

**Planning Board  
Lakeville, Massachusetts  
Minutes of Meeting  
Thursday, August 17, 2023  
Remote meeting**

On August 17, 2023, the Planning Board held a remote meeting. The meeting was called to order by Chairman Knox at 6:00 p.m. LakeCam was recording, and it was streaming on Facebook Live. Mr. Knox read the provisions by which the Board was allowed to meet remotely into the record.

**Members present:**

Mark Knox, Chair; Michele MacEachern, Vice-Chair, John Cabral, Nora Cline, Jack Lynch

**Others present:**

Marc Resnick, Town Planner

**Approve Meeting Minutes**

Mr. Knox made a motion, seconded by Mr. Cabral, to approve the minutes from the July 27, 2023, meeting.

**Roll Call Vote:** Ms. MacEachern-Aye, Ms. Cline-Aye, Mr. Cabral- Aye, Mr. Knox-Aye

**Discussion concerning possible amendment to the Sign By-law regarding changeable copy, electronic message boards and internally illuminated signs and/or discussion regarding a possible moratorium for the same**

Mr. Knox said that he would be combining agenda item number one and two for discussion. He began by polling the Board and commenting that his feeling was that an amendment would require some sort of an overlay in addition to the change in language. Ms. Cline said that she had spoken with Mr. Olivieri from the Zoning Board of Appeals (ZBA), and they were not aware of this proposed language. She would like to defer this until after Town Meeting and have discussions with the ZBA in a joint meeting. Ms. MacEachern thought that was a good idea. She was okay with moving forward with the moratorium because this probably needs more attention. She did not think she was in favor of an overlay, in particular for Main Street. This would give them more time to talk to ZBA, discuss where, or if they do an overlay. She would like to see that moratorium go forward.

Mr. Resnick advised that he had spoken to Atty. Kwesell today. A moratorium for something this focused would not be acceptable by the Attorney General's Office. Moratoriums are generally for a larger issue, and this small focus is not the intent of what moratoriums are for. A moratorium

would prohibit these types of signs until such time as the bylaw was reworded or reworked, but you cannot do that for just one small element of a bylaw. He noted they could delay doing anything at all, or adjust some language tonight and move forward. Ms. Cline said that she was fine with not moving forward. If they put this on, she wants it to be right, and did not think any one of them is prepared to put this on correctly. Mr. Resnick said that this version as it is currently drafted prevents the ability for the ZBA to issue a Special Permit for those types of signs in many of the commercial districts in the areas that Ms. MacEachern had been most concerned with. The only area it doesn't address the way it is currently drafted is along Main Street.

Ms. MacEachern said the language that is proposed is saying it is zoned residential and even though its zoned business, there are still many residential homes in that area. Mr. Resnick said that he could add language at the end to say "or contain a single-family dwelling." That would make it more restrictive and apply on the southern part of Main Street where there are more single-family homes. Ms. Cline said they still would not see that language until their next meeting, so she still would like to continue until then. Ms. MacEachern added that if they are sending something to the Select Board for a place holder for this and the OSRD, they will still come back to the Board to hold a public hearing. At that time, they would determine whether they want to recommend it for Town Meeting. They will still have the opportunity to review it in its entirety and maybe get feedback from the ZBA.

Mr. Knox said if they went through the process and voted tonight to get these changes added to the Warrant, this would be a placeholder that could be amended at a public hearing. Mr. Resnick said they had plenty of time for a public hearing and could make some adjustments. However, they could not rewrite it to change the intent. Mr. Knox asked if they requested a placeholder and then they could not agree on language before the public hearing, could the Planning Board take action to withdraw it from the Warrant? Mr. Resnick said the Select Board is approving the Warrant on September 18<sup>th</sup>. The Board could withdraw it then or on the floor of Town Meeting.

