

**Planning Board  
Lakeville, Massachusetts  
Minutes of Meeting  
Thursday, October 12, 2023**

On October 12, 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, and it was streaming on Facebook Live. It was noted that no one else present was recording.

**Members present:**

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

**Others present:**

Marc Resnick, Town Planner

**Public Hearing #1 (7:00) To amend the Zoning By-law by adding that the Special Permit Granting Authority (SPGA) for changeable copy signs, electronic message board signs, etc. will be the Zoning Board of Appeals**

Mr. Lynch made a motion, seconded by Ms. MacEachern to open Public Hearing #1. The **vote** was **unanimous for**.

Mr. Knox then read the legal ad related to the amendment. It was clarified that this is adding text to indicate that the ZBA is the SPGA for changeable copy signs, electronic message board signs, etc. This is not currently specified. Mr. Knox said this will be Article 9 on the Warrant, and he read it in its entirety. There were no comments from Board members or the public.

Ms. MacEachern made a motion, seconded by Mr. Cabral, to recommend approval of this Article, Article 9, to Town Meeting. The **vote** was **unanimous for**.

Mr. Knox made a motion, seconded by Ms. MacEachern, to close Public Hearing #1. The **vote** was **unanimous for**.

**Public Hearing #2 (7:00) To amend the Zoning By-law by adding a new section that defines standards for changeable copy signs, electronic message board signs, etc.**

Mr. Knox made a motion to open the hearing and then read the legal ad related to the amendment into the record. It was seconded by Ms. MacEachern. The **vote** was **unanimous for**.

Mr. Knox then read the Article in its entirety as it will appear at Town Meeting. This Article defines specific parameters for granting a Special Permit for these types of signs. Ms. Susan Spieler of 10 Valley Road asked if there were any restrictions as to what can be advertised on these Boards specific to that business. Mr. Knox replied he would check with the Zoning Enforcement Officer, but he believed there should be some type of relation to a business within the property.

Ms. MacEachern made a motion, seconded by Mr. Cabral, to recommend approval of this Article, Article 10, to Town Meeting. The **vote** was **unanimous for**.

Mr. Knox made a motion, seconded by Mr. Cabral, to close Public Hearing #2. The **vote** was **unanimous for**.

**Public Hearing #3 (7:05) To amend the Zoning By-law by adding a new section that defines standards for Open Space Residential Development (OSRD) by Special Permit**

Mr. Knox made a motion, seconded by Ms. MacEachern, to open Public Hearing #3. The **vote** was **unanimous for**.

Mr. Knox said that the Planning Board has had much discussion on this. Did anybody want to make any comments on the bylaw itself? Ms. MacEachern said that she did not feel comfortable voting for this in its current format. She did not think the purpose and intent accurately described why Lakeville should want to adopt this. She did not think that they had gotten enough feedback, and that it was being rushed. Her concern was that even though there is a conservation restriction, the State could come in and take the land as they had done for the expansion of the MBTA. She said that it has also been said that there is no land that is going to remain in open space in perpetuity. If you leave it open, there is a potential for development.

Ms. MacEachern said that she did not know that they had gotten any feedback from this go around. She thought the Town Planner had met with the Board of Health. Mr. Resnick stated that he had met with both Board of Health and Conservation. The first time was to present the bylaw and take the Board's suggestions. He then went back to a meeting with their requested revisions. To respond to Ms. MacEachern's concerns about the open space, that is why they did not want it controlled by a Home Owner's Association. Typically, you see an expansion of the yards, and it can be problematic how that will be policed. For that reason, they wanted it to be publicly owned with a conservation restriction so there will be two levels of protection. That is what has been written into this bylaw.

Mr. Knox said he was in favor of this. If they don't, they may see large parcels of land developed as 40B's. Ms. MacEachern also noted that there is a reference to Section 7.10, but she did not see that, and it should be taken out. She said that in multiple places it says the intent of thus bylaw, but in no place does it say purpose and intent, it just says purpose. She thought it needed more

work. It's not reflective of Lakeville. She also did not believe current perc regulations are doing anything for residents and homeowners. They have become too lenient and allow for building, where it shouldn't be allowed. That is why they have so many people that have problems with water. It's nice to know they want perc tests done on every lot, but to her they are not what they used to be and not the same assurance that those lots should be built on.

