

**Planning Board  
Lakeville, Massachusetts  
Minutes of Meeting  
Thursday, May 25, 2023**

On May 25, 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. LakeCam was recording.

**Members present:**

Mark Knox, Chair; John Cabral, Nora Cline, Jack Lynch

**Others present:**

Marc Resnick, Town Planner

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

Mr. Knox said they had just received the peer review letter, and there had been some modifications made to the plan. Mr. Fred Keylor from Hancock Associates, representing Mr. Derek Maksy, the applicant, was present. Mr. Keylor advised last time they were here they had presented two plans. One being the country drainage, that had been submitted originally. The second was the conventional drainage that the Board had requested. At the end of that meeting, the Board had decided they could go with the country drainage plan. After receiving some comments from Mr. Maksy, they made some revisions on some of the lots to the lot lines.

Mr. Keylor said they have gone through the review letter, and there is nothing left in it of any concern. They can make those corrections fairly quickly, as they are all minor in nature. He also had some copies of the street lighting fixtures that he presented for the record. Mr. Keylor then reviewed the proposal. The plan is for a subdivision off Clear Pond Road where the existing driveway is. Off that proposed roadway are four lots; two on the left side of the roadway as you go in, a large lot which would be the Golf Course, and a fourth lot in the corner. They are pitching the roadway to one side for the country drainage. They will have a sidewalk on the east side. They are putting in drainage swales along that whole edge, which will carry the water down to an infiltration basin for Stormwater Management. From the cul-de-sac, they are collecting some of that runoff and directing it to a rain garden.

Mr. Keylor said the peer review consultant agrees with most of their drainage design, but is asking them to do a sediment forebay in the rain garden, which is easily done. There will also be some other minor adjustments to the road profile. The lot with the solar panels, Lot 2, was then discussed. It was said that there was drainage right now that connect to Harcourt already on the property. Mr. Keylor said he thought the drainage comes from Harcourt and gets piped across the lands of the abutters. He said that would not be changing, and they would be maintaining that pipe.

Mr. Keylor said they could address Environmental Partners comments as they were minor in nature, and turn those drawings around fairly quickly. Mr. Knox replied they have opened up some communication with the Zoning Enforcement Officer, and there appears to be some issues with the Zoning Map. The preliminary plan shows the business zone district right up against the back of the lots. Now the zoning line has been moved, and it almost separates one from the solar field and four from the other lot. Generally, they don't travel perfectly along those lot lines, but the Building Commissioner had some concerns about those lines. He then explained the discrepancy, and noted that he had sent it to Mr. Maksy. Mr. Knox advised that a lot of investigation has been done to research the property transfers on the deeds going back to the fifties to try to establish the proper line.

Mr. Knox said that he had sent them some comments. Was he confident that the front yard circle works on Lot 1 and the drainage would not reduce the lot area to make it non-conforming? Mr. Keylor said that was correct, and it was one of the adjustments they made on the most recent submittal. Regarding the solar array, the lot line does cut through a couple of the panels. Mr. Maksy said that he would agree with that, and would remove the panels needed to create the required setbacks. Mr. Resnick said that should then be shown on the plan. They will need to know where that zoning line is to determine if the setback is 20 feet or 40 feet from that property line.

Mr. Maksy asked what happens with the buffer zone on something like that. Mr. Knox said the business zoned property should buffer from the residential. Maybe within that setback of removing the solar panels, he builds a berm and puts some trees on it. Mr. Maksy said that he has had the panels ten years, and they are not valuable anymore. It might be easier to remove them and put them on the golf cart building to charge the golf carts. He then maybe could go to the Zoning Board of Appeals and make that a residential lot. Ms. Tressah Jakubowska, of 53 Harcourt Avenue, asked if he was planning on anything coming off of Harcourt at this point. Mr. Maksy replied he was not really planning on anything right now.

Mr. Lynch asked as Mr. Maksy was abutting the commercial district, did they need to worry about the lighting, noise, deliveries, etc. Mr. Maksy said the use of the Golf Course is not changing right now. Mr. Knox noted that if they saw a disturbance of over 1,500 square feet, it would come back to the Board for Site Plan Review. Mr. Knox added that if he was considering getting rid of the solar panels, he would recommend showing that on the next plan. Mr. Maksy said that he would need to know when that final year for the solar panels is up. Mr. Resnick said that Mr. Maksy would not be able to convey those lots until the zoning violation is cleared. He would need further clarification from the Building Commissioner as to what could be done. Mr. Maksy also discussed what would happen if he went to the Zoning Board for a Special Permit. The correct line placement for the Residential and Business District was also discussed. Mr. Maksy said that he would speak with Mr. Maddigan to see how he determined where the line had been placed.

