

# TOWN OF LAKEVILLE MEETING POSTING & AGENDA

Town Clerk's Time Stamp  
received & posted:

LAKEVILLE TOWN CLERK  
FOUD 2024 APR 5 AM 10:55

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, April 11, 2024 at 7:00 p.m.                               |
| Location of Meeting:               | Lakeville Police Station<br>323 Bedford Street, Lakeville, MA 02347 |
| Clerk/Board Member posting notice: | Cathy Murray  |

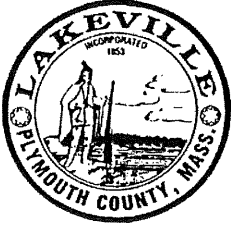
Cancelled/Postponed to: \_\_\_\_\_ (circle one)

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

## Revised A G E N D A

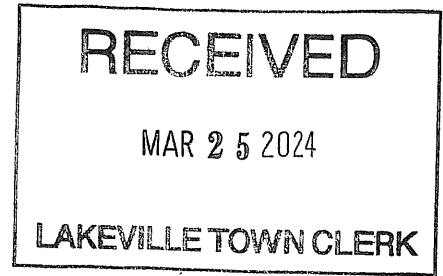
- Public Hearing (7:00) – Pinecrest Village** – upon the application for Approval of a Definitive Plan submitted by Maroney Building & Contracting Inc. for a two (2) lot subdivision, off Hickory Land & Pinecrest Drive, Assessors Map 043, Block 007, Lot 001
  - This hearing has been re-scheduled to April 25, 2024.
- Welcome new Planning Board members and reorganization of the Board.
- ANR Plan - 162 Bedford Street – Outback Engineering Inc. – possible vote
- Review Covenant for Stowe Estates – possible vote
- Land Use/Zoning Map/buildable land area
- OSRD update
- Rules & Regulations update
- Discuss recommendation to the Select Board regarding Planner position or other support-possible vote
- Priority Development/Priority Protection Areas (PDA/PPA) – Discuss and possible action
- SRPEDD-PB appointment & at-large nomination – possible vote
- Approve the February 7, 2024 and February 12, 2024 Meeting Minutes
- Next meeting. . . April 25, 2024 at the Lakeville Police Station
- Any other business that may properly come before the Planning Board.
- 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.

PLAN TITLE: Plan of Land At 162 Bedford Street Date: 21

1. Owner's Signature: [Signature] Date: 3/25/24

2. Owner's Name (Please Print): Southcoast Redevelopment LLC

Owner's Address: 1193 Ashley Boulevard, Rear Building New Bedford MA 02745

3. Name of Land Surveyor: Outback Engineering Inc. (Paul Babincau)

Surveyor's Address: 165 E. Grove Street Middleborough MA 03346

Surveyor's Telephone: 508-946-9231

4. Deed of property recorded in Plymouth County Registry,

Book 30388 Page 250

5. Assessors' Map, Block and Lot (MBL) 026-005-001

6. Location and Description of Property: Property located South of ~~Route~~ Intersection of Route 18 & 79 & North of Intersection of Route 18 and Crooked Lane.

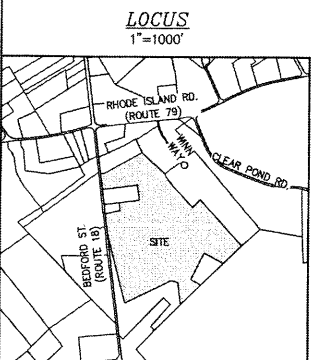
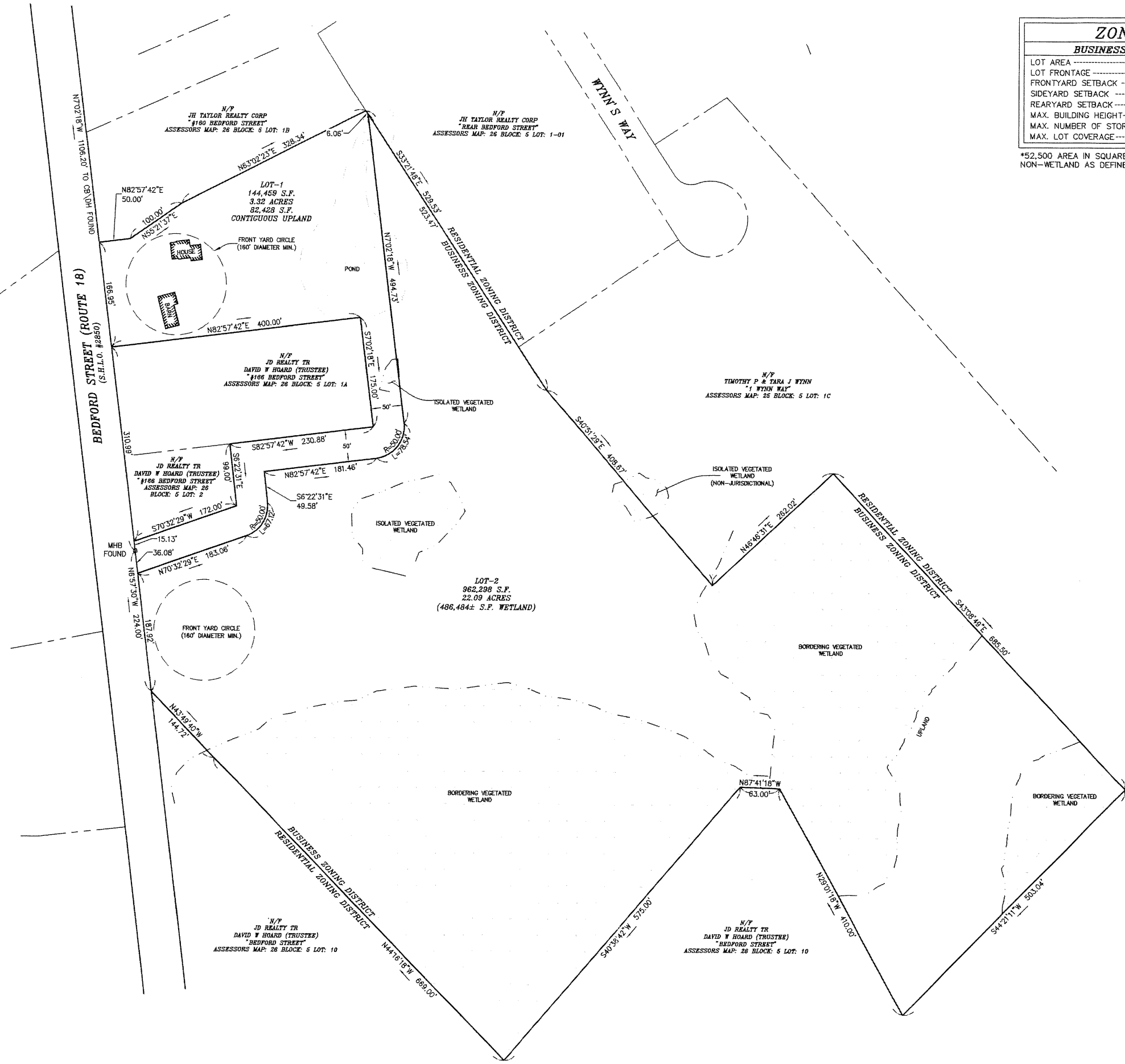
7. Plan Contact Name and Telephone Number:

