



# TOWN OF LAKEVILLE MEETING POSTING & AGENDA

Town Clerk's Time Stamp  
received & posted:

LAKEVILLE TOWN CLERK  
ROUD 2023 AUG 4 AM 11:25  
*[Signature]*  
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, August 10, 2023 at 7:00 p.m.
Location of Meeting:	Lakeville Police Station 323 Bedford Street, Lakeville, MA 02347
Clerk/Board Member posting notice:	Cathy Murray

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

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

## A G E N D A

1. **Public Hearing (7:00) 13 Main St., continued** - upon the application for a Site Plan Review and Approval submitted by Main Street Real Estate Holdings, LLC for a proposed development with two (2) three (3)-story apartment buildings with a total of 40 age qualified residential units and associated site improvements.
2. **Public Hearing (7:00) Site Plan Review – 156 Rhode Island Road, continued** - T. Sikorski Realty, LLC -applicant
3. Discuss OSRD draft bylaw
4. Discussion regarding Sign By-Law and Commercial Zoning Districts.
5. Discussion regarding a policy for additional hearing submittals
6. Approve the May 25, 2023 and June 8, 2023 Meeting Minutes
7. Review correspondence
8. Next meeting. . . To be determined
9. Any other business that may properly come before the Planning Board.
10. 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

Draft

August \_\_, 2023

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

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

T. Sikorski Realty, LLC  
50 Turner Street  
Taunton, MA 02718

For a site plan modification and site construction at:  
**156 Rhode Island Road**

Ms. Drane:

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

At a regularly scheduled meeting on August 10, 2023, the Lakeville Planning Board granted Site Plan Approval to the above applicant to allow a modification to the site plan of a commercial building on the property. The vote (\_\_:\_\_) to approve the application was taken after proper notification and a public meeting that was opened on \_\_\_\_\_ and continued to \_\_\_\_\_ after which it was closed, all according to the Bylaw.

The site is a 3.1- acre parcel located at 156 Rhode Island Road within the Industrial zoning district. The site contains a garage building and large gravel parking area behind the building. This site is currently used for.....

After discussion the Board voted to approve the Site Plan for T. Sikorski Realty, LLC, with the following conditions:

1. The improvements, facilities, amenities, and alternations shown on Site Development Plans for # \_\_\_\_\_ dated \_\_\_\_\_, last revised \_\_\_\_\_, drawn by River Hawk Environmental, Marshfield, MA, and building design drawings drawn by Northcounty Group, Inc, Taunton, MA are incorporated as requirements and conditions of this approval.
2. The applicant shall pay the required inspection fee prior to any site work occurring on the property or the issuance of a building permit.
3. During construction Rhode Island Road and Crooked Lane shall be kept free of mud, dirt and debris from the site construction.
4. The conditions of this Site Plan Approval shall be added to the final set of approved plans submitted to the Board for signatures.
5. The screening of loam, gravel or other materials shall not take place on the property.
6. There shall be no outside work on vehicles or construction equipment.
7. There shall be no outdoor storage of construction or landscaping materials.
8. The applicant shall return to the Planning Board for site plan review should they want to make any site changes or expand the use onto the newly acquired abutting property.
9. Prior to a Building Permit being issued for the construction of the building the applicant shall submit and receive approval of a water connection application from the Lakeville Select Board.
10. All required sedimentation and erosion controls shall be in place prior to the commencement of construction. The Planning Board inspector shall be contacted for inspection prior to the commencement of construction. The best management and maintenance practices for the site shall be followed at all times, including after the issuance of a Certificate of Occupancy for the premises.
11. Construction of the site shall be limited to 7:00 a.m. to 5:00 p.m. Monday through Friday, 8:00 a.m. to 4:00 p.m. Saturdays, and no work on Sundays and Federal and State holidays. During construction all local, state, and federal laws shall be followed regarding noise, vibration, dust, and blocking of town roads. The Applicant shall at all times use reasonable means to minimize inconvenience to residents in the general area.
12. The drainage system shall be functional (re: soil stabilized, rip-rap installed, basins grassed, etc.) prior to an occupancy permit being issued for the structure. The applicant shall install oil & grease traps in the catch basins.
13. The applicant or successors are required to maintain the drainage system. Catch basins shall be cleaned at least yearly, or more often if required in the Operation a Maintenance Plan. Failure to maintain the drainage system will be considered a violation of this approval. In the

