



# TOWN OF LAKEVILLE MEETING POSTING & AGENDA

Town Clerk's Time Stamp  
received & posted:

*[Signature]*  
LAKEVILLE TOWN CLERK  
RCUD 2022 MAR 8 PML:30

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
Date & Time of Meeting:	Thursday, March 10, 2022 at 7:00 p.m.
Location of Meeting:	Lakeville Police Station 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. Review of possible amendments to the Zoning Bylaw
  - a. Sign By-law
  - b. Site Plan Review including Design Standards
  - c. Filling Station-corrections from 2018 Town Meeting
  - d. Open Space Residential Development (OSRD)
2. Master Plan Implementation - Fee Review Project-update
3. Old Business
4. New Business
5. Next meeting. . . March 24, 2022
6. Any other business that may properly come before the Planning Board.
7. 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

#10

## Lakeville Sign Bylaw

### Proposed sign changes 2022 – *Changes in Italics*

#### ***ADD TO: Section 2.0 Definitions***

***Awnings:*** — *An awning with lettering or logo advertising the name of the business shall constitute a sign. All such awnings over doorways and windows shall only count as one sign.*

***Changeable Copy Signs:*** *Signs with letters which can be manually or mechanically moved in order to change the message or wording of the sign*

***Directional Signs:*** *Shall be solely for pedestrian or vehicular traffic. Directional signs shall indicate parking entrances, exits, drive-thru's, etc. They shall not include any other information, advertising, or logos.*

***Electronic Message Boards:*** *Electronically controlled signs that display lighted messages that change at intermittent intervals. Images which refresh must be displayed for at least 20 seconds and may refresh or change, no more than 3 times in 1 minute.*

***Electronic Outdoor Advertising:*** *A use whereby an outdoor sign or billboard, whether double-faced, back-to-back, or V-shaped, with a screen(s) that serves to advertise, direct or call attention to any business, article, substance, or service, or anything that is digitally or electronically projected, on or by a structure of any kind on real property or upon the ground itself, and that advertises services, products or commodities that are not available on said real property or parcel.*

***Freestanding Sign:*** *Any sign supported by a structure permanently anchored to the ground which is independent from any building.*

***Portable Signs:*** *A sign or advertising display that is not permanent, affixed to a building, structure or the ground.*

***Public Events:*** *An entertainment event open to the general public such as outdoor concerts, winter carnivals, parades, etc.*

***Common Directory Sign:*** *Where more than one business is located in a building only one freestanding sign may be erected, which shall serve all of the businesses at that location.*

***Wall Sign:*** *A sign attached parallel to or painted on the wall of a building.*

***Window sign:*** *A permanent or temporary sign applied to, attached to, or inside a window or door which is visible from the exterior.*

## 6.6 SIGN REGULATIONS

### 6.6.1 Purpose

To provide information to the public and for the identification of permitted activities from public ways, the erection and maintenance of signs shall be subject to regulation in order to preserve and enhance the visual appearance and character of the Town, to provide for the safety and general welfare of the public, and to prevent injurious and detrimental effects from the distracting demands for attention resulting from uncontrolled shapes, sizes, colors, motions, lighting, and inappropriate locations.

### ***ADD NEW SECTION: 6.6.2 Permit Required***

*ADD 6.6.2.1 No sign shall be erected, altered, or relocated without a permit issued by the Building Commissioner, except as otherwise provided herein.*

*ADD 6.6.2.2 The applicant proposing to erect, alter or relocate a sign shall submit to the Building Commissioner a completed sign permit application, together with the required application fee and sketches of all proposed signs. The drawings shall specify the building and sign dimensions, colors, attachment methods, location of the signs, method of illumination and any other pertinent information which may be required*

*ADD 6.6.2.3 Sign permit fees shall be determined by the Selectboard.*

### 6.6.3 General Sign Regulations

6.6.3.1 No sign shall be located closer than ten (10) feet from the street right-of-way, and no closer than thirty (30) feet from the side or rear property lines.

6.6.3.2 Signs shall be limited to a maximum height of twenty (20) feet as measured from the crown of the road directly perpendicular to the sign.

6.6.3.3 Signs shall be limited in number to two (2) signs for each business or industrial establishment or company.

Business or industrial sites containing more than one establishment (mill outlets, shopping centers, industrial parks, etc.) shall be limited to two (2) signs per establishment, one of which shall be attached to the structure to designate the establishment within the structure, and the other attached to or part of a central common directory sign. Business and Industrial subdivisions may have one (1) entrance sign, not being a directory sign, in addition to the above. Signs for this common directory sign and for the business and industrial subdivision entrance sign may be double-sided and a maximum of sixty-four (64) square feet in area.