Contact Name: Outback Engineering Inc. Telephone: 508-946-9231



| ZONING                 |             |
|------------------------|-------------|
| BUSINESS DISTRICT      |             |
| LOT AREA               | 70,000 S.F. |
| LOT FRONTAGE           | 175 FEET    |
| FRONTYARD SETBACK      | 40 FEET     |
| SIDEYARD SETBACK       | 40 FEET     |
| REARYARD SETBACK       | 40 FEET     |
| MAX. BUILDING HEIGHT   | 35 FEET     |
| MAX. NUMBER OF STORIES | 3           |
| MAX. LOT COVERAGE      | 50%         |

\*52,500 AREA IN SQUARE FEET OF CONTIGUOUS NON-WETLAND AS DEFINED BY MGL CH. 131, SEC 40



FOR REGISTRY USE ONLY  
 I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

3.20.24  
 DATE PROFESSIONAL LAND SURVEYOR

PLANNING BOARD'S ENDORSEMENT MAKES NO DETERMINATION AS TO COMPLIANCE WITH ZONING PLANNING BOARD APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED.

DATE: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

LAKEVILLE PLANNING BOARD

**OWNER**  
 SOUTHCOAST REDEVELOPMENT LLC  
 DEED BOOK 52901 PAGE 229  
 PLAN BOOK 56 PAGE 775

PLAN OF LAND  
 AT  
 162 BEDFORD STREET  
 IN  
 LAKEVILLE  
 MASSACHUSETTS

**Outback Engineering** Incorporated  
 165 EAST GROVE STREET  
 MIDDLEBOROUGH, MA 02346  
 TEL: (508)-946-9231  
 www.outback-eng.com

DATE: FEBRUARY 23, 2024  
 DRAWN BY: KD CHECKED BY: PJB  
 SCALE: 1"=80' SHEET 1 OF 1

OE-4076

FORM D  
COVENANT  
Stowe Estates Definitive Subdivision Plan  
Lakeville, Massachusetts

Deleted: F

KNOW ALL MEN BY THESE PRESENTS THAT on March 7, 2023, JIJ Properties, Inc., a Massachusetts Corporation with a principal place of business located at 6 Sand Trap Lane, Lakeville, Massachusetts 01543 (the "Developer"), submitted an application to the Planning Board of the Town of Lakeville (the "Planning Board"), for approval of a definitive plan of a certain subdivision, entitled "Definitive Residential Subdivision 'Stowe Estates' at 35 Myricks Street", prepared by Zenith Land Surveyors, LLC, dated February 13, 2023, with a final revision date of June 26, 2023 (the "Plan"), which Plan is to be recorded herewith and shows a division of the property located at 35 Myricks Street, Lakeville, Massachusetts, identified as a portion of Assessor's Map 17, Block 4, Lot 3 into three (3) lots, and which application was approved by the Planning Board as set forth in its Certificate of Approval filed with the Lakeville Town Clerk on August 7, 2023 and recorded with the Plymouth Registry of Deeds in Book 57395, Page 258 (the "Decision").

Now therefore, in consideration of the Planning Board's approval and endorsement of the Plan without requiring a performance bond or other surety, the undersigned Developer represents, covenants and agrees with the Town of Lakeville, acting by and through its Planning Board, as follows:

1 The undersigned Developer represents and covenants that it is the owner in fee simple of all the land included in the aforesaid subdivision (the "Property"), has the full legal authority to enter into this Covenant and there are no mortgages or other monetary liens of record or otherwise on any of the Property, except those described below and subordinate to this Covenant and the present holders of said mortgages have assented to this Covenant prior to its execution by the Developer.

Description of Mortgages (if any):

None

Commented [EB1]: Please confirm

2. It is hereby understood and agreed that this Covenant shall constitute a covenant running with the land included in the aforesaid subdivision and shall operate as a restriction upon said land.

3. The undersigned Developer shall not sell or otherwise convey any of the lots in the subdivision or erect or place any permanent building on any such lot until the construction of ways and installation of municipal services necessary to adequately serve such lot has been completed in accordance with the covenants, conditions, agreements, terms, and provisions of approval, with such modifications or conditions, if any, as contained in any of the following documents on file with the Planning Board (the "Requirements"):

- a. The Developer's Application for Approval of Definitive Plan (Form C);
- b. The Subdivision Control Law (M.G.L. Chapter 41, §§81K-81GG) and the Rules and Regulations Governing the Subdivision of Land in Lakeville, as may be amended from time to time;
- c. The Decision, a copy of which is annexed hereto as Exhibit A;
- d. The Plan as approved and as qualified by the Decision including revisions through September 12, 2023; and
- e. Other document(s) specifying construction to be completed, namely

**Commented [RS2]:** Please fill in any other relevant permits or indicate none.

Notwithstanding the foregoing, a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of such premises or part thereof may sell any such lot subject to the limitation that no lot shall be sold or conveyed or built upon until such ways and services have been provided to serve such lot; and provided further than nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to this Covenant, of either the entire parcel of land shown on the Plan or of all lots shown on the Plan not previously released by the Planning Board.

4. The Developer shall complete, to the satisfaction of the Planning Board, the construction of ways and installation of municipal services in accordance with the Requirements within  years from the date of endorsement of the Plan or such later date as agreed to by the Planning Board and Developer in writing. Failure to complete said construction and installation within  years from the date endorsement of the Plan or at a later date if extended by vote of the Planning Board with a written concurrence of the Developer, shall be a sufficient basis for the Planning Board's rescission of the approval of the Plan.