Mr. Knox asked if there were any additional questions. Ms. Cline asked about a landscaping plan. Mr. Resnick said they could request a plan for the landscaping of the island in the cul-de-sac. Mr. John Gregory asked what the intended use was. Mr. Knox replied it was residential.

Mr. Knox made a motion seconded by Mr. Lynch, to continue the public hearing for the definitive subdivision plan at 44 Clear Pond Road until June 8, 2023, at 7:00 p.m. The **vote** was **unanimous for**.

**Public hearing (7:00) – Stowe Estates – 35 Myricks Street, continued**

Mr. Knox made a motion seconded by Mr. Lynch, to continue the public hearing for the definitive subdivision plan at 35 Myricks Street until June 8, 2023, at 7:00 p.m. The **vote** was **unanimous for**.

**Discuss and vote on final edits of the Housing Production Plan (HPP)**

Ms. Perez and Mr. Cabral from SRPEDD were present. Ms. Perez advised they had implemented all the edits that the Board had suggested at their last meeting. They also made some minor grammatical changes and rephrasing for clarity, but nothing notable. She believed it was Page 67 where they had added new content. It had been noted the expiration of certain units was coming up in the next 10 to 20 years, and they wanted to address that. They made it its own strategy with a high priority. They also added a little bit about the Chapter 40T process for the expiring use of affordable units, so there would be more clarity about how that process works. Some resources had been added that could be utilized if the Town wanted to pursue getting those deed restrictions into perpetuity. She advised that was all of the changes.

Mr. Knox asked if there were any comments. Ms. Cline thought it looked good. Mr. Knox then made a motion, seconded by Mr. Lynch, to approve the June 2023 HPP as drafted. The **vote** was **unanimous for**.

Ms. Perez said the next step is for it to go to the Select Board. Once it comes back to them, they will forward it to DHCD. If any edits come back from DHCD, they will advise this Board.

**Discussion regarding Sign By-Law**

Mr. Knox advised that Ms. MacEachern had commented that the purpose of their draft is to come up with language which will allow the Planning Board to be the Special Permit Granting Authority for electronic signs. He then read the proposed changes. He stated the effort to change the Sign By-Law had been started quite some time ago. He thought the intent was for the Planning Board to be able to put conditions and control the location, and the time of the use, if the property was adjacent to several residential properties or even deny the use if it was surrounded by residential properties. This had not been a carte blanche use of electronic signs throughout Town on businesses.

Ms. Cline asked what the reason was for it being taken by the Planning Board instead of the Zoning Board of Appeals (ZBA.) Mr. Knox replied they have only been doing it because they updated

the bylaw, and it stayed as ZBA being the Special Permit Granting Authority (SPGA.) The sign for the new self-storage building went through them. Ms. MacEachern and he agreed that the Planning Board would want to oversee that. He added that one section of the bylaw was not produced to grant relief, but to control use. Mr. Resnick clarified that all the Special Permits for signage were through the Zoning Board. When they rewrote the bylaw, they added more restrictions to certain types of signs, but they still maintained the Zoning Board as the Board to review and approve Special Permits.

Ms. Cline asked what if a business came in and wanted multiple signs, including an electronic sign. They would have to go to both Boards. Mr. Lynch asked why it couldn't all be done by the ZBA. Ms. Cline said there could be situations where they are causing a business to go to multiple Boards. Mr. Resnick said perhaps a better way of addressing this issue would be to have a variety of smaller commercial zoning districts in Town, either through an Overlay or a separate district. They could set certain specific rules and have the sign bylaw drafted specifically where allowed by zone. Mr. Knox said that is something he could agree to. He asked that something be put together for their next meeting.

Mr. Resnick replied that the process would probably be to put together a list of the parcels within these locations, what their sizes are and then look at either creating a specific district, or an overlay district within the sign bylaw. Mr. Resnick said he would send out the zoning map and maybe have something prepared for their second meeting in June.

### **Approve Meeting Minutes**

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

### **Next meeting**

The next meeting is scheduled for June 8, 2023, at 7:00 p.m. at the Lakeville Police Station.

### **Correspondence**

Mr. Resnick advised there were some notices from abutting communities. Most of were no significance. There were some for large scale solar projects and recreational marijuana facilities.

### **Adjourn**

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

Meeting adjourned at 7:47.