6.6.3.4 Unless permitted elsewhere in this By-Law, no sign may exceed thirty-two (32) square feet in area.

6.6.3.5 Signs erected upon or attached to a building shall not project:

6.6.3.5.1 horizontally more than two (2) feet;

6.6.3.5.2 into or over any way;

6.6.3.5.3 above the highest part of the building, not exceeding twenty (20) feet from ground level.

6.6.3.6 No free-standing sign shall project more than two (2) feet horizontally from its means of support.

6.6.3.7 The colors red, green or yellow shall not be used in a manner that might confuse the meaning or stop signs, stop lights or other traffic signs.

*ADD 6.6.3.8 Freestanding signs shall have landscaping at the base*

*ADD 6.6.3.9 All Signs must be maintained, this includes awning material, lettering, lighting, and landscaping.*

*ADD 6.6.3.10 Free Standing signs are permitted to have either a changeable copy sign or an electronic Message Board as part of its sign but not both.*

*ADD 6.6.3.11 Wall signs shall not exceed 15% of the area of the wall it is attached to or 32 Square Feet whichever is less.*

*ADD 6.6.3.12 Window signs shall not exceed 30 % of the total area of all windows and doors.*

*ADD 6.6.3.13 One Temporary subdivision sales sign not to exceed 32 square feet. This sale sign shall be removed upon the issuance of occupancy permits for 75% of the subdivision.*

#### 6.6.4 Exemptions

6.6.4.1 Flags or insignia of the United States or any political subdivision thereof or any other nation or country when not used for commercial promotion or display.

**ADD the Words to 6.6.4.2 associated with an election** so that the section now reads:

6.6.4.2 Temporary posters, placards, or signs associated with a political campaign or current political issue **associated with an election**. Any such sign must be removed within 48 hours after its relevance has expired.

6.6.4.3 Signs located on residential structures or driveways, so long as they do not exceed two (2) square feet and are for the primary purpose of indicating the name or names of the resident.

6.6.4.4 For sale, lease, or rent signs on real property or the signs of real estate agents or brokers, so long as they do not exceed six (6) square feet in area.

6.6.4.5 Signs less than two (2) square feet designating entry and egress from parking areas, and other directional traffic control and safety-related signs.

**RENUMBER** 6.6.4.5 Normal highway control signs, hazard signs, and other state-approved highway safety signs. TO 6.6.4.6

***ADD 6.6.4.7** Permanent subdivision or residential development identification signs shall not exceed 12 square feet. They may only be externally illuminated by spotlights and shall be set back 10 feet from property lines.*

***ADD 6.6.4.8** One sign not exceeding 32 square feet on a building or project under construction, repair, or renovation identifying the contractor, architect, and/or owner. This sign shall be removed upon issuance of an occupancy permit for all or part of the building.*

***ADD 6.6.4.9** Fuel pump information signs, only as required by State law, are allowed and shall not affect the computation of allowable number of signs or aggregate sign size on a property.*

#### 6.6.5 Temporary Signs

6.6.5.1 Temporary exterior signs or mobile sign displays are permitted to advertise the opening of a business at a new location or to advertise a special event at its intended location.

6.6.5.2 Such signs shall not exceed thirty-two (32) square feet in area.

***ADD 6.6.5.3 and renumber the remainder of the section accordingly***

***6.6.5.3** Banners or portable signs may be allowed for special events but must be removed after the event has concluded.*

6.6.5.4 No two or more of such signs shall be closer than five hundred (500) feet apart.

6.6.5.5 The combined total number of days that one or more temporary signs may be displayed on the premises shall not exceed sixty (60) days in each twelve (12) month period per establishment.

6.6.5.5 Temporary signs shall be displayed in conformance with setback requirements for all signs.

6.6.5.7 At the end of the sixty (60) day period, the sign shall be removed by the initiative of the company, organization, or individual or their agents as indicated by the display of information.

6.6.5.8 All such temporary signs as herein described must meet the approval of the Building Commissioner regarding safety of construction, placement, mounting, and lighting. By written notice specifying the corrections needed, the Building Commissioner shall order the immediate action of the displayer to either correct the sign or have it removed.

If immediate action is not taken, the Building Commissioner may, at his own initiative or with the enlisted aid of any Town department, remove such sign.

ADD TO 6.6.6 the Section title: Special Permits

RENUMBER THE EXISTING SECTION TO: 6.6.6.1

Remove the words: Off Premise signs, so the section now reads

6.6.6.1 Signs larger in area or higher than specified or a greater number of signs, may be granted by Special Permit of the Board of Appeals.

