



# TOWN OF LAKEVILLE MEETING POSTING & AGENDA

Town Clerk's Time Stamp  
received & posted:

*K. DeGuzia*

LAKEVILLE TOWN CLERK  
RCUD 2023 OCT 20 AM 11:13

48-hr notice effective  
when time stamped

Notice of every meeting of a local public body must be filed and time-stamped with the Town Clerk's Office at least 48 hours prior to such meeting (excluding Saturdays, Sundays and legal holidays) and **posted thereafter in accordance with the provisions of the Open Meeting Law, MGL 30A §18-22 (Ch. 28-2009)**. Such notice shall contain a listing of topics the Chair reasonably anticipates will be discussed at the meeting.

Name of Board or Committee:	<b>Planning Board</b>
Date & Time of Meeting:	<b>Thursday, October 26, 2023 at 7:00 p.m.</b>
Location of Meeting:	<b>Lakeville Police Station 323 Bedford Street, Lakeville, MA 02347</b>
Clerk/Board Member posting notice:	<b>Cathy Murray</b>

Cancelled/Postponed to: \_\_\_\_\_ (circle one)

Clerk/Board Member Cancelling/Postponing: \_\_\_\_\_

## A G E N D A

1. **Public Hearing (7:00) 13 Main St., continued** - upon the application for a Site Plan Review and Approval submitted by Main Street Real Estate Holdings, LLC for a proposed development with two (2) three (3)-story apartment buildings with a total of 40 age qualified residential units and associated site improvements.  
Possible vote
2. **Public Hearing (7:00), continued** -To amend the Zoning By-Law by adding a new Section 270-7.9 Open Space Residential Development which would allow by Special Permit the approval of a subdivision plan that allows the reduction of lot size provided, the same number of lots are proposed could be conventionally built and 50% of the developable land area is set aside as open space. Included would be the following Sub-sections: A. Purpose, B. Special Permit Required, C. Pre-Application Meeting, D. Development Requirements, E. Dimensional and Design Requirements, F. Dedicated Open Space, G. Ownership of Dedicated Open Space, H. Preliminary Subdivision and OSRD Concept Plan Application Process, I. Special Permit Application and Filings, J. Special Permit Decisions, K. Approval Criteria, L. Revisions to Approved Special Permits. Votes to be taken
3. Discuss and possible vote on amendment on the floor for Article 10 on the Special Town Meeting Warrant.
4. Housing Production Plan (HPP) – Discuss and possible vote on State edits
5. Discuss Planning Board Goals
6. Discuss Chapter land maps
7. Approve the September 28, 2023 Meeting Minutes
8. Review correspondence
9. Next meeting. . . November 9, 2023 at the Lakeville Police Station
10. Any other business that may properly come before the Planning Board.
11. Adjourn

*Please be aware that this agenda is subject to change. If other issues requiring immediate attention of the **Planning Board** arise after the posting of this agenda, they may be addressed at this meeting*

\_\_\_\_\_, 2023

Lillian Drane Town Clerk  
Lakeville Town Hall  
346 Bedford Street  
Lakeville, MA 02347

**Re: SITE PLAN APPROVAL GRANTED TO:**

Main Street Real Estate Holdings LLC  
530 B Harkle Road Suite 100  
Santa Fe, NM 87505

For a site plan modification and site construction at:  
**13 Main Street**

Ms. Drane:

Pursuant to Section 6.7 Site Plan Review of the Town of Lakeville Zoning Bylaws (the Bylaws), the following decision voted on by the Planning Board is hereby filed with your office. Please make it available for viewing to the general public upon request.

At a regularly scheduled meeting on \_\_\_\_\_, 2023, the Lakeville Planning Board granted Site Plan Approval to the above applicant to allow the construction of two (2) twenty (20) unit age restricted residential buildings and associated site improvements at 13 Main Street. The vote (\_\_\_:\_\_\_) to approve the application was taken after a public hearing that was first held on March 9, 2023 and continued numerous times to \_\_\_\_\_2023 after which it was closed, all according to the Bylaw.

The site is a \_\_\_\_ acre parcel located at 13 Main Street within the Business zoning district and within the Mixed-Use Development zoning overlay district. This site is currently vacant.

The applicant is proposing to construct two (2) twenty (20) unit age restricted residential buildings at 13 Main Street. One of the new buildings will be at the front of the property along Main Street, with the parking lot located behind it and the second building located in the middle of the parcel. At the rear of the site will be the stormwater drainage basin. The proposal is shown on a site plan entitled "Site Plan, 13 Main Street, Lakeville, MA" dated June 8, 2023, last revised on September 25, 2023, drawn by Zenith Consulting Engineers, LLC, Lakeville, MA. The Applicant also submitted a drainage report, traffic report and floor plans and elevation drawings entitled Main Street Apartments last revised September 26, 2023.

The site plan which was originally filed showed nineteen residential units and a 4,800 sq. ft. commercial building. The first public hearing was held on March 9, 2023 at which time the plan was reviewed. However, after it was noted that the buildings may not meet the setback requirements in which the underlying zoning district requires a 40-foot setback and not 20 feet. Due to the lot configuration the applicant may not be able to modify the plan to accommodate the larger side setback for the original iteration of the project.

The applicant attended the planning board meeting held on March 23, 2023 to discuss revising the plan to construct two twenty-unit buildings. On April 26, 2023 the applicant submitted a revised concept plan that showed two twenty-unit buildings and a first-floor retail space. This plan was presented and discussed with the Board at their meeting held on April 27, 2023. After discussion, the Board felt that this plan was substantially different from the original plan and that the applicant should refile a full set of plans and readvertise the public hearing. The Board did not require a new application or fee.

The applicant, Bo McMahon, was present and was represented by Attorney Michael O'Shaughnessy and Nyles Zager and Bob Forbes from Zenith Consulting Engineers. Faysaal Hussein of Hussein Design Group presented a traffic analysis report for the applicant.

Attorney O'Shaughnessy explained that the property is located in the Mixed-Use Development zoning overlay district and age restricted housing is allowed by right. This proposal would comply with this requirement. They believe that their proposal meets all of the zoning requirements and the requirements under site plan review.

There were no abutters present at the public hearings. Other residents of the Main Street area did attend some of the hearings and expressed concerns related to traffic, age restricted housing requirements, the installation of elevators, and the fact that the housing units were going to be rentals and not ownership units.

The Planning Board expressed concern related to parking lot configuration, building architecture, and traffic entering and exiting the site onto Main Street. Concerned that the driveway location is where two lanes on the west side of Main Street merge and other factors caused the Board to request that a traffic report be submitted and reviewed by Environmental Partners (EP).

The revised plans and traffic report were sent to the Board's consulting engineer, Environmental Partners (EP). Environmental Partners observed test pits in the location of the drainage basins and reviewed the drainage report and plans for compliance with the stormwater guidelines. All items identified by EP were satisfactorily addressed by the applicant.

The revised plan also included a photometrics plan which shows that there will not be any light spillage onto abutting properties. The Board also reviewed architectural plans for the exterior of the building.

The Board received the following comments from other Boards and Commissions:

- The Board of Health wrote that the applicant performed percolation tests and the area is sufficient to support a sewage disposal system for both buildings. A well is not necessary as the development will be connected to municipal water.
- The Fire Department commented about access for fire trucks, sprinkler connections, and the need for elevators.
- The Town Planner had numerous comments about zoning compliance and site design issues related to landscaping, dumpsters, sidewalks, and lighting.
- The Conservation Commission wrote that a portion of the work is in the buffer zone therefore a Notice of Intent must be filed.

The Board discussed the age qualified housing requirement in the zoning by-law. There was some confusion as to its interpretation. Attorney Alex Weisheit from KP Law attended a planning board meeting and clarified the language. The by-law states that each unit shall have at least one occupant who is at least fifty-five years of age at the commencement of occupancy. This means that at commencement of each new occupancy, the tenants occupying a unit must include at least one age qualifying occupant 55 years of age or older. Other occupants of the unit may be younger.

Counsel for the Applicant disagreed with the Board's counsel interpretation of the Bylaw and suggested to the Board that interpretation of the Lakeville Zoning Bylaw should be undertaken by the zoning enforcement officer and the Board is not authorized under its site plan review authority to make such interpretations.

The Board discussed the Fire Department's request that the buildings be constructed with elevators. However, it was noted that the Planning Board cannot require the installation of elevators as it is a Building Code and Architectural Access Board requirement. The Board did discuss that it appears that the Architectural Access Board does require elevators for this type of building.

After discussion the Board voted to approve the Site Plan for Main Street Real Estate Holding LLC, with the following conditions:

1. The improvements, facilities, amenities, and alternations shown on Site Development Plans for # \_\_\_\_\_ dated \_\_\_\_\_, last revised \_\_\_\_\_, drawn by Zenith Consulting Engineers, Lakeville, MA, and building design drawings drawn by \_\_\_\_\_ are incorporated as requirements and conditions of this approval.
2. The applicant shall provide a performance guarantee in the sum of \$20,000 to secure the completion of all required fixtures, appurtenances, amenities, and improvements, including landscaping, drainage system, pavement installation and striping, and as-built plan.
3. The applicant shall submit a check in the amount of \$5,000, which will be held in a 53G account to pay for the required inspections prior to any site work occurring on the property or the issuance of a building permit.

4. During construction Main Street shall be kept free of mud, dirt, and debris from the site construction. Appropriate erosion controls shall be installed and maintained to prevent off-site runoff.
5. The conditions of this Site Plan Approval shall be added to the final set of approved plans submitted to the Board for signatures.
6. Upon commencement of each new tenancy of any residential unit, at least one tenant of the unit shall be 55 years of age or older. The leasing office for the apartments shall keep records of the tenants and make these available for inspection by the Board or its representative upon request.
7. A draft lease agreement shall be submitted to the Planning Board for review to ensure that the age restriction requirement is adequately incorporated.
8. Prior to a Building Permit being issued for the construction of the building the applicant shall submit and receive approval of a water connection application from the Lakeville Select Board.
9. All required sedimentation and erosion controls shall be in place prior to the commencement of construction. The Planning Board inspector shall be contacted for inspection prior to the commencement of construction. The best management and maintenance practices for the site shall be followed at all times, including after the issuance of a Certificate of Occupancy for the premises.
10. Construction of the site shall be limited to 7:00 a.m. to 5:00 p.m. Monday through Friday, 8:00 a.m. to 4:00 p.m. Saturdays, and no work on Sundays and Federal and State holidays. During construction, all local, state, and federal laws shall be followed regarding noise, vibration, dust, and blocking of town roads. The Applicant shall at all times use reasonable means to minimize inconvenience to residents in the general area.
11. The stormwater management system shall be functional (re: soil stabilized, rip-rap installed, basins grassed, etc.) prior to an occupancy permit being issued for either building. The applicant shall install hoods in the catch basins.
12. The applicant or successors are required to maintain the stormwater management system. Catch basins shall be cleaned at least yearly, or more often if required in the Operation a Maintenance Plan. Failure to maintain the stormwater management system will be considered a violation of this approval. In the event of a maintenance failure, the applicant shall be provided notice and the reasonable opportunity to cure any such deficiency; the applicant's failure to cure such deficiency in maintaining the drainage system will be considered a violation of this approval. A report shall be submitted annually to the Board.
13. Should the Planning Board have concerns with the level of lighting, intensity of the lights, or lighting spillage onto abutting properties or the street, the Board reserves the right to require the applicant to adjust the level of lighting, the type of lighting fixtures or the location of

individual lights to match the photometric plan and comply with the Lakeville Outdoor Lighting By-Law.

