

# TOWN OF LAKEVILLE MEETING POSTING & AGENDA

Town Clerk's Time Stamp  
received & posted:

LAKEVILLE TOWN CLERK  
R010 2024 FEB 16 @ 10:50

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:	Planning Board meeting
Date & Time of Meeting:	<u>Thursday, February 22, 2024 @ 7:00 PM</u>
Location of Meeting:	Lakeville Police Station Room 323 Bedford Street, Lakeville, MA 02347
Clerk/Board Member posting notice:	Cathy Murray

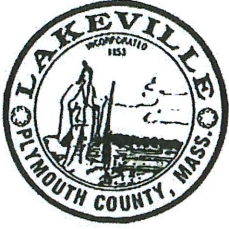
Cancelled/Postponed to: \_\_\_\_\_ (circle one)

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

## A G E N D A

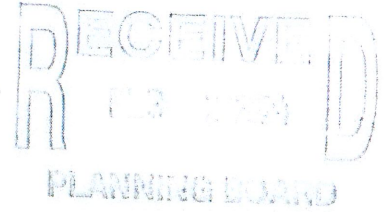
1. **Public Hearing (7:00) Site Plan Review -2 & 4 Bedford St., continued** – upon the application for a Site Plan Review and Approval submitted by Twin Boys, LLC for proposed contractor bays-presented by Zenith Consulting Engineers
2. ANR Plan – 37 Myricks Street – Zenith Consulting Engineers – possible vote
3. ANR Plan – Pauline's Path – Zenith Consulting Engineers – possible vote
4. Review the following Zoning Board of Appeals petition:
  - a. Dixon – 36 Main Street
5. OSRD update
6. Discuss possible warrant items
  - OSRD
  - Possible changes to Mixed Use Development District Zoning
7. Discuss update on 40R Zoning Overlay
8. Discuss update of regulations
9. Approve the January 25, 2024 Meeting Minutes
10. Next meeting. . . March 14, 2024 at the Lakeville Police Station
1. Any other business that may properly come before the Planning Board.
2. 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



Date Submitted: \_\_\_\_\_

**Town of Lakeville**  
PLANNING BOARD  
346 Bedford Street  
Lakeville, MA 02347  
508-946-8803



**FORM A**

**APPLICATION FOR ENDORSEMENT OF PLAN  
BELIEVED NOT TO REQUIRE APPROVAL (ANR)**

To the Planning Board:

The undersigned believing that the accompanying plan of this property in the Town of Lakeville does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits said plan for determination and endorsement that Planning Board approval under this Subdivision Control Law is not required.

APPROVAL NOT REQUIRED PLAN OF LAND  
PLAN TITLE: 37 MYRICKS STREET LAKEVILLE MASSACHUSETTS Date: 12-14-2023

1. Owner's Signature: *Nathan Gagnier* Date: 2/1/24

2. Owner's Name (Please Print): JJJ PROPERTIES, LLC

Owner's Address: 6 SANDTRAP LANE LAKEVILLE, MA 02347

3. Name of Land Surveyor: ZENITH LAND SURVEYORS, LLC

Surveyor's Address: 1162 ROCKDALE AVE NEW BEDFORD, MA 02740

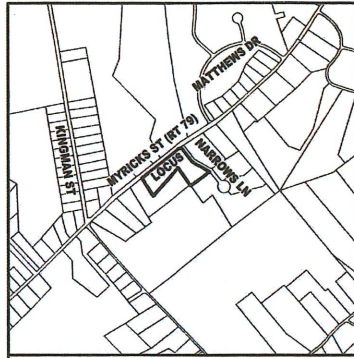
Surveyor's Telephone: 508-995-0100

4. Deed of property recorded in PLYMOUTH COUNTY Registry,  
Book 57395 Page 258

5. Assessors' Map, Block and Lot (MBL) 5-2-1 AND A PORTION OF 17-4-3

6. Location and Description of Property: #37 MYRICKS ST AND "PARCEL A" CREATED AS PART OF  
THE "STOWE ESTATES" SUBDIVISION PLAN RECORDED IN PLAN BOOK 67 PAGE 451.

7. Plan Contact Name and Telephone Number:  
Contact Name: NYLES ZAGER (ZENITH CONSULTING ENGINEERS, INC.) Telephone: 508-947-4208



**LOCUS MAP**  
SCALE: 1"=1,000'

**NOTES:**

1. THE PURPOSE OF THIS PLAN IS TO COMBINE "PARCEL A" AS SHOWN IN PLAN BOOK 67 PAGE 451 AND ASSESSORS PARCEL 5-2-1 TO CREATE A LOT THAT COMPLIES WITH THE ZONING REQUIREMENTS. PROPERTY LINE AND EXISTING CONDITIONS INFORMATION WAS TAKEN FROM A FIELD SURVEY BY ZENITH LAND SURVEYORS, LLC.
2. PLYMOUTH COUNTY REGISTRY OF DEEDS:  
DEED REFERENCE: BOOK 57395 PAGE 258  
PLAN REFERENCE: BOOK 67 PAGE 451
3. THE SUBJECT PROPERTY IS LOCATED IN ZONE X, AS SHOWN ON THE FLOOD INSURANCE RATE MAP (F.I.R.M.) NUMBER 25023C0426L, MAP REVISED 7-17-12.
4. WETLAND LINE TAKEN FROM RECORD PLAN REFERENCED ABOVE.

ZONING SUMMARY TABLE (RESIDENTIAL DISTRICT)	
CRITERIA	REQUIRED
LOT AREA	70,000 S.F.
FRONTAGE	175'
FRONT BUILDING SETBACK	40'
SIDE BUILDING SETBACK	20'
REAR BUILDING SETBACK	20'
CONTIGUOUS UPLAND	52,500 S.F.
IMPERVIOUS COVER	25%



I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

*William J. McDermott* December 14, 2023  
PROFESSIONAL LAND SURVEYOR DATE

FOR REGISTRY USE ONLY

TOWN OF LAKEVILLE PLANNING BOARD  
APPROVAL UNDER SUBDIVISION CONTROL LAW NOT REQUIRED. PLANNING BOARD ENDORSEMENT MAKES NO CERTIFICATION AS TO COMPLIANCE WITH ZONING.