*ADD 6.6.6.2 A Special Permit may not be issued for signs prohibited by this by-law in Section 6.6.7*

*ADD 6.6.6.3 Changeable copy signs, electronic message board signs, and internally illuminated signs or the portion of a sign that is changeable copy, an electronic message board or internally illuminated shall require a Special Permit.*

*Changeable copy signs and electronic message boards shall not exceed 12 square feet.*

*Internally illuminated signs shall not exceed 24 square feet*

*Only one of these types of signs are permitted per property*

**ADD 6.6.6.4**

*Changeable copy signs, electronic message board signs and internally illuminated may not be illuminated during the overnight hours from 11:00 pm until 6:00 am unless for a facility providing medical care with hours of operation during these hours. In this case, the applicant can apply for a special permit to keep the sign illuminated.*

**RENUMBER SECTION 6.6.2 General Sign Prohibitions TO SECTION 6.6.7 General Sign Prohibitions AND RENUMBER THE REMAINDER OF THIS SECTION ACCORDINALY**

6.6.7.1 Signs, any part of which moves, flashes, or incorporates traveling or animated lights and all beacons and flashing devices whether a part of, attached to, or apart from a sign are prohibited.

6.6.7.2 No illumination shall be permitted which casts glare onto any residential premises, or onto any portion of a way so as to create a traffic hazard.

6.6.7.3 Any sign which is considered by the Building Commissioner, police department or fire department to be obstructive, hazardous, or dangerous because of age, damage, poor construction, or a potential danger in a severe storm must be removed immediately, but in no case later than seven (7) days following receipt of written notice from the Building Commissioner.

6.6.7.4 No sign shall be attached to or obstruct any fire escape, fire or emergency exit; no sign shall be located as to obstruct free passage of light and air to any door, window, skylight, or other similar opening.

*ADD 6.6.7.5 No sign shall be located in such a way that it prevents the driver of a vehicle from having a clear and unobstructed view, from an adequate and safe distance, of any official sign or approaching traffic.*

*ADD 6.6.7.6 Roof mounted Signs that are taller than 2 feet or extend over the peak of the roof.*

*ADD 6.6.7.7 No sign shall be attached to utility poles, trees, or traffic control signs or devices, except for public event banners or flags.*

*ADD 6.6.7.8 Portable Signs except for Temporary signs.*

*ADD 6.6.7.9 Banners, pennants, ribbons, streamers, spinners, balloons, string of lights not associated with a specific holiday or religious event, and flags other than those identifying a nation, state, city town, or institutional organization, unless otherwise exempted by this bylaw.*

*ADD 6.6.7.10 Electronic message boards or the electronic message board portion of a sign that exceeds 12 Square feet.*

*ADD 6.6.7.11 Changeable copy signs or the portion of a sign that is changeable copy that exceeds 12 square feet.*

*ADD 6.6.7.12 Electronic Outdoor Advertising Signs*

*ADD 6.6.7.13 Internally illuminated signs greater than 24 square feet.*

*ADD 6.6.7.14 Free Standing signs exceeding 30 feet in Height*

*ADD 6.6.7.15 Signs not located at the location of the business or off premise signs*

***ADD NEW SECTION: 6.6.8. Removal of signs***

*ADD 6.6.8.1 Any sign which is insecure, in danger of falling over, or is deemed unsafe by the Building Commissioner shall be removed.*

*ADD 6.6.8.2 Abandoned signs shall be removed by the sign permit holder and/or the owner of the building or premises at which the abandoned sign is located within ninety (90) days from the date the sign became abandoned*

***ADD NEW SECTION: 6.6.9 Nonconforming Signs***

*ADD 6.6.9.1 A lawfully existing non-conforming sign may have its surface and support renewed or replaced with new material without applying for a new permit if the replacement of renewal is for the same business and has the same dimensions, same copy and same location of the existing sign.*

*ADD 6.6.9.2 All non-conforming signs shall be removed or shall be altered so as to conform with the following provisions:*

- 1. When the nature of the business changes and the sign is changed or modified in shape, size or legend; or*
- 2. When the name of the business changes and the sign is changed or modified in shape, size, or legend*

*Add 6.6.9.3 Any abandoned sign shall not be reestablished except in conformance with this bylaw.*

***ADD NEW SECTION 6.6.10 Administration, Violations, Appeals***

*ADD 6.6.10.1 It shall be the duty of the Building Commissioner to administer this By-Law.*

*ADD 6.6.10.2 Violations of the Sign By-Law shall be enforced in accordance with Section 8.0 of these By-Laws*

*ADD 6.6.10.3 Appeals of any decision taken by the Building Commissioner shall be made in accordance with Section 8.0 of these By-Laws.*



## 6.7 SITE PLAN REVIEW

### 6.7.1 Purpose

The Purpose of this By-Law is to protect the public health, safety and welfare; to promote balanced growth; to protect property values; and to encourage development by providing the public and the Town with an opportunity to review and comment.