14. A pre-construction meeting shall be held with the contractor, the Town Planner, and the Planning Board Inspector to outline items for inspections. The Applicant shall notify the Planning Department in writing two or more working days prior to the following construction milestones or as determined in the pre-construction meeting:
  - commencement of work on-site;
  - installation of stormwater management facilities;
  - installation of trees and other landscaping features;
  - prior to the final paving of the parking lot and drives; and
  - completion of site work.
15. All Site work must be completed within eighteen (18) months of the issuance of a Building Permit or the applicant shall return to the Board with a schedule for completion.
16. The applicant shall obtain a street opening permit from Mass Highway. All work within the public right-of-way shall be properly cut, patched and sealed/infrared or overlaid with pavement as required by the Mass Highway.
17. All signs installed on site shall comply with Lakeville Sign By-Laws
18. Handicapped access and facilities shall comply with the Americans with Disability Act and Massachusetts Architectural Access Board standards.
19. If elevators are required for the buildings and the footprint of the buildings need to be modified to accommodate the elevators, then the applicant shall file a new site plan review application with the Planning Board. This review shall be limited to site design issues related to the installation of the elevators.
20. Any proposed changes to the electric vehicle charging plan shall be submitted to the Board for review and will not require a public hearing. All charging plans shall comply with the Massachusetts Stretch Energy Code
21. EV charging ready parking spots must be placed in locations so that cords and charging apparatus do not cross sidewalks or inhibit pedestrians or vehicle travel.
22. The location of any charging station shall not interfere with snow removal in the parking areas or driveway.
23. If any chargers are to accessible to the public, one parking space for each charger shall be added to the site plan.
24. The buildings shall comply with the following design options presented to the Board.  
Front Siding – Option 2

Left Siding – Option 1  
Right Siding – Option 2  
Rear Siding – Option 1

25. Any proposed change(s) from the approved site plans or additional site work deemed substantive by The Town Planner or Building Commissioner shall be presented for review by the Planning Board. The Board shall determine if there is a need for a public hearing and new or modified site plan and shall then act accordingly on the change(s). Approved revisions shall be illustrated on plans and submitted to the Board.
26. All construction shown on the site plan, unless otherwise noted, must be completed prior to the issuance of an occupancy permit. This project may be phased, and the first building completed and occupied provided that the parking, drainage and access requirements serving the building are completed prior to occupancy. Installation of the binder coat of asphalt for parking and driveways shall be allowed during the construction phasing, provided that it provides safe and adequate access to the building until the project is ready for the final asphalt topcoat.
27. As built plans shall be submitted to the Board after construction and prior to the release of the performance guarantee.
28. Site plan approval shall lapse if construction is not commenced within twenty-four (24) months from the date of approval.
29. A certified copy of this decision and the approved site plan shall be recorded in the chain of title for the property at the Plymouth County Registry of Deeds.

Where applicable, these conditions shall be complied with prior to the Planning Board endorsing the approved Site Plan. The Plan shall be provided to the Board for endorsement with the required changes and additions.

Appeals to this decision shall be made pursuant to Section 6.7.8.2 of the Zoning Bylaws within twenty (20) days of the filing of this decision with the Town Clerk.

I, Mark Knox, Chairman of the Lakeville Planning Board, do hereby certify that the above “Site Plan Approval” authorizing the construction of two (20 twenty (20) unit age restricted residential buildings at 13 Main Street has been voted by the majority of the Lakeville Planning Board ( \_\_ : \_\_ ) at its regularly scheduled meeting on \_\_\_\_\_, 2023.

SIGNED: \_\_\_\_\_

DATED: \_\_\_\_\_

cc: Attorney Michael O’Shaughnessy  
Main St. RE Holdings, LLC

Zenith Consulting Engineers

Building Commissioner  
Select Board  
Police Department  
Fire Department

Board of Health  
Conservation Commission  
Board of Assessors  
Highway Department

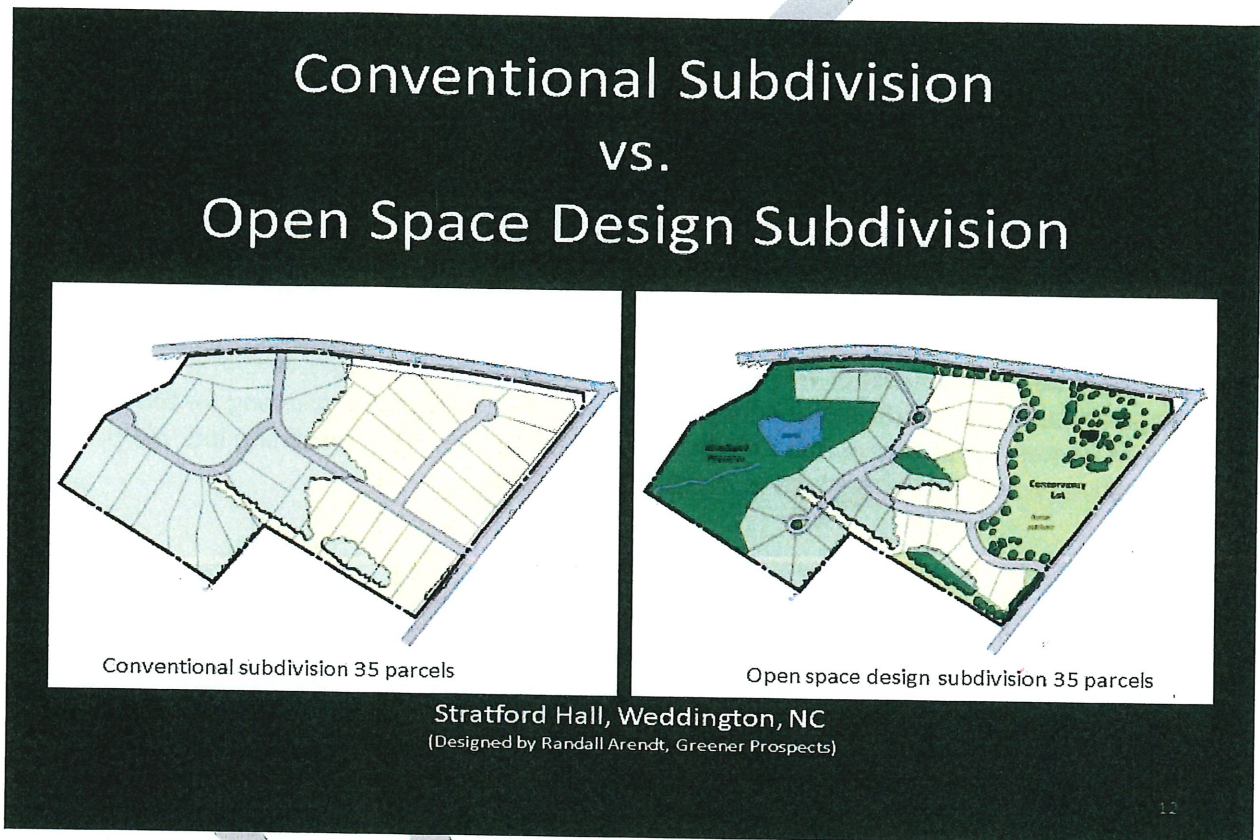


## Open Space Residential Development (OSRD)

The Planning Board has submitted an article for this Fall's Town Meeting to amend the Zoning By-Laws and adopt an Open Space Residential Development (OSRD) By-Law.

### What is an Open Space Residential Development (OSRD)

The OSRD bylaw is intended to allow residential development that preserves open space and is respectful of the land's existing topography and natural features. Although the overall density of an OSRD is identical to that allowed by the underlying zoning the houses are 'clustered' on the portion of the site that is most suitable for development. This allows for the preservation, in perpetuity, of the remaining land on the parcel as open space. This helps to preserve the town's character by protecting woodland, farmland and other important natural resource areas.



### OSRD Requirements

The OSRD requires a minimum of 50% of the land area to be permanently preserved.

In Lakeville current lots must be 70,000 square feet however in the OSRD they may be reduced to 30,000 square feet. To accommodate these smaller lots, the neighborhood must be served with either a municipal or shared private water supply or sewer system.

An OSRD limits environmental impacts by reducing the amount of land altered for housing construction, the length of roads being constructed, and amount of roadway drainage which must be accommodated.

### What is the Process?

In Lakeville the By-Law requires a three-step review process

The first step is an informal meeting between the applicant and the Planning Board to discuss the concepts for both the preliminary subdivision and concept plan. No formal plans need to be prepared.

The second step is to submit a preliminary subdivision plan and a concept plan which must conform to the subdivision regulations. Additional requirements for wetlands delineation, perk tests, and open space information must also be submitted. The applicant must prove to the Planning Board that each lot in the conventional subdivision meets all the standards to be built upon. The open space concept plan cannot exceed the number of lots which the Board approves under the preliminary subdivision plan. The Board then would evaluate the concept plan and must find that it is a viable alternative to the conventional plan.

The final step is for the applicant to file a special permit and definitive subdivision application for the Open Space Residential Development plan. This plan is based on the concept plan approved in the second step. In this step the engineering details for road construction and drainage would be reviewed as would any legal documents.

### **Why adopt the OSRD By-Law**

Growth in Lakeville has largely consisted of large lot single family home subdivisions. This can result in sprawling residential developments, the clearing of large swaths of woodlands, and the conversion of farmland for single family homes. Lakeville's past development pattern has resulted in the loss of natural resources and farmland and much of the new residential development tends to consist of very large homes, unaffordable to many, and are indistinguishable from subdivisions across the region. An OSRD while allowing for the same number of homes will preserve half of the land as open space. The remaining lots will provide an alternative type of housing which is needed in Lakeville.



Developing the OSRD is based on recommendations cited in the Town's 2020 Master Plan, 2012 Open Space & Recreation Plan, and 2023 Housing Production Plan.

## **Open Space Residential Development**

### **A. Purpose**

- (1) To promote the most harmonious use of the land's natural features, resources and topography, which will promote the general health and safety of the public,
- (2) To discourage sprawled development, minimize environmental disruption, and provide a shorter network of streets and utilities which will promote a more efficient distribution of services; and
- (3) To encourage the permanent preservation of open space, agricultural land, forestry land, wildlife habitat, other natural resources including aquifers, water bodies and wetlands, and historical and archaeological resources.

### **B. Special Permit Required.**

Open space residential development may be authorized, only by a special permit as granted by the Planning Board. The Board may approve, with conditions, or deny an application for an OSRD after assessing whether the OSRD better promotes the intent of this By-Law than a conventional subdivision.

### **C. Pre-Application Meeting.**

A pre-application meeting is required to be held at any regular meeting of the Planning Board. Concept plans for the traditional subdivision and open space plan shall be submitted for discussion. The Board shall invite representatives from the Conservation Commission and the Board of Health to attend. The intent of such meeting is to allow the Town the opportunity to discuss with the applicant and review each proposal prior to the special permit process. After the pre-application review, an applicant may then proceed to the preliminary plan review process.

### **D. Development Requirements**

- (1) The minimum lot size of the development parcel shall be 20 acres.

- (2). The development shall be served by at least one of the following types of utilities: a municipal water supply, a privately-owned public water supply, a Wastewater Treatment Plant or a shared septic system. Approval for the desired system shall be obtained from the licensing/permitting authority prior to the issuance of the OSRD Special Permit.
- (3) Land area required for the Zone 1 of a public water supply and the land area required for the septic field and reserve area of a WWTP or shared septic system and the required buffer, as well as, any associated buildings shall be excluded from land area calculations. These areas shall be owned and maintained by a homeowners' association.

#### **E. Dimensional and Design Requirements.**

- (1) The number of building lots for the Open Space Residential Development may not exceed the number of building lots that may be approved on the property as permitted by Board of Health and Conservation Commission regulations, existing zoning, and a conventional subdivision per the **Town of Lakeville Rules and Regulations of the Planning Board Governing the Subdivision of Land Regulations** ("Subdivision Regulations").
- (2) Lots may be reduced in size to a minimum of 30,000 square feet of contiguous upland area. The general location of septic systems and wells shall be shown on the plans to ensure proper distances can be maintained to protect public health. The Health Department shall provide guidance to the Board on the proper location of these utilities.
- (3) Lots approved under this section do not have to comply with the requirements of Article V Intensity Regulations and instead shall comply with the requirements found in this Section.
- (4) All lots and structures shall comply with the following dimensional requirements:

Frontage: 75 feet \*  
Front yard setback: 25 feet  
Side yard setback: 20 feet  
Rear yard setback: 25 feet

Maximum Height of buildings  
Number of Stories 2.5  
Height 35 Feet

Lot Coverage 40%

Towers are not permitted.

