

**Planning Board
Lakeville, Massachusetts
Minutes of Meeting
Thursday, March 10, 2022**

On March 10, 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; Barbara Mancovsky, Michele MacEachern, Jack Lynch

Others present:

Marc Resnick, Town Planner

Review of possible amendments to the Zoning Bylaw – Sign Bylaw

Mr. Knox said there were some unresolved items that members could speak to tonight. Mr. Resnick stated at the last meeting they had talked about electronic message boards, the changeable copy signs, and the internally illuminated signs. There had been discussion about not allowing them but a majority felt that they should require a Special Permit with certain parameters. The Zoning Board can then determine if there are certain site-specific conditions that ought to be reviewed, whether it's the height or intensity, or if it is even desirable. Mr. Resnick advised he has rewritten this section and has included it in the Special Permit section.

Ms. MacEachern asked if it would be necessary to add the definition for an internally illuminated sign. Mr. Resnick said that could be added. Ms. MacEachern was still hesitant about allowing these signs with a Special Permit because there is so much land that could potentially be developed, and they already have all these existing signs. This will just add to the trend of that unappealing design. Mr. Resnick advised that what they have here is still a significant change over what they currently have. You can go in and amortize and get rid of signs that are non-conforming and give people a certain length of time to do so, but it has to be a reasonable amount of time. He felt at this point, it's better not to do that as this is their first real re-write of a small bylaw. Ms. Mancovsky said personally she would like them to limit the signage as suggested by Ms. MacEachern at their last meeting. She did not think advertising on the street had a material impact on the operations of a local business, but it did have an impact on their community.

Members then discussed if any of the sizes should be modified. Mr. Conroy was not in favor and noted the sign outside would not even be available by Special Permit. They have designated business zones, and there needs to be options for signs. The height of signs was also discussed. Mr. Conroy said if the maximum building height in Town is 35 feet, 30 feet for a sign is not

outrageous. Mr. Resnick said there is a section that allows the Zoning Board to issue a Special Permit for signs that exceed the limitations in this bylaw. Unless they take that out and eliminate Special Permits for signs unless they specifically say so, such as electronic message boards, they then can take out some of these prohibitions of maximum size and heights. He was trying to set some limits so the Zoning Board can't allow, for example, a 50-foot sign.

Ms. MacEachern asked if anything regarding the lumens had been included. Mr. Resnick said that it had not. That was going to require a lot of research, and there had not been enough time to delve into that particular issue to figure out what is the maximum, and how to regulate it. Mr. Knox said under 6.6.6.3, changeable copy signs, it says that only one of these types of signs are permitted per property. If there is a strip mall with five spaces, only one store can have a sign? Mr. Resnick replied normally the name of the plaza would be on the top of a sign and below it there would be a placard for each individual business. Those would not have to be internally illuminated. If they are trying to have better design and better quality, then each business could still have their own placard which would be lit by spotlights or some other illumination on the sides of the sign.

Mr. Knox asked if they could change the per property to per business. Mr. Resnick said what could happen is with the maximum of a 32 square foot freestanding sign, the entire thing will be an internally illuminated sign, or it will have an electronic message board and then it will be all internally illuminated. Ms. MacEachern thought what was written was a good compromise, with one internally lit and the other businesses having a side spotlight. Mr. Conroy said that they are discussing that a business can't have both an internally lit sign and an electronic message board even though this building has that. He didn't see how that is necessarily bad. Ms. MacEachern added that this was a good example of a good exception. Mr. Knox said that he would be opposed to this unless the word property was changed to business. He said you could then have two internally illuminated signs and no electronic message board. Mr. Conroy said he didn't want to limit people with their business, when the Town has a business zone. Mr. Resnick added that they were not taking away the ability to advertise but were forcing a more thoughtful design.

