



TOWN OF LAKEVILLE MEETING POSTING & AGENDA

*Town Clerk's Time Stamp
received & posted:*
K. DeCoyla

LAKEVILLE TOWN CLERK
RCUD 2022 MAY 10 PM3:07
*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, May 12, 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: _____

Revised A G E N D A

1. **Public Hearing (7:05) – To amend the Zoning By-Law Section 6.7 Site Plan Review by deleting the existing section and replacing it with a new Section 6.7 Site Plan Review which would include Sub-sections 6.7.1 Purpose, 6.7.2 Authority, 6.7.3 Applicability, 6.7.4 Submittal Requirements, 6.7.5 Review Procedure, 6.7.6 Performance Standards, 6.7.7 Architectural Requirements, and 6.7.8 Decision, Inspection, Fees, and Appeals.**
2. **Public Hearing (7:15) – To amend the Zoning By-Law Section 2.0 Definitions by adding additional definitions related to signs and deleting the existing Section 6.6 Sign Regulations and replacing it with a new Section 6.6 Sign Regulations which would include Sub-sections 6.6.1 Purpose, 6.6.2 Permit Required, 6.6.3 General Sign Regulations, 6.6.4 Exemptions, 6.6.5 Temporary Signs, 6.6.6 Special Permits, 6.6.7 General Sign Prohibitions, 6.6.8 Removal of Signs, 6.6.9 Nonconforming Signs, 6.6.10 Administration, Violations, Appeals.**
3. **Public Hearing (7:25) – To amend the Zoning By-Law by adding a new Section 7.10 Open Space Residential Development which would allow by Special Permit the approval of a subdivision plan that allows the reduction of lot size provided, the same number of lots are proposed and the remaining land is set aside as open space. Included would be the following Sub-sections 7.10.1 Purpose, 7.10.2 Special Permit Required, 7.10.3 Pre-Application Meeting, 7.10.4 Dimensional and Design Requirements, 7.10.5 Dedicated Open Space, 7.10.6 Ownership of Dedicated Open Space, 7.10.7 Preliminary Subdivision and OSRD Concept Plan Application Process, 7.10.8 Special Permit Application and Filings, 7.10.9 Special Permit Decisions, 7.10.10 Approval Criteria, 7.10.11 Revisions to Approved Special Permits.**
4. **Public Hearing (7:35) – To amend the Zoning By-Law Section 7.4.6 Specific Uses by Special Permit, Auto or Boat sales, rentals or service by deleting Industrial Districts and replacing it with Business District.**

5. Site Plan Review – 2 Bedford Street, continued - Thomas J. Parenteau of PBT Real Estate- applicant – Request to continue
6. Site Plan Review – 156 Rhode Island Road, continued – T. Sikorski Realty, LLC – applicant
7. Site Plan Review – 310 Kenneth W. Welch Drive
8. Approve the April 21, 2022, Meeting Minutes
9. Review correspondence
10. Old Business
11. New Business
12. Next meeting. . . May 26, 2022
13. Any other business that may properly come before the Planning Board.
14. 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

Town of Lakeville

PLANNING BOARD

346 Bedford Street
Lakeville, MA 02347

NOTICE OF PUBLIC HEARING LEGAL NOTICE

The LAKEVILLE PLANNING BOARD will hold Public Hearings pursuant to the Town of Lakeville Zoning Bylaw and M.G.L. Ch. 40A §5 on **THURSDAY, May 12, 2022 at 7:00 PM** at the Lakeville Police Station Meeting Room. The purpose of the Public Hearings is to provide the public with an opportunity to comment on proposed amendments to the Lakeville Zoning Bylaw as follows:

7:05 P.M. Public Hearing #1

The Article would **Delete** the existing Section 6.7 **Site Plan Review** in its entirety and **Replace** it with a new Section 6.7 Site Plan Review. The new By-Law still applies to commercial and industrial developments but would now apply to Multifamily developments of more than 3 units. It also includes site and building design guidelines and procedural requirements

The By-Law includes the following Sections:

- 6.7.1 Purpose
- 6.7.2 Authority
- 6.7.3 Applicability:
- 6.7.4 Submittal Requirements
- 6.7.5 Review Procedure
- 6.7.6 Performance Standards
- 6.7.7 Architectural Requirements
- 6.7.8 Decision, Inspection, Fees, and Appeals

7:15 P.M. Public Hearing #2

The Article would **Add** several new definitions to Section 2.0 Definitions and **Delete** the existing Section 6.6 **Sign Regulations** in its entirety and **Replace** it with a new Section 6.6 Sign Regulations.

The definitions **Added** to Section 2.0 are for: Awnings, Changeable Copy Signs, Common Directory Sign, Directional Signs, Electronic Message Boards, Electronic Outdoor Advertising, Freestanding Sign, Internally Illuminated Sign, Portable Signs, and Public Events.

The **New** Section 6.6 Sign Regulations would have the following Sections:

- 6.6.1 Purpose
- 6.6.2 Permit Required
- 6.6.3 General Sign Regulations
- 6.6.4 Exemptions
- 6.6.5 Temporary Signs
- 6.6.6 Special Permits

- 6.6.7 General Sign Prohibitions
- 6.6.8 Removal of Signs
- 6.6.9 Nonconforming Signs
- 6.6.10 Administration, Violations, Appeals

7:25 P.M. Public Hearing #3

The Article would **Add** a New Section 7.10 **Open Space Residential Development** to the existing Lakeville Zoning By-Laws. This new By-Law would allow by Special Permit the approval of a subdivision plan that allows the reduction of lot size provided, the same number of lots are proposed and the remaining land is set aside as open space.