Lots with on-site septic systems shall be limited to one bedroom per 10,000 sq. ft. of land area.

\* The Board may allow 20% of the lots to have the frontage reduced to 50 feet.

- (5) The width of each lot shall not be reduced to less than the required frontage from the street to building site on each lot.
- (6) All accessory structures and uses shall comply with the requirements of Article V of these bylaws unless otherwise provided for herein.
- (7) Strong emphasis shall be placed upon preserving and integrating the existing topography, natural features (such as rock outcrops, specimen trees and clumps of trees) and man-made features such as stonewalls into the plan.
- (8) Existing/proposed screening, distances between the OSRD and existing abutters and topography shall all be considered. The intent is to minimize impacts on existing abutters.
- (9) When determined necessary by the Board, screening and buffering shall be required. It may consist of landscaped berms, evergreen plantings, solid walls or fences complemented by suitable plantings, "no cut" provisions (for existing vegetation), or a combination of these items. The location of the screening/buffering and species type(s) of vegetation shall be noted on the definitive plan.

#### **F. Dedicated Open Space**

- (1) A minimum of 50% of the upland area of the parcel shall become dedicated open space as described below. The Planning Board may reduce this figure to a minimum of 40% if it determines there are unique

circumstances (re: shape of parcel, topography, wetlands, etc.) that would individually or together preclude the construction of the OSRD or that the open space to be provided is of exceptional value to the Townspeople. Roadway layouts shall be excluded from the open space land area calculations.

- (2) Uses for open space: The open space may be used for wildlife habitat and conservation and may also be used for the following additional purposes or a combination of these uses to the extent allowed by this By-Law: historic preservation, outdoor education, passive recreation, aquifer protection, stormwater management, agriculture, horticulture, forestry, and shall be served by suitable access for such purposes. Only 10% of the open space land may be used for new agriculture, horticulture, or community gardens provided that only organic methods are employed. In subdivisions of 25 or more lots, the Board may require a portion of the site be developed for active recreation such as, but not limited to, playgrounds, sports fields, courts, etc. The Select Board must vote to accept this park prior to final approval, or the land shall remain as open space and be deeded to the Conservation Commission as open space.
- (3) Detention or retention basins may be located in the open space; however, this land area may not be counted towards the minimum open space required.
- (4) Dedicated open space may be utilized as natural courses for disposal for storm drainage from impervious surfaces. Other than minor berming (maximum 3-1 slopes which shall blend into the landscape) and riprap at pipe outflows, no significant disruptions of the land (contour changes greater than three feet) for drainage are permitted.
- (5) Dedicated open space may be in one or more parcels of a size and shape appropriate for its intended use. The parcels shall be laid out to promote convenient access by the homeowners within the OSRD and the general public. Wherever practical, parcels shall be accessible via upland areas. The adequacy of the open space land shall be determined by the Planning Board.
- (6) Public access to proposed preserved open space, including paths, shall be provided where appropriate. The plan shall show the location, construction details, and signage for pathways. Paths in OSRDs shall not be utilized for snowmobiles and other motorized travel (except for

motorized wheelchairs), but may be used for cross-country skiing, snowshoeing, horseback riding, and other non-motorized modes of travel.

- (7) Parking for public access or facilities to serve the recreational uses shall be allowed on the open space land.

**G. Ownership of Dedicated Open Space.**

- (1) The open space shall, at the Planning Board's election be conveyed to:
  - a) The Town of Lakeville Conservation Commission or Select Board and accepted by it for open space, or a park, or
  - b) The Commonwealth of Massachusetts as part of a state forest, park or wildlife management area, or
  - c) A nonprofit organization, the principal purpose of which is the conservation of open space. In this case where the open space is not conveyed to the Town, a permanent conservation, agricultural or historical preservation restriction approved by Town Counsel and enforceable by the Town, conforming to the standards of the Massachusetts Executive Office of Energy and Environmental Affairs, Division of Conservation Services shall be recorded to ensure that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking or roadways except as permitted by this bylaw and approved by the Planning Board. Restrictions shall provide for periodic inspection of the open space by the Town. Such restriction shall be submitted to the Planning Board prior to approval of the project and at the Registry of Deeds/Land Court simultaneously with recording of the endorsed definitive subdivision plan. A management plan may be required by the Planning Board which describes how existing woods, fields, meadows, or other natural areas shall be maintained with good conservation practices.
- (2) Any land set aside as open space, or conserved as a condition of special permit, shall be permanently protected pursuant to Article 97 of the Articles of Amendment to the Constitution of the Commonwealth of Massachusetts or a perpetual restriction under G.L. Chapter 184 Section 31-33. Unless conveyed to the Conservation Commission, the required open space shall be subject to a permanent Conservation, Watershed, or

Agricultural Preservation Restriction conforming to the standards of the Massachusetts Executive Office of Environmental Affairs, Division of Conservation Services or Department of Agricultural Resources in accordance with G.L. Chapter. 184 Section 31-33, approved by the Planning Board and Select Board and held by the Town of Lakeville, or a non-profit conservation organization qualified to hold conservation restrictions under G.L. Chapter 184, Section 31-33.

- (3) If necessary, such restrictions shall further provide for maintenance for the common land in a manner which will ensure its suitability for its function, appearance, cleanliness, and proper maintenance of drainage, utilities, and the like.
- (4) Where the boundaries of the open space are not readily observable in the field, the Planning Board shall require placement of surveyed bounds sufficient to identify the location of the open space.

#### **H. Preliminary Subdivision and OSRD Concept Plan Application Process.**

After the preapplication review, an applicant must file for preliminary subdivision approval and approval of the OSRD concept plan.

- (1) An application, a preliminary set of plans, illustrating a conventional subdivision plan and proposed OSRD shall be filed with the Lakeville Town Clerk and the Planning Board. The application shall be accompanied by 14 copies of the plans and any other supporting materials, which must be prepared and stamped by a professional civil engineer and landscape architect. This submittal shall comply with the **Lakeville** Subdivision Regulations. An electronic copy shall also be filed.
- (2) The preliminary subdivision plan shall be used by the Planning Board to determine the maximum number of lots which could be created via a conventional plan. The applicant must demonstrate to the satisfaction of the Board that all the lots shown on the preliminary plan comply with the applicable sections of the Lakeville Zoning By-Laws and Subdivision Regulations. This number will be the maximum allowed in an OSRD Special Permit and definitive subdivision plan submittal.
- (3) All lots shown on the preliminary conventional plan shall have at least one deep observation hole and percolation test dug according to 310 CMR 15.102 and 15.104 to determine the suitability of the lot for development.



If necessary to determine whether a lot may be buildable, the Board of Health may require additional testing.

- (4) Prior to the submittal of the preliminary subdivision and OSRD concept plan, the applicant shall have the wetlands delineated on the site and a Resource Area Delineation approved by the Conservation Commission.
- (5) The burden of proof shall be upon the applicant to prove that all the proposed lot(s) are suitable for building. The Planning Board reserves the right to challenge the status of any lot and not allow such to be included in any definitive plan filing.
- (6) Formal percolation and depth to groundwater tests shall be conducted on a portion of the lots located on the OSRD development area. Depending on the results of these tests and after consultation with the Board of Health, the Board may require additional testing. The results of these tests shall be submitted with the application.
- (7) A preliminary sketch plan of the proposed OSRD shall be submitted. It shall contain the proposed location of the road(s), lots, drainage, and dedicated open space. General topography (with ten-foot contours maximum), major site features and adjacent streets shall also be shown.
- (8) The Planning Board shall hold a public hearing on the preliminary plan as required ~~by the Town of Lakeville Rules and of the Planning Board~~ Governing the Subdivision ~~Regulations. of Land.~~
- (9) The conceptual OSRD shall also be reviewed and discussed during the hearing process. Comments and recommendations shall be incorporated in plans included in any subsequent filings.
- (10) If the preliminary conventional and conceptual OSRD plans are approved, the Planning Board shall, insofar as practical under the law, allow the submittal of a combined special permit and definitive subdivision plan. A combined submission will not be authorized in those cases where either the conventional preliminary plan or proposed OSRD concept plan is not approved by the Planning Board.

**I. Special Permit Application and Filings.**

A special permit application for an OSRD shall include a definitive subdivision plan with 14 copies and an electronic copy. It shall be prepared in accordance with the Lakeville Subdivision Regulations. Administrative and consulting review fees required by the Board shall be paid by the applicant. In addition, the applicant shall provide the following information:

- (1) A detailed analysis of the site, including wetlands, soil conditions, areas within the 100-year floodplain, trees over eight inches in diameter in areas identified by the Planning Board, and natural, and/or man-made features and other items as the Planning Board may request;
- (2) A description of the proposed design characteristics of the site pursuant to these regulations;
- (3) Drainage calculations meeting the requirements of the subdivision regulation and zoning bylaws.
- (4) If a common septic system is proposed, then septic tanks shall be required for each house lot. **If necessary, easements** shall be granted to the homeowners' association to allow for regular cleaning.
- (5) A copy of any restrictive covenant(s) for the preserved open space, association rules and regulations and/or other documentation relating to the creation of a homeowners' association or similar entity, if necessary.
- (6) The Planning Board may require other plans, studies, or reports as may be necessary for the Board to understand the impact of the proposal and determine compliance with the provisions of this By-Law and the **Lakeville** Subdivision Regulations.

**J. Special Permit Decision.**

- (1) The Planning Board shall conduct a public hearing in accordance with the provisions of these bylaws.
- (2) If the Planning Board disagrees with any recommendations of another Town of Lakeville Board, it shall state its reasons therefor in writing.

- (3) The Planning Board shall consider the approval criteria in this section to determine if it approves the plan as submitted.
- (4) The Planning Board may impose conditions as a part of any approval that furthers the purposes of this Section ~~7.10~~ and these bylaws.
- (5) The Planning Board shall require a performance guarantee pursuant to G.L. Ch.41 Section 81U. to secure the proper completion of all infrastructure, as well as, the fulfillment of any conditions of approval.

**K. Approval Criteria.**

The Planning Board may grant a special permit under this Section only if it finds that:

- (1) The proposed plan is in harmony with the intent and requirements of this section and ~~these bylaws~~ **this By-Law.**
- (2) Open space as required by this bylaw has been provided and generally conforms to the dedicated open space section of this bylaw.
- (3) Proposed uses of the open space comply with this bylaw.
- (4) Proposed open space will be dedicated in compliance with the Massachusetts General Laws and this bylaw and is suitably protected.
- (5) Approximate building sites have been identified and are not located closer than 100 feet to wetlands and waterbodies.
- (6) Proposed streets have been aligned to provide vehicular access to each house in a reasonable and economical manner. Lots and streets have been located to avoid or minimize adverse impacts on open space areas and to provide views of and access to the open space for the lots.
- (7) All lots meet the applicable dimensional requirements of this ~~Open Space Residential Development~~ **By-Law.**
- (8) If required, all documents creating a homeowners' association has been submitted to the Board and approved by Town Counsel.
- (9) Any restriction or other legal documents (deeds, conservation restrictions, easements, etc.) necessary to permanently conserve the open space as

required by the approval shall be recorded prior to the release of any lots in the subdivision and prior to the issuance of any building permits.

- (10) The development will not have a detrimental impact on the neighborhood or abutting properties; and
- (11) Other factors as determined appropriate by the Planning Board.

**L. Revisions to Approved Special Permits.** Subsequent to granting of a special permit, the Planning Board may permit the relocation of lot lines or changes to landscaping within the project, provided that any change in the number of lots, street layout, square footage or composition of dedicated open space, or disposition thereof, will require further review and a public hearing.