DATE \_\_\_\_\_

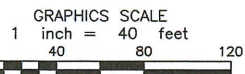
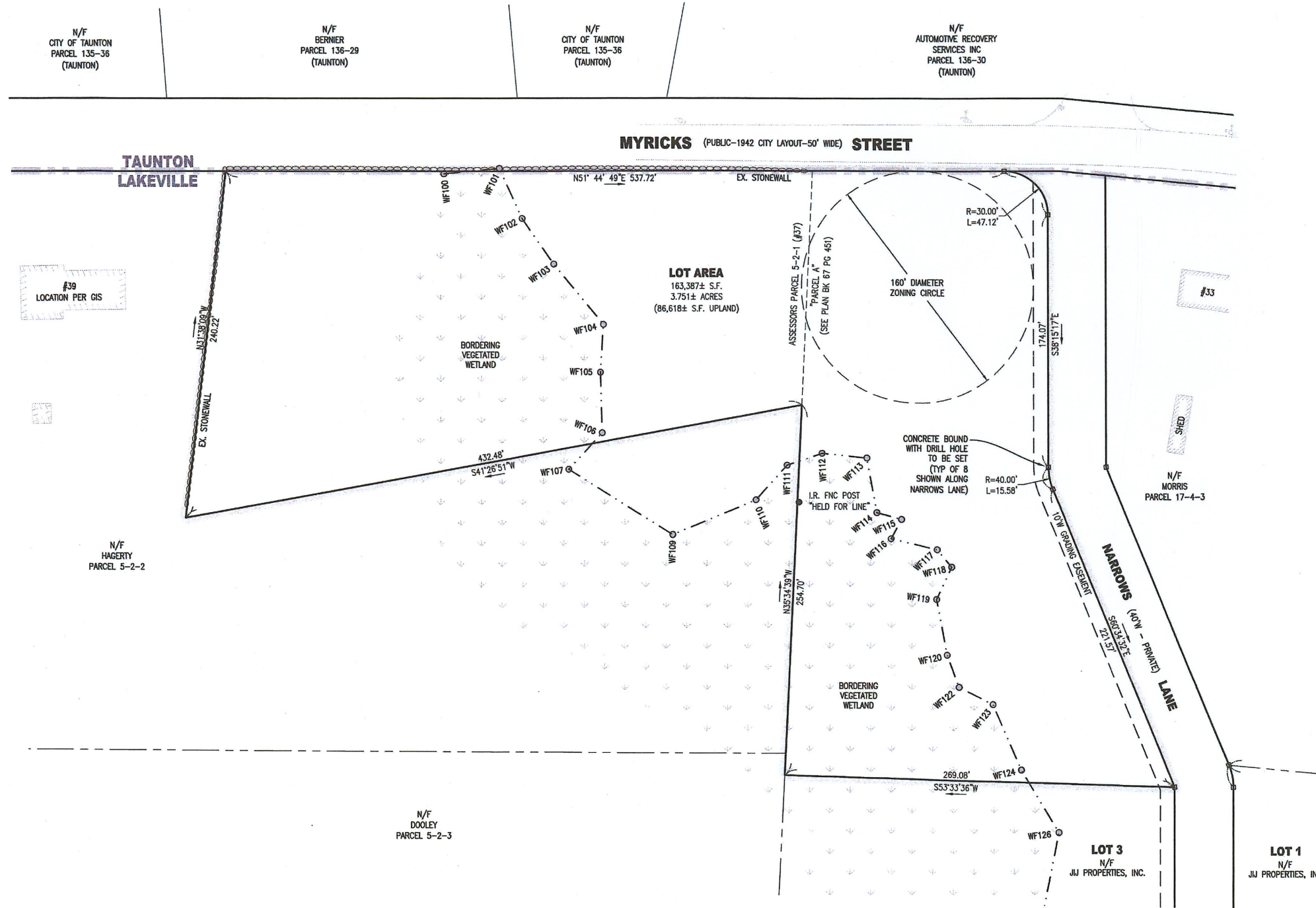
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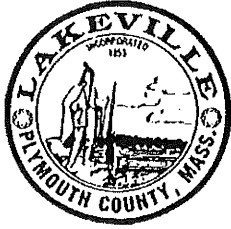
**ZCE**  
ZENITH CONSULTING ENGINEERS, LLC  
3 MAIN STREET LAKEVILLE, MA 02347  
PHONE: (508) 947-4208

P.L.S. STAMP



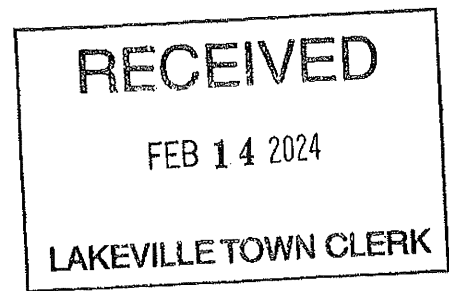
SHEET NAME	DATE	REV.	DATE	DESCRIPTION	BY	APP.
APPROVAL NOT REQUIRED PLAN OF LAND	12-14-23					
PROJECT SITE: 37 MYRICKS STREET LAKEVILLE, MASSACHUSETTS	PROJECT NUMBER: 0992-01-01					
CLIENT INFO: JJI PROPERTIES, INC. 6 SAND TRAP LANE LAKEVILLE, MASSACHUSETTS	DRAWING SCALE: 1"=40'					
	CHECKED BY: NCZ					
	APPROVED BY: NCZ					

S:\Civil Engineering Projects\Lakeville\Myricks Street\37-35-57 Myricks Street\DWG\Term A Plan - 37 Myricks St - Lakeville.dwg



Town of Lakeville  
PLANNING BOARD  
346 Bedford Street  
Lakeville, MA 02347  
508-946-8803

Date Submitted: \_\_\_\_\_



## FORM A

### APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO REQUIRE APPROVAL (ANR)

To the Planning Board:

The undersigned believing that the accompanying plan of this property in the Town of Lakeville does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits said plan for determination and endorsement that Planning Board approval under this Subdivision Control Law is not required.