event of a maintenance failure, the applicant shall be provided notice and the reasonable opportunity to cure any such deficiency; the applicant's failure to cure such deficiency in maintaining the drainage system will be considered a violation of this approval. Periodic stormwater system maintenance reports shall be submitted to the Board.

14. Should the Planning Board have concerns with the level of lighting, intensity of the lights, or lighting spillage onto abutting properties or the street the Board reserves the right to require the applicant to adjust the level of lighting, the type of lighting fixtures or the location of individual lights.
15. The Applicant shall notify the Planning Department in writing two or more working days prior to the following construction milestones or as otherwise instructed by the Board or the Planning Board inspector:
  - commencement of work on-site;
  - installation of stormwater management facilities;
  - installation of trees and other landscaping features;
  - prior to the final paving of the parking lot and drives; and
  - completion of site work.
16. All Site work must be completed within twelve (12) months of the issuance of a Building Permit.
17. The applicant shall obtain a street opening permit from the Lakeville Department of Public Works (DPW). All work within the public right-of-way shall be properly cut, patched and sealed/infrared or overlaid with pavement as required by the DPW. This work shall be inspected and approved by the Department of Public Works.
18. All signs installed on site shall comply with Lakeville Sign By-Laws
19. Handicapped access and facilities shall comply with the Americans with Disability Act and Architectural Access Board standards.
20. Any proposed change(s) from the approved site plans or additional site work deemed substantive by any Town official shall be presented for review by the Planning Board. The Board shall determine if there is a need for a public hearing and shall then act accordingly on the change(s). Approved revisions shall be illustrated on plans and submitted to the Board.
21. All construction shown on the site plan must be completed prior to the issuance of an occupancy permit.
22. Site plan approval shall lapse if construction is not commenced within twenty-four (24) months from the date of approval.

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

Appeals to this decision shall be made pursuant to Section 8.0 of the Zoning Bylaws within twenty (20) days of the filing of this decision with the Town Clerk.

I, Mark Knox, Chairman of the Lakeville Planning Board, do hereby certify that the above "Site Plan Approval" authorizing the site modifications at 156 Road Island Road has been voted by the majority of the Lakeville Planning Board (\_\_:\_\_) at its regularly scheduled meeting on August 10, 2023.

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

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

cc: T. Sikorski Realty, LLC  
Building Commissioner  
Select Board  
Police Department  
Fire Department

Riverhawk Engineering  
Board of Health  
Conservation Commission  
Board of Assessors  
Highway Department

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. The Board may approve, with conditions, or deny an application for an OSRD after assessing whether the OSRD better promotes the intend of this By-Law than a conventional subdivision.

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**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 Development Requirements**

1. The minimum lot size of the development parcel shall be 20 acres, unless the proposed dedicated open space abuts an existing parcel of local, state, federal, or permanently restricted open space land.
2. The development shall be served by at least one of the following types of utilities. A municipal water supply, a privately-owned public water supply, a Waste Water Treatment Plant, or a shared septic system. Approval for the desired system shall be

obtained from the licensing/permitting authority prior to the issuance of the OSRD Special Permit.

3. Land area required for the Zone 1 of a public water supply and the land area required for the septic field and reserve area of a WWTP or shared septic system and the required buffer, as well as any associated buildings shall be excluded from land area calculations. These areas shall be owned and maintained by a homeowners association.