Site plan review is to ensure that the design and layout of certain developments permitted as of right or by Special Permit will constitute suitable development and will not result in a detriment to the neighborhood or the environment. It is to ensure the protection of adjacent areas against detrimental or offensive uses on the site by provision of adequate surface water drainage, buffers against light, sight, sound, dust and vibration, and preservation of light and air.

**6.7.2 Authority:** The Planning Board shall hear and decide all applications for site plan review in accordance with the provisions of this Section 6.7

### 6.7.3 Applicability:

Site Plan Review applies to the following:

- 1) New construction of a business or industrial structure;
- 2) An addition to an existing business or industrial structure resulting in a floor area of over 1,500 square feet in the aggregate or a disturbance in lot coverage of over 1,500 square feet;
- 3) A change in occupancy of an existing business or industrial structure which increases the previously approved occupant load by 10%; and/or
- 4) A change in use of an existing structure to a business or industrial use
- 5) New multifamily building construction of 3 or more units
- 6) New construction, modification, or addition to any residential structure which will disturb more than 43,560 square feet of ground.

#### 6.7.4 Submittal Requirements

- 1) locus plan;
- 2) location of structures within 200 feet of property lines;
- 3) existing and proposed buildings, showing setbacks from property lines;
- 4) floor plans, building elevations, siding types, roof materials, and colors
- 5) parking areas, driveways, and facilities for pedestrian movement including parking calculations based on current regulations;
- 6) utilities and lighting;
- 7) landscaping, including trees to be removed and retained;
- 8) loading areas, service areas, and refuse removal locations;
- 9) drainage system design; drainage calculations and verification of soil types;
- 10) existing and projected traffic volumes from the site and effect on the local road network;
- 11) existing and proposed contour elevations in five (5) foot increments;
- 12) location of well or public drinking water supply;
- 13) location of septic system or sewer connection
- 14) location of wetlands approved by the Conservation Commission;
- 15) proposed and existing design and location of signs;
- 16) all information should pertain to existing and proposed;
- 17) Sediment and Erosion Control Plan detailing the location, installation and maintenance of sediment and erosion controls during and after construction. The Plan shall adhere to the standards and specifications found in the Massachusetts Erosion and Sediment Control Guidelines dated March 1997 as amended;
- 18) other plans, studies, or reports requested by the Planning Board that may be necessary to determine compliance with the provisions of this By-Law.

#### 6.7.4. Review Procedure

**6.7.4.1 Application:** Applicants for a building permit subject to Section 6.7.3 shall submit an application, abutters list, fees, and fourteen (14) copies of a site plan as described herein to the Town Clerk for Planning Board approval. The Planning Department shall distribute the plans and application to the following departments for review and comment.

:

- Police Department
- Fire Department
- Board of Health
- Conservation Commission
  - Highway Surveyor
  - Building Department
  - Board of Selectmen

**6.7.4.2 Hearings:** The Planning Board shall give notice of a Public Hearing by publication of a notice in a newspaper of general circulation and by posting a notice at Town Hall at least seven days before the hearing. Notice shall also be sent to all abutters at least 7 days prior to the

hearing date. The Public Hearing shall be posted no later than twenty-one (21) days after the receipt of a complete application. At the request of the applicant, these time periods may be extended.

**6.7.4.3 Consultants:** The Board may require that any plans, reports, or studies be reviewed by outside consultants at the applicant's expense.

### **6.7.5 Performance Standards**

**6.7.5.1. Purpose.** The following performance standards have been adopted in order to control the size, scale, and impacts of nonresidential or multifamily developments. The Planning Board shall ensure that such standards are met during the review of any Planning Board special permit application or site plan review application.

**6.7.5.2. Preservation of landscape.** The landscape shall be preserved in its natural state insofar as practicable by minimizing any grade changes and vegetation and soil removal.

**6.7.5.3. Off-street parking and loading.** The plan shall comply with Section 6.5 of these bylaws. Unless otherwise allowed by the Planning Board, construction materials and standards not specified within Section 6.5 shall be consistent with those found within the Lakeville Subdivision Regulations. Provisions shall be made to accommodate areas for snow storage.

**6.7.5.4. Circulation.** Driveways and internal circulation shall be safe, adequate and convenient for automotive as well as pedestrian and bicycle traffic. Site distances, driveway widths, grade, location, drainage, signage, islands, and other control structures, curb radii and intersection angles shall all be provided for review. The Planning Board reserves the right to require certain driveways to meet or exceed the road standards found in the Lakeville Subdivision Regulations.