PLAN TITLE: APPROVAL NOT REQUIRED PLAN OF LAND PAULINE'S PATH Date: 1-23-24

1. Owner's Signature:  Date: 1/26/24

2. Owner's Name (Please Print): WILLIAM LOGAN

Owner's Address: 113 EAST GROVE STREET MIDDLEBOROUGH, MA

3. Name of Land Surveyor: ZENITH LAND SURVEYORS, LLC

Surveyor's Address: 1162 ROCKDALE AVENUE NEW BEDFORD, MA

Surveyor's Telephone: 508-995-0100

4. Deed of property recorded in \_\_\_\_\_ PLYMOUTH COUNTY \_\_\_\_\_ Registry,

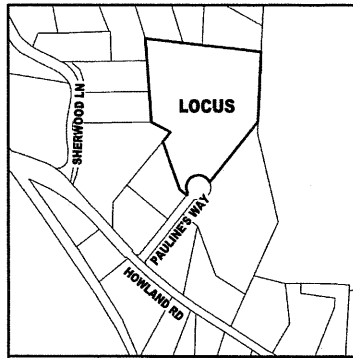
Book 58489 Page 31

5. Assessors' Map, Block and Lot (MBL) MAP 13 BLOCK 1 LOT 1-2

6. Location and Description of Property: #5 PAULINE'S PATH (LOT 2 ON PLAN BK 66 PG 1112)

7. Plan Contact Name and Telephone Number:

Contact Name: JAMIE BISSONNETTE Telephone: 508-947-4208



**LOCUS MAP**  
SCALE: 1"=500'

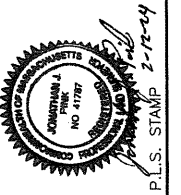
**NOTES:**

1. THE PURPOSE OF THIS PLAN IS TO DIVIDE "LOT 2" AS SHOWN IN PLAN BOOK 66 PAGE 1112 TO CREATE "PARCEL 1" WITH REMAINING LAND OF LOT 2. "PARCEL 1" IS TO BE DEEDED TO "LOT 1".
  - 1.1. LOT 2 IS SHOWN AS ASSESSORS MAP 13 BLOCK 1 LOT 1-2
  - 1.2. LOT 1 IS SHOWN AS ASSESSORS MAP 13 BLOCK 1 LOT 1-1
2. PROPERTY LINE AND EXISTING CONDITIONS INFORMATION WAS TAKEN FROM A FIELD SURVEY BY ZENITH LAND SURVEYORS, LLC.
3. PLYMOUTH COUNTY REGISTRY OF DEEDS:  
DEED REFERENCE: BOOK 58489 PAGE 31  
PLAN REFERENCE: BOOK 66 PAGE 1112
4. THE SUBJECT PROPERTY IS LOCATED IN ZONE X AND ZONE A, AS SHOWN ON THE FLOOD INSURANCE RATE MAP (F.I.R.M.) NUMBER 25023C0436J, MAP REVISED 7-17-12.
5. WETLAND LINE TAKEN FROM RECORD PLAN REFERENCED ABOVE.

ZONING SUMMARY TABLE (RESIDENTIAL DISTRICT)	
CRITERIA	REQUIRED
LOT AREA	70,000 S.F.
FRONTAGE	175'
FRONT BUILDING SETBACK	40'
SIDE BUILDING SETBACK	20'
REAR BUILDING SETBACK	20'
CONTIGUOUS UPLAND	52,500 S.F.
IMPERVIOUS COVER	25%