The By-Law includes the following Sections:

- 7.10.1 Purpose
- 7.10.2 Special Permit Required
- 7.10.3 Pre-Application Meeting
- 7.10.4 Dimensional and Design Requirements
- 7.10.5 Dedicated Open Space
- 7.10.6 Ownership of Dedicated Open Space
- 7.10.7 Preliminary Subdivision and OSRD Concept Plan Application Process
- 7.10.8 Special Permit Application and Filings
- 7.10.9 Special Permit Decisions
- 7.10.10 Approval Criteria
- 7.10.11 Revisions to Approved Special Permits

7:35 P.M. Public Hearing #4

The Article would 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

The proposed amendments to the Zoning Bylaw may be viewed at the Lakeville Town Clerk's office in Town Hall, 346 Bedford Street, Lakeville, MA 02347 by appointment only. Amendments are also available for review on the Planning Department page of the Town website.

Planning Board Members
Mark Knox, Chairman
Peter Conroy, Vice-Chair
Nora Cline
Jack Lynch
Michele MacEachern

Article _____

To see if the Town will vote to amend the Town of Lakeville Zoning By-Laws by DELETING the existing Section 6.7 Site Plan Review and REPLACE it with the following new Section:

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.

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 structure to be occupied by a business, or industrial use;
- 2) An addition to an existing structure occupied by a business or industrial use 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 structure occupied by a business or industrial use which increases the previously approved occupant load by 10%;
- 4) A change in use of an existing structure to a business or industrial use;
- 5) New multifamily building construction of three (3) or more units; and/or
- 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, flagged for approval 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.

6.7.5. Review Procedure

6.7.5.1 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 and an electronic copy 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
 - DPW Director
- Building Department
 - Select Board

6.7.5.2 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 (7) days before the hearing. Notice shall also be sent to all abutters at least seven (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.

6.7.5.3 Consultants: The Planning Board may require that any plans, reports, or studies be reviewed by outside consultants at the applicant's expense in accordance with G.L. Ch. 44, Section 53G.

6.7.6 Performance Standards

6.7.6.1. Purpose. The following performance standards have been adopted in order to control the size, scale, and impacts of projects listed in Section 6.7.3. The Planning Board shall ensure that such standards are met during the review of any Planning Board site plan review application or those that also require a special permit.

6.7.6.2. 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.

6.7.6.3. 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.

6.7.6.4. Circulation. Driveways and internal circulation shall be safe, adequate and convenient for automotive as well as pedestrian and bicycle traffic. Sidewalks and parking lots shall meet Massachusetts Architectural Access Board Regulations and the American with Disabilities Act Design Standards. 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.

6.7.6.5. 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 connector drives.

6.7.6.6. 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. See Section 6.7.7 for specific standards.

6.7.6.7. Screening, buffers and landscaping requirements. Notwithstanding whether or not the project is adjacent to a Residential District the plan shall comply with Sections 5.2.4.1, 5.2.4.2,

5.2.5.1 or 5.2.5.2 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.

6.7.6.8. 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.

6.7.6.9. 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. The Board may require that specific areas adjacent to buildings or areas of the business' operations be specifically reserved for loading or delivery operations. These areas cannot be counted for parking or utilized for access aisles. All service areas, dumpster and trash receptacle locations, and other similar uses shall be screened from the street and from public view, through a variety of materials such as walls, fences, plantings or a combination of these materials.

6.7.6.10. 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.

6.7.6.11. 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 Department of Environmental Protection, Massachusetts 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.

6.7.6.12. 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.

6.7.6.13. 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.

6.7.6.14. 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 Commonwealth of Massachusetts, Department of Transportation, Standard Specifications for Highways and Bridges (latest edition) or standard engineering practices as determined by the Board or its designee.

SECTION 6.7.7. 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.

6.7.7.1 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.

6.7.7.2 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.

6.7.7.3 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.

6.7.7.4 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.

6.7.7.5 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.

6.7.7.6 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.

6.7.7.7 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. Lighting shall comply with the Town of Lakeville Outdoor Lighting By-Law.

6.7.7.8 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 6.7.8 Decision, Inspection, Fees, and Appeals.

6.7.8.1 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 majority vote. The Planning 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

6.7.8.2 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.

6.7.8.3 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.

6.7.8.4 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 Planning Board in advance of the Planning Board placing the extension request on an agenda of a regular or special Planning Board meeting. Extensions may not be granted for plans which no longer conform to the Town of Lakeville Zoning By-Law.

6.7.8.5 Compliance: No building permit shall be issued by the Building Commissioner 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.

6.7.8.6 On-site construction: The Board shall require the inspection of site construction approved under this section. The applicant shall be responsible for the inspection fee. 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 or designee of the Planning Board 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 that are of such a nature or magnitude that they would unreasonably compromise the basis of approval. The Planning 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. An as built plan shall be submitted.

6.7.8.7 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.

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

Or take any other action relative thereto

Full text-redline copy

To see if the Town will vote to amend the Town's Zoning By-law and delete the existing Zoning Bylaw, Section 6.7 Site Plan Review and replace it with the following with additions **Highlighted** and deletions in ~~strikethrough~~:

6.7 SITE PLAN REVIEW

6.7.1 Purpose

~~The purpose of 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.~~

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.

~~The site plan review shall consider the following:~~

- ~~6.7.1.1 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.~~
- ~~6.7.1.2 Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas;~~
- ~~6.7.1.3 Adequacy of the methods for disposal of wastes;~~
- ~~6.7.1.4 Protection of environmental features on the site and in adjacent areas.~~
- ~~6.7.1.5 Management of stormwater runoff to minimize stormwater runoff, maximize infiltration and recharge where possible and minimize pollutants in the runoff as required to meet the performance standards of the Massachusetts Department of Environmental Protection's March 1997 Stormwater Management Policy as amended;~~

~~6.7.1.6 Minimization of on-site erosion and the prevention of eroded soil from being deposited onto adjacent properties, rights-of-way, the municipal storm drainage system, wetlands or water courses during and after construction.~~

6.7.2 Procedure Business or Industrial Authority

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

Site Plan Review applies to the following:

- ~~a) New construction of a business or industrial structure;~~
- ~~b) 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;~~
- ~~c) A change in occupancy of an existing business or industrial structure which increases the previously approved occupant load by 10%; and/or~~
- ~~d) A change in use of an existing structure to a business or industrial use.~~

~~Applicants for a building permit subject to Section 6.7.2 shall submit six (6) copies of a site plan as described herein to the Town Clerk for Planning Board approval. Failure of the Planning Board to act within twenty one (21) days of receipt of a site plan shall be deemed lack of opposition thereto.~~

~~(Underlined, Adopted ATM May 10, 2021, approved by Attorney General August 16, 2021)~~

~~The following information shall be required by the applicant for site plan review:~~

- ~~1) locus plan;~~
- ~~2) location of structures within 200 feet of property lines;~~
- ~~3) existing and proposed buildings, showing setbacks from property lines;~~
- ~~4) building elevations;~~
- ~~5) parking areas, driveways, and facilities for pedestrian movement including parking calculations based on current regulations;~~
- ~~6) drainage system;~~
- ~~7) utilities and lighting;~~
- ~~8) landscaping, including trees to be removed and retained;~~
- ~~9) loading and unloading facilities;~~
- ~~10) provisions for refuse removal;~~
- ~~11) drainage calculations and **verification of soil types**;~~
- ~~12) existing and projected traffic volumes from the site and effect on the local road network;~~
- ~~13) existing and proposed contour elevations in five (5) foot~~

- increments;
- 14) ~~location of well or public drinking water supply;~~
 - 15) ~~location of wetlands approved by the Conservation Commission;~~
 - 16) ~~proposed and existing location of signs;~~
 - 17) ~~any building over 35,000 cubic feet should be accompanied by engineered plans drawn by a certified architect as required by the Massachusetts building code;~~
 - 18) ~~all information should pertain to existing and proposed;~~
 - 19) ~~Stormwater Management Plan detailing the Best Management Practices that will be employed at the site such that stormwater runoff shall meet the performance standard found in the most current version of the Massachusetts Department of Environmental Protection's Stormwater Management Policy;~~
 - 20) ~~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;~~

In addition, at least ten (10) days prior to filing a site plan with the Planning Board, an applicant shall submit one copy of the site plan to each of the following boards and officers, together with a request for review and recommendation to the Planning Board pursuant to this section:

- ~~Police Chief~~
- ~~Fire Chief~~
- ~~Board of Health~~
- ~~Conservation Commission~~
- ~~Highway Surveyor~~
- **Building Department**
- **Open Space Committee**
- **Select Board**

Said boards and officers shall review the site plan, considering the effects of the purposed use and related construction, and shall make recommendations as they deem appropriate to minimize any detrimental effects of the development on nearby property or on Town Roads or other infrastructure.

(Adopted at STM June 11, 2001, approved by attorney general September 19, 2001)

(Name change from Board of Selectmen to Select Board Adopted at STM November 8, 2021, approved by Attorney General December 15, 2021.)

6.7.3 ~~Procedure Residential~~ Applicability

Site Plan Review applies to the following:

- 1) New construction of structure to be occupied by a business or industrial use;
- 2) An addition to an existing structure occupied by a business or industrial use 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 structure occupied by a business or industrial use which increases the previously approved occupant load by 10%;
- 4) A change in use of an existing structure to a business or industrial use;
- 5) New multifamily building construction of three (3) or more units; and/or
- 6) New construction, modification, or addition to any residential structure which will disturb more than 43,560 square feet of ground.

~~Applicants for a building permit for new construction of or for modification or addition to any residential structure which will disturb more than 43,560 square feet of ground shall submit three (3) copies of a site plan as described herein to the Town Clerk for Planning Board approval. Failure of the Planning Board to act within twenty-one (21) days of receipt of a site plan shall be deemed lack of opposition thereto.~~

~~The following information shall be required by the applicant for site plan review:~~

- 1) ~~locus plan;~~
- 2) ~~location of structures within 100 feet of property lines;~~
- 3) ~~existing and proposed buildings, showing setbacks from property lines;~~
- 4) ~~existing and proposed contour elevations in two (2) foot increments;~~
- 5) ~~location of well or public drinking water supply;~~
- 6) ~~location of wetlands approved by the Conservation Commission;~~
- 7) ~~all information should pertain to existing and proposed;~~
- 8) ~~Stormwater Management Plan detailing the Best Management Practices that will be employed at the site such that stormwater runoff shall meet the performance standard found in the most current version of the Massachusetts Department of Environmental Protection's~~

- ~~Stormwater Management Policy;~~
- ~~9) 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;~~
 - ~~10) other information as may be necessary to determine compliance with the provisions of this By-Law.~~

~~In addition, at least ten (10) days prior to filing a site plan with the Planning Board, an applicant shall submit one copy of the site plan to each of the following boards and officers, together with a request for review and recommendation to the Planning Board pursuant to this section:~~

- ~~• Police Chief~~
- ~~• Fire Chief~~
- ~~• Board of Health~~
- ~~• Building Department~~
- ~~• Conservation Commission~~
- ~~• Highway Surveyor~~
- ~~• Open Space Committee~~
- ~~• Select Board~~

~~Said boards and officers shall review the site plan, considering the effects of the proposed use and related construction, and shall make recommendations as they deem appropriate to minimize any detrimental effects of the development on nearby property or on Town Roads or other infrastructure.~~

~~(**Bolded text** Adopted June 13, 2005; Approved by Attorney General September 30, 2005. **Bolded underlined text** adopted June 3, 2019; approved by Attorney General September 13, 2019)~~

~~(**Name change from Board of Selectmen to Select Board** Adopted at STM November 8, 2021, approved by Attorney General December 15, 2021.)~~

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 verifications 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, flagged for approval 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.

6.7.5 Review Procedure

6.7.5.1 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 and an electronic copy 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
- DPW Director
- Building Department

- Select Board

6.7.5.2 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 (7) days before the hearing. Notice shall also be sent to all abutters at least seven (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.