Mr. Conroy questioned what type of business would be open for 24 hours. Should they also include veterinarian care? Mr. Resnick said it would say "except for a facility providing medical care or emergency services." Mr. Knox said he wanted to revisit changing per property to per business. Mr. Conroy had no problem with the change. Mr. Resnick added that either way it was not overly restrictive. He noted that after a new bylaw is implemented, if it's found to be too restrictive or too lenient adjustments can be made. Ms. Mancovsky asked if they make that change, what does it look like? Mr. Resnick said if there were five businesses on a property there could be five internally illuminated, five changeable copies, or five electronic message boards by changing just that one word. Mr. Resnick said he would add a sentence which would allow that kind of sign but under a Special Permit and only for a common directory sign. He would add internally illuminated signs shall not exceed 24 square feet. He would also add a common directory sign may be allowed to have one internally illuminated sign per business not to exceed 12 square feet. It would still be a Special Permit so the Board can look at the design, brightness, etc. to ensure that it is compatible with the neighborhood.

Ms. MacEachern asked if the definition for an internally illuminated sign was going to be included. Mr. Resnick said he had not included it. Ms. MacEachern just wanted to make sure that going

forward there wouldn't be any confusion where an applicant would try to claim otherwise. Mr. Resnick said he would then define it as signs illuminated by the means of a light source completely enclosed by the sign panels. This would make it absolutely clear.

Mr. Knox then made a motion, seconded by Ms. Mancovsky, to send the amended sign bylaw to the Board of Selectmen for approval for the Town Meeting Warrant with the following changes: the internally illuminated signs per business change; the change to emergency services signs illuminated overnight; and the additional definition for illuminated sign. The **vote** was **unanimous** for.

Review of possible amendments to the Zoning Bylaw – Site Plan Review including Design Standards

Mr. Knox began with a couple of questions. Regarding Section 6.7.5.6 Architectural requirements, later in the bylaws they are under 6.7.6. Should this be referenced? Mr. Knox said also under 6.7.6.7 Lighting should that reference the Town's lighting by-law? Mr. Resnick replied that he could add those references in. The last question was in regards to on-site construction. Within the bylaw, they have already called out that peer review, at the applicant's expense, may be required. He asked for a clarification. Mr. Resnick said that sometimes within a project items may have to be amended or adjusted and that is what this section allows. If it is something of significance that affects the Site Plan, then that should come back to the Board. Mr. Knox said they might want to call out what they want to regulate and have an engineer be able to review it at the developer's expense. Mr. Resnick said there is a line regarding this under fees.

Ms. MacEachern noted that there were two Sections 6.7.6 which would need to be corrected. Mr. Knox asked if language could be added in Section 6.7.4.3 to include for final as-builts for stormwater management, sidewalks, handicapped access, etc. He noted that previously, somethings had been missed. This will make sure that they have, in the bylaw, the ability to close out a project at the applicant's request. Mr. Resnick advised that compliance with handicap standards should go into the Site Design Performance Standards with a reference that all would meet State Handicap Design Guidelines.

Mr. Knox said that he liked the section where mitigation has been called out for access to another neighboring site. Mr. Resnick said that regarding site construction he noted they can add the Board may require the site construction be inspected at the applicant's expense. Mr. Knox asked if there were any additional questions for the Site Plan Review. There were none. He then made a motion, seconded by Mr. Conroy, to send the Site Plan Review by-law changes to the Board of Selectmen with the three minor changes that had been discussed. The **vote** was **unanimous** for.

Review of possible amendments to the Zoning Bylaw – Filling Station- corrections from 2018 Town Meeting

Mr. Knox said there had been a document included in their packets. Mr. Resnick noted that everything had been approved except for the section that was in front of them. Mr. Knox said it appears to be a housekeeping item. Was this from Town Counsel? Mr. Resnick was unsure where it originated. It had been given to him, and he was told this portion had not been put forth at Town

Meeting and it was not known why it hadn't made it onto the Warrant. He believed it had been changed in one section but not this specific Special Permit section.

After discussion, Mr. Knox made a motion, seconded by Mr. Conroy, to send this Article to the Board of Selectmen to be placed on the Warrant. The vote was **unanimous for**.

Review of possible amendments to the Zoning Bylaw – Open Space Residential Development (OSRD)

Ms. Mancovsky noted that their current frontage is 175 feet and this is down to 50 feet. Mr. Resnick said that he had made some adjustments but he thought they could discuss it. He would show them some drawings of subdivisions they had done in Foxborough. Unlike in Foxborough, most of Lakeville is private water and private septic so he changed the minimum lot size to 30,000 square feet. This was after consulting with the Health Agent to be able to maintain the required setbacks for both water and septic systems.