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

*Jonathan J. Paul* 2-12-2024  
PROFESSIONAL LAND SURVEYOR DATE

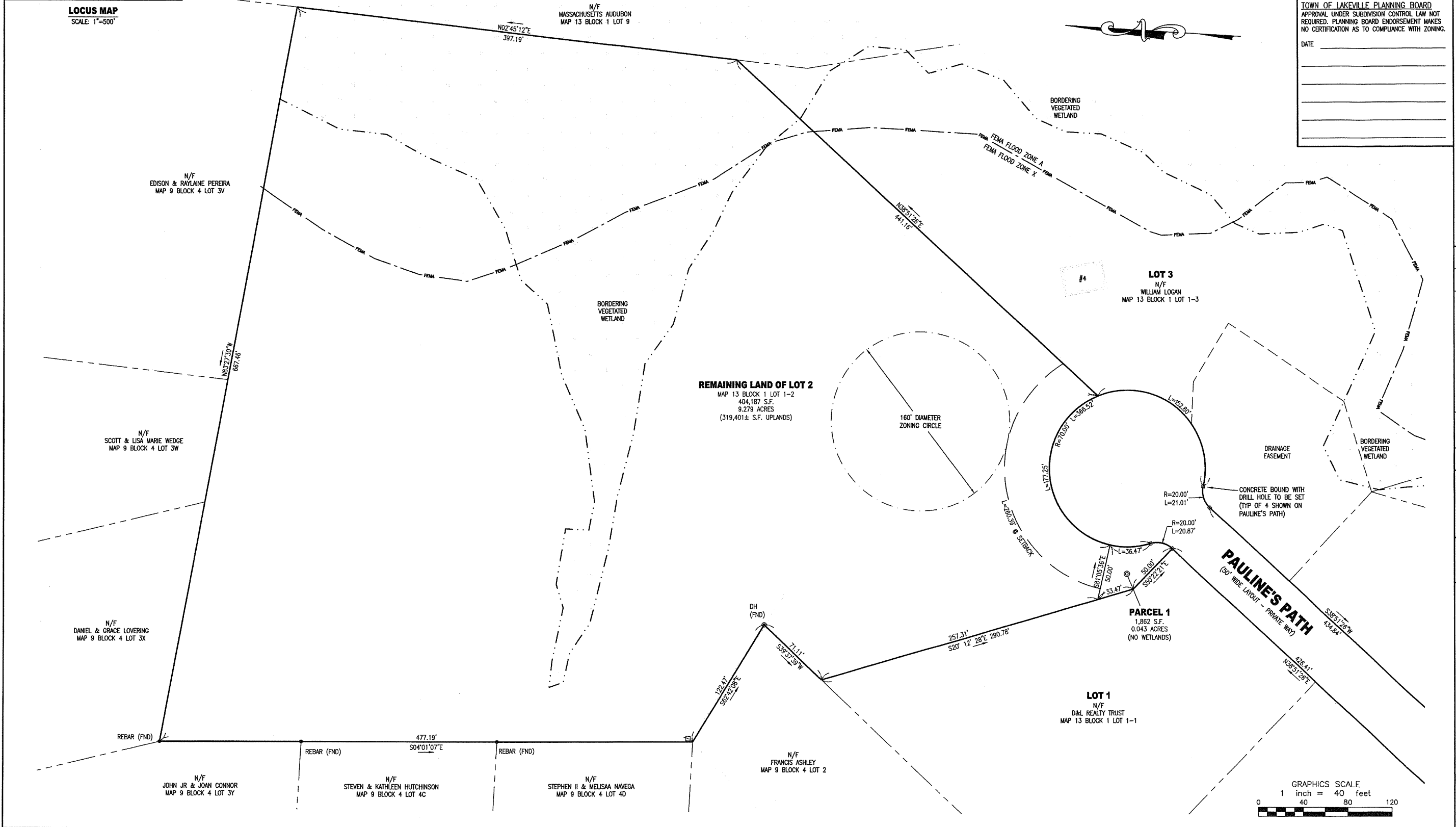


**ZCE**  
ZENITH CONSULTING ENGINEERS, LLC  
3 MAIN STREET LAKEVILLE, MA 02347  
PHONE: (508) 947-4208

FOR REGISTRY USE ONLY

TOWN OF LAKEVILLE PLANNING BOARD  
APPROVAL UNDER SUBDIVISION CONTROL LAW NOT REQUIRED. PLANNING BOARD ENDORSEMENT MAKES NO CERTIFICATION AS TO COMPLIANCE WITH ZONING.

DATE \_\_\_\_\_



REV.	DATE	DESCRIPTION	BY	APP.

<b>APPROVAL NOT REQUIRED</b>	<b>DATE:</b> 2-12-24
<b>PLAN OF LAND</b>	<b>PROJECT NUMBER:</b> 0507-02-01
<b>PAULINE'S PATH</b>	<b>DRAWING SCALE:</b> 1"=40'
<b>LAKEVILLE, MASSACHUSETTS</b>	<b>SHEET ID:</b> ANR
<b>WILLIAM LOGAN</b>	<b>DESIGNED BY:</b> JUP
<b>113 EAST GROVE STREET</b>	<b>CHECKED BY:</b> JUP
<b>MIDDLEBORO, MASSACHUSETTS</b>	<b>APPROVED BY:</b> JUP

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**Town of Lakeville**  
Lakeville Town Office Building  
346 Bedford Street  
Lakeville, Massachusetts 02347

OFFICE OF  
ZONING BOARD OF APPEALS  
*Secretary: Cathy Murray*

**TO:** Board of Health  
Building Department  
Conservation Commission  
Planning Board ✓

**FROM:** Board of Appeals


**DATE:** February 6, 2024

**RE:** Attached Petition for Hearing  
Dixon/Pet Recess – 36 Main Street

Attached please find a copy of one (1) Petition for Hearing, which has been submitted to the Board of Appeals. The hearing for this petition will be held on March 21, 2024.

Please review and forward any concerns your Board may have regarding this petition to the Board of Appeals, if possible, no later than Friday, March 15, 2024.

Thank you.

Appeal Number:	 <b>Town of Lakeville</b> <b>ZONING BOARD OF APPEALS</b> 346 Bedford Street Lakeville, MA 02347 774-776-4350	Received by Town Clerk
Hearing Date:		<div style="border: 2px solid black; padding: 10px;"> <p><b>RECEIVED</b></p> <p>FEB 2 2024</p> <p>LAKEVILLE TOWN CLERK</p> </div>
EXHIBIT "A"		

**ZONING BOARD OF APPEALS APPLICATION**  
**PETITION FOR HEARING**

Property Address: 36 Main St.

Zoning District: \_\_\_\_\_ residential X business \_\_\_\_\_ industrial \_\_\_\_\_

Map 62 Block 1 Lot 10

Registry of Deeds: Book No. 45676 Page No. 49

Applicant (Petitioner)		Owner	
Applicant's Name:	<u>Julia Duxon</u>	Owner's Name:	<u>Julia Duxon</u>
Applicant's Address:	<u>36 MAIN STREET</u>	Owner's Address:	<u>5 Parkwood Drive</u>
City, State, ZIP:	<u>LAKEVILLE Ma 02347</u>	City, State, ZIP:	<u>Wareham MA 02571</u>
Phone:	<u>508 946 3647</u>	Phone:	<u>508 572 2886</u>
Email:	<u>petrecessing@gmail.com</u>	Email:	<u>juliaduxon1955@gmail.com</u>
Engineer (If any)			
Name:	<u>Zenith</u>	Phone:	<u>508 946 4208</u>
Mailing Address:	<u>3 Main Street Lakeville</u>	Email:	
Representative (If any)			
Name:		Phone:	
Mailing Address:		Email:	

X Special Permit(s) under Section(s) 6.1.3 & 7.4.6 of the Zoning Bylaw.  
 \_\_\_\_\_ Variance(s) from Section(s) \_\_\_\_\_ of the Zoning Bylaw.  
 \_\_\_\_\_ Appeal from Decision of the Building Inspector/Zoning Enforcement Officer.  
 \_\_\_\_\_ Date of Denial

Lot area: 53,534 SF Frontage: 146.87 FL.