**Commented [EB3]:** Decision was silent on this.

5. Upon final completion of the construction of the ways and installation of municipal services as specified herein, the Planning Board shall release this Covenant by an appropriate instrument, duly acknowledged. Individual lots within the subdivision may be released from the foregoing conditions only upon the recording of a written release executed by a majority of the Planning Board and specifically enumerating the lots to be released thereunder.

6. Nothing herein shall prohibit the Developer from varying the method of securing construction of ways and installation of municipal services from time to time or from securing such construction and installation by one, or in part by one and in part by another of the methods described in G.L., c.41, §81U, as long as such security is sufficient in the opinion of the Planning Board to secure performance of the construction and installation.

7. The undersigned Developer agrees to record this Covenant with the Plymouth County Registry of Deeds forthwith and to provide the Planning Board with the relevant recording information. Reference to this Covenant shall be entered upon the Plan.

8. This Covenant shall be binding upon the directors, officers, employees, shareholders, executors, administrators, devisees, heirs, successors and assigns of the Developer.

9. This Covenant shall be deemed effective upon the endorsement of approval of the Plan by the Planning Board.

10. A deed of any part of the subdivision in violation of the Covenant shall be voidable by the grantee prior to the release of the Covenant, but not later than three (3) years from the date of such deed, as provided in G.L. c. 41, §81U.

For title to the Property, see deed recorded in the Plymouth County Registry of Deeds in Book 57395, Page 258.

Executed as a sealed instrument this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Owner/Developer  
JIJ Properties Inc.

\_\_\_\_\_  
By: Nathan P. Gagnier  
President & Treasurer

COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2024 before me, the undersigned notary public, personally appeared Nathan P. Gagnier, President and Treasurer of JIJ Properties Inc., as aforesaid, and proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of JIJ Properties Inc.

\_\_\_\_\_  
Notary Public:  
My Commission Expires \_\_\_\_\_

**ASSENT OF MORTGAGEE**

Commented [RS4]: If any.

\_\_\_\_\_, the mortgagee of the parcel of land, or a portion thereof, constituting this subdivision at the time of execution of this Covenant, hereby consents to execution of this Covenant by the Owner, who is the mortgagor of the parcel of land subject to a certain mortgage dated \_\_\_\_\_ and recorded at the Plymouth County Registry of Deeds in Book \_\_\_\_\_, Page \_\_\_\_\_. This mortgagee also agrees to hold the mortgage subject to this Covenant and agrees that the mortgage shall be subordinate to the Covenant, which Covenant shall have the same status, force, and effect as through executed and recorded prior to the conveyance of the mortgage deed for the mortgagor-owner to the mortgagee.

**MORTGAGEE**

\_\_\_\_\_  
Signature of Mortgagee

\_\_\_\_\_  
Date

By: \_\_\_\_\_

Its: \_\_\_\_\_

Duly Authorized

\_\_\_\_\_



Acceptance by Planning Board

We, a majority of the members of the Town of Lakeville Planning Board, hereby accept and approve the foregoing Covenant.

\_\_\_\_\_  
Chair

Deleted: Mark Knox

\_\_\_\_\_  
Vice-Chair

Deleted: Michele MacEachern

\_\_\_\_\_  
Member

Deleted: John Cabral

\_\_\_\_\_  
Member

Deleted: Nora Cline

\_\_\_\_\_  
Member

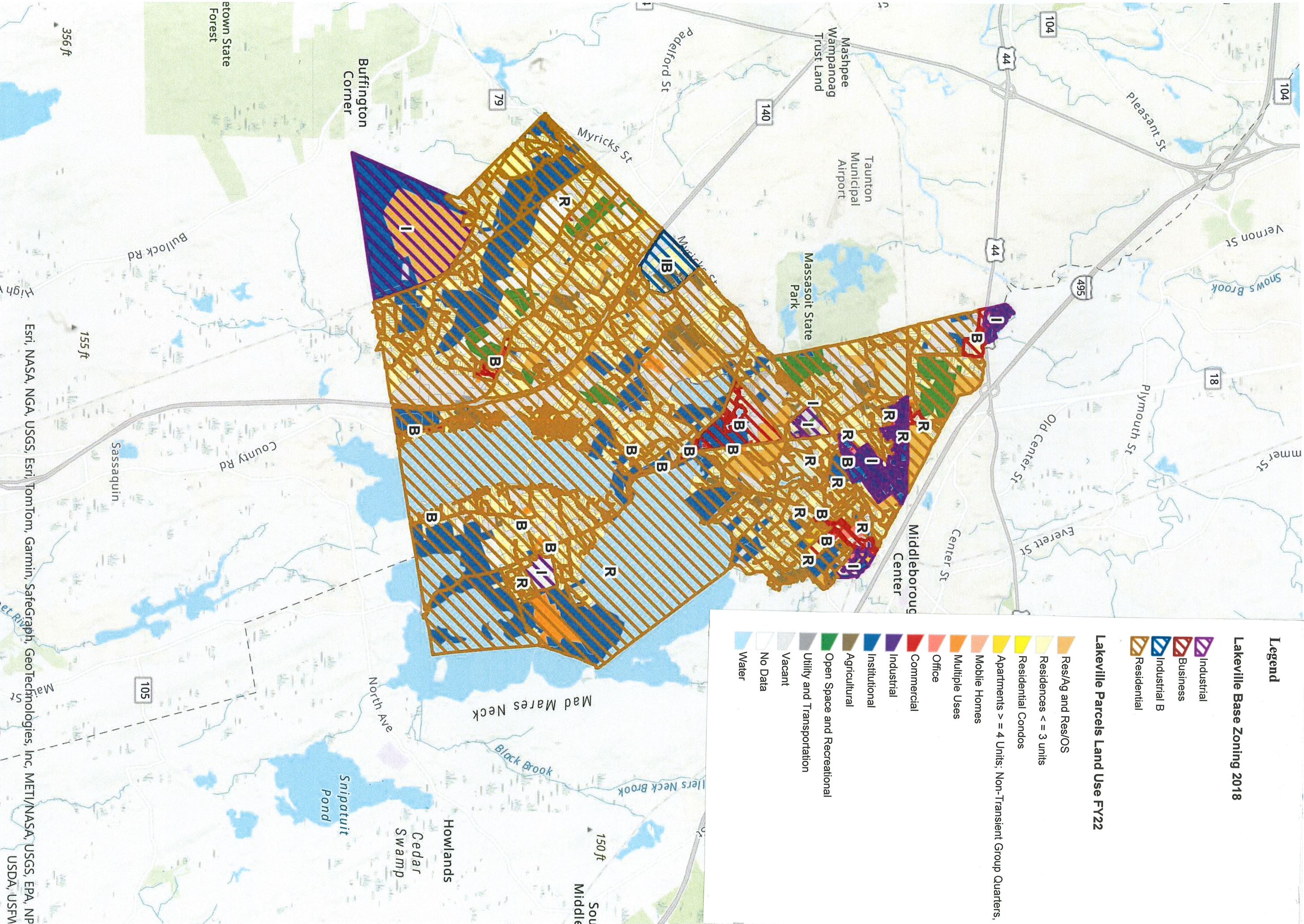
Deleted: John Lynch

COMMONWEALTH OF MASSACHUSETTS

Plymouth ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2024, before me, the undersigned notary public, personally appeared \_\_\_\_\_, \_\_\_\_\_ of the Lakeville Planning Board as aforesaid, as stated above, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily as \_\_\_\_\_ of the Lakeville Planning Board for its stated purpose.