6.7.5.3 Consultants

The Planning Board may require that any plans, reports, or studies be reviewed by outside consultants at the applicant's expense in accordance with G.L. Ch.44, Section 53G.

6.7.6 Performance Standards

6.7.6.1 Purpose

The following performance standards have been adopted in order to control the size, scale, and impacts of projects listed in Section 6.7.3. The Planning Board shall ensure that such standards are met during the review of any Planning Board site plan review application or those that also require a special permit.

6.7.6.2 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.

6.7.6.3 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.

6.7.6.4 Circulation

Driveways and internal circulation shall be safe, adequate and convenient for automotive as well as pedestrian and bicycle traffic. Sidewalks and parking lots shall meet Massachusetts Architectural Access Board Regulations and the American with Disabilities Act Design Standards. 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.

6.7.6.5 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 connector drives.

6.7.6.6 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. See Section 6.7.7 for specific standards.

6.7.6.7 Screening, buffers, and landscaping requirements

Notwithstanding whether or not the project is adjacent to a Residential District, the plan shall comply with Sections 5.2.4.1, 5.2.4.2, 5.2.5.1 or 5.2.5.2 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.

6.7.6.8 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.

6.7.6.9 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. The Board may require that specific areas adjacent to buildings or areas of the business' operations be specifically reserved for loading or delivery operations. These areas cannot be counted for parking or utilized for access aisles. All service areas, dumpster and trash receptacle locations, and other similar uses shall be screened from the street and from public view, through a variety of materials such as walls, fences, plantings or a combination of these materials.

6.7.6.10 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.

6.7.6.11 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 Department of

Environmental Protection, Massachusetts 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.

6.7.6.12 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 the streets serving the site; and drainage improvements necessitated by the development of the site.

6.7.6.13 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.

6.7.6.14 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 the Commonwealth of Massachusetts, Department of Transportation, Standard Specifications for Highway and Bridges (latest edition) or standard engineering practices as determined by the Board or its designee.

6.7.7 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.

6.7.7.1 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.

6.7.7.2 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.

6.7.7.3 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.

6.7.7.4 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.

6.7.7.5 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.

6.7.7.6 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.

6.7.7.7 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 over 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. Lighting shall comply with the Town of Lakeville Outdoor Lighting By-Law.

6.7.7.8 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.

6.7.8 Decision, Inspection, Fees, and Appeals

6.7.8.1 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 majority vote. The Planning 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.

6.7.8.2 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.

6.7.8.3 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.

6.7.8.4 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 Planning Board in advance of the Planning Board placing the extension request on an agenda of a regular or special Planning Board meeting. Extensions may not be granted for plans which no longer conform to the Town of Lakeville Zoning By-Law.

6.7.8.5 Compliance

No building permit shall be issued by the Building Commissioner 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.

6.7.8.6 On-site construction

The Board shall require the inspection of site construction approved under this section. The applicant shall be responsible for the inspection fee. 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 or designee of the Planning Board 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 that are of such a nature or magnitude that they would unreasonably compromise the basis of approval. The Planning 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. An as built plan shall be submitted.

6.7.8.7 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.

6.7.8.8 Fees

The Planning Board may adopt reasonable application and administrative fees, technical review fees, and inspection fees for site plan review.

Article _____

To see if the Town will vote to amend the Town of Lakeville Zoning By-Laws by **ADDING** the following Definitions to Section 2.0 Definitions and **DELETE** the existing Section 6.6 Sign Regulations and **REPLACE** with the following new Section 6.6 Sign Regulations.

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 (1) 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.

Common Directory Sign: Where more than one (1) business or use is located in a building only one (1) freestanding sign may be erected, which shall serve all of the businesses or uses at that location.

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 three (3) times in one (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.

Internally Illuminated Sign: A sign which is illuminated by means of a light source completely enclosed by the signs panels.

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.

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.

6.6.2 Permit Required

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.

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.

6.6.2.3 Sign permit fees shall be determined by the Select Board.

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:

1. horizontally more than two (2) feet;
2. into or over any way;
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.

6.6.3.8 Freestanding signs shall have landscaping at the base.

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

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.

6.6.3.11 Wall signs shall not exceed 15% of the area of the wall it is attached to or thirty-two (32) Square Feet whichever is less.

6.6.3.12 Window signs shall not exceed thirty percent (30 %) of the total area of all windows and doors.

6.6.3.13 One (1) Temporary subdivision sales sign not to exceed thirty-two (32) square feet. This sale sign shall be removed upon the issuance of occupancy permits for seventy-five percent (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.

6.6.4.2 Temporary posters, placards, or signs associated with a political campaign or current political issue associated with an election.

6.6.4.3 Signs located on residential structures or driveways, 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.

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.

6.6.4.6 Normal highway control signs, hazard signs, and other State-approved highway safety signs.

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.

6.6.4.8 One (1) sign not exceeding thirty-two (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.

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.

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 (2) 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 ninety (90) days in each twelve (12) month period per establishment.

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

6.6.5.7 At the end of the ninety (90) 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.

6.6.6 Special Permits

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.

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

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.

6.6.6.4 Changeable copy signs and electronic message boards shall not exceed twelve (12) square feet. Only one (1) of these types of signs are permitted per property.

6.6.6.5 Common Directory signs may be allowed to have one (1) additional internally illuminated panel per business not to exceed twelve (12) sq ft.

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

6.6.7 General Sign Prohibitions

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.

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.

6.6.7.6 Roof mounted signs that are taller than two (2) feet or extend over the peak of the roof.

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.

6.6.7.8 Portable Signs except for Temporary signs.

6.6.7.9 Banners, pennants, ribbons, streamers, spinners, balloons, and string of lights.

6.6.7.10 Electronic message boards or the electronic message board portion of a sign that exceeds twelve (12) Square feet.