Setback	Required*	Existing	Proposed
Front Setback	40'	41.5'	43.3'
Rear Setback	40'	N/A	N/A
Right Side Setback	40'	20.9' (Deck)	91.1' (addition)
Left Side Setback	40'	9.5' (Blk.)	33.4' (addition)
Lot Coverage	Maximum allowed	Existing	Proposed
	50%	35.5%	36.1%

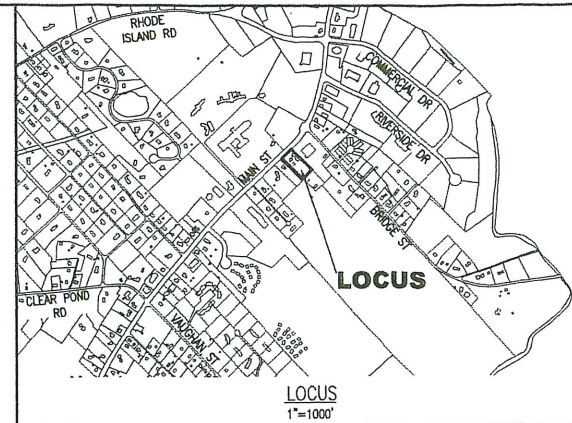
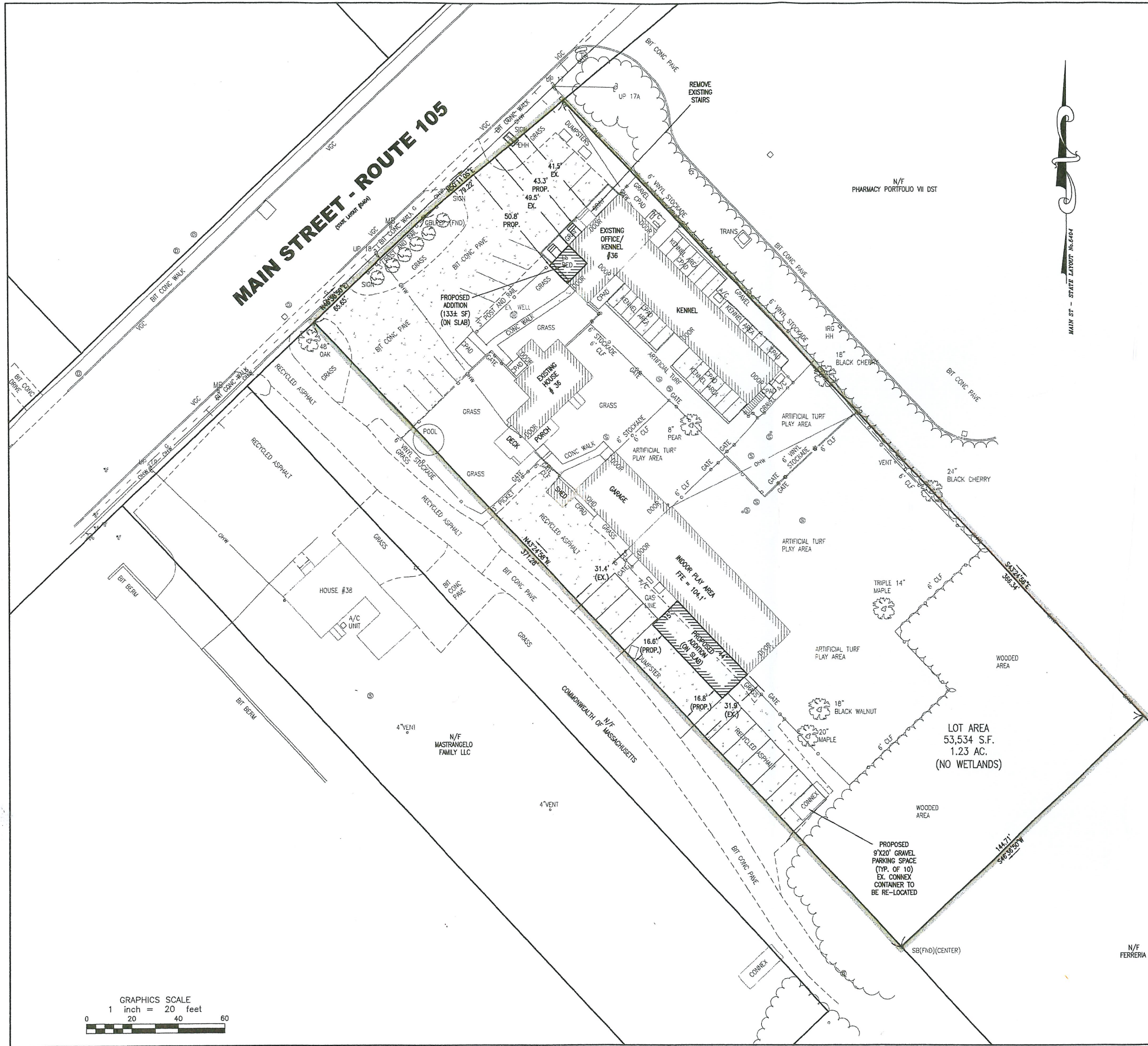
See Lakeville Zoning Bylaw-Section 5.1-Intensity Regulations

Description of Proposal and/or Decision Being Appealed. Please attach separate narrative if additional space is needed. Extension of Reception area

HEREBY REQUEST A HEARING BEFORE THE ZONING BOARD OF APPEALS WITH REFERENCE TO THE ABOVE PETITION OR APPEAL. ALL OF THE INFORMATION ON THIS PETITION, TO THE BEST OF MY KNOWLEDGE, IS COMPLETE AND ACCURATE AND CONFORMS TO THE REQUIREMENTS OF THE ZONING BOARD OF APPEALS OF THE TOWN OF LAKEVILLE.

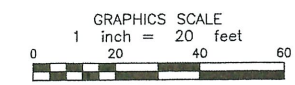
Applicant's Signature:	*Owner's Signature:
<u>Julia M Dixon</u>	<u>Julia M Dixon</u> <i>*Must be signed if not the applicant</i>





**SITE INFORMATION:**

1. THE SITE IS SHOWN ON THE TOWN OF LAKEVILLE ASSESSORS MAP AS MAP 62 BLOCK 1 LOT 10.
2. PROPERTY LINE AND TOPOGRAPHY WAS TAKEN FROM:
  - 2.1. PROPERTY LINE AND TOPOGRAPHY WAS COMPLETED BY MADDIGAN LAND SURVEYING, LLC.
  - 2.2. DEED REFERENCE BOOK 45676 PAGE 49
3. THE SUBJECT PROPERTY IS LOCATED IN ZONE X, AS SCALED FROM THE FLOOD INSURANCE RATE MAP (F.I.R.M.) OF PLYMOUTH COUNTY, MAP NUMBER 2502300431K, EFFECTIVE DATE JULY 16, 2015.
4. THE SITE IS NOT LOCATED IN A PRIORITY HABITAT OR ESTIMATED HABITAT AS SHOWN ON THE MASSACHUSETTS NATURAL HERITAGE ATLAS 15TH EDITION EFFECTIVE DATE AUGUST 2021.
5. THE PURPOSE OF THIS PLAN IS TO ADD AN ADDITION TO THE EXISTING BUILDING TO BE USED FOR A WAPPING AREA. IT SHOULD BE NOTED THAT THERE IS NO INCREASE IN DOG OCCUPANCY.



