



# TOWN OF LAKEVILLE MEETING POSTING & AGENDA REMOTE MEETING

Town Clerk's Time Stamp  
received & posted:

LAKEVILLE TOWN CLERK  
RECD 2023 AUG 15 PM 3:28

*Cathy Murray*  
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 17, 2023 at 6:00 p.m.
Location of Meeting:	REMOTE MEETING
Clerk/Board Member posting notice:	Cathy Murray

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

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

## A G E N D A

In accordance with the provisions allowed by Chapter 2 of the Acts of 2023, the **August 17, 2023**, public meeting of the **Planning Board** will be held remotely. However, to view this meeting in progress, please go to [facebook.com/LakeCAM](https://www.facebook.com/LakeCAM) (you do not need a Facebook account to view the meeting). This meeting will be recorded and available to be viewed at a later date at <http://www.lakecam.tv/>

1. Discussion concerning possible amendment to the sign bylaw for fall Town Meeting regarding changeable copy, electronic message boards and internally illuminated signs. /Possible vote.
2. Discussion concerning possible moratorium to the sign bylaw for fall Town Meeting regarding changeable copy, electronic message boards and internally illuminated signs. /Possible vote.
3. Discussion regarding draft OSRD bylaw for fall Town Meeting. /Possible vote.
4. Approve the July 27, 2023, Meeting Minutes
5. Review correspondence
6. Next meeting. . . September 14, 2023 at the Lakeville Police Station
7. Any other business that may properly come before the Planning Board.
8. 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.*

To see if the Town will vote to amend the Lakeville Code by

**ADD to Section 270-6.6 F. Special Permits**

(3) Add to the end of the sentence the words “by the Zoning Board of Appeals” so the sentence reads: Changeable copy signs, electronic message board signs, and internally illuminated or the portion of a sign that is changeable copy, an electronic message board or internally illuminated shall require a special permit **by the Zoning Board of Appeals.**

**ADD to Section 270-7.4**

(30) Signs - Changeable copy signs, electronic message board signs, and internally illuminated signs.

These signs must meet the following standards:

- (a) The parcel where the sign is proposed shall not abut properties on either side or across the street that are zoned Residential.
- (b) If the property cannot meet the above standard (a) a Special permit may still be issued only if the Sign is for a use that identifies municipal or public safety buildings, medical facilities, or stores that sell medical supplies.
- (c) It must be determined that the sign is not detrimental to the character of the neighborhood.

**And renumber the remainder of the Section accordingly.**

Article \_\_\_\_\_

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

**Section ~~270-7.9~~ Open Space Residential Development**

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**~~A.~~ Purpose**

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~~(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;

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~~(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

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~~(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.

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**~~B.~~ Special Permit Required. Open space residential development may be authorized only by a special permit as granted by the Planning Board. ~~The Board may approve, with conditions, or deny an application for an OSRD after assessing whether the OSRD better promotes the intend of this By-Law than a conventional subdivision.~~**

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**~~C.~~ 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 ~~shall~~ invite representatives ~~from the Conservation Commission and the Board of Health~~ to attend. The intent of such meeting is to allow the Town the opportunity to discuss with the applicant and review each proposal prior to the special permit process. After the pre-application review, an applicant may then proceed to the preliminary plan review process.**

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**~~D.~~ Development Requirements**

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~~(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.

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~~(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

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\_\_\_\_\_ 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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**E. Dimensional and Design Requirements.**

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~~(1)~~ The number of building lots for the Open Space Residential Development may  
\_\_\_\_\_ not exceed the number of building lots that may be approved on the property, as permitted  
\_\_\_\_\_ by Board of Health and Conservation Commission regulations, existing zoning, and a  
\_\_\_\_\_ conventional subdivision per the Lakeville Subdivision Regulations ("subdivision  
\_\_\_\_\_ regulations").

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~~(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.

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~~(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.

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~~(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.

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(6) All accessory structures and uses shall comply with the requirements of Section 5 of these bylaws unless otherwise provided for herein.

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(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.

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(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.

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(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.