6.6.7.11 Changeable copy signs or the portion of a sign that is changeable copy that exceeds twelve (12) square feet.

6.6.7.12 Electronic Outdoor Advertising Signs.

6.6.7.13 Internally illuminated signs greater than twenty-four (24) square feet.

6.6.7.14 Free Standing signs exceeding thirty (30) feet in Height.

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

6.6.8. Removal of signs

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.

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.

6.6.9 Nonconforming Signs

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 or renewal is for the same business and has the same dimensions, and same location of the existing sign.

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
2. When the name of the business changes and the sign is changed or modified in shape or size.

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

6.6.10 Administration, Violations, Appeals

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

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

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.

Or take any other action relative thereto

Full text-redline copy

To see if the Town will vote to amend the Town's Zoning By-law with respect to the regulation of signs with additions **Highlighted** and deletions in ~~strikethrough~~:

1. To amend the Town's Zoning By-law Section 2.0 **DEFINITIONS** to include the following new 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.

Common Directory Sign:

Where more than one (1) business or use is located in a building only one (1) freestanding sign may be erected, which shall serve all of the businesses or uses at that location.

Directional Signs:

Shall be solely for pedestrian or vehicular traffic. Directional signs shall indicate parking entrances, exits, drive-throughs, 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 twenty (20) seconds and may refresh or change, no more than three (3) times in one (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.

Internally Illuminated Sign:

A sign which is illuminated by means of a light source completely enclosed by the sign's panels.

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.

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.

2. To amend the Town's Zoning By-law Section 6.6 **SIGN REGULATIONS** with additions **Highlighted** and deletions in ~~strikethrough~~:

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.

6.6.2 ~~General Sign Prohibitions~~ **Permit Required**

6.6.2.1 ~~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.~~

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

6.6.2.2 ~~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.~~

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.

~~6.6.2.3 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.~~

Sign permit fees shall be determined by the Select Board.

~~6.6.2.4 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.~~

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.

6.6.3.8 Freestanding signs shall have landscaping at the base.

6.6.3.9 All signs must be maintained, this includes awning material, lettering, lighting, and landscaping.

6.6.3.10 Freestanding signs are permitted to have either a changeable copy sign or an Electronic Message Board as part of its sign but not both.

6.6.3.11 Wall signs shall not exceed fifteen percent (15%) of the area of the wall it is attached to or thirty-two (32) square feet whichever is less.

6.6.3.12 Window signs shall not exceed thirty percent (30%) of the total area of all windows and doors.

6.6.3.13 One (1) Temporary subdivision sales sign not to exceed thirty-two (32) square feet. This sale sign shall be removed upon the issuance of occupancy permits for seventy-five percent (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.

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.

~~6.6.4.5 Normal highway control signs, hazard signs, and other state-approved highway safety signs.~~

6.6.4.6 Normal highway control signs, hazard signs, and other State-approved highway safety signs.

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

6.6.4.8 One (1) sign not exceeding thirty-two (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.

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.

~~6.6.5.3 No two or more of such signs shall be closer than five hundred (500) feet apart.~~

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

- 6.6.5.4 ~~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.~~

No two (2) or more of such signs shall be closer than five hundred (500) feet apart.

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

The combined total number of days that one or more temporary signs may be displayed on the premises shall not exceed sixty (90) days in each twelve (12) month period per establishment.

- 6.6.5.6 ~~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.~~

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

- 6.6.5.7 ~~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.~~

At the end of the sixty (90) 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.

~~6.6.6 Off premise signs, 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.~~

6.6.6 Special Permits

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.

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

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.

6.6.6.4 Changeable copy signs and electronic message boards shall not exceed twelve (12) square feet. Only one (1) of these types of signs are permitted per property.

6.6.6.5 Common Directory signs may be allowed to have one (1) additional internally illuminated panel per business not to exceed twelve (12) square feet.

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

6.6.7 General Sign Prohibitions

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.

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.

6.6.7.6 Roof mounted signs that are taller than two (2) feet or extend over the peak of the roof.

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.

6.6.7.8 Portable signs except for Temporary signs.

6.6.7.9 Banners, pennants, ribbons, streamers, spinners, balloons, and string of lights.

6.6.7.10 Electronic message boards or the electronic message board portion of a sign that exceeds twelve (12) square feet.

6.6.7.11 Changeable copy signs or the portion of a sign that is changeable copy that exceeds twelve (12) square feet.

6.6.7.12 Electronic Outdoor Advertising Signs.

6.6.7.13 Internally illuminated signs greater than twenty-four (24) square feet.

6.6.7.14 Free Standing signs exceeding thirty (30) feet in height.

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

6.6.8 Removal of signs

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

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.

6.6.9 Nonconforming Signs

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 or renewal is for the same business and has the same dimensions, same copy, and same location of the existing sign.

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 or size.

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

6.6.10 Administration, Violations, Appeals

6.6.10.1 It shall be the duty of the Building Commissioner to administer this By-law.

6.6.10.2 Violations of the Sign By-law shall be enforced in accordance with Section 8.0 of these By-laws.

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.

Article _____

To see if the Town will vote to amend the Town of Lakeville Zoning By-Laws by adding the following new Section:

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.

3. Lots approved under this section do not have to comply with the requirements of Section 5.1 Intensity Regulations and instead shall comply with the requirements found in 7.10.4.4.

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

Frontage: 100 feet *
Front yard setback: 25 feet
Side yard setback: 20 feet
Rear yard setback: 25 feet

Maximum Height of buildings
Number of Stories 2.5
Height 35 Feet

Lot Coverage 40%

Towers are not permitted

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

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

7.10.5. Dedicated Open Space

1. A minimum of 50% of the upland area of the parcel shall become dedicated open space as described below. The Planning Board may reduce this figure to a minimum

of 40% if it determines there are unique circumstances (re: shape of parcel, topography, wetlands, etc.) that would individually or together preclude the construction of the OSRD or that the open space to be provided is of exceptional value to the Townspeople. Roadway layouts shall be excluded from the open space land area calculations.