**ARTICLE 10: To see if the Town will vote to amend the Lakeville Zoning By-Laws Section by adding the following new section relative to the requirements for obtaining a Special Permit for certain types of signs, as shown below, and further to authorize the Town Clerk to assign such numbering and to make non-substantive changes to the format of this bylaw in order that it be in compliance with the numbering format in the version of the Zoning Bylaw currently in effect and/or the Code of Lakeville (as voted at the May 8, 2023 Annual Town Meeting) when said Code takes effect:**

(30) Signs - Changeable copy signs, electronic message board signs, and internally illuminated signs.

These signs must meet the following standards in order to receive a Special Permit by the Zoning Board of Appeals.

- (a) The parcel where the sign is proposed shall not abut properties on either side or across the street that are zoned Residential, **or contain a single-family dwelling.**
- (b) If the property cannot meet the above standard (a) a Special permit may still be issued only if the sign is for a use that identifies municipal or public safety buildings, medical facilities, or retail stores that sell medical supplies.
- (c) It must be determined that the sign is not detrimental to the character of the neighborhood.

**or take any other action relative thereto.**

## Why Complete a Housing Production Plan?

There are numerous reasons to complete a Housing Production Plan; most importantly, HPPs assist in ensuring housing equity and planning for a future where all community members have safe, healthy, stable, and livable homes to return to. The Stanford Social Review elaborates on some of these reasons, saying, “High-quality, stable housing is central to the health and wellbeing of all families. It helps foster relationships and opportunities in communities, limits chronic stress, and allows families to support positive child development.” Additionally, there are other important State-level benefits, which include:

### ***Create More Local Control over Chapter 40B Proposals***

Having a certified Housing Production Plan gives a community more control over Comprehensive Permits under Chapter 40B. A plan may be certified by DHCD if, within a 12-month period, a community permits SHI-eligible affordable housing units equal to at least 0.5% to 1.0% of its year-round housing stock. Certification means that the community’s Housing Production Plan has met its regional need for affordable housing for one year (by meeting at least the 0.5% threshold) or two years (by meeting the 1% threshold). During its certification period, a community’s Zoning Board of Appeals has the right to deny a Comprehensive Permit. All requirements for HPPs are described in state regulations *760 CMR 56.00: Comprehensive permit; low- or moderate-income housing*.<sup>1</sup>

### **Lakeville’s Subsidized Housing Inventory**

As of September 2022, the Town of Lakeville has 250 of its 3,852 Census 2010 year-round housing units listed on their Subsidized Housing Inventory, which does not meet the affordability requirements set forth in M.G.L. Chapter 40B §§ 20 through 23 and 760 CMR 56.00. This represents 6.49% of their total 10% Subsidized Housing Inventory requirement. Under these housing unit counts, Lakeville would need to produce at least 135 more affordable units

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<sup>1</sup> Available at <https://www.mass.gov/regulations/760-CMR-5600-comprehensive-permit-low-or-moderate-income-housing>

to meet the Housing Unit Minimum of the Statutory Minimum (as defined in 760 CMR 56.03(3)(a)). Achieving the Housing Unit Minimum threshold would mean that the Town of Lakeville Zoning Board of Appeals would have the ability to deny a Comprehensive Permit or approve it with conditions and that the aforementioned decision would be upheld if appealed by the applicant pursuant to 760 CMR 56.03, otherwise known as “Safe Harbor.”

Assuming future housing growth, Lakeville and other communities’ 10% figure is a moving target that is updated on a ten-year basis. This is because the required Housing Unit Minimum will increase over time as new “year-round” housing units are built, or as vacant “seasonal/recreational/occasional use” units are converted to year-round units. Therefore, as additional year-round housing units increase throughout a decade, the subsequent number of year-round housing units reported on the next decennial Census increases, as does the corresponding required number of affordable housing units.

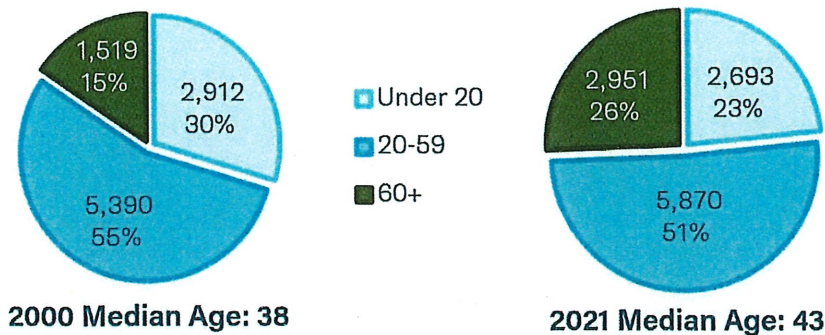
### A Note on Census Year-Round Housing Units

As referenced above, DHCD uses Census “year-round” housing units to determine a community’s SHI obligation under Chapter 40B. This “year-round” count excludes vacant “seasonal, occasional, or recreation use” units, as reported by the Census, from the calculation to determine a community’s required amount of SHI units. As of April 2023, the Census has not released 2020 year-round housing unit counts, only total housing unit counts (*Census table H1 | Occupancy Status*).

While we cannot say for certain what Lakeville’s SHI obligation will be until these numbers are released by the Census,<sup>2</sup> we can make an educated guess based on Lakeville’s 2010 count of seasonal vs. “year-round” units. In 2010, the town had 4,177 total housing units; 3,725 occupied and 452 vacant. According to the *Census H5 | Vacancy Status table*, 325 of the 452 vacant units (72%) in Lakeville

<sup>2</sup> Please see **this statement from the U.S. Census Bureau on the release of Demographic and Housing Characteristics File (DHC)** and **this statement from DHCD on the SHI** for more information on the timeline of release and data included.

**Figure 2. Age Trends, 2000 and 2021**



Like many communities in Southeastern Massachusetts and throughout the nation, Lakeville’s population is aging. The median age in town increased from 38 to 43 between 2000 and 2021. The town’s population of residents aged 65 and over increased by 11% in that span of time, from 15% to 26%. As of 2021, 5% of Lakeville’s population is over the age of 75.

An individual’s housing needs are likely to change as they get older, due to changes in their income, mobility, household structure, etc. Given its aging community, the Town may wish to find ways to assist residents who wish to “age in place,” either by finding avenues to provide new senior housing options or offering mechanisms and resources to support retrofitting existing homes so that they are “aging-ready.” As a note, some of the features necessary to make a home “aging-ready,” according to the U.S. Census Bureau’s report on the housing needs of older adults, are:

- A step-free entryway
- A bedroom and full bathroom on the first floor
- At least one bathroom accessibility feature
- Additional aging-accessible elements that may be useful include:
  - Sink handles or levers instead of knobs
  - Handrails or grab bars in the bathroom
  - Built-in shower seats
  - Housing features (such as thermostats, countertops, electrical outlets, etc.) that are at wheelchair accessible heights



## Why Complete a Housing Production Plan?

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### **Lakeville’s Subsidized Housing Inventory**

Updated information

As of September 2023, the Town of Lakeville has 250 of its 4,382 Census 2020 year-round housing units listed on their Subsidized Housing Inventory, which does not meet the affordability requirements set forth in M.G.L. Chapter 40B §§ 20 through 23 and 760 CMR 56.00. This represents 5.71% of their total 10% Subsidized Housing Inventory requirement. Under these housing unit counts, Lakeville would need to produce at least 188 more affordable units

<sup>1</sup> Available at <https://www.mass.gov/regulations/760-CMR-5600-comprehensive-permit-low-or-moderate-income-housing>

to meet the Housing Unit Minimum of the Statutory Minimum (as defined in 760 CMR 56.03(3)(a)). Achieving the Housing Unit Minimum threshold would mean that the Town of Lakeville Zoning Board of Appeals would have the ability to deny a Comprehensive Permit or approve it with conditions and that the aforementioned decision would be upheld if appealed by the applicant pursuant to 760 CMR 56.03, otherwise known as “Safe Harbor.”

Assuming future housing growth, Lakeville and other communities’ 10% figure is a moving target that is updated on a ten-year basis. This is because the required Housing Unit Minimum will increase over time as new “year-round” housing units are built, or as vacant “seasonal/recreational/occasional use” units are converted to year-round units. Therefore, as additional year-round housing units increase throughout a decade, the subsequent number of year-round housing units reported on the next decennial Census increases, as does the corresponding required number of affordable housing units.

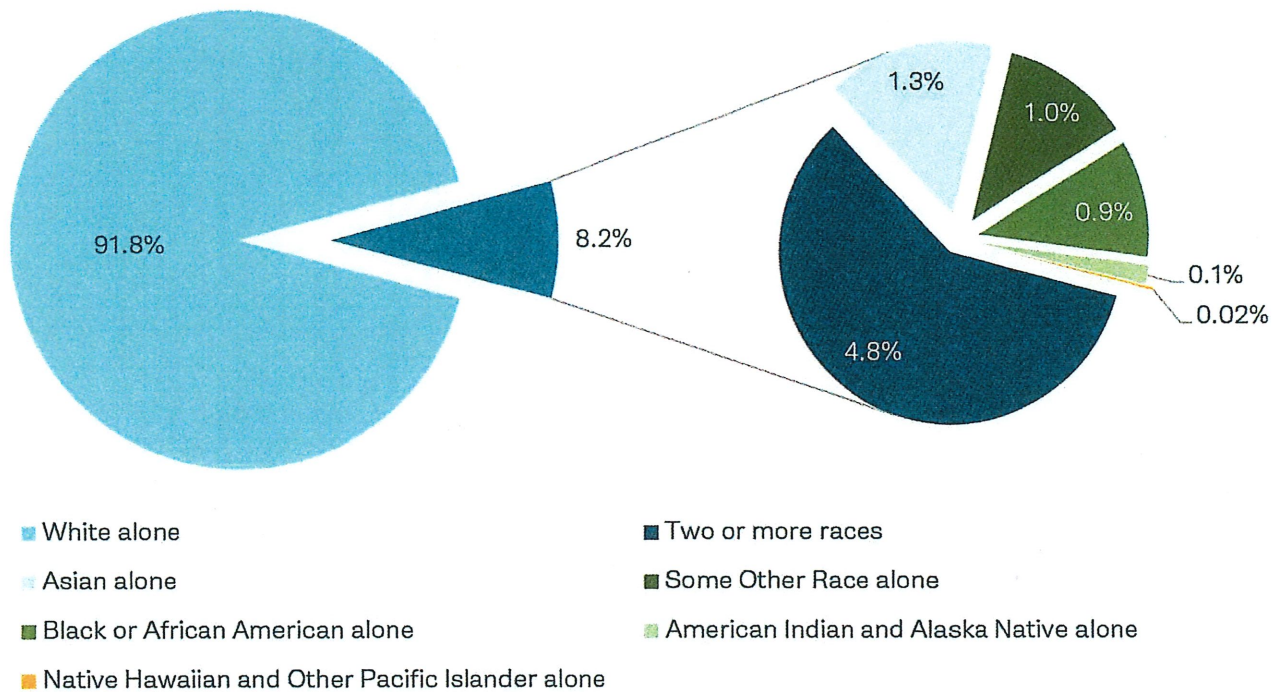


**Photo 3.** Alternate View of the Lakeville State Hospital Site. Kevin Ham, SRPEDD.

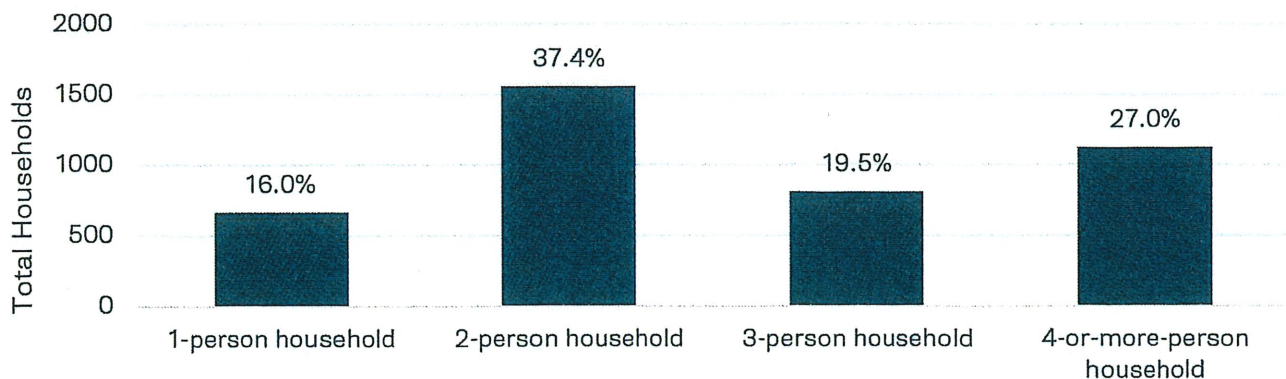
Paragraph "A note on Census Year-Round Housing Units" was removed

Lakeville’s population is approximately 92% White, 5% “Two or more races,” 1% Asian, 1% “Other race,” 1% Black or African American, 0.1% American Indian and/or Native Alaskan, and 0.02% Native Hawaiian and/or Other Pacific Islander. The average household size is 2.74, with the largest shares consisting of either 2-person or 4-person households (37% and 27%, respectively). This is likely due to the presence of older adults without children and families with children in town.