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#### F. Dedicated Open Space

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(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.

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(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.

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(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.

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(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.

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(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.

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(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.~~

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(7) Parking for public access or facilities to serve the recreational uses shall be allowed on the open space land.

**G. Ownership of Dedicated Open Space.**

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

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

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

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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

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\_\_\_\_\_ 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 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.

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(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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#### **H. Preliminary Subdivision and OSRD Concept Plan Application Process.**

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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.

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(2) The preliminary subdivision plan shall be used by the Planning Board to determine the maximum number of lots which could be created via a conventional plan. The applicant must demonstrate to the satisfaction of the Board that all the lots shown on the preliminary plan comply with the applicable sections of the Lakeville Zoning By-Laws and Subdivision Regulations. This number will be the maximum allowed in an OSRD Special Permit and definitive subdivision plan submittal.

(3) All lots shown on the preliminary conventional plan shall have at least one deep observation hole and percolation test dug according to 310 CMR 15.102 and 15.104, to determine the suitability of the lot for development. If necessary to determine whether a lot may be buildable, the Board of Health may require additional testing.

(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.

(5) The burden of proof shall be upon the applicant to prove that all the proposed lot(s) are suitable for building. The Planning Board reserves the right to challenge the status of any lot and not allow such to be included in any definitive plan filing.

(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.

(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.

(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.

(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.

(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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**L. Special Permit Application and Fillings.**

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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;

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(2) A description of the proposed design characteristics of the site pursuant to these regulations;

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(3) Drainage calculations meeting the requirements of the subdivision regulation and zoning bylaws.

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(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.

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(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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**K. Special Permit Decision.**

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(1) The Planning Board shall conduct a public hearing in accordance with the provisions of these bylaws.

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(2) If the Planning Board disagrees with any recommendations of another Town of Lakeville Board, it shall state its reasons therefor in writing.

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(3) The Planning Board shall consider the approval criteria in this section to determine if it approves the plan as submitted.

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(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.

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(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.

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**Approval Criteria.**

The Planning Board may grant a special permit under this Section only if it finds that:

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(1) The proposed plan is in harmony with the intent and requirements of this section and these bylaws.

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(2) Open space as required by this bylaw has been provided and generally conforms to the dedicated open space section of this bylaw.

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(3) Proposed uses of the open space comply with this bylaw.

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(4) Proposed open space will be dedicated in compliance with the Massachusetts General Laws and this bylaw and is suitably protected.

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

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(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.

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

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

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(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.

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(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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**J. 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.

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**Or take any other action relative thereto**

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**Planning Board  
Lakeville, Massachusetts  
Minutes of Meeting  
Thursday, July 27, 2023**

On July 27, 2023, the Planning Board held a meeting at the Lakeville Police Station. The meeting was called to order by Chairman Knox at 7:03 p.m.

**Members present:**

Mark Knox, Chair; Michele MacEachern, Vice-Chair, John Cabral, Nora Cline, Jack Lynch

**Others present:**

Marc Resnick, Town Planner

**44 Clear Pond Road**

Mr. Knox advised they had closed the Public Hearing at their last meeting and tonight's discussion was to complete the draft of their final approval of the subdivision and the covenant. All members should have a copy of this. Mr. Resnick stated that one change that has been made is the street lights. It is not a waiver, and they are shown in the revised Plan. That was an issue that was discussed at the last meeting. Mr. Knox then began to review and read into the record the draft certificate of approval.

Mr. Knox said that earlier he and Mr. Resnick had discussed, for this document only, if the Planning Board would consider making the Chairman the only one required to sign, rather than the entire Board. The Definitive Plan would still need all their signatures. Ms. MacEachern wanted to note that the Plan had gone from two lots to four lots. At the last meeting, which had not been recorded, it had gone to three lots and this was the first they were seeing of the Plan. She also asked about condition number 11, which was related to this being a public roadway. Was that always the intention? They had wanted those standards to be met, but she did not recall it being proposed as a public roadway.