Mr. Resnick advised that Town Counsel has removed section 7.10, when it was edited. The other edits were minor and consisted mostly of comments. He had spoken to Atty. Kwesell in regards to those comments. Ms. MacEachern would like to keep working on it to better represent the Town. She would also like to know if the Board of Health is willing to consider more stringent percs or values. Mr. Resnick said the Board of Health follows Title V. They are requiring a deep hole and perc on each of the conventional lots, regardless of whether they are going to be developed. Mr. Knox said he would like to suspend discussion on this for now and resume it later in the meeting.

#### **Public Hearing (7:00) Site Plan Review - 13 Main St., continued**

Atty. Michael O'Shaughnessy was present. He had a minor change to the plan, but would like to see the full Board present to go over it. He would like to continue this hearing until the Board's next meeting. There were still some questions with the final draft, and he would like some time to resolve those issues. Ms. MacEachern noted that it was stated that the original plan was for 19 two-unit buildings for a total of 38 age restricted units. She has verified that is not correct, and it is 19 residential units and some of them were duplexes. Mr. Resnick said that he would check on this.

Mr. Knox made a motion, seconded by Mr. Cabral, to continue the public hearing for the Site Plan Review for 13 Main Street until October 26, 2023, at 7:00 p.m. The **vote was unanimous for.**

#### **Discuss Planning Board Goals**

The matrix from the Master Plan had been distributed to the Board. Mr. Resnick advised it was a summary of the goals of the Master Plan, what actions could be taken, and which parties would be involved. After reviewing, Mr. Knox asked what the status of the Housing Production Plan (HPP) was. He asked for clarification in regards to the housing goals. Mr. Resnick replied that the OSRD, which is also in here, is a way of modifying some zoning to allow different types of housing.

Mr. Resnick thought that the updates to the matrix had been done in January of last year, when they began work on the HPP, which is why it indicates to refer to it. Ms. MacEachern asked about the update to the Priority Protection Plan. Had they been contacted about this? It says that the

Planning Board should be involved. Mr. Resnick said they have had a preliminary meeting with SRPEDD, but they have not done anything with it. They have reached out to communities to begin the process, but there is not yet anything to distribute. He noted that this is not a statutory plan, but it has been created because of the South Coast rail to help community's plan for growth. Ms. MacEachern stated that the Board needed to be included in any discussions that were on going. Mr. Knox said that Ms. Cline, as the Planning Board representative to SRPEDD, needs to be included in this. It was noted that some of the Planning Board goals were in the Master Plan and their goal was to communicate with the Master Plan Implementation Committee yearly, in December.

Ms. MacEachern noted that another large goal is 3-1-2 regarding senior housing and first-time buyers. She would like to see this Board work on an overlay for senior housing in a certain area. Ms. MacEachern then asked for an update on the HPP. Mr. Resnick replied it was sent to the State, and has come back with some comments regarding identifying town owned sites for housing. SRPEDD has made some edits which he just recently received. That would be on the next Planning Board agenda as it will now need a final vote from the Boards to get final approval from the State.

Mr. Knox said the next goal is to establish tracking and Map of buildable land area to be coordinated with SRPEDD. Ms. MacEachern said that is the other option to reach Safe Harbor for 40B, and it is to have the 5% buildable land area. The next goal is to review the current zoning map to ensure compatibility with existing uses. Mr. Resnick said the zoning map has been updated and is awaiting Mr. Darling's final review to ensure the edits from SRPEDD are correct. This would be the first step in getting a baseline.

Ms. MacEachern asked what the next step would be? Should they divide this by section as it is so large. Mr. Knox said there is some obvious low hanging fruit that they can look at and see if it makes sense the way it is currently zoned, what is there, and then if it needs to be cleaned up. That would be the first step in the process. Mr. Knox asked if there was anything additional regarding the Matrix. Ms. MacEachern said she would like to see them start checking things off, and then adding new ones, but that would be for the Planning Board goals.

### **Approve Meeting Minutes**

Ms. MacEachern noted that in the minutes it states that Ms. Kerry Palaiologos had noted there should be elevators, but she also stated that Main Street is already a mess. Ms. MacEachern would also like that fact recognized

Ms. MacEachern made a motion, seconded by Mr. Lynch. to approve the minutes from the September 14, 2023, meeting as amended. The **vote** was **unanimous for**.

### **Next meeting**

The next meeting is scheduled for October 26, 2023, at 7:00 p.m. at the Lakeville Police Station.

### **Public Hearing #3 (7:05) To amend the Zoning By-law by adding a new section that defines standards for Open Space Residential Development by Special Permit**

Mr. Knox advised Public Hearing #3 is still open. He asked if anyone from the public would like to speak now. Ms. Susan Spieler of 10 Valley Road asked if the parcel of land that was open space would be Town owned. Mr. Resnick replied it could be Town owned, it could be a land trust, or State or Federally owned. He noted that Conservation had wanted an extra level of protection on the land so you would need an Act of the Legislature to remove it.