2. Uses for open space: The open space may be used for wildlife habitat and conservation and may also be used for the following additional purposes: historic preservation, outdoor education, passive 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... The Select Board must vote to accept this park prior to final approval, or the land shall remain as open space and be deeded to the Conservation Commission as open space.
3. Detention or retention basins may be located in the open space however this land area may not be counted towards the minimum open space required.
4. Dedicated open space may be utilized as natural courses for disposal for storm drainage from impervious surfaces. Other than minor berming (maximum 3-1 slopes which shall blend into the landscape) and riprap at pipe outflows, no significant disruptions of the land (contour changes greater than three feet) for drainage are permitted.
5. Dedicated open space may be in one or more parcels of a size and shape appropriate for its intended use. The parcels shall be laid out to promote convenient access by the homeowners within the OSRD and the general public. Wherever practical, parcels shall be accessible via upland areas. The adequacy of the open space land shall be determined by the Planning Board.
6. Public access to proposed preserved open space, including paths, shall be provided. 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 Select Board 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 where the open space is not conveyed to the Town, a permanent conservation, agricultural or historical preservation restriction approved by Town counsel and enforceable by the Town, conforming to the standards of the Massachusetts Executive Office of Energy and Environmental Affairs, Division of Conservation Services shall be recorded to ensure that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking or roadways except as permitted by this bylaw and approved by the Planning Board. Restrictions shall provide for periodic inspection of the open space by the Town. Such restriction shall be submitted to the Planning Board prior to approval of the project and at the Registry of Deeds/Land Court simultaneously with recording of the endorsed definitive subdivision plan. A management plan may be required by the Planning Board which describes how existing woods, fields, meadows, or other natural areas shall be maintained with good conservation practices.
4. 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.
5. 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 as required by the Town of Lakeville Rules and Regulations of the Planning Board Governing the Subdivision of Land.

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 Filings.

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

1. A detailed analysis of the site, including wetlands, soil conditions, areas within the 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 to determine if it approves the plan as submitted.
4. The Planning Board may impose conditions as a part of any approval that furthers the purposes of this Section 7.10 and these bylaws.
5. The Planning Board shall require a performance guarantee pursuant to G.L. Ch.41 Section 81U. to secure the proper completion of all infrastructure as well as the fulfillment of any conditions of approval.

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 By-Law.

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 Planning 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.

Or take any other action relative thereto

FULL TEXT-Redline copy

Article _____

To see if the Town will vote to amend the following Section of the Zoning By-law with deletions noted in ~~striketrough~~ and additions **highlighted**

Section 7.4 **Special Permits**, Sub-section 7.4.6, **Specific Uses by Special Permit**, **Auto or Boat sales, rentals or service**

SPGA – Board of Appeals; ~~Industrial Districts~~ **Business District**

Or take any other action relative thereto

#5

Cathy Murray, Appeals Board Clerk

From: Jilian Morton <jam@mortonlawllc.com>
Sent: Thursday, May 5, 2022 9:54 AM
To: Cathy Murray, Appeals Board Clerk
Cc: mjkn05@gmail.com; Marc Resnick
Subject: Re: 2 Bedford St Site Plan

Good Morning Cathy and Marc,

I have spoken to my team who were working with the potential tenant and have finally come to agreement. We are therefore respectfully requesting a continuance to May 26th meeting in front of the board. Prior to that we will submit the amended plans to your office for review, so that we will all be ready for the 26th.

Thank you,
Jilian A. Morton, Esq.

The Law Offices of Bello & Morton, LLC

184 Main Street
Wareham, Massachusetts 02571
508-295-2522
jam@mortonlawllc.com

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On Mon, Apr 25, 2022 at 10:58 AM Cathy Murray, Appeals Board Clerk <cmurray@lakevillema.org> wrote:

Hi Jillian,

The next scheduled meeting will be May 12th. I can put you on that agenda. Do you have the amended plan yet?

Thanks

Cathy Murray, Appeals Board Clerk

#7

From: Terence Russell <trussell@epsteinglobal.com>
Sent: Monday, May 9, 2022 1:46 PM
To: Jeffrey McQuiston; Cathy Murray, Appeals Board Clerk
Cc: Marc Resnick; mjkn05@gmail.com; Dave Hilty
Subject: RE: Site Plan 310 Kenneth W. Welch Drive
Attachments: Vega Strategic- Lakeville MA Cultivation & Manuf - 310 Kenneth Welch Drive - Site Plan Review 5-12-2022

Importance: High

Hi Cathy,

Jeff asked me to respond to your email since I am more directly involved with the site plan at this point. Here is what has transpired since the March 24th meeting.

Vega- Strategic the new building owner has hired Epstein to provide the comprehensive site plan and subsequent engineering for the 310 Kenneth Welch Drive site.

Since early April, Epstein has retained the services of Coneco to complete the survey work of the site to include the remaining grades and to provide a tree survey of the eastern portion of the site. Additionally, Epstein found the engineer who provided the original wetland delineation of the site and has asked him to reconfirm the wetlands and determine its accuracy. He will begin this week on that activity.

Our in house civil engineer has been working with the building owner and Northeast Alternatives (another tenant at 310 Kenneth Welch Drive) to get a parking layout, loading dock area, and proper fire truck movement around the site. At this point in the design we are still working with preliminary numbers and parking layouts in anticipation of the Meeting on the 12th, however since it takes time to gather all of the information that the city requires, we do not have final engineering drawings.

It is our intention to be present at the May 12th meeting to present a preliminary layout and updates on the progress to date (see email sent to Marc Resnick attached). Epstein will be representing Vega Strategic at this meeting.

Please feel free to contact me if you have any further questions.

Thank You.

