

**Planning Board
Lakeville, Massachusetts
Minutes of Meeting
Thursday, August 10, 2023**

On August 10, 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; Michele MacEachern, Vice-Chair, John Cabral, Jack Lynch

Others present:

Marc Resnick, Town Planner

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

Mr. Knox advised the applicant has requested a continuance to their September meeting. He then made a motion, seconded by Ms. MacEachern to continue the public hearing for 13 Main Street until September 14, 2023, at 7:00 p.m. The **vote** was **unanimous for**.

Site Plan Review – 156 Rhode Island Road, continued

Mr. Sikorski, the applicant, was present. Mr. Knox stated they had received a set of revised plans today. The only change was the change in the driveway opening to 54 feet, but he had not had a chance to review the plans. Mr. Knox noted that Mr. Sikorski had some concerns about some of the conditions in the draft approval. Mr. Sikorski said that he would prefer to wait until this engineer arrived to discuss.

Approve Meeting Minutes

Mr. Lynch joined the meeting at this time. Mr. Knox made a motion, seconded by Mr. Cabral. to approve the minutes from the May 25, 2023, meeting.

Mr. Cabral, Mr. Lynch, Mr. Knox - **Aye**; Ms. MacEachern - **Abstain**

Mr. Knox made a motion, seconded by Mr. Cabral, to approve the minutes from the June 8, 2023, meeting.

Mr. Cabral, Mr. Lynch, Mr. Knox - **Aye**; Ms. MacEachern - **Abstain**

Next meeting

The next meeting is scheduled for September 14, 2023, at 7:00 p.m. at the Lakeville Police Station.

Discussion regarding a policy for additional hearing submittals

Mr. Knox said that it has been an ongoing item that engineers are amending and submitting plans at the last minute because it is a continuation of a public hearing. Although the initial submittals are done properly, they don't get enough time to review amendments properly. He thought a reasonable deadline would be the Tuesday before the meeting. Anything submitted after that, they would have the right to refuse, but they could also waive that right at their discretion. Ms. MacEachern agreed. She said that Concomm will vote on whether or not to accept the plan. If there are extenuating circumstances and they want to explain them, the Board could then vote on whether or not to accept the plan. Mr. Knox said the denial of that would then force a continuance.

Mr. Knox then made a motion, seconded by Mr. Cabral, to have a Planning Board policy that the deadline for submittals for a continued hearing will be the Tuesday before the scheduled meeting at 4:00 p.m., with the Board's right to waive the deadline if they so choose. The **vote** was **unanimous for**.

Discuss OSRD draft bylaw

Mr. Resnick advised that the version that was sent out in the packets is the version that had been reviewed with Conservation. It included the adjustments they had requested from a year ago and the adjustments from the Board of Health. The Board of Health's main concern had been with the suitability of small lots having enough room for well and septic setbacks. In order to alleviate that, the requirement will be there has to be a public water supply or a shared septic system. This way the lots will all have either all water or all septic.

Mr. Resnick advised the concerns of Conservation have also been addressed. They were concerned with accepting small pieces of open space, so he has included a minimum lot size of 20 acres. It can be smaller if the open space abuts an adjacent parcel of protected open space. The other concern was to ensure the open space was restricted by Article 97, which would require going to the Legislature to remove it from conservation purposes. The last thing was regarding procedure. The process begins with a very informal meeting with the Planning Board. When they get to the preliminary stage, they would have to have more developed plans and the concern was that the wetlands should then be properly mapped. He has added that the applicant must file A Notice of Resource Area Delineation (ANRAD.) The wetland line must be approved so when the Board is looking at the preliminary layout, they can be assured that those lots can be developed.

Mr. Resnick said the issue that came up with the Board of Health is they wanted all the lots to have at least one test hole dug even on the ones that would be located in the open space land. They could do that with a smaller machine so they would not create too much of any impact. They wanted to make sure that all of the lots shown on the standard preliminary plan were buildable. Mr. Resnick said for the final stage, when they file for the definitive, all of the lots that would be getting individual systems will have to be perced. If it is a shared system, the area for the system must be perced.

Ms. MacEachern said that she liked the improvements, but would like to see something more like possibly 10% senior housing. She is still concerned that this will allow a large parcel to be developed that maybe couldn't. Mr. Knox suggested reducing the open space with the tradeoff being a guarantee of 15% or 20% age restricted housing. Mr. Resnick said that he has had some discussion with Town Counsel regarding this. There are some new rulings about age restricted housing that they were still trying to clarify. He said it might be easier to build in an affordability component. The process for this was then discussed. Mr. Knox asked Mr. Resnick if he felt he had enough time to do the research to place this on the September 14th meeting agenda. He did. Ms. MacEachern wanted to make sure that the other Committees were on board with this draft. She did not want to bring it to Town Meeting and then have another Board or Committee member not be in favor of it.

Mr. Resnick said two minor changes were mentioned that would be included. The Board of Health and ConComm wanted to be notified about the informal pre-application meeting, as they are involved more in the next step, the regular filing for the preliminary plan. The other addition was to add 'drainage basins shall be excluded from the open space land area calculations. This is a clarification as it does exist in another location. He has sent this revised draft to the Health Agent for review. It was discussed submitting this version to the Select Board, which could be revised if necessary or pulled before Town Meeting.

Mr. Knox then made a motion, seconded by Mr. Lynch, to request the Select Board include the OSRD bylaw on the Warrant for the fall Town Meeting. The **vote** was unanimous for.

Site Plan Review – 156 Rhode Island Road, continued

Bob Rego, engineer from Riverhawk, and Tyler Sikorski, applicant, were present. Mr. Knox said that they had received a new set of plans, which he has not yet reviewed. The only change was the reduction of the opening on Rhode Island Road to 54 feet, which meets the bylaw. Mr. Rego added that the Board had asked for a plan that showed both lots combined that could be recorded at the Registry. The amended plan shows that with the deed references. They also have the 81X plan which will be recorded tomorrow.