**PROPOSED LOT COVERAGE:**

BUILDINGS (TOTAL)	7,576 SF
PAVED/GRAVEL AREAS	11,762 SF
<b>TOTAL</b>	<b>19,338 SF</b>
<b>PERCENT</b>	<b>36.1%</b>

**EXISTING LOT COVERAGE:**

BUILDINGS (TOTAL)	6,783 SF
PAVED/GRAVEL AREAS	12,215 SF
<b>TOTAL</b>	<b>18,998 SF</b>
<b>PERCENT</b>	<b>35.5%</b>

**LEGEND**

60	EXISTING CONTOURS
x 98.5	EXISTING SPOT ELEVATION
TP #1	EXISTING TESTPIT
60	PROPOSED CONTOURS
100x2	PROPOSED SPOT ELEVATION
CHW	EXISTING TREELINE
	EXISTING OVERHEAD WIRES

P.E. STAMP

**ZOE**  
ZENITH CONSULTING ENGINEERS, LLC  
3 MAIN STREET LAKEVILLE, MA 02347  
PHONE: (508) 947-4208

REV.	DATE	DESCRIPTION	BY	APP.
1	8-15-22	ADD PARKING SPACES	NCZ	DM
2	1-11-24	NEW ADDITION	NCZ	DM

DATE:	8-15-22	PROJECT NUMBER:	0895-01-01	DRAWING SCALE:	1"=20'	SHEET ID:	S1
DRAWN BY:	NCZ	DESIGNED BY:	NCZ	CHECKED BY:	JLB	APPROVED BY:	UP

**PLAN TO ACCOMPANY A FILING WITH ZONING BOARD OF APPEALS**

**36 MAIN STREET**  
LAKEVILLE, MASSACHUSETTS

**CLIENT INFO: JASPER & ZOE, LLC C/O PET RECESS INC.**  
13 MILL STREET  
MIDDLEBOROUGH, MA 02346

S:\C\K Engineering Projects\Lakeville\Main Street\36 Main Street\Sheet\36 Main Street.dwg - 1-11-24.dwg

## Open Space Residential Development

### **A. Purpose and Intent**

- (1) Further the goals and recommendations of the Lakeville Master Plan, Housing Production Plan, and Open Space and Recreation Plan.
- (2) Not to allow more housing than permitted in a conventional subdivision plan, while still preserving 50% of the total land area as open space.
- (3) Permanent preservation of open space, agricultural land, forestry land, natural features, topography, wildlife habitat, historical and archaeological resources.
- (4) Protection of clean groundwater resources including aquifers, surface water bodies, streams, wetlands and drinking water.
- (5) Facilitate the construction and maintenance of housing, streets, and utilities in a more economical and efficient manner while minimizing the total area of disturbance of the site.
- (6) Enable landowners to realize equity from development of a limited percentage of their land while permanently preserving open space.

### **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. Two sets of plans are required.

- (1) OSRD Concept plan - The Open Space Concept Plan shall show general features of the land; give approximate configurations of the lots, open space and roadways; and include the information required for a preliminary plan in Planning Board Rules and Regulations governing subdivision of land.
- (2) Traditional subdivision plan - The basic number of units shall be determined by the number of lots shown on a preliminary subdivision plan conforming to the requirements of the Lakeville Subdivision Regulations. Such preliminary plan shall include a perimeter survey prepared by a Registered Professional Land Surveyor, location of wetlands, and topography. The applicant shall demonstrate to the satisfaction of the Board that the preliminary plan is buildable without reliance on waivers of the subdivision regulations, without multiple wetlands crossings, and without extraordinary engineering techniques.
- (3) 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 subdivision and OSRD concept plan application process.
- (4) The OSRD Concept plan shall be circulated to the Select Board, the Board of Health, Conservation Commission, Historical Commission, and Open Space Committee for each to comment on matters under their respective purview, prior to the start of the Public Hearing 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 [WWTP] or all units must be serviced by 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 Buildable land area calculations. These areas shall be owned and maintained by a homeowners' association.
- (4) Land containing Native artifacts shall be excluded from land area calculations. Any land considered to hold Native American or archaeological significance shall require an archaeological survey. This survey shall be performed in the presence of impacted tribes or related Historical body, to identify and preserve those artifacts. Massachusetts Historical Commission must also be informed and involved.

**Commented [GJC1]:** From Amy Kwesell - This is confusing if only one is required, you could have a development that has municipal water and individualized septic systems per lot; or a shared system with individualized wells. Just confirming.

**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 as of 2024, and a conventional subdivision per the Town of Lakeville Rules and Regulations of the Planning Board Governing the Subdivision of Land ("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 Board of Health may provide guidance to the Planning 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. (Refer to G. Allowable Reductions)

- (5) The width of each lot shall not be reduced to less than the required frontage.

- (6) All accessory structures and uses shall comply with the requirements of Article VI 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% Refer to G. Allowable Reductions). 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:
  - a. historic preservation,
  - b. outdoor education,
  - c. passive recreation,
  - d. aquifer protection,
  - e. stormwater management,
  - f. agriculture,

- g. horticulture,
- h. forestry,
- i. walking trails

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 open space be developed for active recreation use such as, but not limited to:

- (a) playgrounds,
- (b) sports fields,
- (c) 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.

**Commented [GJC2]:** From Amy Kwesell - This refers to a "portion of the site" - does that mean the overall parcel or the open space. If it is referring to the open space portion, it should state that.