Mr. Knox then polled the Board to determine if they wanted to table this to their next meeting and not attempt to get on the Warrant, or try to do something else. Ms. MacEachern said that she would like to at least get the wording they had in front of them on the Warrant, and get feedback from the ZBA. Maybe they will be on board with it. If they have any issues, she would feel comfortable not recommending it to Town Meeting when they have the public hearing. Ms. Cline said she had corresponded with Chairman Olivieri, and he had been unaware of this. He would like to have a joint meeting. In order to facilitate that meeting, she would agree with the verbiage as it stands today. Mr. Cabral said he also agreed with getting this on the Warrant as a place holder. Mr. Lynch had just joined the meeting. He agreed that they should use the current language and use this as a placeholder.

Mr. Knox made a motion, seconded by Mr. Lynch, to recommend this be put in front of the Select Board for it to be added to the fall Town Meeting Warrant.

**Roll Call Vote:** Ms. MacEachern-Aye, Mr. Lynch-Aye, Ms. Cline-Aye, Mr. Cabral- Aye, Mr. Knox-Aye

Ms. Cline then left the meeting.

**Discussion regarding draft OSRD bylaw for fall Town Meeting.**

Mr. Knox said he just saw the latest copy of this in his email, but he had not had a chance to review it. He also had a conversation in the office earlier with Mr. Resnick, and based on that he was concerned they were not ready on this amendment as well. Mr. Resnick stated that based on the draft that was sent out, there were two small changes that had been made. Last night he had attended the Board of Health meeting, and they had one correction. It required septic tanks to be within 10 feet of the property line, but their rules prohibit that, so that language was removed. They were okay with everything else.

The other change which came about as the result of a conversation with a broker about a possible property that was on one of the ponds, but was less than 20 acres. They wanted to be able to do a cluster development and preserve the land along the pond. In order to preserve the land along the pond, and keep the houses away from the water, a change was written so the minimum of 20 acres, could be reduced to 10 acres if the parcel abutted some other open space and the agency or organization agreed to accept ownership. He had then added the parcel could be as small as 10 acres, if the property is located along a great pond and the open space land will be along the pond. Land located within the Flood Plain shall not be included in the open space calculations.

Mr. Knox said that he had concerns about that because it made him think that it opens up the question of how they would be able to guarantee access to that open space. He would like to omit that section as this was not voted on by the Commission. He would rather bring it back as an amendment in the future and work with what they have. Mr. Resnick said that it could be brought back as an amendment. He believed the Commission was meeting next week and would be discussing this again. Ms. MacEachern said she was still hesitant to move forward with this. She was concerned that it would allow for parcels that may not be developable to be developed and did not understand way it is being prioritized as much as it is right now.

Mr. Knox replied the concern of land being developed that otherwise could not be developed, has been quelled due to the involvement of the Board of Health and the requirement to prove that the development is conventionally buildable. Mr. Cabral said that he did not realize this would be on the meeting, so he would like more time to review. Mr. Lynch agreed. Ms. MacEachern thought this had already been sent to the Select Board as a placeholder, and they were going to get a final draft to review. She would like to see that final draft in its completeness.

Mr. Resnick said he had asked Ms. Craig-McGee if the Planning Board could have a placeholder for this bylaw without submitting it, so they could review it at their first meeting in September. She said after speaking with the Select Board Chair, they agreed to do a place holder. Mr. Resnick said the Planning Board could now vote to submit this, or vote not to submit it and wait until their next meeting. Mr. Knox said that he would like a copy by next Thursday with no markup. They could then act on it at their next meeting.

Mr. Resnick said the one thing that had been added to this was an affordable housing component. That draft had gone out yesterday in a separate email. Ms. MacEachern said she would like to see that inserted. Mr. Resnick noted that most communities if they are going to do an affordability component will adopt an inclusionary zoning bylaw which applies to all developments. Mr. Knox asked for a clean copy of the articles in hand. He did not want the affordability component put in yet, or if it was done, as a separate version with that being the only edit on the clean version. That should be the only discussion needed at the meeting in September. Mr. Knox asked Board members to review and have any comments or edits for that meeting ready for discussion.

### **Next meeting**

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

### **Adjourn**

Mr. Knox made a motion, seconded by Mr. Cabral, to adjourn the meeting.

**Roll Call Vote:** Ms. MacEachern-Aye, Mr. Lynch-Aye, Mr. Cabral- Aye, Mr. Knox-Aye

Meeting adjourned at 6:24.