Mr. Knox replied he did not recall if that question was specifically asked, but they had not discussed a homeowner's association, if it was intended to be a private way either. His understanding was that the intent was always to have it accepted as a public way. After further discussion, Mr. Knox made a motion, seconded by Mr. Lynch, to amend the signature block of the document to reflect that only the Chairman needs to sign the document, the Certificate of Approval, that will be submitted to the Town Clerk. The **vote** was **unanimous for**.

Mr. Knox then made a motion, seconded by Mr. Lynch, for the Planning Board to approve the Certificate of Approval for this subdivision plan. The **vote** was **unanimous for**.

Mr. John Gregory then asked if there was anything in the discussion about the golf course being sold to another party for the use of a warehouse. Mr. Knox replied that was not related to the Subdivision Control Act. Technically, that could still happen but not through tonight's action. He noted that the public comment portion of the hearing had been closed.

### **Stowe Estates - 35 Myricks Street**

Mr. Knox said they have another Certificate of Approval for this subdivision, Stowe Estates. He asked if there were any comments. Ms. MacEachern said the request is for 14 waivers. She said she was glad they were doing the underground utilities, but her concern was still the sidewalks. There would be sidewalks up and down a majority of Route 79 after the expansion project. She thought the traffic would be moving down there faster, and there is an industrial zoned section as well as highway access. The Planning Board must be concerned with pedestrian safety. For her, by not including sidewalks and having children walking up as much as 1,100 feet in the dark, possible icy conditions, a narrow road, etc., was not doing a service for the future residents of those homes.

Ms. Cline asked if they could change anything at this point. Mr. Resnick replied that it is no longer a public hearing, so they could not solicit any public comments. If there is a specific question of the engineer or applicant you can ask that. However, they have to limit their discussion to this document. They can modify it as they have not voted on it. Mr. Knox said in regards to the sidewalk, he was indifferent to it, but Ms. MacEachern did make a good argument. Ms. Cline said that she was also indifferent to it, but understanding what they are looking at over the Town, she would be more inclined to require the sidewalk. Mr. Cabral thought a sidewalk would be nice, but did not know if it was imperative for three houses.

Mr. Resnick said that it is only a three-lot subdivision, and there should be sidewalks on Route 79. Generally, he agreed they should be in larger projects, but the Town does have a lot of small private roads without sidewalks. He was not opposed to it, and noted that some Towns require every subdivision, regardless of size, to have sidewalks. Mr. Knox noted that 14 waivers was very lenient. They could either not grant the sidewalk waiver or not grant the streetlight waiver; one or the other. Ms. Cline said they had agreed to put lights at the end of the driveways in lieu of the streetlights. Mr. Resnick then read the condition related to the lighting into the record. Mr. Knox said if that is the concession for sidewalks, there should be a distance that the light not go any further from the roadway. That should be called out in the condition, so there is no misinterpretation that the intent is to light the driveway and the end of the road. The pole light should be 10 feet from the property line.

After continued discussion, Ms. Cline said she thought having the lights was for illumination of the area, and not in replacement of the sidewalk. Ms. MacEachern said that it also did not do anything for a child standing at the corner of the cul-de-sac and Route 79 in the dark. Mr. Knox asked if the Board was okay now with not granting the waiver for sidewalks. No one spoke against having a sidewalk.

Mr. Knox said the changes would be that they are not granting the sidewalk waiver and to include the distance of ten feet for the lighting. After consulting the plan, Mr. Resnick said the sidewalk should not have a major impact on the drainage design. They will still have the two-foot gravel shoulder, but they will have to install an asphalt berm with a raised sidewalk of five feet wide along that side. Mr. Resnick said that he will write this into the approval, but the drawing will have to be changed before it is signed. Ms. MacEachern said that she knew there was an issue in this area with water, is there anything other than condition #16 that deals with that. Mr. Knox said that issue was addressed within the Conservation Commission's Notice of Intent. There was a condition added for the Operation and Maintenance, as well as there is to be no snow plowing into the retention pond. There were a few things added that will carry forth in perpetuity.

