

**Planning Board
Lakeville, Massachusetts
Minutes of Meeting
Thursday, April 13, 2023**

On April 13, 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; John Cabral, Nora Cline, Jack Lynch, Michele MacEachern

Others present:

Marc Resnick, Town Planner

Public hearing (7:00) Codification

Mr. Knox made a motion to open the public hearing and read the legal ad into the record. It was seconded by Ms. Cline. The **vote** was **unanimous for**. Mr. Knox advised this was a matter that was tasked to the Town to renumber and fix their Zoning Bylaw. He asked if any Planning Board member would like to discuss. Ms. MacEachern replied this is very similar to what a lot of other Towns now use. The electronic version makes it easier to search, and it was very user-friendly. He then asked if there was any public comment.

Mr. Dick Scott of 9 Rush Pond Road asked if part of this would be to update the Zoning map to reflect the current zoning. Mr. Knox said he did not think that was part of this. Mr. Scott noted the language in the map, and there was a clause in there regarding litigation. Part of the problem is there is language in the bylaw, but it is not on the map. Mr. Knox said that once this passes, they would update the zoning map to reflect it. There were no other comments from the public.

Mr. Knox made a motion, seconded by Ms. MacEachern to recommend approval on Town Meeting floor by the Planning Board to adopt these changes. The **vote** was **unanimous for**.

Public hearing (7:05) Citizen's petition

Mr. Knox made a motion to open the public hearing and read the legal ad into the record. It was seconded by Mr. Lynch. The **vote** was **unanimous for**.

Mr. Knox asked the petitioner to present. Mr. Daniel Cooney of 59 Main Street was present. He advised he had been pursuing their support, advice, and guidance for this amendment over the last two years. He has taken their advice to bring this forth, and it is now on the Warrant for Town Meeting. He was asking for their support so they can keep their business here. It will be good for

Members then discussed how they thought a proposal would not undergo Site Plan Review. Mr. Scott said he has been involved for two years in litigation with the Town. Litigation hangs on the interpretation of the bylaws, what is by right, Court cases, and Land Court rulings. If there were things that needed to be fixed, they should fix them, but he felt this was going in the wrong direction. Mr. Cooney responded that 80 abutters would like to have this building in this spot. He felt they should listen to them.

Mr. Knox then made a motion to close the hearing and to not recommend approval on Town Meeting floor. It was seconded by Ms. Cline.

Vote: Ms. MacEachern, Ms. Cline, Mr. Cabral, Mr. Knox-Aye; Mr. Lynch -Nay

Mr. Knox said as a housekeeping issue, he had not made a motion to close the first hearing. He then made that motion. It was seconded by Ms. MacEachern. The **vote** was **unanimous for**.

Public hearing (7:00) Site Plan Review-13 Main Street, continued

Mr. Knox advised the applicant had requested a continuance to the April 27th meeting.

Mr. Knox made a motion, seconded by Ms. Cline, to continue the 13 Main Street Site Plan Review public hearing until April 27, 2023, at 7:00 p.m. The **vote** was **unanimous for**.

Public hearing (7:00) 44 Clear Pond Road, continued

Mr. Fred Keylor from Hancock Associates, representing Mr. Derek Maksy, the applicant, was present. Mr. Keylor advised they had presented a plan in the fall, and the Board had expressed some concerns regarding some of the waivers that had been requested. Since that time, Mr. Maksy has had some additional wetland flagging done and surveyed. They also did a couple of test pits on either side of the road for potential storm water to establish groundwater elevations. Mr. Resnick and the Board's peer review engineer were present to witness the pits. In November, the plan presented showed a road going over the existing driveway cul-de-sac and two lots. One lot was the solar farm, and the second lot was the remainder of the country club.

Mr. Keylor said they looked at traditional drainage per the Board's request, and it was reflected on the new drawing. They extended the cul-de-sac down to the parking lot. It was noted that another lot had potentially been created, which Mr. Maksy was considering. The extension of the cul-de-sac takes advantage of the existing parking lot pavement so they were not creating as much new impervious surface area. Regarding the conventional drainage, they did have some reservations about it. In order to get the catch basins to drain back down the road, they have to elevate the road by three to four feet over its current grades and install retaining walls. They did not think it was a good design. It impacts the neighbors and raises the road. Mr. Keylor said they think the country drainage is preferable and less impactful to the neighbors. They would have a stormwater management basin on the left side of the road and a rain garden that would collect the runoff from

Reorganization of the Planning Board

Mr. Knox advised that they have had an election and now have a new member, John Cabral. After an election, all Board should reorganize.

Ms. MacEachern made a motion, seconded by Ms. Cline, to appoint Mr. Knox as Chairman of the Board. The **vote was unanimous for.**

Mr. Knox made a motion, seconded by Ms. Cline, to appoint Ms. MacEachern as Vice-Chair of the Board. The **vote was unanimous for.**

Appoint SRPEDD representative

Mr. Knox made a motion, seconded by Mr. Lynch, to reappoint Ms. Cline as their SRPEDD representative. The **vote was unanimous for.**

MBTA Communities Discussion

Mr. Resnick advised that SRPEDD had submitted their report, and the Board should have received copies of it. The report indicates that their current 40R district complies in the language required to allow the required density that the State is asking to be adopted. The District also has excess capacity over what was constructed. SRPEDD's opinion is that the language is compliant and the District is compliant. Their next step would be to complete the Compliance application for the State and submit that to the Select Board who will need to sign it and submit it for review by DHCD.

Mr. Knox asked if they needed a motion. Ms. MacEachern said she thought they were going to get this and just hold for now because they did not have to comply until 2025. They were supposed to have some conversations and reach out to the other combined school district, and what they are doing. Mr. Resnick said they have filed their Action Plan and are in compliance. They have received a grant to do the evaluation of their existing District, and as part of that to also look at areas for another District if they weren't in compliance. They will now need to have an application completed and submitted to DHCD for their review and determination. The sooner they find out if they are not in compliance, the more time they would have to figure out what they need to do. He said the decision whether to submit that or not is vested in the Select Board. At their last meeting, they asked him to reach out to Freetown, which he had done. Freetown is in the process of trying to evaluate how they are going to comply, and are of the opinion they would like to comply, although there is some concern in the community about this additional housing.

Members then discussed the possible impacts to the schools, and if this should be submitted or if they should wait as they had until 2025 to comply. Mr. Scott added that there is still a lot of uncertainty going on with this, especially if there is litigation being talked about by communities that say they are not going to go along with this. If they are in compliance, what more could the

Discuss Planning Board Goals

Ms. Cline said this was taking the list from Mr. Resnick, comments from Ms. MacEachern, and seeing what fit best. She noted that goals are fluid. They are based on what else is coming before the Board, and what they want to accomplish within a period of time. They are for the benefit of them as individuals, as a Board, and then also for the community. She then went through each item on the list. After discussion, Ms. Cline said based on the comments, she would like to clean this up and have a final document ready for their next meeting.

Next meeting

The next meeting is scheduled for April 27, 2023, at 7:00 p.m. at the Lakeville Police Station

Approve Meeting Minutes

Ms. Cline made a motion, seconded by Ms. MacEachern, to approve the Minutes from the February 23, 2023, meeting. The **vote** was **unanimous for**.

Correspondence

There was no correspondence of significant impact to review.

Adjourn

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

Meeting adjourned at 8:55.