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

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

Maximum Height of buildings  
Number of Stories 2.5  
Height 35 Feet

Lot Coverage 40%

Towers are not permitted

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

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

5. The width of each lot shall not be reduced to less than the required frontage from the street to building site on each lot.
6. All accessory structures and uses shall comply with the requirements of 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 or a combination of these uses to the extent allowed by this By-Law: historic preservation, outdoor education, passive recreation, aquifer protection, stormwater management, agriculture, horticulture, forestry, and shall be served by suitable access for such purposes. Only 10% of the open space land may be used for new agriculture, horticulture or community gardens provided that only organic methods are employed. In subdivisions of 25 or more lots the Board may require a portion of the site be developed for active recreation such as but not limited to playgrounds, sports fields, courts, etc... The Select Board must vote to accept this park prior to final approval, or the land shall remain as open space and be deeded to the Conservation Commission as open space.
3. Detention or retention basins may be located in the open space however this land area may not be counted towards the minimum open space required.
4. Dedicated open space may be utilized as natural courses for disposal for storm drainage from impervious surfaces. Other than minor berming (maximum 3-1 slopes which shall blend into the landscape) and riprap at pipe outflows, no

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significant disruptions of the land (contour changes greater than three feet) for drainage are permitted.

5. Dedicated open space may be in one or more parcels of a size and shape appropriate for its intended use. The parcels shall be laid out to promote convenient access by the homeowners within the OSRD and the general public. Wherever practical, parcels shall be accessible via upland areas. The adequacy of the open space land shall be determined by the Planning Board.
6. Public access to proposed preserved open space, including paths, shall be provided where appropriate. The plan shall show the location, construction details, and signage for pathways. Paths in OSRDs shall not be utilized for snowmobiles and other motorized travel, 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.

1. The open space shall, at the Planning Board's election be conveyed to:

a) The Town of Lakeville Conservation Commission or Select board and accepted by it for open space, or a park, or

b) The Commonwealth of Massachusetts as part of a state forest, park, or wildlife management area, or

c) A nonprofit organization, the principal purpose of which is the conservation of open space. In this case where the open space is not conveyed to the Town, a permanent conservation, agricultural or historical preservation restriction approved by Town counsel and enforceable by the Town, conforming to the standards of the Massachusetts Executive Office of Energy and Environmental Affairs, Division of Conservation Services shall be recorded to ensure that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking or roadways except as permitted by this bylaw and approved by the Planning Board. Restrictions shall provide for periodic inspection of the open space by the Town. Such restriction shall be submitted to the Planning Board prior to approval of the project and at the Registry of Deeds/Land Court simultaneously with recording of the endorsed definitive subdivision plan. A management plan may be required by the Planning Board which describes how existing woods, fields, meadows, or other natural areas shall be maintained with good conservation practices.

2. Any land set aside as open space, or conserved as a condition of special permit, shall be permanently protected pursuant to Article 97 of the Articles of Amendment to the Constitution of

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the Commonwealth of Massachusetts or a 27 perpetual restriction under G.L. Chapter 184 Section 31-33. Unless conveyed to the Conservation Commission, the required open space shall be subject to a permanent Conservation, Watershed, or Agricultural Preservation Restriction conforming to the standards of the Massachusetts Executive Office of Environmental Affairs, Division of Conservation Services, or Department of Agricultural Resources in accordance with G.L. Chapter. 184 Section 31-33, approved by the Planning Board and Select Board and held by the Town of Lakeville, or a non-profit conservation organization qualified to hold conservation restrictions under G.L. Chapter 184, Section 31-33.

~~3.~~ If necessary, such restrictions shall further provide for maintenance for the common land in a manner which will ensure its suitability for its function, appearance, cleanliness, and proper maintenance of drainage, utilities, and the like.

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~~4.~~ Where the boundaries of the open space are not readily observable in the field, the Planning Board shall require placement of surveyed bounds sufficient to identify the location of the open space.

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#### 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.

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~~3.~~ All lots shown on the preliminary conventional plan shall have one test hole dug to determine the suitability of the lot for development. If necessary to determine whether a lot may be buildable, the Board of Health may require additional testing.