**Figure 2. Race Breakdown** *Added*



**Figure 3. Household Size** *Added*

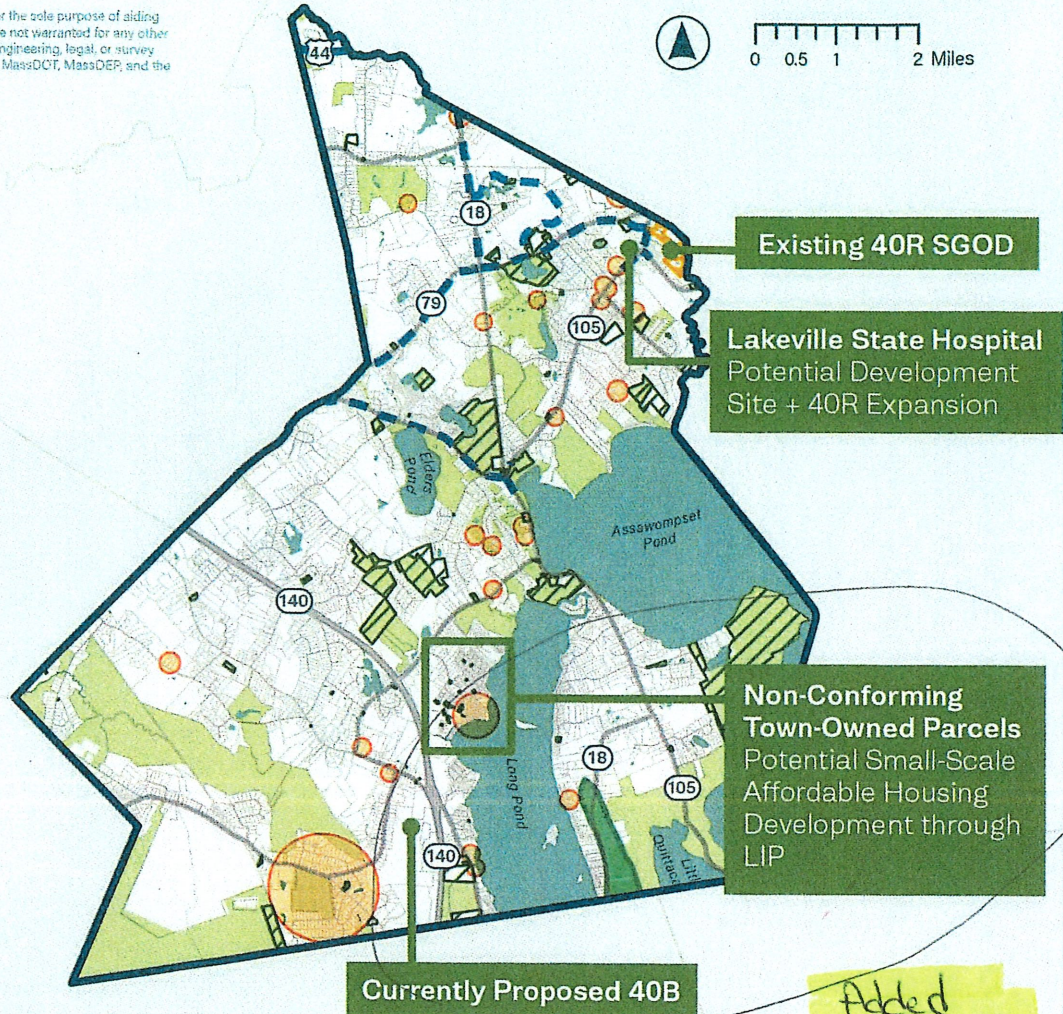


**Map 4. Lakeville Action Map**

Maps produced by S&P&EDD are for the sole purpose of aiding regional planning decisions and are not warranted for any other use. This map is not intended for engineering, legal, or survey purposes. Data sources: MassGIS, MassDOT, MassDEP, and the Town of Lakeville.



0 0.5 1 2 Miles



**Legend**

- Water Line
- Town-Owned Land
- Open Space
- Interim Wellhead Protection Area (IWPA)
- Smart Growth Overlay District (c. 40R)

**Natural Resource Area Nitrogen Sensitive Areas (MassDEP Proposed Amendments to Title V)**

Watershed with currently accepted MEP reports, but not final total nitrogen TMDLs, that MassDEP may designate as Natural Resource Area Nitrogen Sensitive Area in the future.

A municipality can inventory and examine parcels they own, as well as tax-title properties, in order to determine if they are suitable for affordable housing development. These parcels are more readily available for affordable housing development than their privately-owned counterparts. Communities can declare these properties “excess property” (typically at Town Meeting); then, through an RFP process, can partner with affordable housing developers or agencies, such as Habitat for Humanity, to produce housing.

The Town of Lakeville owns 104 parcels. Most of these parcels are protected open space, however, there are a number of parcels that may be eligible for smaller housing development, such as starter homes or LIP projects on lots that may be non-conforming due to their size or on currently underutilized parcels. These include:

- Parcel 041\_002\_001;
- Parcel 041\_003\_006, 041\_003\_008, 041\_003\_009, and 041\_003\_011;
- Parcel 041\_004\_001;
- Parcel 041\_006\_002;
- Parcels 041\_007\_003 and 041\_007\_014;
- Parcels 042\_004\_003, 042\_004\_007, and 042\_004\_008;
- Parcel 042\_007\_011;
- Parcel 042\_012\_015A;
- Parcel 041\_014\_005; and
- Parcel 042\_018\_011.

The Town should work to foster public support to use 40B as a permitting tool for these potential LIP projects. Confirmation of eligibility from EOHLC may be necessary.

### SUCCESS STORY

The Town of Wellfleet put out an RFP for a municipally-owned property at **95 Lawrence Road** and received three bids, one of which was recently selected and unanimously approved by the Select Board to proceed.

The project, which was issued a Comprehensive Permit in Summer 2023, will produce 46 apartments.

*Sentence regarding net zero energy features was removed*

Town Owned

Owner's Name	Map	Block	Lot	Location	USE CODE
FREETOWN/LAKEVILLE	012	002	030	REARHOWLAND RD	9300
FREETOWN-LAKEVILLE REGIONAL	012	002	001-14	14 BAKER LN	9330
LAKEVILLE CONSERVATION	064	001	006	STAPLES SHORE RD	9300
LAKEVILLE DEVELOPMENT CORP	061	002	008	KENNETH W WELCH DR	9300
LAKEVILLE DEVELOPMENT CORP	024	006	004C	KENNETH W WELCH DR	9300
LAKEVILLE SCHOOL DISTRICT	012	002	025	100-112 HOWLAND RD	9340
LAKEVILLE TOWN OF	056	004	034	364 BEDFORD ST	9320
LAKEVILLE TOWN OF	012	002	028	HOWLAND RD	9300
LAKEVILLE TOWN OF	012	002	002J	142 HOWLAND RD	9300
LAKEVILLE TOWN OF	007	003	013	3-R SCHOOL ST	9300
LAKEVILLE TOWN OF	003	002	001	MALBONE ST	9300
LAKEVILLE TOWN OF	006	003	012	LANG ST	9300
LAKEVILLE TOWN OF	014	004	011	COUNTY ST	9300
LAKEVILLE TOWN OF	014	006	007	HIGHLAND RD	9300
LAKEVILLE TOWN OF	016	006	002	HILL/PICKENS STS	9300
LAKEVILLE TOWN OF	016	005	006	KINGMAN ST	9300
LAKEVILLE TOWN OF	015	004	003	RACE COURSE RD	9300
LAKEVILLE TOWN OF	021	003	011	TAUNTON ST	9300
LAKEVILLE TOWN OF	024	006	007	KENNETH W WELCH DR	9300
LAKEVILLE TOWN OF	025	001	002	RHODE ISLAND RD	9300
LAKEVILLE TOWN OF	025	005	001A	RHODE ISLAND RD	9300
LAKEVILLE TOWN OF	025	005	004	CLEAR POND RD	9300
LAKEVILLE TOWN OF	025	006	008	RHODE ISLAND RD	9300
LAKEVILLE TOWN OF	026	001	003	185 RHODE ISLAND RD	9300
LAKEVILLE TOWN OF	025	006	012G	CARRIAGE HOUSE DR	9300
LAKEVILLE TOWN OF	030	004	001	DICKRAN DIRAN SQ	9300
LAKEVILLE TOWN OF	031	002	006A	30 HIGHLAND RD	9300
LAKEVILLE TOWN OF	031	002	023	PICKENS ST	9300
LAKEVILLE TOWN OF	031	002	024A	51 PICKENS ST	9300
LAKEVILLE TOWN OF	031	002	024AA	PICKENS ST	9300
LAKEVILLE TOWN OF	033	004	025	COUNTY ST	9300
LAKEVILLE TOWN OF	034	002	016A	COUNTY ST	9300
LAKEVILLE TOWN OF	034	003	001	COUNTY ST	9300
LAKEVILLE TOWN OF	034	003	003	COUNTY ST	9300
LAKEVILLE TOWN OF	032	002	005	HIGHLAND RD	9300
LAKEVILLE TOWN OF	030	001	004	PICKENS ST	9300
LAKEVILLE TOWN OF	027	002	030	100 FERN AVE	9300
LAKEVILLE TOWN OF	028	003	006	ABBAY ST	9300
LAKEVILLE TOWN OF	060	008	017	100 KENNETH W WELCH DR	9300
LAKEVILLE TOWN OF	060	008	019	170 KENNETH W WELCH DR	9300
LAKEVILLE TOWN OF	060	008	007A	REARRHODE ISLAND RD	9300
LAKEVILLE TOWN OF	060	008	002D	KENNETH W WELCH DR	9300
LAKEVILLE TOWN OF	060	008	003	RHODE ISLAND RD	9300
LAKEVILLE TOWN OF	059	003	027A	VAUGHAN ST	9300
LAKEVILLE TOWN OF	060	001	001	49 CLEAR POND RD	9300
LAKEVILLE TOWN OF	060	001	015	RHODE ISLAND RD	9300
LAKEVILLE TOWN OF	060	001	016	RHODE ISLAND RD	9300
LAKEVILLE TOWN OF	061	002	010	REARKENNETH W WELCH DR	9300