**6.7.5.5. Site access.** The Planning Board shall evaluate the safety of motorists, bicyclists, and pedestrians utilizing the site and the roadways leading into the site. To ensure the public's safety, the Planning Board may require sidewalks or pedestrian paths within and between developments. The Planning Board may also require the connection of adjacent properties via the use of common drives.

**6.7.5.6. Architectural requirements.** Consideration shall be given to ensure that buildings are appropriate in scale, massing, height, roofline, and building materials to ensure that the architecture shall be in harmony with the surrounding neighborhood and the Town. Rooftop mechanical installation shall be hidden from view from the street or abutting properties.

**6.7.5.7. Screening, buffers and landscaping requirements.** The plan shall comply with Sections 5.2.4 or 5.2.5 of these bylaws. Plants should be indigenous to the area or be able to survive New England winters. Salt-tolerant varieties shall be planted along roadways and parking areas.

**6.7.5.8. Lighting.** Lighting shall be designed to enhance public safety and provide for adequate and appropriate outdoor lighting. The design shall not produce unwanted glare, light trespass on abutting properties or an over illumination of the site. Lighting shall be full cut off fixtures, dark sky compliant except for sign lighting.

**6.7.5.9. Service areas.** Service areas and delivery locations shall be located so that delivery vehicles are parked outside the street right-of-way or in on-site driveways. The Board shall ensure that these areas do not impede on-site vehicular circulation. 2. The Board may require that specific areas adjacent to buildings or areas of the businesses operations be specifically reserved for loading or delivery operations. These areas can not be counted for parking or utilized for access aisles. 3. All service areas, dumpster and trash receptacle locations, and other similar uses shall be screened from the street and from public view. They may be screened through a variety of materials such as walls, fences, plantings or a combination of these materials.

**6.7.5.10. Utility service.** All utility service transmission systems, including but not limited to water, sewer, natural gas, electrical, cable and telephone lines, shall, whenever practicable, be placed underground.

**6.7.5.11. Drainage.** 1. All efforts shall be made to design the drainage system to utilize low-impact development (LID) methods. Developments not incorporating any LID design elements shall prove to the Board that the use of these drainage systems is not feasible for the project due to unique site characteristics or its location. 2. Detailed drainage design and computations shall be provided in conformance with the State of Massachusetts, Department of Environmental Protection Stormwater Handbook (latest edition). Closed drainage systems shall be designed for a 25-year storm event. Culverts, detention basins, and infiltration systems shall be designed for 100-year events. 3. Post-development drainage rates shall not exceed pre-development levels. Within the Water Resource Protection District, special attention shall be made to ensure water quality is not degraded. Easements shall be shown on the plan. If they are to be granted to the Town, a written easement and a specific easement plan of such for recording purposes is necessary.

**6.7.5.12. Off-site improvements.** The Planning Board may require applicants to make offsite improvements to public roads or other community facilities, or to make payments for the reasonable costs associated with the impacts of the proposed development. Such improvements may include but are not limited to the widening of streets and improvement of intersections providing access to the site; the installation of curb and sidewalks along streets serving the site; and drainage improvements necessitated by the development of the site.

**6.7.5.13. Public safety.** Buildings and adjacent grounds shall permit reasonable access and operation by fire, police and other emergency personnel and equipment. The Board may require fire lanes at locations providing access to buildings to ensure that these areas are open for fire vehicle access.

**6.7.5.14. Construction standards.** All construction specifications shall comply with the standards in the Lakeville Subdivision Regulations. Where these regulations do not cover

construction items, construction shall be in accordance with Massachusetts Highway Standards or standard engineering practices as determined by the Board or its designee.

#### **SECTION 6.7.6. ARCHITECTURAL STANDARDS:**

The following architectural requirements shall apply to all new structures. Additions or alterations to existing structures may be exempted from specific requirements at the reasonable discretion of the Planning Board, based on such factors as the cost, scope and extent of the work, the relative proportion of the existing structure to be added or altered, and the goal of harmony with the existing structure or structures.

**6.7.6.1 Facades:** For long front facades, vary the setback, height, and roof form of the building within the range provided by traditional buildings in the region to continue the established rhythm of facades on the street.

In most cases, long facades should be avoided, generally extending no more than 50 feet without a change in the wall plane. Setbacks and projections of several feet in depth are most effective at visually breaking up large facades. Smaller setbacks used in conjunction with larger setbacks can be effective. The bulk and mass of the building should be broken down to a scale that reflects the context of the surrounding neighborhood.