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~~4.~~ Prior to the submittal of the preliminary subdivision and OSRD concept plan the applicant shall have the wetlands delineated on the site and a Resource Area Delineation approved by the Conservation Commission.

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~~5.~~ The burden of proof shall be upon the applicant to prove that all the proposed lot(s)

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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.

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6. Formal percolation and depth to groundwater tests shall be conducted on a portion of the lots located on the OSRD development area. Depending on the results of these tests and after consultation with the Board of Health, the Board may require additional testing. The results of these tests shall be submitted with the application.

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7. A preliminary sketch plan of the proposed OSRD shall be submitted. It shall contain the proposed location of the road(s), lots, drainage, and dedicated open space. General topography (with ten-foot contours maximum), major site features and adjacent streets shall also be shown.

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8. The Planning Board shall hold a public hearing on the preliminary plan as required by the Town of Lakeville Rules and of the Planning Board Governing the Subdivision of Land.

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9. The conceptual OSRD shall also be reviewed and discussed during the hearing process. Comments and recommendations shall be incorporated in plans included in any subsequent filings.

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10. If the preliminary conventional and conceptual OSRD plans are approved, the Planning Board shall, insofar as practical under the law, allow the submittal of a combined special permit and definitive subdivision plan. A combined submission will not be authorized in those cases where either the conventional preliminary plan or proposed OSRD concept plan is not approved by the Planning Board.

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### 7.10.8. Special Permit Application and Fillings.

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.

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5. Approximate building sites have been identified and are not located closer than 100 feet to wetlands and waterbodies.

6. Proposed streets have been aligned to provide vehicular access to each house in a reasonable and economical manner. Lots and streets have been located to avoid or minimize adverse impacts on open space areas and to provide views of and access to the open space for the lots.

7. All lots meet the applicable dimensional requirements of this Open Space Residential Development By-Law.

8. If required, all documents creating a homeowners' association has been submitted to the Board and approved by Town Counsel.

9. Any restriction or other legal documents (deeds, conservation restrictions, easements, etc...) necessary to permanently conserve the open space as required by the approval shall be recorded prior to the release of any lots in the subdivision and prior to the issuance of any building permits.

10. The development will not have a detrimental impact on the neighborhood or abutting properties; and

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11. Other factors as determined appropriate by the Planning Board.

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**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**

4. If a common septic system is proposed then septic tanks shall be required for each house lot and shall be located within ten (10) feet of the front property line. Easements shall be granted to the homeowner's association to allow regular cleaning.

5. A copy of any restrictive covenant(s) for the preserved open space, association rules and regulations and/or other documentation relating to the creation of a homeowners' association or similar entity, if necessary.

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6. The Planning Board may require other plans, studies, or reports as may be necessary for the Board to understand the impact of the proposal and determine compliance with the provisions of this By-Lay and the Lakeville Subdivision Regulations.

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#### **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.

## **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 of the Board of Appeals.

**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.

*Page 61 – add the following language under:*

**7.4.6 Specific Uses by Special Permit** No Special Permit shall be issued, except in accordance with the following conditions and requirements for each specific use:

Changeable copy signs, electronic message board signs, and internally illuminated signs

**SPGA – Board of Appeals**

Requires a business to have unusual requirement for a sign to be lit by any other means than exterior illumination. Must not be adjacent to any residential use, and will not be detrimental to the character of the neighborhood.

**Planning Board  
Lakeville, Massachusetts  
Minutes of Meeting  
Thursday, May 25, 2023**

On May 25, 2023, the Planning Board held a meeting at the Lakeville Police Station. The meeting was called to order by Chairman Knox at 7:00 p.m. LakeCam was recording.