Review of the draft approval then began. Mr. Sikorski had some concerns with some of the following proposed conditions:

- The screening of loam, gravel or other materials shall not take place on the property.
 - Mr. Sikorski's concern was that this is his business right now, although he has agreed to stop. Once his drainage is in, he would not be able to operate, but right now he did not have anywhere to move this. The amended condition will read "Once the drainage basins and structures are in place, then screening of loam, gravel or other materials shall not take place on the property."
- There shall be no outside work on vehicles or construction equipment.
 - Mr. Sikorski advised that right now none of his equipment fits into the existing building. He also asked if this would include routine maintenance such as checking the oil. Mr. Resnick said that would not be considered working on a vehicle. After discussion, members agreed that general maintenance is not a major repair. It will be changed to "There shall be no major mechanical repairs of vehicles or construction equipment outside after issuance of occupancy permit."
- There shall be no outdoor storage of construction or landscaping materials.
 - Mr. Sikorski said this is rather broad. Does it mean he couldn't have anything delivered and leave it outside? Board members discussed what types of materials that could be, and how they should be stored. The amended condition will be "There shall be no outdoor storage of loose or non-packaged construction or landscape materials after occupancy."
- The applicant shall return to the Planning Board for site plan review should they want to make any site changes or expand the use onto the newly acquired abutting property.
 - Mr. Knox clarified that Mr. Sikorski was allowed to clean that property up and maintain it. He couldn't use it for the expansion of the business for additional parking, etc., and impact the lot coverage.
- The drainage system shall be functional (re: soil stabilized, rip-rap installed, basins grassed, etc.) prior to an occupancy permit being issued for the structure. The applicant shall install oil & grease traps in the catch basins.
 - Mr. Sikorski was concerned about the grass, depending on the season and not being able to obtain occupancy. Mr. Resnick said they should be holding a performance guarantee to make sure that happens. After it's complete, it would be returned. Mr. Knox then stated that if Mr. Sikorski can't grow grass, he will return to the Board, who will ask him for \$5,000. That will be held until the grass grows.
- All Site work must be completed within twelve (12) months of the issuance of a Building Permit.
 - This might be a stretch with ongoing supply chain problems. Mr. Knox said that as long as progress is shown, there should be some type of mechanism for an extension. Mr. Resnick said they could add, "The applicant shall return to the Board with a schedule for completion."

Mr. Sikorski had no additional concerns. The Planning Board had no additional questions.

Mr. Knox made a motion, seconded by Ms. MacEachern to close the public hearing for the Site Plan Review at 156 Rhode Island Road, and to approve the Site Plan Approval document to be

filed with the Town Clerk with the amended changes to Condition #5, 6, 7, 12, &16. The Chair will be the only member to sign the document. The **vote** was **unanimous for**.

Discussion regarding Sign By-Law and Commercial Zoning Districts

Ms. MacEachern had made some changes, which she then discussed. She kept the Special Permit Granting Authority (SPGA) with the Zoning Board as long as they had more comprehensive and allowable reasons for a Special Permit to be granted. The addition to the bylaw for changeable copy signs, electronic message board signs, and internally illuminated signs was as follows: It requires a business to have an unusual requirement for a sign to be lit by any other means than exterior illumination. It must not be adjacent to any residential use, and it will not be detrimental to the character of the neighborhood.

Mr. Resnick said of the three items listed in the sentence, only the first one is not a standard and is kind of broad. Every business could argue why they needed this sign. Some areas such as on Main Street or Bedford Street have these signs, even though they are adjacent to residential areas. Ms. MacEachern said the goal is to get away from these electronic signs and not encourage anymore. She thought the language of the new sign bylaw was going to be strong enough to prevent seeing more of them, which wasn't the case. She is now looking for language that will actually get that done.

Mr. Resnick said that one of the things they could do, is create an overlay area in the community where those types of signs are prohibited. They have smaller commercial districts, where they may have one or two signs which would then become pre-existing, non-conforming. They also have areas like the end of Main Street and Route 44 that are highly developed, and have many signs they may want to still permit. What did they want to allow? Members then discussed the various options. Mr. Resnick said he could speak with SRPEDD about creating an overlay district map and possibly have something preliminary for them to review at their first September meeting.

Ms. MacEachern said that if they were not going to send something to Town Meeting, her concern is the longer they wait to put something more stringent in place, the more they will come in beforehand. Mr. Knox said he thought it was a two-part thing, and they need to do both. Ms. MacEachern asked if there was language that anybody else would rather use for this first sentence to give it more strength. Mr. Resnick said they could also enact a temporary moratorium for the issuance of internally illuminated and changeable copy signs. That would give them time to work on it. The law allows a temporary moratorium for a specific purpose with a specific timeline to complete something.

Mr. Knox said they could then amend the language in the existing bylaw and create a zoning overlay map to prohibit these signs in some areas and allow them only in certain areas. The allowed ones would then have to comply with the new standards. Mr. Resnick said an Article would then have to be written for the Warrant. After discussion, Mr. Knox noted that voting for a moratorium had not been specifically included in the agenda. Mr. Resnick agreed the language was not there, and suggested he draft something up and they have a brief meeting before the end

of the month. After discussion, Mr. Knox called for a Zoom meeting to be held on August 17th at 6:00 p.m. The only agenda item would be to vote on a possible sign moratorium on the changeable copy and internally illuminated message board signs.

Correspondence

There was no correspondence to review.

Adjourn

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

Meeting adjourned at 8:20.