Mr. Knox then made a motion, seconded by Mr. Lynch, for the Planning Board to approve the Certificate of Approval for the subdivision plan for Stowe Estates-35 Myricks Street with the following changes:

1. The sidewalk waiver is not granted.
2. Condition #8, will be modified to reflect that the pole lights shall be within ten feet of the front property line.
3. Only the Chairman's signature will be needed on the approval.

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

### **Public Hearing (7:00) 13 Main St., continued**

Mr. Robert Forbes from Zenith Consulting Engineers and Mr. Bo McMahon, applicant were present. Mr. Forbes advised they had received comments back from Environmental Partners, peer review engineer for the Board, and they have made all the required changes. They have sent those responses back to Environmental Partners. He then began a review of the comments.

Mr. Forbes noted that there had been three comments concerning a section on the side of the building where they had a small section of grass area that flowed onto the abutting land. They suggested grading a swale to direct water into the infiltration basin. Mr. Forbes said this is a very large area and the existing conditions are bare ground so it now sheds onto the property. They would be doing some re-grading and take all of the flow from the property line and bring it down into their infiltration basin.

Mr. Forbes said they had been asked to provide calculations showing the infiltration basin and the subservice infiltration chambers drain within 72 hours, and they have shown them they drain in less than 36 hours. They were also asked to confirm groundwater with a new test pit. They went out last week and excavated that test pit, they show where it is on this plan, and they have included the test pit log in the plans. They dug down 13 feet and did not see any indication of groundwater. Mr. Forbes stated that regarding stabilization measures which had been included on the Erosion and Sedimentation Control Plan, they needed to add the comment that all stabilization measures are to remain permanent. Some incorrect elevations have also been corrected. Mr. Forbes noted they have been asked to put an inspection port in the subsurface structures, and they have added that as requested.

Mr. Forbes said regarding the water, it comes from the adjacent property and is stubbed at the property line. There is a permanent easement on that property, for the purpose of this property and the Water Department to maintain that eight-inch water main. The last comment concerned the trench grate. This is because their property is higher in elevation than Route 105/Main Street. Essentially, these are required by MassDOT. When they are draining water towards a State Highway, they have to collect all of it and bring it back to the property. He added if they were properly maintained, they should not have any problem. The Operation and Maintenance Plan addresses getting the sedimentation out of the trench grate and have it been examined every two years by a professional engineer. They have exactly the same thing next door, and it was required by DOT. They have agreed and taken care of every comment except that one.

Mr. Knox advised that he had talked to the Building Commissioner, and he thought possibly because of the three stories and the common hallways, it may trigger Architectural Access Board (AAB) and the need for elevators. Mr. McMahon replied that he did plan on complying with all building code regulations. Mr. Knox noted they weren't discussing building code here but if there was an approval, he might want a condition that if elevators were required, that the handicap parking is reasonably close to those elevators. This seems to make sense from a use standpoint. Ms. Cline said that under 521 CMR, 28.1, it states that all multi-story buildings and facilities shall be serviced by a passenger elevator. That starts at three floors and above. They would want to see where the handicap parking is and the access area for First Responders. Mr. Forbes stated that the handicap spaces are shown. For Site Plan Review purposes, their handicap spaces are as close to the entrances as they can get them. Showing elevators wouldn't impact where they show their spaces. What they are talking about is a building code issue.

Ms. MacEachern said she thought they were going to get a peer review of the traffic study. She would like that done and noted that there had been a fatality about 500 feet from this at Bridge Street.

Mr. Knox then made a motion, seconded by Ms. MacEachern, to have the traffic study that was submitted, reviewed by Environmental Partners. The **vote** was **unanimous for**.

Mr. Resnick added that there could be one more issue related to the age restriction. He was checking with Town Counsel in regards to this, as the applicant had indicated that he did not want to place a deed restriction on this. Mr. McMahon replied that they were not going through DHCD's

age restriction process. They are following the Town of Lakeville's bylaw. Mr. Resnick said that he will wait for the opinion from Counsel.