Ms. Mancovsky asked if they were to approve something like this, where everything would be fairly tight, would septic systems have to be dug out to be replaced? Mr. Knox said that it depends on the reason for failure, but that it can be done. Members then discussed the sample plan that Mr. Resnick had provided. Ms. MacEachern asked if they were only setting aside 50 %, shouldn't they just half their existing requirements? Mr. Resnick replied it was required to have at least 50% but that doesn't mean you couldn't have a higher number. The other item is you have to take out roadways, etc. He also has a limitation that you cannot count the drainage areas toward the open space. Leaving that in there, allows a little more flexibility to the builder to design something.

Mr. Knox said his suggestion would be to a change in those requirements to somewhere between 75 and 100 feet, but then could the Planning Board offer a waiver that not more than 20% of the lots have reduced frontage? He noted that you could get away with 50 feet on the outside corners, but some lots on the straight part of the road would still require the 100 feet and some on the cul-de-sac or a bend in the road would gain from that. If they limit the number, they could allow it but not on every lot. Mr. Resnick said that you would find from laying out a subdivision that no one's going to have all the lots 50 or 75 feet, but he thought allowing that flexibility would be a good thing.

Ms. Mancovsky asked if this Open Space by-law was one of the objectives of the Master Plan Implementation Committee. Mr. Lynch said that it was, but they hadn't really had much conversation regarding it. Mr. Resnick said they could increase the frontage and then allow the Planning Board to reduce the frontage on 20% of the lots to 50 feet. Therefore, if it was a 20-lot subdivision, 4 of them could be 50 feet but the others would have to be whatever number they come up with. Mr. Resnick said that still allowed some flexibility but also some control of the configuration of odd shaped lots.

Mr. Knox asked if the road would be adopted by the Town. Mr. Resnick said it could be. The developer may want to build a private road for his private community but still have public access to the open space. It would depend on the piece of land; if it was a sensitive habitat; if there are existing trails, etc. Mr. Knox asked about the option for a duplex so there could be a shared septic.

Mr. Resnick replied that would require a whole new section. As they work through the other bylaw over the summer for age restricted senior housing, they could discuss whether they want to amend this to allow that type of option. Initially, the goal is just to have some reduced size subdivision so they could have a variety of housing and some land preservation.

Mr. Knox asked if in the dimensional requirements where it states maximum percentage of land covered by structures, parking, and paved areas; would it make sense to change it to lot coverage so it cannot be construed as percent of land on the entire project. Mr. Resnick noted that was the same language used in the current bylaw. He could take out that language in the OSRD bylaw, and when they look at some other adjustments to the zoning, that might be something they correct. Mr. Knox said they were normally at 25% coverage, was a formula used to get to the 40%. Mr. Resnick replied what he had done was added up the square footage for a house, driveway, pool, pool apron, shed, decks, etc. The sum of those comes to approximately 33%, and 40% allows a little more flexibility in case there are other factors affecting the lot. Mr. Knox asked if this would negate what was in the Zoning by-law. Mr. Resnick said it does say that all lots approved under this section do not have to comply with the requirements of Section 5.1, the Intensity Regulations. If there were wetlands on these lots, it would not take away from the lot coverage as found in the Zoning by-law, but 30,000 square feet of contiguous upland area would be required for the lot to be a lot. It would have to exceed that number if there were wetlands on it.

Mr. Knox asked if for the potential of some Planning Board control, could they require 10-20% age restricted, maximum two-bedroom homes, or an affordable component. Could they develop something as a negotiating point for them to grant a waiver for something else? Mr. Resnick said some towns will do an inclusionary zoning bylaw that will say if your developing a subdivision with so many lots, you must have one affordable unit, etc. They could write an inclusionary zone affordable section to this, but he has never written one. He would be concerned with just throwing in a blanket statement. They would need to know what does that mean; what is the criteria; what is the affordability requirement; who is going to be monitoring? He thought that could be a good discussion as they go forward. Do they amend this or do they create an inclusionary zoning bylaw themselves? That is something they can look further into.