**Members present:**

Mark Knox, Chair; John Cabral, Nora Cline, Jack Lynch

**Others present:**

Marc Resnick, Town Planner

**Public hearing (7:00) – 44 Clear Pond Road, continued**

Mr. Knox said they had just received the peer review letter, and there had been some modifications made to the plan. Mr. Fred Keylor from Hancock Associates, representing Mr. Derek Maksy, the applicant, was present. Mr. Keylor advised last time they were here they had presented two plans. One being the country drainage, that had been submitted originally. The second was the conventional drainage that the Board had requested. At the end of that meeting, the Board had decided they could go with the country drainage plan. After receiving some comments from Mr. Maksy, they made some revisions on some of the lots to the lot lines.

Mr. Keylor said they have gone through the review letter, and there is nothing left in it of any concern. They can make those corrections fairly quickly, as they are all minor in nature. He also had some copies of the street lighting fixtures that he presented for the record. Mr. Keylor then reviewed the proposal. The plan is for a subdivision off Clear Pond Road where the existing driveway is. Off that proposed roadway are four lots; two on the left side of the roadway as you go in, a large lot which would be the Golf Course, and a fourth lot in the corner. They are pitching the roadway to one side for the country drainage. They will have a sidewalk on the east side. They are putting in drainage swales along that whole edge, which will carry the water down to an infiltration basin for Stormwater Management. From the cul-de-sac, they are collecting some of that runoff and directing it to a rain garden.

Mr. Keylor said the peer review consultant agrees with most of their drainage design, but is asking them to do a sediment forebay in the rain garden, which is easily done. There will also be some other minor adjustments to the road profile. The lot with the solar panels, Lot 2, was then discussed. It was said that there was drainage right now that connect to Harcourt already on the property. Mr. Keylor said he thought the drainage comes from Harcourt and gets piped across the lands of the abutters. He said that would not be changing, and they would be maintaining that pipe.

Mr. Keylor said they could address Environmental Partners comments as they were minor in nature, and turn those drawings around fairly quickly. Mr. Knox replied they have opened up some communication with the Zoning Enforcement Officer, and there appears to be some issues with the Zoning Map. The preliminary plan shows the business zone district right up against the back of the lots. Now the zoning line has been moved, and it almost separates one from the solar field and four from the other lot. Generally, they don't travel perfectly along those lot lines, but the Building Commissioner had some concerns about those lines. He then explained the discrepancy, and noted that he had sent it to Mr. Maksy. Mr. Knox advised that a lot of investigation has been done to research the property transfers on the deeds going back to the fifties to try to establish the proper line.

Mr. Knox said that he had sent them some comments. Was he confident that the front yard circle works on Lot 1 and the drainage would not reduce the lot area to make it non-conforming? Mr. Keylor said that was correct, and it was one of the adjustments they made on the most recent submittal. Regarding the solar array, the lot line does cut through a couple of the panels. Mr. Maksy said that he would agree with that, and would remove the panels needed to create the required setbacks. Mr. Resnick said that should then be shown on the plan. They will need to know where that zoning line is to determine if the setback is 20 feet or 40 feet from that property line.

Mr. Maksy asked what happens with the buffer zone on something like that. Mr. Knox said the business zoned property should buffer from the residential. Maybe within that setback of removing the solar panels, he builds a berm and puts some trees on it. Mr. Maksy said that he has had the panels ten years, and they are not valuable anymore. It might be easier to remove them and put them on the golf cart building to charge the golf carts. He then maybe could go to the Zoning Board of Appeals and make that a residential lot. Ms. Tressah Jakubowska, of 53 Harcourt Avenue, asked if he was planning on anything coming off of Harcourt at this point. Mr. Maksy replied he was not really planning on anything right now.

Mr. Lynch asked as Mr. Maksy was abutting the commercial district, did they need to worry about the lighting, noise, deliveries, etc. Mr. Maksy said the use of the Golf Course is not changing right now. Mr. Knox noted that if they saw a disturbance of over 1,500 square feet, it would come back to the Board for Site Plan Review. Mr. Knox added that if he was considering getting rid of the solar panels, he would recommend showing that on the next plan. Mr. Maksy said that he would need to know when that final year for the solar panels is up. Mr. Resnick said that Mr. Maksy would not be able to convey those lots until the zoning violation is cleared. He would need further clarification from the Building Commissioner as to what could be done. Mr. Maksy also discussed what would happen if he went to the Zoning Board for a Special Permit. The correct line placement for the Residential and Business District was also discussed. Mr. Maksy said that he would speak with Mr. Maddigan to see how he determined where the line had been placed.