\_\_\_\_\_  
Notary Public:  
My Commission Expires



**Legend**

**Lakeville Base Zoning 2018**

- Industrial
- Business
- Industrial B
- Residential

**Lakeville Parcels Land Use FY22**

- Res/Ag and Res/OS
- Residences <= 3 units
- Residential Condos
- Apartments >= 4 Units; Non-Transient Group Quarters, Mobile Homes
- Multiple Uses
- Office
- Commercial
- Industrial
- Institutional
- Agricultural
- Open Space and Recreational
- Utility and Transportation
- Vacant
- No Data
- Water



## CALL for AT-LARGE COMMISSIONERS (2024-25)

TO: Mayors; Community Groups in the SRPEDD Region;  
At-Large SRPEDD Delegates; SRPEDD Commissioners  
FROM: Marie Clarner SRPEDD Chair  
DATE: March 22, 2024  
RE: NOMINATIONS FOR SRPEDD AT-LARGE COMMISSIONER(S)

We are seeking representatives of minority and low-income community groups to serve on the Commission of the Southeastern Regional Planning and Economic Development District (SRPEDD). These appointments will take effect on May 24, 2024, and continue through May 24, 2025. SRPEDD (pronounced sir-ped) is a regional planning agency established by the Legislature to provide regional planning and related planning technical assistance in transportation, land use, economic development, housing, and environmental concerns to the 27 municipalities (4 cities and 23 towns) that SRPEDD serves.

The Commission is SRPEDD's governing body and consists of municipal and community representatives who oversee the activities of the agency and address regional issues. The Commission meets approximately eight to ten times per year on the fourth Wednesday of the month. Meetings are held at SRPEDD's office in Taunton and begin at 6:30 pm.

The position of At-Large Commissioner, per the agency's bylaws, is a unique opportunity for individuals who represent and understand the needs of historically disadvantaged and underrepresented minority and/or low-income populations in housing, economic development, and transportation planning processes and other important areas to speak for these needs on the SRPEDD Commission.

The opportunity is all the more significant because At-Large Commissioners are also official voting members of the [Joint Transportation Planning Group](#) (JTPG), the advisory group to the Southeastern Massachusetts [Metropolitan Planning Organization](#) (SMMPO) for all transportation related issues. The JTPG is the forum for public involvement in transportation planning, and usually meets the second Wednesday of each month, likewise at SRPEDD, beginning at 2:00 pm.

Commission bylaws provide for up to six At-Large delegates representing low income and minority group interests: **2** for the **New Bedford area**; **2** for the **Fall River area**; **1** for the **Taunton area**; and **1** for the **Attleboro area**.

The attached sheet outlines the eligibility criteria for At-Large Commissioner Appointees and the communities included in each subarea.

You or your organization may propose a person to sit on the Commission, who will be nominated by a member of the Commission and confirmed by the body as a whole.

**If interested, kindly fill out the attached Qualification Statement, and forward your completed form to: Stacy Royer at [ssousa@srpedd.org](mailto:ssousa@srpedd.org) or 88 Broadway, Taunton, MA 02780. Questions? Please call Stacy at (508) 824-1367**

We hope to see a full complement of six At-Large Commissioners serving for the 2024-25 term so that low-income and minority community groups are well represented on the board. If you are aware of other qualified or interested community groups who may not have received this mailing, please notify us so we may contact them or pass along a copy to the appropriate party.

The **NOMINEE** must be a resident within one of the following subareas, as appropriate:

|  |   |   |  |
|--|---|---|--|
| <p><b><u>Attleboro Subarea</u></b><br/>         Attleboro<br/>         Mansfield<br/>         North Attleborough<br/>         Norton<br/>         Plainville<br/>         Rehoboth</p> | <p><b><u>Fall River Subarea (2)</u></b><br/>         Fall River<br/>         Freetown<br/>         Seekonk<br/>         Somerset<br/>         Swansea<br/>         Westport</p> | <p><b><u>New Bedford Subarea (2)</u></b><br/>         New Bedford<br/>         Acushnet<br/>         Dartmouth<br/>         Fairhaven<br/>         Marion<br/>         Mattapoisett<br/>         Rochester<br/>         Wareham</p> | <p><b><u>Taunton Subarea</u></b><br/>         Taunton<br/>         Berkley<br/>         Carver<br/>         Dighton<br/>         Lakeville<br/>         Middleborough<br/>         Raynham</p> |
|--|---|---|--|

**CURRENTLY SERVING AT-LARGE COMMISSIONERS (2024-2025)**

Attleboro Subarea: Catherine Feerick, City of Attleboro  
 Fall River Subarea: Gloria Saddler, Bristol Black Collective  
 New Bedford Subarea: Ashley Eaton, City of New Bedford Office of Housing and Community Dev.  
 Taunton Subarea: Tanya Lobo, True Diversity

The **NOMINEE** must be certified as a representative of a qualified low-income or minority community group in writing.

**COMMUNITY GROUPS** are defined as one of the following:

- a legal non-profit corporation or association whose members are minority and/or low income; or
- the governing body or advisory board of a public agency whose goals are reflective of the needs of minority and low-income people.

