have goals that they can answer to the public about. For example, every year they should be reviewing the wording in certain bylaws or zoning because things change in Town, and they need to keep that updated. Mr. Resnick added that for general zoning issues that come before the Board, they need to identify the language that they feel is inaccurate, or they want to modify by making it stricter, or clearer, etc. Those are things they would bring forth, but when you're looking at adopting or revising a whole section of the bylaw, that is a real project. That would require listing that as a goal with a specific timeline. That is what he had tried to do on the time line sheet.

Ms. Cline said she did not disagree, but felt they were just breaking it down differently. She is looking at those specific things that they as a Planning Board want to say to the public. For instance, they need to look at 40B and 40R and set that as an overall goal. They establish a timeline

on when they want to accomplish it, and at every meeting it is discussed how they stand. An Adult Entertainment Overlay District was then discussed. Mr. Resnick said that this is a bylaw that communities should have. Ms. MacEachern noted there was a provision in the current zoning which allowed this by Special Permit in Industrial Zones. Ms. MacEachern said when looking through these, they could combine them and get down to ten. Mr. Knox said he would like everything that is not their normal business, to be prioritized down to a list of ten. He would like this placed on their next agenda.

Review the following Zoning Board of Appeals petition:

a. I.D. Sign Group – 15 Main Street

Mr. Knox said this was the self-storage business on Main Street. His thought was to make a recommendation that the Zoning Board not grant any relief from the existing sign bylaw. Ms. Cline and Ms. MacEachern agreed. Mr. Resnick said they were specifically requesting a Special Permit to have the internally illuminated portion and the changeable copy portion. Those both require Special Permits, and this sign complies with the size requirements. Ms. Cline said she would not be in favor of granting any relief from the sign bylaw. Ms. Murray clarified that they were not seeking any relief. Any sign that is illuminated or has changeable copy requires a Special Permit.

After further discussion, Ms. Cline said that as long as it was within the guidelines, she was okay with it. Mr. Knox asked about hours of operation, and if the illumination goes out a certain hour. Mr. Resnick replied he believed that had also been adopted in the bylaw. The hours are 11 p.m. to 6 a.m. that the sign must be off, unless it is a medical facility. It was discussed if those hours would be sufficient.

Mr. Conroy made a motion, seconded by Ms. MacEachern, to send a recommendation to the ZBA regarding 15 Main Street, I.D. Sign Group, that they adhere to the bylaw. The **vote** was **unanimous for**.

b. Garbitt/Pike – 29 Staples Shore Road

Mr. Knox made a motion, seconded by Ms. Cline, to make no recommendation regarding 29 Staples Shore Road, Garbitt/Pike. The **vote** was **unanimous for**.

Approve Meeting Minutes

Mr. Knox made a motion, seconded by Mr. Lynch, to approve the Minutes from the January 26, 2023, meeting. The **vote** was **unanimous for**.

Correspondence

Some information had been sent out to members in regards to a proposed warehouse that was in the process of being permitted in the Town of Berkley. Mr. Resnick noted that it was a fairly substantial project, but he had not seen a MEPA filing. The other notices were insignificant.

415 Millennium Circle – Endorse Site Plan

Mr. Knox said they had already voted on this, but they would endorse this Site Plan tonight. He thought some changes had to be made. Ms. MacEachern said she had asked to have the filter maintenance included in the Operation Maintenance on the Plan. Mr. Resnick noted that was also included as a condition of approval of the Site Plan.

Next meeting

The next meeting is scheduled for March 23, 2023, at 7:00 p.m. at the Lakeville Police Station. Ms. MacEachern advised that she had requested to the Select Board to have a joint meeting between the Lakeville Planning Board and Select Board with the Freetown Planning Board and Select Board to have a discussion regarding the commuter rail zoning. Mr. Knox said he would follow up on this.

Ms. MacEachern also wanted to know regarding 310 Kenneth Welch Drive where they were with the response from the Select Board for their no parking sign request. Mr. Resnick said they will be having a meeting with many of the department heads and with the owners of the property next week. They will then have a better understanding of where they are going to be with their filings as they are moving things forward. There are multiple issues with the property besides the timing of the Site Plan filing, the Conservation Commission filing, as well as water connection allocations. He would have more information for the Board at their next meeting. Mr. Knox said they had asked for a letter to be sent, and had voted on this at a subsequent meeting. Mr. Resnick replied that he had discussed this with the Selectmen, but a specific memo had not been sent.

Ms. MacEachern felt this was a separate issue. They had voted twice to send a memo, but it hasn't been done, and there had just been a conversation. Ms. Cline asked if they could get a memo sent to the Select Board. Mr. Resnick said he could do that. They were trying to give the owners some flexibility in trying to address this properly, but now there are other issues they haven't addressed at the site. After further discussion, he said that he would let them know.

Adjourn

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

Meeting adjourned at 8:42.