Mr. Knox asked if there were any additional questions. Ms. Cline asked about a landscaping plan. Mr. Resnick said they could request a plan for the landscaping of the island in the cul-de-sac. Mr. John Gregory asked what the intended use was. Mr. Knox replied it was residential.

Mr. Knox made a motion seconded by Mr. Lynch, to continue the public hearing for the definitive subdivision plan at 44 Clear Pond Road until June 8, 2023, at 7:00 p.m. The **vote** was **unanimous for**.

**Public hearing (7:00) – Stowe Estates – 35 Myricks Street, continued**

Mr. Knox made a motion seconded by Mr. Lynch, to continue the public hearing for the definitive subdivision plan at 35 Myricks Street until June 8, 2023, at 7:00 p.m. The **vote** was **unanimous for**.

**Discuss and vote on final edits of the Housing Production Plan (HPP)**

Ms. Perez and Mr. Cabral from SRPEDD were present. Ms. Perez advised they had implemented all the edits that the Board had suggested at their last meeting. They also made some minor grammatical changes and rephrasing for clarity, but nothing notable. She believed it was Page 67 where they had added new content. It had been noted the expiration of certain units was coming up in the next 10 to 20 years, and they wanted to address that. They made it its own strategy with a high priority. They also added a little bit about the Chapter 40T process for the expiring use of affordable units, so there would be more clarity about how that process works. Some resources had been added that could be utilized if the Town wanted to pursue getting those deed restrictions into perpetuity. She advised that was all of the changes.

Mr. Knox asked if there were any comments. Ms. Cline thought it looked good. Mr. Knox then made a motion, seconded by Mr. Lynch, to approve the June 2023 HPP as drafted. The **vote** was **unanimous for**.

Ms. Perez said the next step is for it to go to the Select Board. Once it comes back to them, they will forward it to DHCD. If any edits come back from DHCD, they will advise this Board.

**Discussion regarding Sign By-Law**

Mr. Knox advised that Ms. MacEachern had commented that the purpose of their draft is to come up with language which will allow the Planning Board to be the Special Permit Granting Authority for electronic signs. He then read the proposed changes. He stated the effort to change the Sign By-Law had been started quite some time ago. He thought the intent was for the Planning Board to be able to put conditions and control the location, and the time of the use, if the property was adjacent to several residential properties or even deny the use if it was surrounded by residential properties. This had not been a carte blanche use of electronic signs throughout Town on businesses.

Ms. Cline asked what the reason was for it being taken by the Planning Board instead of the Zoning Board of Appeals (ZBA.) Mr. Knox replied they have only been doing it because they updated

the bylaw, and it stayed as ZBA being the Special Permit Granting Authority (SPGA.) The sign for the new self-storage building went through them. Ms. MacEachern and he agreed that the Planning Board would want to oversee that. He added that one section of the bylaw was not produced to grant relief, but to control use. Mr. Resnick clarified that all the Special Permits for signage were through the Zoning Board. When they rewrote the bylaw, they added more restrictions to certain types of signs, but they still maintained the Zoning Board as the Board to review and approve Special Permits.

Ms. Cline asked what if a business came in and wanted multiple signs, including an electronic sign. They would have to go to both Boards. Mr. Lynch asked why it couldn't all be done by the ZBA. Ms. Cline said there could be situations where they are causing a business to go to multiple Boards. Mr. Resnick said perhaps a better way of addressing this issue would be to have a variety of smaller commercial zoning districts in Town, either through an Overlay or a separate district. They could set certain specific rules and have the sign bylaw drafted specifically where allowed by zone. Mr. Knox said that is something he could agree to. He asked that something be put together for their next meeting.