Members then discussed having a private road versus a public road. Mr. Resnick said this doesn't say all the roads under this have to be private. The Board can say their policy is that they want all of these roads to be public ways because of the open space, or any other reasons. He said that in other communities, he has found that the private roads can be a real hassle. Mr. Conroy thought it was great, and nothing mentioned was a hold up. Mr. Lynch was also okay with it. Mr. Knox said they will see how the rest of the Town receives it when it goes to Town Meeting. From a development standpoint and preserving open space, he thought it would be a good thing, and it is a positive. He said that they are going to change the frontage and put in the potential for a waiver over 20%. Mr. Resnick said that he will put in 100 feet and then 20% of the lots may be reduced to a minimum of 50% or the Board may approve.

Mr. Knox then made a motion, seconded by Mr. Conroy, to send this to the Board of Selectmen for approval for the Town Meeting Warrant. The **vote** was **unanimous for**.

Master Plan Implementation- Fee Review Project - update

Mr. Knox asked Mr. Resnick if he had a chance to go over the fees that the Town currently charges and what the Board had proposed. Mr. Resnick replied he had gone through them, and had also checked a few other communities. He then reviewed some of the fees. He noted most were comparable with surrounding Towns. After discussion, he advised he would revise this for their next meeting for further discussion. If they approve it, they can then figure out a date to post a hearing.

Mr. Knox added that it had also been mentioned prior that at their last Town Meeting there was a bylaw change for gravel removal permits. One of the requirements that negated the gravel removal permit going to the Board of Selectmen was if it was part of an already permitted project, so if there was a subdivision in front of them, it wouldn't then go back to the Selectmen because it was already permitted by the Planning Board. Mr. Knox asked if they should add a gravel removal line into their fee schedule and include it under their purview.

Mr. Resnick asked if that was something that was overlooked, or was it something they thought where the amount coming out of site would be relatively insignificant or reused within the site. He noted that in Towns that he has been in, they haven't required it because of those issues. Mr. Knox said the change had been recommended by Counsel because what they had was antiquated and needed to be updated. It had previously been a vague and nondescript bylaw, but it was changed to become a very descriptive bylaw. There were certain criteria that excluded it from going to the Board of Selectmen because it would have already been permitted. Mr. Knox said that he did not want to see the Town lose out on that revenue because of the new bylaw. Mr. Resnick said that he would have to determine if the Board had the authority to require a fee for the removal of gravel from the site under the subdivision control law, or they may have to add something to the regs that would give them the authorization to require a fee. They could look at that concurrently with the greater changes and updates to their subdivision regulations. Mr. Knox said he thought it was worth Mr. Resnick looking at the new bylaw, and they could then have additional discussion on the subject. Mr. Resnick would have the final review of the fee project for their next meeting.

Next meeting

Mr. Knox advised the next meeting is scheduled for March 24, 2022, at 7:00 p.m.

Old Business

Ms. MacEachern said she had the re-codification materials which she would be sharing with Mr. Resnick.

Mr. Resnick said there is a subdivision in the Town called Bella's Way. He has not yet been by there or inspected it, but one of the conditions is the posting of a cash bond for \$11,000 for the completion of the roadway. He advised they have submitted this check. Mr. Knox said that Mr.

Resnick should go by there. There were still some drainage structures that needed to be put in. He would like him to take a look at it before they make a final decision.

Mr. Resnick then discussed 310 Kenneth W. Welch Drive. He had spoken with their engineers, and there had been a team of people on the call. They said that items such as the parking calculations, lot coverages, as well as the gas storage or distribution facility that has been added, aren't theirs, they didn't add them, and therefore, were not responsible. He has advised them that someone has to coordinate all of this, and they are the first ones coming through to make adjustments. They are the beneficiary of this, and they need to ensure that all of this is coordinated with the building owner or that the owner coordinates this on behalf of his tenants.

Mr. Knox noted that the installation of the gas storage took 22 of their parking spaces. That is why they needed to add more out front as well as their expansion. Mr. Resnick stated they will be on the Board's next agenda. They will also be asking for an extension of their temporary parking plan.

New Business

Ms. Mancovsky advised that later this month she would be attending her last SRPEDD meeting. She wanted the Board to be aware that someone would have to be appointed to fill that position. Mr. Knox said they will place that on their next agenda for discussion.

Adjourn

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

Meeting adjourned at 9:25.