Terence

Terence Russell, AIA
Senior Project Manager

EPSTEIN
D +1-312-429-8199
C +1-630-544-1086

From: Cathy Murray, Appeals Board Clerk <cmurray@lakevillema.org>
Sent: Monday, May 9, 2022 11:45 AM
To: Jeffrey McQuiston <jmquiston@epsteinglobal.com>
Cc: Marc Resnick <mresnick@lakevillema.org>; mjkn05@gmail.com
Subject: Site Plan 310 Kenneth W. Welch Drive

**Planning Board
Lakeville, Massachusetts
Minutes of Meeting
April 21, 2022
Remote meeting**

On April 21, 2022, the Planning Board held a remote meeting. It was called to order by Chairman Knox at 5:30 p.m. LakeCam was recording, and it was streaming on Facebook Live.

Members present:

Mark Knox, Chair; Peter Conroy, Vice-Chair; Michele MacEachern, Jack Lynch, Nora Cline

Others present:

Attorney Amy Kwesell, Town Counsel; Marc Resnick, Town Planner; John Jenkins, Ann Marie Sherrick, Heather Bodwell, Brian Fedy, Martin Schwalm, Susan Spieler, Kolleen Carchio, Hilary Wood, and Susan Aukstikalnis; residents

Agenda item #1

Mr. Knox read this item into the record. It was an explanation of how the provisions of Chapter 20 of the Acts of 2021 allowed the Board to continue to meet remotely.

Discussion concerning the removal of Section 7.9 Development Opportunity (DO) District from the Lakeville Zoning By-law, the Board's vote of April 14, 2022, and any other action relating to this section

Mr. Knox said the first item on the agenda is the discussion concerning the removal of Section 7.9, the DO District, the Board's vote of April 14, 2022, and any other action related to it. He believed this item had not been properly put on the agenda and voted on at their April 14, 2022, meeting. This has been placed on the agenda to ratify that vote. To summarize, on April 14, 2022, Ms. MacEachern made a motion to eliminate the DO District; it was seconded by Ms. Cline; and there was a majority vote to post for a public hearing to continue that action. He then asked Atty. Kwesell to weigh in on this action tonight and if anything else was required to make this action correct.

Atty. Kwesell replied because the subject was not on the agenda for April 14th, it was put on tonight's agenda. The Board will discuss a zoning amendment to remove the DO District. In her opinion, any defect that happened on April 14th by taking a vote that was not on the agenda is being corrected tonight. Anything that happened that night will become null and void because of the properly noticed meeting of tonight. Mr. Knox then asked for a brief summary of what the Planning Board's actions should be to carry this out.

Atty. Kwesell responded they have Town Meeting on May 16, 2022. That Warrant has opened and closed so no action that is voted on tonight will be taken up at that meeting. A public hearing would have to be held to get onto the fall Town Meeting. It appears that the fall special Town Meeting is in November, usually the second or third week. The Board will vote to make this an Article for the fall Town Meeting and submit it to the Select Board pursuant to the General By-law, Section 2, which requires that any Article that goes on the Warrant has to be put on by the Select Board.

Atty. Kwesell continued Mass General Laws, Chapter 40A, Section 5, requires the Select Board to then send the Article to the Planning Board. The Board then has 65 days to hold a public hearing. It must be advertised for two weeks, and then the hearing can be held. Once the hearing is closed, the Planning Board has to make its report in 21 days. If a report is not made in 21 days, Town Meeting can still act on the Article. However, any Planning Board recommendation is only good for six months. She thought it would be alright, but they needed to take that time frame into consideration.

Atty. Kwesell then explained the impact of this proposed zoning amendment. She advised it becomes effective when it is voted by Town Meeting, but it also has to be reviewed and approved by the Attorney General, so there is a disconnect between the two statutes. The way that has been interpreted is that the zoning amendment becomes effective upon the Town Meeting vote and anything that is done between that vote and the Attorney General approving that amendment is done at the person's own risk. They also have vested rights which are called freezes. Vested rights are anyone that has a Special Permit or a Building Permit prior to the first public hearing notice of the Chapter 40A, Section 5, Planning Board public hearing; the zoning amendment will not affect them. The freeze protection refers to anyone that files a preliminary subdivision plan for a parcel of land. If they file that prior to the vote of Town Meeting, and then within seven months file a definitive subdivision plan, they are then protected for eight years. That freeze applies to use, dimensions, etc. Atty. Kwesell said that if someone files an ANR plan under Chapter 41, Section 81P, prior to Town Meeting, the use only is protected for three years.

Mr. Knox said that Ms. MacEachern had made a motion at the April 14th meeting. He asked her if she would like to make that motion again. Ms. MacEachern then made a motion to ratify the vote taken from April 14, 2022, for the Planning Board to hold a public hearing in regards to the removal of the Development Opportunities District. Ms. Cline seconded the motion. Atty. Kwesell noted that the motion was satisfactory and the next step would be to send that Article to the Select Board to be put on the fall Town Meeting Warrant. Mr. Resnick then read the proposed Article into the record as follows: "to see if the Town will vote to remove in its entirety Section 7.9, Development Opportunities, the DO District from the Town of Lakeville Zoning by-law or take any other action thereto." Atty. Kwesell said that sounded fine. The Board of Selectmen would then send it back to the Planning Board where they will have to make a recommendation on it. She noted that sometimes during that process, there are some adjustments.

Roll Call Vote: Mr. Conroy-Aye, Ms. MacEachern-Aye, Mr. Lynch-Aye, Ms. Cline-Aye, Mr. Knox-Aye

Discussion concerning possible changes the Lakeville Planning Board Rules and Regulations relating to the Development Opportunities District

Mr. Knox said he would like to discuss amending the dimensional requirements on the DO District. He noted this was actually in the DO District language under 7.9.6E, which he then read into the record. He asked Atty. Kwesell if they had the same right to amend those with the same 48-hour notice for a public meeting. Atty. Kwesell said that would be yes, so whatever process they were enacted under, would be the same process to amend them. Mr. Knox said they had adopted the dimensional requirements for industrial zoning.