Mr. Resnick replied that the process would probably be to put together a list of the parcels within these locations, what their sizes are and then look at either creating a specific district, or an overlay district within the sign bylaw. Mr. Resnick said he would send out the zoning map and maybe have something prepared for their second meeting in June.

### **Approve Meeting Minutes**

Ms. Cline made a motion, seconded by Mr. Lynch, to approve the Minutes from the March 23, 2023, meeting. The **vote** was **unanimous for**.

### **Next meeting**

The next meeting is scheduled for June 8, 2023, at 7:00 p.m. at the Lakeville Police Station.

### **Correspondence**

Mr. Resnick advised there were some notices from abutting communities. Most of were no significance. There were some for large scale solar projects and recreational marijuana facilities.

### **Adjourn**

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

Meeting adjourned at 7:47.

**Planning Board  
Lakeville, Massachusetts  
Minutes of Meeting  
Thursday, June 8, 2023**

On June 8, 2023, the Planning Board held a meeting at the Lakeville Police Station. The meeting was called to order by Chairman Knox at 7:00 p.m. LakeCam was recording.

**Members present:**

Mark Knox, Chair; John Cabral, Jack Lynch

**Others present:**

Marc Resnick, Town Planner

**Public hearing (7:00) – 44 Clear Pond Road, continued**

Mr. Knox advised the applicant has requested to continue this hearing until their next meeting.

Mr. Knox made a motion seconded by Mr. Lynch, to continue the public hearing for the definitive subdivision plan at 44 Clear Pond Road until June 22, 2023, at 7:00 p.m. The **vote** was **unanimous for**.

**Public hearing (7:00) – Stowe Estates – 35 Myricks Street, continued**

Mr. Jaime Bissonnette, from Zenith Consulting Engineers, was present. He advised approximately a month ago, they had been in front of the Board and done their initial presentation. Since that time, they have received peer review comments and sent out a revised plan. They have also responded to Environmental Partners, the peer review engineer, but have not yet received their response back. They have addressed all the comments that had been received. A lot of them were minor details.

Mr. Bissonnette said there is one item that he would like to address regarding the drainage dealing with rate and volume. In the regulations, it references rate and reasonable volume, and not increasing that volume to a point where it is detrimental. He advised that whenever you develop a property, the volume of runoff is going to change unless you are in really good soils and can infiltrate everything in massive infiltrations basins. The true volume is going to be increased. Stormwater Management is trying to control the rate. They try to match pre and post development or do a reduction in the rate out. That way as the water is going down gradient, it is not going to create an adverse impact on anybody.



Mr. Bissonnette stated the only way you can control volume is to either have a reduction in impervious soils or try to infiltrate. When you are in C soils, infiltration isn't really a practical thing. What they have done, which they feel is the maximum extent practical on this plan, is they have a large basin. It is treating everything and reducing the rate so that they can be sure downstream flooding will not be made worse. Therefore, matching up the pre and post with the volume that comes out, based on soil conditions, is just not practical. They have done it to the maximum extent practical and meet all of the State requirements. This has been communicated to Environmental Partners, but they have not heard back from them yet. Mr. Bissonnette advised he would like to continue until their next meeting as they wait for those comments.

Mr. Knox made a motion seconded by Mr. Lynch, to continue the public hearing for the definitive subdivision plan at 35 Myricks Street until June 22, 2023, at 7:00 p.m. The **vote** was **unanimous for**.

### **Site Plan Review – 156 Rhode Island Road, continued**

Mr. Knox stated the applicant has requested they continue this hearing until their June 22<sup>nd</sup> meeting.

Mr. Knox made a motion, seconded by Mr. Cabral, to continue the Site Plan Review hearing for 156 Rhode Island Road until June 22, 2023, at 7:00 p.m. The **vote** was **unanimous for**.