**6.7.6.2 Siding:** The following siding treatments most commonly found in New England shall be used: Clapboard, vertical board, brick, stone, and wood shingles. Natural materials are preferred.

The use of vinyl or aluminum is strongly discouraged in the Business District. Concrete block, stucco, adobe, or other non-traditional siding types are also discouraged. Sidings having a panelized or prefabricated appearance are unacceptable.

**6.7.6.3 Roofs:** Roofs shall be of various pitched varieties commonly found in New England.

Gable or Hip Roofs are most preferred. Shed and Gambrel style roofs are also acceptable. False mansard or other flat roofs are the least desirable. All roofs should have appropriate overhangs.

Flat roofs should not be completely eliminated from consideration, but should only be built where the size of the building does not permit a pitched roof. When flat roofs are permissible, any roof top mechanicals should be hidden from the main viewpoints on ground level.

**6.7.6.4 Roof Materials:** Roofs shall be constructed of materials, which are commonly found in New England. Shingled roofs constructed of asphalt or wood shingles are preferred. Standing seam, copper, or other metal roofs are also acceptable. Multiple roof plain slopes are acceptable,

as New England Architecture often includes a variety of roof styles and plains, however it should be limited. Roll roofing, built-up tar and gravel, plastic, or fiberglass roofing materials are not appropriate. On flat roofs that are not visible from public areas, other roof materials may be considered.

**6.7.6.5 Architectural Features and Details:** Balconies, decks, covered porches, decorative shingles, bracketed eaves, columns, balustrades, towers, turrets, skylights, and arches are among the details to be considered. All features and details should be in proportion with the building. Use of metal, fiberglass, or plastic awnings is not appropriate.

**6.7.6.6 Windows and Doors:** All windows and doors shall be of a New England character. Large plate glass windows are discouraged unless they are broken up with mullions or muttons. Mirrored glass or walls are not acceptable. Also, aluminum windows/wall systems with or without colored metal panels known as curtain wall systems are not acceptable. Windows and doorways should be encased with trim. Decorative trim is preferred.

**6.7.6.7 Lighting:** Lighting for new developments whether mounted on the building or on poles shall be designed so as not to spill onto adjacent properties. Shielded lights are preferred or exposed bulb fixtures, which are historic in character. Lighting elements shall be covered by globe or shielded. Low-level lighting is preferred over large high-level light fixtures.

**6.7.6.8 Equipment:** All roof, wall or ground mounted mechanical equipment, trash collection or dumpster locations, delivery or loading areas, and outdoor storage areas shall be located outside primary visual corridors and screened from public view.

#### **SECTION 6.7.6 Decision, Inspection, fees, and Appeals.**

**6.7.6.1 Planning Board Action:** The Planning Board shall take final action on the Site Plan Review application within twenty one (21) days of the close of the public hearing. Planning Board action shall be by vote of a majority of the members, or majority of a voting quorum. The Board may attach reasonable conditions to mitigate any impact of the proposed development. Any disapproval shall state the reasons why the site plan does not meet the requirements of this By-Law

**6.7.6.2 Appeals:** Any decision rendered by the Planning Board may be appealed by the applicant to a court of competent jurisdiction as set forth in MGL c. 40A, § 17, and no building permit specifically connected to the appeal may be issued until the appeal is resolved

**6.7.6.3 Expiration of Site Plan Approval:** Any approval of a site plan which has been granted pursuant to this By-Law shall expire two (2) years from the date of final action, unless work in accordance with the Site Plan Approval has not sooner commenced, except for good cause.

**6.7.6.4 Extensions:** The Planning Board may extend approvals for an additional two-year period, such extension not to be reasonably denied. Thereafter, extensions may be granted on a

year-to-year basis. A request for extension, accompanied by a schedule of completion, shall be completed by the applicant and filed with the Board in advance of its scheduling a hearing on the extension request at a regular or special Board meeting. Extensions may not be granted for plans which no longer conform to the Town of Lakeville Zoning By-Law.

**6.7.6.5 Compliance:** No building permit shall be issued by the Building Inspector for any development subject to this section and no construction or site preparation shall be started until the Planning Board decision has been filed with the Town clerk and the plans have been endorsed by the Planning Board.

**6.7.6.6 On-site construction:** The Board shall require the inspection of site construction approved under this section. An applicant may make limited on-site changes to an approved site plan. Said changes shall be based on unforeseen conditions, situations, or emergencies. The Town Planner shall review the request and may approve limited on-site changes that are generally consistent with the approved site plan. The Planning Board shall review changes are of such a nature or magnitude that they would unreasonably compromise the basis of approval. The Board may review any request for on-site construction changes under general business and may either approve, modify or deny the requested on-site changes. Said request shall not be unreasonably denied.