**MINORITIES** are those defined by the Economic Development Administration as:

- Black or African American – American Indian and Alaska Native
- Hispanic - Mexican, Puerto Rican, Other Hispanic or Latino
- Native American - persons known by virtue of tribal associations
- Asian - Japanese, Chinese, Korean, Filipino, Indian, Thai, Cambodian, Vietnamese
- Other Races including Native Hawaiian & Other Pacific Islanders

**LOW-INCOME** is defined according to the Bureau of Labor Statistics' minimum standard of living.



**SRPEDD**  
 Southeastern Regional Planning  
 & Economic Development District

**QUALIFICATION STATEMENT**

**TITLE OF ORGANIZATION** (Community Group): \_\_\_\_\_

\_\_\_\_\_ Address: \_\_\_\_\_

City/Town: \_\_\_\_\_ Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_ Agency email: \_\_\_\_\_

Date Organized or Incorporated: \_\_\_\_\_ Approx. # of Members: \_\_\_\_\_

Purpose (Brief Description): \_\_\_\_\_

\_\_\_\_\_

Minority or Low-Income Groups Represented: \_\_\_\_\_

\_\_\_\_\_

Our organization would like to nominate the following individual(s) to sit on the SRPEDD Commission and **Joint Transportation Planning Group (JTPG)**:

Name: \_\_\_\_\_ Name: \_\_\_\_\_

Address: \_\_\_\_\_ Address: \_\_\_\_\_

\_\_\_\_\_

E-mail: \_\_\_\_\_ E-mail: \_\_\_\_\_

Telephone: \_\_\_\_\_ Telephone: \_\_\_\_\_

Submitted by:

Name: \_\_\_\_\_ Title \_\_\_\_\_

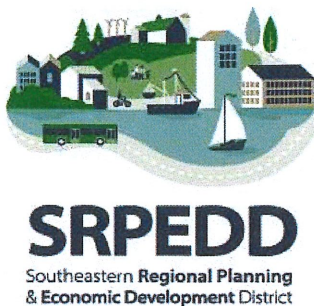
E-mail: \_\_\_\_\_ Signed: \_\_\_\_\_

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

\*Mass. General Laws: "The Commission may increase its membership by not more than six in order to provide representation to low income and minority groups."

**PLEASE RETURN BY MAY 17, 2024**

Email the completed form to [ssousa@srpedd.org](mailto:ssousa@srpedd.org)  
 or forward via U.S. Mail to SRPEDD, 88 Broadway, Taunton, 02780



## 2024-2025 SRPEDD Commission Member Appointment Form

The **Southeastern Regional Planning and Economic Development District (SRPEDD)** was created by the Massachusetts Legislature, along with 12 other regional planning agencies across the state to undertake regional planning and deliver cost-effective planning-related technical assistance to the municipalities that they serve (in SRPEDD's case: four cities and 23 towns). The key to all such agencies' success and effectiveness in achieving those missions, is the **Regional Commission**, or body of **appointed representatives** from each member municipality. As one would expect, there is call and opportunity for such Commissioners to exercise leadership, share of their expertise, and help to advance their respective regions— be it through land use, transportation, economic development, environmental, or multiple other types of planning. Indeed, it is the Commissioners that define the agency, who through their commitment, dedication, and engagement in the following, help to ensure that the region is most effectively served:

1. ***Policy Setting*** - Through your participation in Committee and at Commission meetings, you will be asked to vote on important policy matters affecting the region:
  - Regional development policies – adoption of plans and goals.
  - Regional priorities –assessment and establishment of priorities that help to determine and apportion federal and state funding for transportation and economic development projects.
  - Work program direction – deliberation on whether to apply for particular funding, and/or pursue identified projects in conjunction with the annual work program.
  
2. ***Partnering with Member Municipalities*** - As a liaison and key point of contact between your municipality and SRPEDD:
  - Provide timely information and updates to your municipality in regards to ongoing planning initiatives, upcoming funding and other opportunities; also, to fellow Commissioners about key planning issues in your community.
  - Help to represent your city/town's perspective in discussion of regional issues.
  - Help to educate and promote awareness of regional planning in your community.
  
3. ***Agenda Setting*** – Based on your understanding and familiarity with local and regional needs, help to set the organization's agenda by encouraging focus on prioritized planning issues important and beneficial to the region.

SRPEDD, 88 Broadway, Taunton, MA 02780

TEL: (508)824-1367 – FAX (508)823-1803 – Email: [info@srpedd.org](mailto:info@srpedd.org)

4. **Commission Governance** – Finally, in conjunction with fellow Commissioners and possible service as a SRPEDD officer or committee member, help to provide key oversight on personnel, budget and other areas related to day-to-day operations.

**2024-2025 SRPEDD COMMISSION MEMBER  
Appointment Form**

Please be advised that  has been appointed to represent the (*check one*) Mayor [  ], Bd. of Selectmen [  ] Planning Bd. [  ] for the

City/Town of

on the SRPEDD Commission for the period:

**May 31, 2024 through June 1, 2025**

Signature: \_\_\_\_\_  
Mayor or Chair, Board of Selectmen/Planning Board

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

\*\*\*\*\*

**Please provide SRPEDD Commissioner Appointee contact information**

Name: \_\_\_\_\_

Street: \_\_\_\_\_

City/Town: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email Address: \_\_\_\_\_

**Please return this form by: MAY 17, 2024**

**Via Email: [ssousa@srpedd.org](mailto:ssousa@srpedd.org), Fax: (508) 823-1803 or U.S. Mail**

**Planning Board  
Lakeville, Massachusetts  
Minutes of Meeting  
Wednesday, February 7, 2024**

On February 7, 2024, the Planning Board met with the Board of Health at the Lakeville Police Station. The meeting was called to order by Chairman Spratt at 6:05 p.m. LakeCam was recording, and it was streaming on Facebook Live. It was noted that no one else present was recording.

**Planning Board members present:**

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

**Board of Health members present:**

Christopher Spratt, Chair; Derek Maxim, Robert Poillucci

**Others present:**

Edward Cullen, Health Agent

Mr. Knox opened the Planning Board meeting at 6:05 p.m. He advised they have a quorum and would like to begin. Mr. Spratt advised this was a joint meeting with the Planning Board to discuss the Open Space Residential Bylaw (OSRD) and to Board of Health variance requests and how they relate to Planning Board approvals.

**Discuss OSRD bylaw**

Ms. MacEachern stated the first item the OSRD bylaw has been discussed many times. There have been joint meetings before with the Board of Health and Conservation, and there were many concerns. They had not heard directly from the Board of Health and even though it had been on for Town Meeting last fall, they chose to wait and properly vet it before taking it to Town Meeting again. She had sent out some comments from Open Space that she had received when she met with them, and has integrated those into the document in front of them. They are in red and underlined. There are also items in red that are from another draft from another Town that they thought more closely represented Lakeville and the lack of Town water. The purple items are what they have been discussing as allowances, provided that a senior component be added to the plan. Section H which is in green are prohibited uses of the open space. She advised that she had gotten positive feedback from the Open Space Committee saying those items should be included.