### **Discussion regarding a change to 5 Harding Street**

Mr. Bissonnette stated that he was present for the applicant, Mr. Bob Poillucci. He advised a few years ago, they came in front of the Planning Board for a Site Plan Review. The plan was displayed, and he indicated the building and what had been permitted. He noted the applicant would now like to change the shape of the building from an L shape to a more rectangular shape. The sizes are within a few hundred square feet of one another. They are not looking to change the limit of work, the amount of pavement, or anything else. It is just a reconfiguration of the building to be able to use it for automotive type repairs.

Mr. Bissonnette said they are trying to figure out the process in order to be able to make that change. Would this be considered a minor modification, or is it the full process of Site Plan Review? Mr. Knox said they would want to see a full updated plan, and they would want their signatures on that plan. Mr. Resnick said procedurally, they would need to file a new Site Plan. However, if the limits of work and the impervious stay the same, Environmental Partners review would be just to ensure that what was designed for catch basins and pipe sizing is appropriate. Mr. Poillucci said his limit of work is bounded by Natural Heritage. He wanted to know the process, and if he would be required to start over.

Mr. Resnick replied for the purposes of their Mass Highway permit, Natural Heritage permit, etc. it would be okay to call this a modification of the Plan. It still allows the Planning Board to look at all of the elements of the Site Plan. Mr. Bissonnette said they would discuss with Mr. Resnick the things that will need to be done so they can move forward. Mr. Poillucci said that he understood how the shape of the building could impact the drainage, but he had wanted to clarify that he would not have to completely start over. Mr. Bissonnette asked if the Board was okay with them working with Mr. Resnick so they could get started on this. Mr. Knox was fine with it.

### **Discussion regarding Sign By-Law and Commercial Zoning Districts**

Mr. Knox said that he would like to continue agenda item this as not all members were present tonight. He briefly discussed that the two options had been to prohibit it from certain spots, or for an overlay where it would only be allowed in certain areas. Mr. Resnick explained that you could break down the Commercial District in the sign bylaw, or you could create a different zone. There are some properties that are within or adjacent to residential properties, which is what they had talked about. They can look at areas in which to prohibit, increase the restrictions, or restrict the types of signs that would be allowed in those particular areas, as opposed to Main Street or Route 44 which are the main commercial districts.

Mr. Knox suggested they think about allowing the electronic boards in certain areas, but not the areas that are co-mingled with residential properties. They should come back to the next meeting really having looked at the Zoning Map. There should be some parameters on how they craft the bylaw or an Overlay and to update the Zoning map to suit the purposes of this change. Mr. Resnick said that they also need to clarify exactly which types of signs they want to limit further. They will need to discuss each District. Mr. Knox recommended members drive by some of those locations. This will be placed on the June 22<sup>nd</sup> agenda.

### **Review the following Zoning Board of Appeals petitions:**

- a. Mazin/Bud's Goods – 475 Kenneth W. Welch Drive
- b. Gear – 22 Crooked Lane
- c. NSA Property Holdings – 156 County Street
- d. Lakeville Nursery – 5 Harding Street

Mr. Knox made a motion, seconded by Mr. Cabral, to make no recommendation regarding 475 Kenneth W. Welch Drive, 22 Crooked Lane, and 5 Harding Street. The **vote** was **unanimous for**.

Regarding NSA Property Holdings – 156 County Street, Mr. Knox made a motion, seconded by Mr. Lynch, to recommend the ZBA ensure that the aisle width between buildings is sufficient for vehicle and pedestrian flow. The **vote** was **unanimous for**.

### Approve Meeting Minutes

Mr. Knox made a motion, seconded by Mr. Lynch, to approve the Minutes from the April 13, 2023, meeting. The **vote** was **unanimous for**.

### Next meeting

The next meeting is scheduled for June 22, 2023, at 7:00 p.m. at the Lakeville Police Station.

### Correspondence

There was no correspondence

### Adjourn

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

Meeting adjourned at 7:30.