LAKEVILLE TOWN OF	062	002	003	OLD BRIDGE ST	9300
LAKEVILLE TOWN OF	062	002	004	OLD BRIDGE ST	9300
LAKEVILLE TOWN OF	063	003	001B	REARHITCHING POST RD	9300
LAKEVILLE TOWN OF	063	002	004	VAUGHAN ST	9300
LAKEVILLE TOWN OF	063	002	023C	92 VAUGHAN ST	9300
LAKEVILLE TOWN OF	063	002	005H	LINCOLN ST	9300
LAKEVILLE TOWN OF	058	003	038	STETSON ST	9300
LAKEVILLE TOWN OF	058	003	008	MAIN ST	9300
LAKEVILLE TOWN OF	056	004	031	BEDFORD ST	9300
LAKEVILLE TOWN OF	056	004	036	360 HIGHLAND RD	9300
LAKEVILLE TOWN OF	056	006	003A	BEDFORD ST	9300
LAKEVILLE TOWN OF	042	004	003	EVERGREEN RD	9300
LAKEVILLE TOWN OF	042	004	007	GROVE ST/CLARK ST	9300
LAKEVILLE TOWN OF	042	004	008	MEADOW LN/CLARK ST	9300
LAKEVILLE TOWN OF	041	008	019	CLARK SHORES	9300
LAKEVILLE TOWN OF	041	008	020	CLARK SHORES	9300
LAKEVILLE TOWN OF	041	001	015	ISLAND RD	9300
LAKEVILLE TOWN OF	041	002	001	GLEN ST	9300
LAKEVILLE TOWN OF	041	003	011	FERNDALE RD	9300
LAKEVILLE TOWN OF	041	003	035	JUNIPER RD	9300
LAKEVILLE TOWN OF	041	004	001	ORCHARD ST	9300
LAKEVILLE TOWN OF	041	007	003	FIFTH AV	9300
LAKEVILLE TOWN OF	041	006	002	10 FIFTH AV	9300
LAKEVILLE TOWN OF	042	018	011	10 HELEN ST	9300
LAKEVILLE TOWN OF	042	012	015A	CHERRY ST	9300
LAKEVILLE TOWN OF	007	003	010RD	ROAD LEDGEWOOD DR	9300
LAKEVILLE TOWN OF	060	007	001E	20 RHODE ISLAND RD	9300
LAKEVILLE TOWN OF	007	003	010J	REAR LEDGEWOOD DR	9300
LAKEVILLE TOWN OF	060	007	001E-01	1A RHODE ISLAND RD EXT	9300
LAKEVILLE TOWN OF	009	002	005D	REAR HOWLAND RD	9300
LAKEVILLE TOWN OF	066	003	007	BEDFORD ST	9300
LAKEVILLE TOWN OF	065	004	032	INDIAN SHORE RD	9300
LAKEVILLE TOWN OF	065	004	024-44	BETTYS NECK RD	9300
LAKEVILLE TOWN OF	071	001	001-01	LONG POINT RD-BETTYS NECK	9300
LAKEVILLE TOWN OF	018	002	002	8 MONTGOMERY ST	9310
LAKEVILLE TOWN OF	030	005	001	2 PRECINCT ST	9310
LAKEVILLE TOWN OF	027	002	028	28 PRECINCT ST	9310
LAKEVILLE TOWN OF	060	008	018	100 KENNETH W WELCH DR	9310
LAKEVILLE TOWN OF	060	008	018A	100 KENNETH W WELCH DR	9310
LAKEVILLE TOWN OF	057	002	007	241 MAIN ST	9310
LAKEVILLE TOWN OF	016	005	008	68 PICKENS ST	9320
LAKEVILLE TOWN OF	016	004	004	PICKENS ST	9320
LAKEVILLE TOWN OF	060	007	009	RUSH POND RD	9320
LAKEVILLE TOWN OF	071	001	001-02	LONG POINT RD	9320
LAKEVILLE TOWN OF	057	004	015	232 MAIN ST	9340
LAKEVILLE TOWN OF	057	001	005	346 BEDFORD ST	9350
THOMPSON HILL CEMETERY	026	001	004	185 RHODE ISLAND RD	9300
TOWN OF LAKEVILLE	012	003	008	119 HOWLAND RD	9300
TOWN OF LAKEVILLE	006	003	013H	15 MOULTON ST	9300

TOWN OF LAKEVILLE	028	001	002	3 FERN AVE	9300
TOWN OF LAKEVILLE	028	003	007	5 LOON POND RD	9300
TOWN OF LAKEVILLE	021	003	006A	TAUNTON ST	9300
TOWN OF LAKEVILLE	064	001	005B	RIVER BEND	9300
TOWN OF LAKEVILLE	045	004	008	126 HEMLOCK SHORE RD	9300
TOWN OF LAKEVILLE	041	007	014	14 OAK ST	9300
TOWN OF LAKEVILLE	041	003	006	CHARLIE RD	9300
TOWN OF LAKEVILLE	041	003	008	1 FERNDALE RD	9300
TOWN OF LAKEVILLE	041	003	009	FERNDALE RD	9300
TOWN OF LAKEVILLE	035	002	002	COUNTY ST	9300
TOWN OF LAKEVILLE	035	002	004	COUNTY ST	9300
TOWN OF LAKEVILLE	016	002	005-05	SPRING BROOK LN	9300



# Chapter Land

Map	Block	Lot	Str Num	Street Name	B #	L #	Use Code	Acres
004	005	001	4-6	MALBONE ST	1	3	7180	0.98
004	005	001	4-6	MALBONE ST	1	1	7180	1.61
004	005	001	4-6	MALBONE ST	1	2	7180	1.61
004	005	002	2	MALBONE ST	1	2	7180	0.89
004	005	002	2	MALBONE ST	1	1	7180	1.61
004	007	003A	118	PIERCE AV	1	3	7100	29.20
004	007	003A	118	PIERCE AV	1	2	7200	24.24
004	007	003A	118	PIERCE AV	1	1	7200	1.61
005	001	001	95	KINGMAN ST	1	3	7170	14.99
005	001	001	95	KINGMAN ST	1	2	7180	32.28
005	001	001	95	KINGMAN ST	1	1	7180	1.61
005	001	002	109	KINGMAN ST	1	2	7180	0.09
005	001	002	109	KINGMAN ST	1	1	7180	1.61
005	001	003	111	KINGMAN ST	1	2	7180	0.09
005	001	003	111	KINGMAN ST	1	1	7180	1.61
005	001	004	113	KINGMAN ST	1	2	7180	0.09
005	001	004	113	KINGMAN ST	1	1	7180	1.61
005	002	003		KINGMAN ST	1	1	7120	1.61
005	002	003		KINGMAN ST	1	2	7120	1.61
005	002	003		KINGMAN ST	1	3	7120	3.22
005	002	003		KINGMAN ST	1	4	7140	14.12
006	001	004	12	COUNTY ST	1	2	6010	3.22
006	001	004	12	COUNTY ST	1	3	6010	23.92
006	001	005		REAR PIERCE AV	1	1	7200	6.00
006	001	005		REAR PIERCE AV	1	2	7200	0.95
006	001	011		COUNTY ST	1	2	6010	13.99
006	001	011		COUNTY ST	1	1	6010	1.61
006	003	006	15	COUNTY ST	1	2	8030	1.61
006	003	006	15	COUNTY ST	1	3	8030	1.61
006	003	006	15	COUNTY ST	1	4	8030	8.97
006	003	010A	1	LANG ST	1	2	7130	5.00
007	001	002	REAR	PIERCE AV	1	1	6010	71.20
007	001	006	80	PIERCE AV	1	3	6010	12.94
007	001	006	80	PIERCE AV	1	1	6010	1.61
007	001	006	80	PIERCE AV	1	2	6010	1.61
007	001	020		COUNTY ST	1	2	7170	11.39
007	001	020		COUNTY ST	1	1	7170	1.61
007	002	002	71	PIERCE AV	1	3	6010	62.75
007	004	002	43-R	COUNTY ST	1	2	8070	1.10
007	004	002	43-R	COUNTY ST	1	1	8070	7.30
008	002	004	22	PIERCE AV	1	5	6010	87.10
008	002	004	22	PIERCE AV	1	4	8010	11.60
009	001	006A-02	2	GRT CEDAR CROSSING	1	2	8010	7.30
014	001	002	14	PIERCE AV	1	1	6010	1.63
014	001	002-01	16	PIERCE AV	1	2	6010	1.35
014	003	001		PIERCE AV	1	1	6010	0.09
014	004	001	164	COUNTY ST	1	3	6010	27.73
014	004	009		COUNTY ST	1	2	6010	7.40
014	004	009		COUNTY ST	1	1	6010	5.00

014	004	012		PIERCE AV	1	2 6010	1.61
014	004	012		PIERCE AV	1	3 6010	1.61
014	004	012		PIERCE AV	1	4 6010	5.66
014	004	012		PIERCE AV	1	1 6010	1.61
014	004	015	19	PIERCE AV	1	2 6010	0.88
014	004	001J	158	COUNTY ST	1	1 6010	1.61
014	004	002D	REAR	COUNTY ST	1	1 8070	30.25
014	004	014A	17	PIERCE AV	1	2 6010	22.57
014	004	014A	17	PIERCE AV	1	1 6010	1.61
014	004	015A	21	PIERCE AV	1	1 6010	1.62
014	004	001-03	REAR	COUNTY ST	1	2 8030	49.43
014	004	001-03	REAR	COUNTY ST	1	1 8030	1.61
014	004	005-04	5	RACHELS WAY	1	2 8000	22.45
014	006	006	89	HIGHLAND RD	1	3 7100	9.00
014	006	006	89	HIGHLAND RD	1	2 7200	5.79
015	001	011	116	SOUTH PICKENS ST	1	1 7100	2.02
015	001	011	116	SOUTH PICKENS ST	1	2 7200	9.58
015	001	012	118	SOUTH PICKENS ST	1	3 7100	4.40
015	001	012	118	SOUTH PICKENS ST	1	2 7200	22.30
015	002	002	98	COUNTY ST	1	2 7200	0.35
015	002	002	98	COUNTY ST	1	1 7200	1.61
015	003	015		REARFRANCISCO DR	1	2 7180	12.47
015	003	015		REARFRANCISCO DR	1	1 7200	1.61
015	003	019	91	COUNTY ST	1	3 7100	10.40
015	003	019	91	COUNTY ST	1	2 7180	31.12
015	003	019	91	COUNTY ST	1	1 7180	1.61
015	003	015A	83	COUNTY ST	1	2 7180	2.87
016	002	006-01	69	KINGMAN ST	1	1 7100	5.60
016	002	006-01	69	KINGMAN ST	1	2 7200	4.06
016	005	001		KINGMAN ST	1	2 7100	10.60
016	005	001		KINGMAN ST	1	1 7200	27.72
016	005	003	72	KINGMAN ST	1	3 7100	7.74
016	005	003	72	KINGMAN ST	1	2 7200	1.61
016	005	003	72	KINGMAN ST	1	4 7200	6.59
017	001	004	97	KINGMAN ST	1	2 7180	0.19
017	001	004	97	KINGMAN ST	1	1 7180	1.61
017	001	005	101	KINGMAN ST	1	2 7180	0.09
017	001	005	101	KINGMAN ST	1	1 7180	1.61
017	001	006	103	KINGMAN ST	1	2 7180	0.09
017	001	006	103	KINGMAN ST	1	1 7180	1.61
017	003	001	17	MONTGOMERY ST	1	4 7170	37.40
017	003	001	17	MONTGOMERY ST	1	2 7180	1.61
017	003	001	17	MONTGOMERY ST	1	3 7180	35.79
017	003	002	29	MONTGOMERY ST	1	2 7180	0.99
017	003	003		MONTGOMERY ST	1	4 7180	10.19
017	003	003		MONTGOMERY ST	1	1 7180	1.61
017	003	003		MONTGOMERY ST	1	2 7180	1.61
017	003	003		MONTGOMERY ST	1	3 7180	1.61
017	003	004	51	MONTGOMERY ST	1	3 7130	2.11
017	003	004	51	MONTGOMERY ST	1	2 7180	8.28