**Commented [GJC3]:** From Amy Kwesell - I recommend changing to "active recreation use". I am not sure of how a Select Board "accepts" sports fields, courts etc.?

- (7) 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.
- (8) Signage distinguishing approved uses and boundaries of the public open space areas shall be posted in visible locations, and replaced if damaged or removed.
- (9) Parking for public access or facilities to serve the recreational uses shall be allowed on the open space land.

**G. Allowable Reductions**

The Planning Board may consider the following allowable reductions for applications which include no fewer than 20% senior housing units. Provided these units are perpetually deed restricted to senior occupancy and ownership.

- (1) The Board may allow 20% of the total lots to have the frontage reduced to 50 feet.
- (2) The Planning Board may reduce the required percentage of Open Space upland land area, to a minimum of 40%.

**H. Prohibited Use of the Open Space.**

- (1) The open space within an Open space residential development shall be perpetually kept in an open state, preserved exclusively for the purposes set forth in Section F. of this bylaw, and maintained in a manner that will ensure its suitability for its intended purposes.
- (2) Expressly prohibited uses, if not specifically permitted as an allowable use, include but are not limited to the following:



- a) Constructing or placing of any temporary or permanent building, tennis court, landing strip, mobile home, swimming pool, golf course, asphalt or concrete pavement, sign, billboard or other advertising display, antenna, utility pole, tower, cellular communication, conduit, line or other temporary or permanent structure or facility on, above, or under the open space that is not in conformance with an authorized use of the open space (e.g. fencing, barn or other structure associated with agriculture);
- b) Mining, excavating, dredging, or removing soil, loam, peat, rock, gravel or other mineral resource or natural deposit, unless necessary to install infrastructure that is part of the approved plan;
- c) Placing, filling, storing, or dumping of soil, refuse, trash, vehicles or parts thereof, rubbish, debris, junk, waste, or other substance or material whatsoever or the installation of underground storage tanks;
- d) Cutting, removing, or destroying of trees, grasses or other vegetation unless in conformance with an allowed use such as agriculture, forestry, recreation, maintenance of healthy natural ecosystems and suppression of invasive species, or installation of infrastructure that is part of the approved plan;
- e) Subdivision; neither further division of the protected open space into lots or the use of the protected open space toward any further building requirements on this or any other lot is permitted;
- f) Activities detrimental to drainage, flood control, water conservation, water quality, erosion, soil conservation, or archeological conservation;
- g) Purposefully introducing or allowing the introduction of species of plants and animals recognized by the Executive Office of Energy and Environmental Affairs to pose a substantial risk of being invasive or otherwise detrimental to the native plant and animal species and plant communities on the property;
- h) The use, parking or storage of motorized vehicles, including all-terrain vehicles (ATVs), snowmobiles, motorcycles, and campers, except in conformance with

- an authorized use of the open space, ADA accessibility, or as required by the police, firefighters, or other governmental agents in carrying out their duties; and
- i) Any other use or activity which would materially impair conservation interests unless necessary in an emergency for the protection of those interests
  - j) Any use that charges a fee to the user for daily use.

3) There shall be no further subdivision of the created lots or open space area once a Special Permit has been issued.

#### **I. 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 the 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, Agricultural or Historical 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. Along with signage as required in Section F.7. of this bylaw.

Commented [GJC4]: From Amy Kwesell - Above it states: "a permanent conservation, agricultural or historical preservation restriction"

**J. 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 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. Placement, location and quantity of percolation test pits shall be determined by the Board of Health.
- (4) Prior to the submittal of the preliminary subdivision and OSRD concept plan, the applicant shall have any 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.

Commented [GJC5]: From Amy Kwesell - How does this apply if the applicant is proposing a WWTP or shared system?

Commented [GJC6]: From Amy Kwesell - If there are no wetlands on or near the parcel, requiring an RDA seems onerous.

- (6) 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.
- (7) The Planning Board shall hold a public hearing on the preliminary plan as required Governing the Subdivision Regulations.
- (8) 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.
- (9) 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.

**K. 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 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 shared septic system is proposed, then septic tanks may be required for each house lot. If necessary, easements shall be granted to the homeowners' association to allow for regular cleaning. Placement shall be determined by Board of Health Disposal Works Construction Permit hearing.
- (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 necessary for the Board to understand the impact of the proposal and determine compliance with the provisions of this By-Law and the Subdivision Rules & Regulations.

**L. 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 and these By-Laws.
- (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. Conditions of this approval shall also be adhered to.

**M. 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 this By-Law.
- (2) Open space as required by this By-Law 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 By-Law.
- (4) Proposed open space will be dedicated in compliance with the Massachusetts General Laws and this By-Law and is suitably protected.
- (5) 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.
- (6) All lots meet the applicable dimensional requirements of this By-Law.
- (7) All documents creating a homeowners' association have been submitted to the Planning Board and approved by Town Counsel.
- (8) 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.

(9) The development will not have a detrimental impact on the neighborhood or abutting properties; and

(10) Other factors as determined appropriate by the Planning Board.

Commented [GJC7]: From Amy Kwesell - This is very discretionary and may be hard to defend is a court action.

**N. 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.

DRAFT



**Planning Board  
Lakeville, Massachusetts  
Minutes of Meeting  
Thursday, January 25, 2024**

On January 25, 2024, 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

**Public Hearing (7:00) Site Plan Review -2 & 4 Bedford St.**

Mr. Knox read the legal ad into the record and made a motion to open the public hearing. It was seconded by Ms. MacEachern. The **vote** was **unanimous for**. He advised the applicant has requested the hearing be continued until the Board's next meeting.

Mr. Knox made a motion, seconded by Mr. Cabral, to continue the Site Plan Review hearing for 2 & 4 Bedford Street until February 7, 2024, at 7:00 p.m. The **vote** was **unanimous for**.

**Public Hearing 156 County Street (7:00) Site Plan Review, continued**

Mr. Knox said they had approved this plan at their last meeting, but they needed to draft conditions and also approve them. Ms. Murray noted that the vote to approve the plan had not been included on the agenda so the Board would need to re-vote their approval. Typically, the vote has been to approve the plan and the conditions at the same time.