Mr. Spratt said that where they are right now is when it went to Town Meeting, they had met with the Town Planner and over a couple of meetings, had advised Mr. Resnick what changes they wanted. They were comfortable with it going to Town Meeting at that time. He has gone through



the changes with the Open Space, and he was okay with it. He asked if there were any additional comments.

Mr. Maxim said on Section D, Number 2, it says the development shall be served by at least one of the following types of utilities, municipal water supply, privately owned public water supply, water treatment plan or shared septic system. He said there could be a workaround that if for example there are 24 units and someone puts a shared septic system on four of them. Mr. Knox asked if he would recommend better language to call out the intent is that the entire community be on the shared system. Mr. Maxim said that was correct, and it should also be all units would be on the public water supply.

Regarding item number H3 and H6, Mr. Cullen explained that a Board member had an issue with H6 so they added language which was H3, but H6 was never removed. After it was found where this was located, Ms. MacEachern asked what about the additional highlighted language on number 3. Mr. Spratt said it might be redundant, as he had seen it somewhere else where if more testing is needed, then they could have more test holes done, but the Board was fine with it. Mr. Poillucci added he thought they had talked about with the lots being small, they would not want the lots sold off and then only two perc in the front and then the next one percs in the back. They don't want to be in a situation, where people cannot meet their radiuses, but having Town water or the shared septic should alleviate that concern.

Mr. Knox asked if the first intent with the test pits is to determine that the conventional plan would work. However, if the smaller lots didn't perc because they are going to use the shared system or wastewater treatment, is that acceptable and did they make that not possible? Mr. Poillucci felt that once the lots are proven, those are yours. When they redesign the plan for 30,000 square foot lots then that is to figure out where to put the systems, and how to make it work. Mr. Cullen felt it would still allow that. Mr. Poillucci added that when they come back with the redesigned plan, it is still going to have to pass Title V. The percs are to prove that all the lots are buildable and people are not getting credit for houses that could never be built.

Community systems were then discussed. Mr. Maxim advised that the Board of Health would put their own language regarding the maintenance of the system. They also needed to change the word common to shared. Mr. Poillucci added that if they are all single-family houses and the tank fails, he would add that you are responsible from your house to the street, so that nobody else would be digging up your yard. The Association would cover from the street to the field. After discussion, Mr. Poillucci said that for some reason if it doesn't work out, or if somebody comes in with something unexpected, they could give a Variance. This is to make sure they don't get credit for lots that couldn't be built on, and he thought that had been addressed properly. After further discussion, it was agreed that the sentence would be modified to "if a shared septic system is proposed, then septic tanks may be required for each house lot. The language would also note that the Board of Health has the final say. Mr. Knox said they could add at the end of the paragraph "The Board of Health will determine specific system requirements, waivers, or other needs at the time of the disposal works construction permit application.

Mr. Poillucci noted you would have to come to the Board of Health as normal, and if the system is over 10,000 gallons per day, it would go to DEP. Ms. MacEachern asked if there was to be access to Town water, did they feel there needs to be any other conditions? Mr. Poillucci replied no, as long as they can prove they can get a septic system on their new lot, as their original perks might not be where the septic system is going.

Mr. Poillucci said that J number 2 did not really apply to them because they could not supersede Title V. He noted that even a 40B cannot waive Title V. Mr. Knox said he just wanted them to be comfortable with this, and this time they wanted to do it right. He noted that in this version they have offered relief to reduce the open space to 40% if there was a senior component included. Mr. Poillucci asked what is the definition of senior housing. Mr. Knox said they would need to work that out with Town Counsel, but their intent is 55 and over. He then distributed some sample language that they were using in their Site Plan Approvals that clarified the Planning Board was not making any determination of any other Board or guaranteeing another Board's approval. If another Board denies or changes something, it is their stance that they must return to the Planning Board with another plan that recognizes those changes. Mr. Maxim asked where the 10% amount had come from. Ms. MacEachern said that it had been just a starting point. Mr. Poillucci said the only issue that would come up if it was really 55 and older, then they would get credit for different flow rates. Mr. Knox said that is something that would have to be vetted with Town Counsel. Mr. Maxim said that they would need to make sure that they nail down what senior housing is.

### **Board of Health Variance requests and how they relate to Planning Board approval**

Mr. Knox said they were looking for clarification from the Board of Health that the language they put in their decisions plays into that. He explained that sometimes an engineer comes in and states the Board of Health has already looked at this, but we don't see anything in writing. He would like to know how does the Planning Board address this so that they are not dotting an "i" before they should.

Mr. Poillucci suggested that until they do the final plans, maybe putting something in their subject to other Boards approval. He wouldn't want to make people have to go back to the Planning Board. Mr. Knox said they were not looking for people to come back to them for more hearings, but want the Plan of Record to be the one that they have signed. They are looking to create some unity and cooperation between the Boards and not have to go backwards. Mr. Poillucci said if they do it conditionally and a lot or two are lost, the Planning Board would not have to start from scratch with a new hearing, but once you vote on it, that would be required. Mr. Knox said they could do a conditional approval and leave the hearing open and then come back for the final sign off once the applicant gets through the other Boards.

Ms. MacEachern then discussed how 13 Main Street needed a Variance, and she wished the Board had known that as maybe that would have had an affect on the determination. She noted that they had Mr. Cullen's approval but it had gone back to when it first came around. Mr. Cullen advised that had been a unique situation because when it came before him, it did not need a Variance. There was a new regulation within that time frame so when it came before them, it then needed a

Variance. It was noted that because of the wording of the bylaw, they would not have known that prior. Mr. Maxim advised there was one thing that he wanted to bring up. The State has changed some of the square footage on a repair disturbance to 1,500 square feet on a commercial site, and they need to go to Planning. Mr. Knox replied they had changed the bylaw a couple of Town Meetings ago. One of the triggers is a change in use that increases the occupancy load by 10% or a disturbance of 1,500 square feet. Mr. Maxim asked if there was an exception for that under septic repair. Mr. Knox said he believed the language was specific to either the building, parking, loading, additions or changes in impervious. The Planning Board was not looking to have people come back for something that was not going to affect the pedestrian or vehicle flow. Mr. Maxim asked that they provide him with a clarification of that language.

Mr. Knox advised they still want to meet with the Select Board and go back to Conservation. It would probably be about four weeks. Ms. MacEachern said they would send the final corrected copy out. Mr. Maxim said they could then put it back on their agenda to say that it was good.