Ms. Spieler said that if it was Town owned, it would have to be maintained. Mr. Knox replied it would depend on the use. Mr. Resnick added that Conservation does have some funding in their budget to hire a small amount of field staff, for the limited amount of parcels the Town currently owns. Mr. Knox noted that a lot of people have the view that they want to preserve the rural character of Town and preserve some open space, but you would not get that with normal development or a 40B.

Ms. Noelle Rilleau of 22 Reservoir Avenue asked if there had ever been a discussion regarding establishing a Land Trust and the pros and cons of that. Mr. Knox said that he has a colleague that was on another Town's Open Space, and they did start a Land Trust. He felt that it should be a non-Town entity and a non-profit. Mr. Resnick added that the Open Space Committee has talked about a Land Trust. As Mr. Knox said, it is independent of the community and a well-heeled series of benefactors are needed. He noted that there is a Land Trust out of Plymouth, Wildlands Trust, that does own several parcels in Town. They did a presentation for the Open Space Committee which was very informative and is available for viewing on LakeCam.

Ms. Kerry Palaiologos of 66 Main Street asked who supported all the growth in Town and how is that going to affect the residents that are already here. How do we talk about this? She also mentioned 40B housing and that impact. Ms. MacEachern said that they have a Housing Production Plan and a Master Plan in place. She added that a lot of the framework comes from the State. They dictate the requirements so it is not representative of maintaining a rural character. Mr. Knox then explained how the OSRD would work and its advantages. There was also a discussion regarding 40B housing.

Mr. Cabral liked the idea of the OSRD, but if there still needed to be changes or edits, it should be done before it is forwarded to Town Meeting. Mr. Resnick asked from a functional perspective what changes would the Board like to make. Ms. MacEachern said that she would like to have more joint meetings. She does not like that Mr. Resnick goes there, makes changes, then comes back and claims this is what was said. She would rather have the discussion with these people and these Boards instead of going on Mr. Resnick's word. She finds that the more people involved, the better it is. She thinks they should have more time for public input. They should possibly get Open Space involved, as she did not think that they had even commented on this. Mr. Lynch said that it seems fine to him, but if they go to Town Meeting and change it, they could get pushback from the taxpayer.

Mr. Knox agreed and did not want to go to Town Meeting with a lot of amendments. They have discussed this a long time, and he knew that early on Ms. MacEachern had put a lot of effort into it. If this is not reflective of that, he could understand that frustration. However, if they do not pass it for recommendation on Town Meeting floor, or if Lakeville does not pass an OSRD, he thought they were hurting themselves with allowing 40B's to be a better vehicle for development than a good OSRD.

As they did not have a full Board tonight, he would like to continue this public hearing until their next meeting. Board members should take this time to think about it and if they could come up with some small changes that would satisfy concerns, it would be great. If they wanted to have joint meetings, it would be them going to the Board. He did not think a lot of people are going to come to them. For example, these public hearings are advertised for weeks in advance and look at the turnout they get. This is the challenge. People are not going to come to them, they must go to them.

Mr. Lynch asked who it would be appropriate to meet with. Ms. MacEachern replied if Board of Health had concerns, she would like to meet with them to make sure this addressed them. It would be the same for the Conservation Commission. She thought Open Space should review it. She also wanted to know what sort of reassurance could they get that open space preserved here will remain. That is what makes her hesitant as well as the State pushing housing on communities. Mr. Resnick added that this bylaw is as strong as you could possibly have, with public ownership of the land with a conservation restriction to another entity. Mr. Knox said the chances of a parcel being pulled out for other uses is very minimal. Ms. MacEachern said if developers are reaching out and pushing for this, it makes her weary that they know something else and that no other option would be viable, so they want this and she did not want to help speed that along.

Mr. Knox then made a motion, seconded by Mr. Cabral, to continue this public hearing until October 26, 2023, at 7:00 p.m. The **vote was unanimous for.**

It was also clarified that the Select Board voted the Warrant on Tuesday. Any edits would have to be brought up on the floor as an amendment.

### **Correspondence**

Mr. Resnick advised they have received a few notices, mostly from the Town of Rochester. The significant ones were regarding a self-storage facility, recreational marijuana facility, and a large-scale solar panel installation.

### **Adjourn**

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

Meeting adjourned at 8:19.