017	003	006		REARMONTGOMERY ST	1	1 7180	14.00
017	003	008	22	HILL ST	1	2 8000	1.61
017	003	008	22	HILL ST	1	3 8000	1.61
017	003	008	22	HILL ST	1	4 8000	5.00
017	003	008	22	HILL ST	1	5 8000	6.17
017	003	009		MONTGOMERY ST	1	4 7130	2.51
017	003	009		MONTGOMERY ST	1	5 7130	23.28
017	003	009		MONTGOMERY ST	1	1 7130	1.61
017	003	009		MONTGOMERY ST	1	2 7130	1.61
017	003	009		MONTGOMERY ST	1	3 7130	12.88
017	003	011		MONTGOMERY ST	1	4 7130	25.44
017	003	011		MONTGOMERY ST	1	1 7130	1.61
017	003	011		MONTGOMERY ST	1	2 7130	1.61
017	003	011		MONTGOMERY ST	1	3 7130	3.22
017	004	008B	48A	MONTGOMERY ST	1	6 7180	4.31
017	004	008B	48A	MONTGOMERY ST	1	3 7180	1.61
017	004	008B	48A	MONTGOMERY ST	1	5 7180	1.61
017	004	008B	48A	MONTGOMERY ST	1	2 7200	17.45
017	004	008B	48A	MONTGOMERY ST	1	4 7200	20.94
017	004	008B	48A	MONTGOMERY ST	1	1 7200	1.61
017	004	015A	44	MONTGOMERY ST	1	2 8000	0.02
017	004	015A	44	MONTGOMERY ST	1	1 8000	1.61
018	001	002	REAR	BARSTOW ST	1	3 7100	10.09
018	001	002	REAR	BARSTOW ST	1	2 7200	24.45
018	001	002	REAR	BARSTOW ST	1	1 7200	1.61
019	001	004		REARRHODE ISLAND RD	1	2 7200	12.42
019	001	004		REARRHODE ISLAND RD	1	1 7200	1.61
020	001	002	69	SOUTHWORTH ST	1	3 7100	6.00
020	001	002	69	SOUTHWORTH ST	1	2 7200	2.00
020	001	004		REARSOUTHWORTH ST	1	2 7200	18.99
020	001	004		REARSOUTHWORTH ST	1	1 7200	1.61
020	002	006	64	SOUTHWORTH ST	1	4 7100	6.50
020	002	006	64	SOUTHWORTH ST	1	3 7200	2.50
022	003	008		REARCROSS ST	1	1 6010	4.00
024	001	001	20	LEONARD ST	1	2 8050	134.78
024	003	019	1	OCEAN SPRAY DR	1	5 7100	8.00
024	003	019	1	OCEAN SPRAY DR	1	4 7200	21.55
024	003	004A	52	REAR TAUNTON ST	1	2 6010	1.75
024	003	004A	52	REAR TAUNTON ST	1	1 6010	1.61
024	003	019A	4-18	CROSS ST	1	2 6010	7.79
024	003	019A	4-18	CROSS ST	1	3 6010	202.28
024	003	019A	4-18	CROSS ST	1	1 6010	1.61
024	006	009		KENNETH W WELCH DR	1	1 7100	4.08
024	006	004A	520	KENNETH W WELCH DR	1	4 7200	3.96
024	006	004A	520	KENNETH W WELCH DR	1	1 7200	1.61
024	006	004A	520	KENNETH W WELCH DR	1	2 7200	1.61
024	006	004A	520	KENNETH W WELCH DR	1	3 7200	1.61
024	007	010	2	TYLER'S WAY	1	2 7130	20.00
024	007	010	2	TYLER'S WAY	1	3 7180	50.00
024	007	010	2	TYLER'S WAY	1	4 7220	33.39

025	001	014		REARSOUTHWORTH ST	1	3 7100	5.43
025	001	014		REARSOUTHWORTH ST	1	2 7200	55.53
025	001	014		REARSOUTHWORTH ST	1	1 7200	1.61
025	001	015		SOUTHWORTH ST	1	4 7100	10.00
025	001	015		SOUTHWORTH ST	1	2 7160	5.00
025	001	015		SOUTHWORTH ST	1	1 7160	5.00
025	001	015		SOUTHWORTH ST	1	3 7200	11.82
025	001	017	45	SOUTHWORTH ST	1	3 7100	29.73
025	001	017	45	SOUTHWORTH ST	1	2 7200	4.86
025	001	017	45	SOUTHWORTH ST	1	1 7200	1.61
025	001	014A		SOUTHWORTH ST	1	3 7100	2.00
025	001	014A		SOUTHWORTH ST	1	1 7200	2.00
025	001	014A		SOUTHWORTH ST	1	2 7220	2.69
025	001	015A		SOUTHWORTH ST	1	2 7100	3.90
025	001	015A		SOUTHWORTH ST	1	1 7180	1.18
025	001	015B	33	SOUTHWORTH ST	1	3 7100	1.49
025	001	015B	33	SOUTHWORTH ST	1	2 7200	4.00
025	003	001	23	LEONARD ST	1	2 7120	1.40
025	003	005		SOUTHWORTH ST	1	1 7170	5.10
025	003	022		SOUTHWORTH ST	1	2 7120	0.41
025	003	022		SOUTHWORTH ST	1	1 7180	3.43
025	003	022		SOUTHWORTH ST	1	3 7200	8.00
026	003	002A	108	CROOKED LN	1	3 7100	1.50
026	003	002A	108	CROOKED LN	1	4 7150	1.00
026	003	002A	108	CROOKED LN	1	5 7170	33.89
026	003	002A	108	CROOKED LN	1	2 7180	1.61
026	003	002B	106	CROOKED LN	1	2 7170	1.43
026	003	002B	106	CROOKED LN	1	1 7170	1.61
026	003	003AA		CROOKED LN	1	4 7170	3.74
026	003	003AA		CROOKED LN	1	1 7170	1.61
026	003	003AA		CROOKED LN	1	2 7170	1.61
026	003	003AA		CROOKED LN	1	3 7170	3.22
030	002	029	17	HERITAGE HILL DR	1	3 8050	62.00
030	004	026	9A	PICKENS ST	1	1 8050	0.19
032	001	011	48	HIGHLAND RD	1	2 8080	1.00
032	001	011	48	HIGHLAND RD	1	3 8080	7.86
032	001	011B	54	HIGHLAND RD	1	2 8080	55.89
032	001	011B	54	HIGHLAND RD	1	1 8080	1.61
033	004	012-01		CHRISTIAN WAY	1	2 6010	1.79
033	004	012-01		CHRISTIAN WAY	1	1 7180	1.61
033	004	012-01		CHRISTIAN WAY	1	3 7180	1.98
033	004	012-02	1	CHRISTIAN WAY	1	3 6010	4.58
033	004	012-02	1	CHRISTIAN WAY	1	1 7180	1.61
033	004	012-02	1	CHRISTIAN WAY	1	2 7180	1.27
033	004	012-03		CHRISTIAN WAY	1	1 6010	12.45
033	004	012-03		CHRISTIAN WAY	1	3 7180	4.05
034	003	007	182	COUNTY ST	1	4 7180	1.95
034	003	007	182	COUNTY ST	1	1 7180	1.61
034	003	007	182	COUNTY ST	1	2 7180	1.61
034	003	007	182	COUNTY ST	1	3 7180	3.22

039	005	033	179	COUNTY ST	1	3 7100	7.30
039	005	033	179	COUNTY ST	1	2 7180	5.01
039	005	033	179	COUNTY ST	1	1 7180	1.61
039	005	034	6	DUNBAR RD	1	1 7180	1.02
039	005	033A	6	CHURCHILL RD	1	2 7200	0.09
054	001	001	7	QUAIL RUN	1	2 8020	29.37
054	003	013A		LAKESIDE AV	1	4 7140	0.60
054	003	013A		LAKESIDE AV	1	2 7160	0.50
054	003	013A		LAKESIDE AV	1	3 7170	4.00
054	003	013A		LAKESIDE AV	1	5 7170	0.97
054	003	013A		LAKESIDE AV	1	1 7170	1.61
056	001	013	1	HERITAGE HILL DR	1	1 8050	0.14
056	006	001	393	BEDFORD ST	1	2 7170	2.19
056	006	001B	393	BEDFORD ST	1	1 7120	1.61
056	006	001B	393	BEDFORD ST	1	2 7170	1.20
058	003	001	45	CROOKED LN	1	2 7130	43.25
058	003	001	45	CROOKED LN	1	3 7130	81.59
058	003	001	45	CROOKED LN	1	4 7220	63.50
058	005	001	202	MAIN ST	1	2 7130	5.96
058	006	002	50	OLD MAIN ST	1	2 7120	4.39
058	006	002	50	OLD MAIN ST	1	1 7120	1.61
058	006	002	50	OLD MAIN ST	1	3 7180	6.70
058	006	003		NELSONS GROVE RD	1	2 7190	9.94
058	006	003		NELSONS GROVE RD	1	3 7190	0.45
058	006	003		NELSONS GROVE RD	1	1 7190	1.61
058	007	042		NELSONS GROVE RD	1	2 7200	0.83
058	007	042		NELSONS GROVE RD	1	1 7200	1.61
058	007	044	134	MAIN ST	1	2 7120	1.00
058	007	044	134	MAIN ST	1	4 7170	5.39
058	007	044	134	MAIN ST	1	3 7180	14.00
058	007	042B		NELSONS GROVE RD	1	3 7120	1.96
058	007	042B		NELSONS GROVE RD	1	2 7140	1.51
058	007	042B		NELSONS GROVE RD	1	1 7140	1.61
058	007	042B		NELSONS GROVE RD	1	4 7150	2.00
059	001	050	44	CLEAR POND RD	1	2 8050	129.87
060	008	014D	55	RHODE ISLAND RD	1	2 7100	11.50
060	008	014D	55	RHODE ISLAND RD	1	4 7160	4.00
060	008	014D	55	RHODE ISLAND RD	1	3 7180	4.00
060	008	014D	55	RHODE ISLAND RD	1	5 7200	19.00
063	002	001	37	BRIDGE ST	1	4 7120	3.00
063	002	001	37	BRIDGE ST	1	5 7130	2.00
063	002	005K		REARVAUGHAN ST	1	4 7100	5.00
063	002	005K		REARVAUGHAN ST	1	1 7140	3.00
063	002	005K		REARVAUGHAN ST	1	2 7180	2.00
063	002	005K		REARVAUGHAN ST	1	3 7220	2.00
063	002	023A		VAUGHAN ST	1	6 7100	5.00
063	002	023A		VAUGHAN ST	1	4 7120	0.39
063	002	023A		VAUGHAN ST	1	1 7120	1.61
063	002	023A		VAUGHAN ST	1	2 7130	2.00
063	002	023A		VAUGHAN ST	1	5 7180	1.00

063	002	023A		VAUGHAN ST	1	3 7220	3.51
066	001	001	472	BEDFORD ST	1	2 8030	48.39
<b>TOTAL</b>							<b>2,627.66</b>

**Planning Board  
Lakeville, Massachusetts  
Minutes of Meeting  
Thursday, September 28, 2023**

On September 28, 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, Nora Cline, Jack Lynch

**Others present:**

Marc Resnick, Town Planner

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

Mr. Robert Forbes from Zenith Consulting Engineers was present. He advised, at the last meeting, they had discussed getting more detail on the architectural plans. There were now some different options for the siding. The lighting plan had also been revised to include the lights on the buildings. Mr. Knox said that he and Mr. Resnick had previously talked about electric vehicle chargers, and he had also corresponded with Mr. Nathan Darling, Building Commissioner. Mr. Darling said that on January 23<sup>rd</sup> the stretch code had been updated to a new version, and there would be some requirement for the chargers. Had he thought about putting these chargers in?

Mr. Forbes said, as with everything else, if it is required, they will comply with it. Mr. Knox said he thought they would be looking for a hypothetical location, to house the required amount. Mr. Forbes replied that he cannot put electrical wiring on his plans. However, based on the information he had received, it would be 20% of the spaces or 16 spaces, 8 for each building. Mr. McMahon added that they were fully aware of the stretch code and the implementation of it. They have not got to that state of the design, but they would fully comply. Mr. Knox asked if this is something that should be on the plan of record. Mr. Resnick said he thought it should at least be indicated or highlighted as the proposed EV charging area. After discussion, Mr. Knox said what they should do is add a condition on the approval saying that they will meet stretch code requirements for EV charging stations as needed. Mr. Knox suggested they speak to Mr. Darling as there is some interpretation as to whether it is per the mixed-use zoning requirements or the Town's general bylaw for the two spaces required per dwelling unit.