### **Adjourn**

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

The **vote** was **unanimous for**.

Meeting adjourned at 6:48.

**Planning Board  
Lakeville, Massachusetts  
Minutes of Meeting  
Thursday, February 12, 2024**

**Joint meeting with the Planning Board to discuss the Housing Production Plan (HPP) and possible vote on extension of contract with SRPEDD**

*Mark Knox, Michele MacEachern, Jack Lynch and John Cabral, members of the Planning Board were present for the discussion and opened their meeting at 5:54 PM. Also present was Nathan Darling, Building Commissioner and Amy Kwesell, Esquire of KP Law.* Ms. MacEachern said the Planning Board met in December to finalize one of the locations of Town owned property to be designated for a potential 40B site. The next day SRPEDD heard back from the State and said they wanted a feasibility study done to see whether the Town landfill is a viable site. Research was done on other Towns that used a landfill and the Planning Board decided to move forward with it. The Planning Board approved the final draft of the Housing Production Plan (HPP) in June, and the Select Board approved it in July. SRPEDD sent it for initial review to the State and this item is one of the State's edits as well as some minor language changes. They are looking to confirm that the Select Board agrees with the location, and we will submit it to the State. We will also need a letter to submit that to the State.

Planning Board Chairman Knox said the goalposts were moved by the State. They went through the process and approved what we were told was a complete HPP, but the State came back with these requests which were not part of the original approval of the HPP. Ms. MacEachern said we will use the Planning Board SRPEDD hours in order to get the feasibility study done. If you vote to approve the plan and the changes, she will go ahead with SRPEDD. Member Fabian said this feasibility study is to determine whether the location selected is a viable location. It may never be developed, but we still need the study done. Chairman Day asked about the language "identification of municipal owned parcels to which the municipality commits to issue a Request for Proposals (RFP) to develop Subsidized Housing Inventory eligible housing". We can't dispose of land without Town Meeting vote. Planning Board Chairman Knox said he spoke to Mr. Darling about this. Planning Board Chairman Knox said his suggestion is commit to seek a proposal, but it doesn't need to be executed. They felt that would fulfill the requirements of the request. Chairman Day asked what would the State say if Town Meeting did not approve the sale of the land; is the plan dead? Ms. MacEachern said she spoke to SRPEDD and asked what if the Town reached Safe Harbor, does it change what is required? SRPEDD said it would be a minimal change and they would still look to us to designate this, but it would be if needed or in the future. If the Board is not comfortable with the wording, we can say we approve with this minor edit.

Chairman Day said we can commit to getting a proposal, but that is it. We don't have the ability to commit that piece of property until it goes through Town Meeting. Mr. Darling said he would feel better saying "entertain" an RFP. Amy Kwesell, Esquire, said the HPP is just a plan. The requirements of the plan are from the Executive Office of Housing and Livable Communities (EOHLC). The Town can't go to an RFP without converting the control of the land at Town Meeting. You don't want to send out an RFP and have people respond to it, and you don't even know if the Town is willing to transfer the property. She thinks all that is required would be to state which properties you are willing to commit and move on it. Chairman Day asked could we

say we commit to this on the condition that Town Meeting approves it. Attorney Kwesell said you cannot override legislative action, which is Town Meeting. She wouldn't think that EOHLC would require any more than that.

Member Carboni asked if there is going to be additional costs beside the 20 hours. Ms. MacEachern said SRPEDD said we can use the 40 hours we have left between the Planning Board and Select Board. They said to start with the original 20 hours and go from there. The original contract with SRPEDD has expired, and it can be extended. Chairman Day said we need to vote to approve the HPP and then the contract extension. Chairman Day asked what is the other parcel. Ms. MacEachern said it is adjacent to the Hospital property identified as #2. Ms. Craig-McGee noted that the Board's agenda does not have a vote on the HPP. Member Carboni said we can bring the vote back on the Board's meeting on the 26<sup>th</sup>. Ms. MacEachern said if this is not completed, the Town can't reach Safe Harbor. We have already missed out on units over the past two (2) years. Chairman Day asked if we would need to add additional information on the contract regarding using the 20 hours as payment.

Upon a motion made by Member Carboni and seconded by Member Fabian, it was:

VOTED: To approve the extension of the SRPEDD contract to finish the Housing Production Plan.

Unanimous in favor.

Planning Board Chairman Knox asked the Board to put on the 26<sup>th</sup> agenda to approve the draft HPP that exists. Ms. MacEachern said she will put in a request to use the SRPEDD hours. Chairman Day said Robert Nunes' name is on there. Planning Board Chairman Knox said the previous Town Administrator's name was on there so that is why.

### **Joint meeting with the Planning Board to discuss and possible vote to expand the Smart Growth Overlay District (40R)**

Chairman Day said this started after the presentation of the potential Lakeville Hospital project. They already have a 40R district in Town, and he asked if 40R would be considered for the project. Planning Board Chairman Knox said it was discussed previously by the Planning Board, but not acted upon because they didn't want to prompt that development because the presentation had not been given yet. He asked Attorney Kwesell if they could overlay part of the hospital property to give the developer the possibility of doing a 40R instead of a 40B. We don't want to create an overlay to open the floodgates for more housing than what would be with a 40B. Can we cap what we are overlaying the site with?

Attorney Kwesell said with regard to 40B versus 40R, with 40B you are referring to a large project, which means in a Town the size of Lakeville, a large project is capped at 200 units. If they go over 200 units under 40B, you do not have to approve it. 40R does not have a cap. It has affordability and increased density, but it is not a 40B. There is a concern if you overlay that area you could be looking at more than 200 units. It depends where the overlay hits on the property; it doesn't have to be the whole property. If we have the ability within 40R to limit the density, that answer lies within EOLHC and would need their approval. We do have control over how much of the lot we want to overlay. 40R has financial benefits to the Town that Lakeville has already

seen in their current 40R that 40B does not. 40R doesn't require the 25% of affordable housing, it is 20%.

Ms. MacEachern said with 40B rentals all count; it changes with 40R. Attorney Kwesell said the last one they did was for sale units. With rentals you are still getting a density bonus. Ms. MacEachern said so if you do 40B you get more affordable housing. 200 40B units would bring us into safe harbor. Attorney Kwesell said there is no offered financial benefit with 40B and Towns rarely see a financial benefit. Ms. MacEachern said so we should reach out to see if we can add language with a cap to the 40R overlay. Attorney Kwesell said the last 40R we didn't have to worry about this. It was a very small area already developed, and we knew it was going to have 120 units. We could run this by EOLHC.