He would move the Planning Board lower the lot coverage to 25% to mirror the residential lot coverage; to remove the ability for density bonuses which are part of their by-laws; to increase the setbacks to 200 feet; to increase the noise and visual buffering to 200 feet. Members then discussed if the 25% amount for lot coverage was appropriate. Mr. Knox advised that they could not change these rules and regulations to make a lot unbuildable. Atty. Kwesell then stated that nothing they were doing tonight would impact the hospital project, but they could not make rules and regulations to stop a project. In Court, that would not be considered reasonable.

Atty. Kwesell said the DO District allows a minimum of 25 acres so they have to consider any property that has 25 acres, but they could not base their regulations on a project that might be coming in front of them. Ms. Cline asked if changing it to 25% would be acceptable as that was also the coverage for residential. Atty. Kwesell replied that she thought that was a reasonable relation and if going lower than that, they would need to have some type of support.

Mr. Conroy asked for clarification regarding the noise and visual buffering. Would that begin at 200 feet? Mr. Knox said his understanding would be it is from the outer perimeter lot line where it would abut an adjacent property; and they would be required to have 200 feet of buffering into their own property from the lot line in. Mr. Resnick said they had talked about maybe in the summer spending some time looking at the DO District zoning and the rules and regulations and then identifying locations where it would be deemed more acceptable to have industrial development. Even though they were proposing some changes tonight, he felt it would be wise to continue to look this over during the summer to see if they could refine the DO District. With the limited amount of land, long term, they probably didn't want to have such a small use of land in appropriate areas as it was overly strict. In inappropriate areas, it would be fine.

Mr. Knox asked Atty. Kwesell if on some of these regulations the Planning Board would have the ability to waive or re-amend them to favor a project that was thought to be appropriate. Atty. Kwesell replied, in her opinion, they had the ability to waive and/or amend them. Mr. Knox said to Mr. Resnick's point, this could be revisited and improved upon, and he would be open to listening to that. For tonight, unless the Board had a different intention, he would continue upon this path and not eliminate what they were doing just to hold off until summer to make a different change. Mr. Conroy said that he did agree.

Mr. Knox then made a motion, seconded by Mr. Conroy, to amend the dimensional requirements of the DO District in which they would lower the lot coverage to 25%; remove the ability to have density bonuses; increase setbacks to 200 feet; and increase buffering to 200 feet.

Roll Call Vote: Mr. Conroy-Aye, Ms. MacEachern-Aye, Mr. Lynch-Aye, Ms. Cline-Aye, Mr. Knox-Aye

Mr. Knox noted that they had a lot of the public here so he would welcome any comments at this time. No one spoke.

Ms. Cline felt this was an important step to take. She believed that they needed to be as transparent as possible with updates in the meetings to let the public know how it is progressing. Mr. Knox said that he would also hope that they have a lot of attendance.

Next meeting

Mr. Knox then announced the next meeting is scheduled for April 28, 2022, at 7:00 p.m.

Ms. MacEachern asked when the public hearing would be posted. Mr. Resnick said that it will probably be by the end of next week. Atty. Kwesell noted that it would first have to go to the Select Board under their by-law and the statute. The Select Board will then send it back to the Planning Board.

Mr. Resnick added that their next meeting would be at the Library. The public hearings have been re-noticed and re-scheduled for Thursday, May 12th at the Police Station.

Mr. John Jenkins then asked if the changes to the DO District that they were proposing to implement now or shortly would become effective for the purchase and sale and the requested DO District of the Lakeville Country Club? Atty. Kwesell said that is not as clear as the Zoning. If a preliminary subdivision plan has been filed, whatever property is shown on that plan is entitled to an eight-year freeze with regard to the zoning by-law's use and dimensional requirements. Their by-law allows them to enact rules and regulations that affect dimensional requirements so it would be most likely that the dimensional changes made tonight would not affect them because it all ties back to the bylaw that allows them to make those changes. That bylaw was frozen as of the day that they filed that preliminary subdivision plan with the Town Clerk.

Ms. MacEachern asked if the Site Plan was filed by the current owner and not the potential buyer does it freeze the zone for the seller and the buyer. Atty. Kwesell replied it is the property that is subject to the freeze, not who files it. It is the zoning and whatever is in the zoning bylaw as of the day that they filed the plan with the Town Clerk. Ms. MacEachern asked if the Town has to recognize that Preliminary Plan, could they also recognize that the current owner is changing the use of the property from Chapter 61 protection and move forward with a fair market assessment. Atty. Kwesell replied Chapter 61A and any kind of value of the land has nothing to do with the zoning. If a preliminary plan has been filed, the zoning is frozen the date they filed it with the Town Clerk. The statute says that within seven months they have to file a definitive sub division plan. As to ownership, the right of first refusal, and the 61A tax, none of that impacts Chapter 40A, Section 6 which allows for this freeze, in her opinion.

Ms. MacEachern asked if there was any case law in regards to this. Atty. Kwesell replied the only case she could reference was where the Planning Board alleged that a preliminary plan that was filed was not adequate. The Court held that the preliminary plan is exactly that. It's preliminary and so it can be pretty bare bones. She did not know of any reason why 61A or right of first refusal would come in because ownership does not have any impact on zoning.

Ms. Kolleen Carchio asked if they could give them the date the preliminary plan was filed. Mr. Resnick replied it was filed two days ago. Atty. Kwesell responded a definitive subdivision plan would have to be filed within seven months of the date it was filed. Ms. Carchio said that would be November 19th. She asked if the preliminary plan was available for public access. Mr. Resnick said it was in the Planning office at Town Hall.

Adjourn

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

Roll Call Vote: Mr. Conroy-Aye, Ms. MacEachern-Aye, Mr. Lynch-Aye, Ms. Cline-Aye, Mr. Knox-Aye

Meeting adjourned at 6:16.