The siding options were then discussed. Mr. Knox said that he would like to make sure that a copy of what is decided is filed with the Site Plan. Members agreed that the options they preferred were the following: front siding-option 2; left siding-option 1; right siding option 2: rear siding-option 1. Mr. McMahon was fine with that.

Mr. Knox said there is correspondence from the Fire Chief indicating the applicant has captured all that he required. He asked if there were any additional comments. Ms. MacEachern asked what the materials would be as Site Plan does have a preference for natural materials. Mr. McMahon said he was okay with not including any vinyl, but most of the wood siding is now composite. It is proposed to be either clap or brick veneer. If the goal is to stay away from stucco and vinyl, he was fine with that.

The Board then began review of the draft approval. Atty. O'Shaughnessy said that he felt some of the conditions exceeded the Board's authority. According to the bylaw, conditions are supposed to mitigate impacts to the neighborhood from the proposed development. The following were the conditions that were then discussed:

- The applicant shall provide a performance guarantee in the sum of \$20,000 to secure the completion of all required fixtures, appurtenances, amenities, and improvements, including landscaping, drainage system, pavement installation and striping, and as-built plan.
  - Atty. O'Shaughnessy understood the motivation, but was not sure this could be done under Site Plan Review.
- The applicant shall pay the required inspection fee prior to any site work occurring on the property or the issuance of a building permit.
  - What inspection fee is being referred to? Mr. Resnick replied they have a consulting engineer who will be doing the inspections for drainage, sub grade, paving, etc., and there is a cost involved in that. Atty. O'Shaughnessy would like that clarified in the decision.
- Upon commencement of each new tenancy of any residential unit, at least one tenant of the unit shall be 55 years of age or older. The leasing office for the apartments shall keep records of the tenants and make these available for inspection by the Board or its representative upon request.
  - Atty. O'Shaughnessy did not think this traced the language of the bylaw. It should be changed to reflect what the bylaw actually says. It should say "At commencement of occupancy of any new residential unit at least one tenant of the unit shall be 55 years of age or older. Mr. Resnick said Town Counsel's opinion is that upon every new leasing of the unit, that is considered a new tenancy. Atty. O'Shaughnessy asked if the Zoning Enforcement Officer had been asked what his interpretation was. In past projects, Counsel has deferred to his opinion. Mr. Knox said that he has conversed with him in regards to this, and he could get a written opinion.



- The stormwater management system shall be functional prior to an occupancy permit being issued for either building. The applicant shall install oil and grease traps in the catch basins.
  - Mr. Forbes clarified that an oil and grease trap would be for a restaurant. The hoods catch floatables in the catch basin. Mr. Resnick said that was the intent of the language. Mr. Forbes said that the wording is off then, and it is a different structure.
- Should the Planning Board have concerns with the level of lighting...the Board reserves the right to require the applicant to adjust the level of lighting, type of lighting fixtures, or the location of individual lights.
  - Atty. O'Shaughnessy did not have an issue with adjusting the level of lighting, but changing the type of lighting fixtures or the location. He would like that part stricken. Mr. Resnick replied on occasion different fixtures get put up. Mr. McMahon said they were fine with adjusting the level of lighting and the type of lighting fixtures to match the photometric plan. It was noted this approval will run with the property so any future changes to the light fixtures would need to come before the Planning Board. Mr. Resnick said that he will modify this condition.
- All site work must be completed within twelve (12) months of the issuance of a Building Permit or the applicant shall return to the Board with a schedule for completion.
  - Atty. O'Shaughnessy would like to change this to 18 or 24 months. Mr. Resnick said the reason behind it is to have the applicant come in and then review the schedule and see where they are. He will change it to 18 months.
- The applicant shall obtain a street opening permit from the Lakeville Department of Public Works (DPW.) All work...approved by the Department of Public Works.
  - Atty. O'Shaughnessy said this is on a State Highway so he did not think this condition was necessary. Mr. Resnick said he would modify it to refer to Mass Highway.
- If elevators are required for the buildings and the footprint of the buildings need to be modified to accommodate the elevators, then the applicant shall file a new site plan review application with the Planning Board
  - Atty. O'Shaughnessy asked that this be changed so that they come in just for the modified footprint rather than doing the whole site plan again. Mr. Resnick said that there is no mechanism in the current bylaw that would address a modification, which is why he had left it like that. Atty. O'Shaughnessy asked if review could be limited to the changes only.
- Any proposed change from the approved site plans or additional site work deemed substantive by any Town official shall be presented for review by the Planning Board.
  - Atty. O'Shaughnessy asked what was encompassed by Town official. He would like it limited to the Town Planner, Zoning enforcement Officer, or people related to land use or zoning.
- All construction shown on the site plan, unless otherwise noted, must be completed prior to the issuance of an occupancy permit.
  - Atty. O'Shaughnessy said that he expected this to be a phased project, with the two buildings being constructed and rented out one at a time. Mr. Knox said that there

should then be a parameter in the parking lot. If construction is completed of building one and they wanted to gain occupancy, then 50% of the parking area has to be completed and any construction that was ongoing must not impede access. Mr. Resnick said that he could modify this to indicate this is a phased project and the first building may be occupied provided there is sufficient parking, lighting, drainage, and access.

- Appeals to this decision shall be made pursuant to Section 8.0 of the Zoning Bylaws within twenty (20) days of the filing of this decision with the Town Clerk.
  - Atty. O'Shaughnessy did not think that was the correct section. Mr. Resnick will reference the correct section.

Mr. Knox noted that they may require a gravel removal permit, which they would receive from the Select Board. He asked if there were any additional questions. Ms. MacEachern mentioned that in the decision it states that no fee had been charged when the plan was changed. She thought there was a fee in the revised fee schedule. Mr. Knox said they had not gone through the hearing process. Atty. O'Shaughnessy said with the original plan, there had been an issue with the setbacks. They had discussed filing new plans and re-advertising that fact.

Ms. MacEachern said that the draft also included the statement that there were no abutters present at the public hearing, but there have been quite a few residents from the area who have expressed concerns regarding traffic, elevators, and this being a rental facility. She felt this line was misleading. Mr. Resnick said that he could add additional commentary regarding the other residents and their concerns. Ms. MacEachern said it also stated that all the items identified by Environmental Partners (EP) had been addressed. Last time she checked, it didn't look like that was the case. Atty. O'Shaughnessy said he thought that a letter had been sent to the Board from EP. The last time they met, they had talked about modifying the photometric plan and the elevations. Ms. MacEachern said also was the parking, stabilization, adding a maintenance plan for the drainage, and sediment tracking.

Ms. MacEachern said that EP has also recommended a final utilities plan be submitted for review and approval prior to the commencement of construction. She thought that should be added as a condition. Mr. Forbes replied that they had responded to that comment, and they do not do that on a site plan. He noted that he was not supposed to put electrical on a plan, and he legally could not do so. Middleborough Gas & Electric (MGED) will come in and tell them exactly what is going to happen after everything is done. They will not look at it until they have Town approval. They don't have an intention of doing that as it is directed by MGED. Mr. McMahon added when it is fully approved by the Town, they will be sent to them in CAD and the MGED will fully design the entire electrical plan because those are their lines. Mr. Forbes said that he was surprised that EP suggested that, as every civil engineer knows that is the way it should be done. Ms. MacEachern asked what is the enforcement for the lease agreement. Mr. Resnick said a violation of the approval would be a zoning violation enforceable under the rules of zoning.

Mr. Knox asked if anyone present had any comments. Ms. Noelle Rilleau of 22 Reservoir Avenue asked that they consider it a cost of doing business in a community that cares about residents who might be in a wheelchair, and that this needs to have an elevator for people that cannot climb stairs. Ms. Susan Spieler of 10 Valley Road noted that there should be an EV charging station next to the handicap parking. She also stated in regards to the elevators, that if they were not required for 55+, they were clearly discriminating against the elderly. If this is truly a 55+ development, there should be elevators and they should be required. Mr. John Gregory of 8 Bartelli Road discussed getting fire access to the second building via a piece of property owned by the Town. Mr. Knox said that he has deferred to the Fire Chief who has said that he is satisfied with access around that second building, and all his concerns have been addressed.

After discussion, members said they would like to see one more set of clean plans with the changes they had agreed upon. Mr. Knox then made a motion, seconded by Ms. MacEachern, to continue the 13 Main Street hearing until October 12, 2023, at 7:00 p.m. in order to review the final site plan approval document based on tonight's discussion of their conditions and amendments. The **vote was unanimous for.**

#### **Approve corrective amendment to the Certificate of Approval for Golfer's Way**

Mr. Knox asked for clarification that this correction was in regards to a date change. Ms. Murray replied that in the Decision the date of the final plan had not been referenced, but rather the plan before. When recording the plan that the Board has signed and approved, the certificate must reference that plan and not the plan before it was revised.

Mr. Knox made a motion, seconded by Ms. MacEachern, to approve this corrective measure and sign it as the Chairman. The **vote was unanimous for.**

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

Mr. Knox asked that this be placed on their next agenda.

#### **Discuss Chapter Land Maps**

Ms. MacEachern advised that Mr. Resnick was supposed to be working on getting an updated list. Mr. Resnick said that he had spoken to the Assessor's office, and this has to be requested from the Vision Company.

Ms. MacEachern made a motion, seconded by Mr. Lynch, to have the Town Planner get an updated list of the current chapter properties. The **vote was unanimous for.**

Mr. Knox asked what they were hoping to accomplish with this information. Ms. MacEachern replied she would like to find out if they could get that information on an overlay, to make it more accessible. Mr. Resnick said this would probably be done through the GIS Company. There have been some discussions on trying to enhance what they currently have. He will find out more about it.

### **Discuss Zoning change process**

Ms. MacEachern advised she started looking at other towns to see what they have in place, as far as a zoning change process. This originated months ago from a discussion she had with a Select Board member. She thought it might be good to have a process for this to come before the Select Board and the Planning Board as soon as a developer is looking to make a zoning change, rather than it be an offline conversation. It would be great to have an outlined process. If this Board agrees that this is something they want to move forward with, she would like to see it circulated to the Zoning Enforcement Officer, the Select Board, the Town Clerk, etc. It would be helpful to have a process laid out.

Mr. Knox asked if the endgame would be to have the process and application on the Town website. Ms. MacEachern responded affirmatively. Mr. Knox said that it sounds like they should have a conversation with the Select Board to make sure they are interested in doing this. Mr. Resnick added that the process does go through the Select Board's office. The actual petitions get submitted to them, and they are the ones who forward it to the Planning Board for the public hearing. Petitions can be submitted by the Planning Board, Zoning Board, Select Board, as well as citizen petitions. Since it does go through the Select Board, he thought of meeting with them and getting their thoughts if they wanted to work on something. Regarding the samples, one is an FAQ outlining the process, and the application could be expanded because it is very focused on just zoning changes for property.

Mr. Knox asked that an email be generated between him, Mr. Resnick, Mr. Day, and Ms. MacEachern. The drafts could be included to just start a conversation to see if the Select Board is interested in pursuing establishing a process. Mr. Knox asked that these last two items be placed on their next agenda.

### **Approve Meeting Minutes**

Ms. Cline made a motion, seconded by Mr. Lynch. to approve the minutes from the August 17, 2023, meeting. The **vote** was **unanimous for**.

### **Correspondence**

Mr. Resnick discussed a notice received from the Town of Raynham consisting of a proposed 7 building, 240-unit 40B development that will be located on Broadway.

### **Next meeting**

The next meeting is scheduled for October 12, 2023, at 7:00 p.m. at the Lakeville Police Station.

### **Adjourn**

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

Meeting adjourned at 8:05.