Mr. Knox then read through the proposed conditions of the approval. Regarding the condition, "any release of performance guarantee by the Planning Board due to substantial completion does not constitute final approval and any items not fully completed would constitute a Zoning Violation and subsequent Enforcement." Mr. Knox advised that it's not for a change but as a clarification of intent. With discussion from the Building Commissioner, they are often confronted where an applicant may want their bond released because they have completed everything, and they are ready for their occupancy. However, maybe it is November and they need to plant grass around the drainage areas and it hasn't grown yet, so they would call that substantially complete and release the guarantee. If they don't seed that grass and it doesn't come in, then it would be a zoning violation. There is enforcement even if they do release the bond.

Mr. Knox then read through the balance of the decision. Members had no comments or questions. Ms. MacEachern asked that the following paragraph be noted, "Planning Board approval covers site plan review elements and gives no determination on wetlands, water supply, or any other disciplines under the jurisdiction of other Boards, Committees, Commissions or departments. The applicant agrees to return to the Planning Board if any issues, changes or need for a variance arises after this approval date."

Mr. Knox then made a motion, seconded by Ms. MacEachern, to close the hearing and approve the Site Plan and conditions as drafted. The **vote** was **unanimous for**.

### **Appoint SRPEDD representative**

Mr. Knox advised that Ms. Cline had resigned from the Board and she had also been their SRPEDD representative. At their last meeting, they had discussed Ms. MacEachern filling in for at least the time being. Tonight, they would need to make that official. Ms. MacEachern said she was happy to take this on until they had a full Board. At that point, they could revisit it and if no one else was interested, she would have no problem continuing on with it.

Mr. Knox made a motion, seconded by Mr. Cabral, to appoint Ms. MacEachern as the Planning Board representative to SRPEDD. The **vote** was **unanimous for**.

### **Discuss SRPEDD hours – possible vote**

Ms. MacEachern said she had spoken with Ms. Perez at SRPEDD, who had forwarded her information that came in to the Town the day after they had voted to send the HPP off to the State. That information from the State said that in order to designate the landfill parcel, they wanted to see the feasibility of that site. As this would take additional SRPEDD hours, Ms. Perez said if they put in an application for the 20 available Planning Board hours, they could start. If they found they needed more, they could potentially take it from next year's hours which come up in July. She was hoping to get an approval to send in the application for the 20 hours. She also mentioned the Overlay of the Zoning map with the current uses and was told that would be fairly quick. It would be rolled in with those same hours.

Ms. Murray noted that she had brought that to the new Interim Administrator, but he has not yet brought that to the Select Board. Ms. MacEachern said that she had asked Select Board member Carboni and she said it didn't need to go any further than Planning Board because they each have 20 hours. Ms. Murray said if they were going to work on the Housing Production Plan, it still had to be approved by the Select Board. They might want to approve those sites before they continue. Ms. MacEachern said the email from the State said that no further approval was needed at that point. Ms. Murray said that the Select Board still had to approve the final report.

Mr. Knox asked that an email be sent to the Chair of the Select Board and Mr. Nunes sharing the information they had received from SRPEDD and the State.

Mr. Knox made a motion, seconded by Ms. MacEachern, to approve the use of the Planning Board SRPEDD hours for the completion of the Housing Production Plan, pending approval of the Select Board. The **vote** was **unanimous for**.

Mr. Knox then amended the motion, seconded by Ms. MacEachern, to approve the use of the SRPEDD hours to do the feasibility study on locations chosen for the requirements to meet the final hurdles on the Housing Production Plan, and then to be able to submit the Housing Production Plan based on that approval and conditional approval with the Select Board. The **vote** was **unanimous for**.

### **Discuss update of regulations**

The Rules and Regulations had been distributed to members. Mr. Knox would like everyone to read through them. He suggested coming back to the next meeting and picking a section such as approval of plans or standards of construction, and then breaking that down into two or three sessions.

### **Approve Meeting Minutes**

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

### **Old Business – OSRD**

Ms. MacEachern advised that this is what she had drafted after meeting with the Open Space Committee last week. She then went through the comments that she had received. She said that she had gone through the draft and made these edits so she could send that out to the Planning Board as well as Board of Health, because they would be meeting with them next, and they had wanted to see any revisions.

Mr. Knox asked about the signage to be added to the open space for allowed uses. What would the allowed uses be, and would they come up with a standard or something case by case, otherwise it could be a subjective thing. Ms. MacEachern replied that because everything is by Special Permit, they don't know what the use of the Open Space would be, but maybe add some verbiage. Mr. Knox said he thought that they should have three levels. For example, if it was going to be a playground they should have general uses that would suit a playground. If they were going to have walking trails and a parking area, maybe rules about dogs on a leash, pick up your trash, etc. The

rules should be tied to one of those options. Mr. Knox said maybe there are rules and regs, not part of the bylaw, they could tie to it. Ms. MacEachern said she would put some more thought into it and if anyone else had any ideas.

Mr. Cabral asked if developers had seen a draft. Ms. MacEachern said that they knew that a developer had reached out regarding a parcel near the water. She said she would make some of the revisions, circulate another draft, and then go to Board of Health and do the same. They could then see where they were at that point.

### **Next meeting**

The next meeting is scheduled for February 8, 2024, at 7:00 p.m. at the Lakeville Police Station.

### **Any other business that may properly come before the Planning Board**

Ms. Murray advised that since taking on some of the duties of the Planner under the direction of the Select Board, she has been looking at a lot of items that are outstanding. She noted a problem in the past has been the lack of communication between the office and Board. Therefore, she would be implementing a weekly email to advise the Board of any plans, applications, working documents, etc. that are ongoing so that they are all on the same page. Mr. Knox felt that anything that comes into the office should also be circulated to the Building Commissioner. Mr. MacEachern thought it would be good if that could be expanded to all the Boards.

Mr. Knox said they will still have to discuss what will happen with the Planner position, and if they make it something more like a Coordinator. At the Select Board meeting, it was requested for them to not fill the Planner position immediately and then report back in a couple of months. Maybe having a discussion about the needs of the Planning Board is something to put on their agenda, and how to fill that role.

### **Adjourn**

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

Meeting adjourned at 7:51.