**6.7.6.7 Regulations:** The Planning Board may adopt and from time to time amend reasonable procedural regulations, application forms, standard construction detail drawings (as included in the Planning Board Subdivision Rules and Regulations), and specifications for the administration of this by-law, without requiring Town Meeting Approval.

**6.7.6.8 Fees:** The Planning Board may adopt reasonable administrative fees, technical review fees, and inspection fees for site plan review.

**6.7.6.9 Appeal:** The appeal of any decision of the planning board hereunder shall be made in accordance with the provisions of Massachusetts General Laws Chapter 40A, §17.

#1C

Article \_\_\_\_\_

To See if the Town will vote to amend the Town of Lakeville Zoning By-Laws, Section 7.4.6 Specific uses by Special Permit, by **DELETING** the requirement that Auto or Boat Sales, Rentals, or Service receive a Special Permit in the Industrial District and **ADDING** the requirement that they receive a Special Permit in the Business District, or take any other action relative thereto



#1C

# Town of Lakeville



## PLANNING BOARD

346 Bedford Street ♦ Lakeville, MA 02347 ♦ 508-946-8803

### NOTICE OF PUBLIC HEARING

Pursuant to G.L. Chapter 40A, Section 5, the Planning Board will hold a hearing upon articles to appear on the Special Town Meeting Warrant to amend the Town's Zoning Bylaws, as follows:

- **Fast Food Restaurant** – Amend Zoning Bylaw Section 2.0 by deleting the definition of Fast Food Restaurant; amend Zoning Bylaw Section 4.1.2 by deleting Fast Food Restaurant from the Table of Uses; and amend Zoning Bylaw section 7.4.6 by removing Fast Food Restaurant from Specific Uses Allowed by Special Permit.
- **Restaurant** – Amend Zoning Bylaw Section 6.5.3.3 Parking Space Schedule, by adding Restaurant as a category with specific parking requirements, and removing it from the category with Stadium, Gymnasium, Arena, Auditorium.
- **Upland Circle** – Amend Zoning Bylaw Section 5.1.2 by changing references to “Upland Circle” to “Front Yard Circle” and deleting language relative to the applicability of the section.
- **Drive Through Facility** – Amend Zoning Bylaw Section 4.1.2 by allowing Drive Through Facility by special permit in Industrial District; amend Zoning Bylaw Section 7.4.6 by changing the review criteria for special permits for Drive Through Facilities in the Business and Industrial Districts.
- **Filling Station and Similar** – amend Zoning Bylaw Section 2.0 by changing the definition of Filling Station and adding a new definition for “Auto or Boat Sales, Rentals or Service”; amend Zoning Bylaw Section 4.1.2 by changing the “Auto or Boat Sales, Rentals or Service” requirements in the Table of Uses and specifying that it is allowed by Special Permit in the Business District and not allowed in the Industrial District, and by changing the requirements for Filling Station Use and specifying that Filling Station use is not allowed in the Industrial District; amend Zoning Bylaw Section 4.1.3 by changing the requirements for Fuel Establishment use; amend Zoning Bylaw Section 6.5.3.3 by deleting references to Automotive Retail and Service Establishments and requirements from Parking Space Schedule; amend Section 6.5.3.5 by deleting requirements for automotive service stations from Aisle and Entrance Dimension requirements; amend Zoning Bylaw Section 7.4.6 by changing the District that Auto or Boat sales, rentals or service is allowed by Special Permit from Industrial to Business.; amend Zoning Bylaw Section 7.4.6 by changing the requirements for Car Wash special permit; amend Zoning Bylaw Section 7.4.6 by changing “Filling or service station or automotive repair garage” to “Filling Station”, and amending requirements for Filling Station special permits.

Approved  
4/13/2018  
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MISSING  
Approved  
11/13/2018

Said hearing will be held at the Lakeville Public Library, 4 Precinct Street, Lakeville, Massachusetts on March 8, 2018 at 8:00 PM. A copy of the full text of said articles with the proposed Zoning Bylaw amendments may be inspected at the Office of the Town Clerk, 346 Bedford Street, Lakeville, MA, during regular business hours.

Anyone wishing to be heard on this matter should attend the hearing. Any individual with disabilities who require assistance or special arrangements to participate at the hearing, please contact Rita Garbitt, Town Administrator, at 508-946-8803. If you require such assistance, we request that you provide us with advance notice so that the proper arrangements may be made.