Planning Board Chairman Knox said is there a similar density allowance for 40R and 40B? If we know the acreage for 40B, is that big enough to not be spot zoning and control the number of units that would have been 40B. Attorney Kwesell said you can only build on the 40R overlay so if you limit the size of the overlay, it limits the number of units. You do bring up a good question about spot zoning. EOLHC does not allow expansion of an existing 40R subzone; you need to create a new one. Member Carboni said we have three Smart Growth Overlay Districts with three sections. We would need a fourth one. Mr. Darling said this conversation is not being had to promote development. We are trying to cut off something that may be inevitable. With Riverside/Commercial Drive projects there are 111 units, and it was originally a 40B. Our previous Town Administrator, Rita Garbitt, identified a way to recoup expenses, so the developer agreed to run them concurrently as they proposed a zoning change to Town Meeting. The project's number didn't change from the 40B to the 40R. The conversation we need to have is looking at if we are opening the floodgates if we rezone this whole 49 acres and end up with 700 to 800 units versus 200. This is a longer conversation with Town Counsel and EOLHC to see if we can create 49 acres as a subdistrict, but if we reach our 10% Subsidized Housing Inventory can we deny any further permitting on the affordable units? We can pick 10 acres which would have an allowable density of 200 units.

Chairman Day said 600 for the whole 49 acres would be a whole project. Mr. Darling said that is why we want to limit the land area or condition that if we reach 10% we can deny any further permitting. Attorney Kwesell said right now you have 25 units per acre for developable land. 40R does not take into consideration wetlands, etc. 40B tends to come in on properties that are not desirable for standard zoning. Ms. MacEachern asked are we talking about the entire site, or are we talking about limiting that? Planning Board Chairman Knox said we would want to consider 8-12 acres. We don't have a subdivided plan to say that's the piece. They have one parcel of 49 acres. How do we identify the right 10 acres?

Mr. Darling said it would be a question of priority. Can we do the whole 49 acres with a caveat that once we reach our 10% subsidized housing we can limit the number of units built there. If you look at our current Subsidized Housing Inventory, we need a bit less than 200 units to reach our 10%. He believes all the rentals would count for Subsidized Housing Inventory. If you look at 40B, 25% need to be affordable and 20% in 40R. In phase D of Kensington Court, the developer wanted to change it to rentals. All of those units would count, but it had to go to 25% affordability, but they all counted. If Rhino keeps it a rental for either 40B or 40R, we will reach safe harbor. We just updated to a 2020 census until about 2031-2. If we reach the 200 units of rental and are at 10%, we will be in safe harbor until the next census. The 40R district would come with a \$600,000 bonus once the permits are issued to the Town and 40S money from the State if they

keep funding it. The 40R will help mitigate expenses to the Town. Chairman Day said we are getting less of the 40S money each year as more Towns build these. Mr. Darling said there is \$180,000 to \$200,000 in Smart Growth this year on the Cherry Sheet. As we get more numbers, we will get more of that funding. Member Carboni said there were only two municipalities that were participating in the program when we did ours.

Chairman Day asked where do we want to go from here? Do we want a small advisory committee or have the Planning Board continue on with this? Ms. MacEachern said we should probably reach out to EOHLHC. Member Carboni said we had plans in front of us the last time we did this. Attorney Kwesell said we were able to gear the 40R to the project that we had. Once you set these 40R subdistricts these are uses allowed by right and only subject to plan approval by the Planning Board. You are opening that door, so we would need more information. Planning Board Chairman Knox said an advisory committee would be wise.

Attorney Kwesell said you are up against time for June Town Meeting. There are certain timelines that EOHLHC follows. They have 30 days to review a draft. There are more communities taking advantage of 40R now. Chairman Day said is there a reason not to reach out to Rhino to see what they are planning. Attorney Kwesell said it would be advantageous to reach out so we can come up with an overlay that meets scrutiny. Member Carboni said we need to have that conversation first. Attorney Kwesell said the time we did it before, the developer was very cooperative. Chairman Day asked if we should have Mr. Nunes reach out and set up a meeting. Planning Board Chairman Knox said we should reach out to EOHLHC with questions and to the developer. If we formed a small group and do as much as we can within the group, we can give updates to the Select Board and Planning Board. Planning Board Chairman Knox suggested that he, Mr. Darling, Chairman Day, Mr. Nunes and Attorney Kwesell be on the advisory committee. Attorney Kwesell said she would reach to EOHLHC initially to get some answers on the questions. Planning Board Chairman Knox said he can reach out to Rhino to see where they are. Attorney Kwesell said with the last 40R, Mr. Pollucci decided to go with 40B and then 40R which is acceptable. They might apply for a 40B, but it may become 40R. Chairman Day said it looks like there are open space requirements also.

Ms. MacEachern asked who is tracking this? Planning Board Chairman Knox said no one has been. Member Carboni said Subsidized Housing Units is under the Town Administrator. Attorney Kwesell said normally Subsidized Housing Inventory is kept track of by the Town Planner. It is an easy process to get them certified. The confusing part is that Subsidized Housing Inventory units come on and off. You only have a year to issue the building permit and if it is not issued, it gets knocked off of the Subsidized Housing Inventory and needs occupancy within a year or they come off. The most important thing is when you get the Housing Production Plan, you are eligible for safe harbor for hitting your goals. You are not the only Town without a Town Planner, but it is very important to keep track of your Subsidized Housing Inventory.

Chairman Day asked Mr. Darling where the data lies, and how to keep it safe. Mr. Darling said the reporting for Subsidized Housing Inventory is multi-faceted. Ultimately the Building and Occupancy permits weigh in. In the past he provided them to Ms. Garbitt, and she was the reporting officer in the absence of a Town Planner. The Smart Growth Reporting Officer does the 40S reimbursement coordinating the school reporting, and it did slow. In 2022, we were going to update it and it wasn't done. The form is quite simple, but who is responsible for this. Chairman Day asked can the Town Administrator's office handle this in coordination with the Planning Clerk and Mr. Darling. Mr. Nunes said yes. Planning Board Chairman Knox said do we want to give

updates to our respective Boards and nothing happens unless we want to call another meeting. Chairman Day responded yes.

Upon a motion made by Planning Chairman Knox and seconded by Ms. MacEachern, it was:

VOTED: To adjourn the meeting at 6:45 PM.  
Unanimous in favor.