#### PLANNING BOARD MEMBERS:

Chairman Brian Hoeg, Peter Conroy, Barbara Mancovsky, Janice Swanson, Sylvester Zienkiewicz

PUBLICATION DATES: February 22, 2018 & March 1, 2018

Dwelling in existence as of January 1, 1978; the dimensions and appearance of a single family dwelling will be preserved; separate sanitary and kitchen facilities and adequate privacy provided; not incompatible with adjacent non-residential uses if in a Business or Industrial district.

**Animal Kennel or Hospital**

SPGA - Board of Appeals; Business District

Subject to applicable General Laws and local By-Laws. Must not create nuisance to adjacent properties.

**Auto or Boat sales, rentals or service**

SPGA - Board of Appeals; Industrial Districts *Change to Business*

Must be compatible with the surrounding areas, subject to site plan review by the Planning Board. *(Adopted June 16, 1997; approved by Attorney General August 11, 1997)*

**Bus or railroad terminal or passenger station**

SPGA - Planning Board; Business District

Requires submission of site plan as described in Section 6.7 Adequate provisions must be made for access and parking. Location shall be suitable for traffic generated. Must be compatible with the character of the district.

**Car Wash**

SPGA - Board of Appeals; Business District

Subject to a site plan review by the Planning Board, which site plan shall be incorporated into the Special Permit. Drainage must be contained on-site. Suitable provisions shall be made for proper discharge of water into the ground so as not to pollute groundwater.

**Cemetery**

SPGA - Board of Appeals; All Districts

Subject to a site plan review by the Planning Board and to approval by the Board of Health and conforming to applicable General Laws. Site plan shall be incorporated into the Special Permit by reference.

**Commercial Parking Facility**

SPGA - Planning Board; Business, Industrial Districts

Requires submission of site plan as described in Section 6.7. Adequate provision shall be made for access.



## Section 7.10 Open Space Residential Development

### 7.10.1 Purpose

1. To permit maximum flexibility and creativity in design for the development of single-family subdivisions that will be superior to conventional plans;
2. 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;
3. 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
4. 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.

**7.10.2. Special Permit Required.** Open space residential development may be authorized only by a special permit as granted by the Planning Board.

**7.10.3 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 may invite representatives of other Boards or Commissions 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.

### 7.10.4. Dimensional and Design Requirements.

1. The number of building lots may not exceed the number of building lots of the tract as permitted by Board of Health and Conservation Commission regulations, existing zoning and a conventional subdivision per the Lakeville Subdivision 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.
4. Lots approved under this section do not have to comply with the requirements of Section 5.1 Intensity Regulations

5. All lots and structures shall comply with the following dimensional requirements.

- Frontage: 50 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

- Maximum Percentage of Land Covered by Structures, Parking and Paved Areas 40%

Towers are not permitted

- 6. The width of each lot shall not be reduced to less than the required frontage from the street to building site on each lot.
- 7. All accessory structures and uses shall comply with the requirements of Section 5 of these bylaws unless otherwise provided for herein.
- 8. 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.
- 9. 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. A deed restriction may be required if such limitations are applied.
- 10. 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.

**7.10.5. Dedicated Open Space**

- 1. A minimum of 50% of the upland area of the parcel shall become dedicated open space pursuant to MGL c. 40A, § 9. 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 form 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: historic preservation, outdoor education, passive recreation, active recreation, aquifer protection, stormwater management, agriculture, horticulture, forestry, or a combination of these uses and shall be served by suitable access for such purposes. 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...
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. 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, 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.

**7.10.6. Ownership of Dedicated Open Space.** The open space shall, at the Planning Board's election be conveyed to:

1. The Town of Lakeville Conservation Commission and accepted by it for open space, or
2. The Town of Lakeville Selectboard and accepted by it for a park, or
3. be conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space. In this case were 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 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 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.

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.

#### **7.10.7. 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. 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.

4. 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.

5. 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.
6. The Planning Board shall hold a public hearing on the preliminary plan within 45 days after the receipt of the application. It shall act on the application within 60 days of date of the first hearing unless an extension is agreed to by the applicant.
7. 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.
8. 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.

#### **7.10.8. Special Permit Application and Fillings.**

A special permit application for an OSRD shall include a definitive subdivision plan with 14 copies. 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 one-hundred-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. 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.
5. 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-Lay and the Lakeville Subdivision Regulations.

**7.10.9. 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 and other factors 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 7.10.1 and these bylaws.
5. The Planning Board shall require a performance guarantee to secure the proper completion of all infrastructure as well as the fulfillment of any conditions of approval.

**7.10.10. 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.
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 Bylaw.
8. If required, all documents creating a homeowners' association has been submitted to the Board and approved by Town Counsel.
9. The development will not have a detrimental impact on the neighborhood or abutting properties; and
10. Other factors as determined appropriate by the Board.

**7.10.11. 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.