The following were comments from the audience:

Ms. Barbara Mancovsky, 17 Johnson Drive – Ms. Mancovsky said that they should be supporting ownership of homes and not rentals. It was also concerning that age restricted homes would not have an elevator. She hopes that the project would also have appropriate buffers to the surrounding businesses.

Ms. Susan Spieler, 10 Valley Road – Ms. Spieler said that if they did not put elevators in, they were discriminating against seniors that want to live in that building. It was not practical to think that seniors could be going up three flights of stairs, as well as their first responders. The bylaw states that only one person must be 55+ so that should also be looked at. Finally, she asked what was being done to control dust on the site. Mr. Forbes said there is currently no work being done on the site.

Mr. Knox made a motion, seconded by Ms. Cline, to continue the 13 Main Street Site Plan Review hearing until August 10, 2023, at 7:00 p.m. The **vote** was **unanimous for**.

#### **ANR Plan – 154 Rhode Island Road**

Mr. Bob Rego of River Hawk Environmental and Mr. Tylor Sikorski, applicant were present. Mr. Rego said the lot has more than 175 feet of frontage and also meets the 160-foot front yard circle. He said they would be taking the land that is cut off from 154 Rhode Island Road and joining it with 156 Rhode Island Road. Mr. Resnick stated the note on the plan does not clearly indicate that. Mr. Knox asked how were they going to show that this is becoming part of 156?

Mr. Rego replied it would be on the deed. They could file an 81X plan which would show that it all one plan. It doesn't require Planning Board approval because they are not creating any new lines or ways, it just shows those two lots combined. Mr. Resnick said they need to make sure that it is one lot as opposed to two lots under one ownership. Mr. Knox said that he was okay with it as is, for the purposes of it becoming Parcel A under Mr. Sikorski's ownership. However, for the Board to sign off on the Site Plan Review, they will need him to show that document that makes Parcel A become part of 156 Rhode Island Road, and then guarantees the lot coverage is accurate.

Mr. Knox made a motion, seconded by Mr. Lynch, to endorse the ANR plan for 154 Rhode Island Road. The **vote** was **unanimous for**.

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

Mr. Knox noted that they had received the amended plans today, but he had not had a chance to review them. He discussed the curb cut opening, which was still at 60 feet. Mr. Rego said that in



the bylaw, if you have one opening, it can be 54 feet, so they will be making that change. Mr. Resnick said that was correct. Mr. Knox was fine with that.

Mr. Resnick said that there had been some discussion regarding a berm on Crooked Lane. Mr. Rego said they had added a one-foot berm. The plantings they are proposing can grow between five and ten feet. They felt that would be a sufficient buffer to the project. Mr. Rego said that he had prepared a letter that had responded to all of the following comments:

- The industrial wastewater tanks are not shown on the property.
  - They are now shown on the plan.
- The existing building needs to be labeled as an accessory building.
  - This is now shown on the plan.
- The Board wanted a Swept Path Analysis done.
  - This was done, and they have shared both entry and exit in both directions.
- Some confirmation that Taunton will provide water to the site.
  - They are in the process of applying for this and waiting for their letter from Taunton Water. They were told there should be no problem.
- A request to change some of the plants to native species.
  - Mr. Rego explained the native species and where they would be located.
- A request to modify the lighting on the site.
  - The lighting has been made less intense. It is now all low intensity with no spillover onto abutting properties or the roadway.
- A traffic assessment was requested.
  - The traffic assessment was completed and indicated that the proposed project will make no measurable impact on the adjacent roadways or intersections.
- Additional dumpsters should be added.
  - Two additional dumpsters have been added to the plan.
  - Two AC condensers have been added on the side of the building, if AC is needed in the future.

Mr. Knox asked if there were any comments. Members thought the plan had been greatly improved, as the applicant listened to the concerns of the abutters. Mr. Knox said because the plans had come in so late, they would like to take the next two weeks to look them over. If Mr. Sikorski closes on Parcel A, he would like them to come back with that form to show that lot has been merged into the site.

Mr. Knox made a motion, seconded by Mr. Cabral, to continue the Site Plan Review for 156 Rhode Island Road until August 10, 2023, at 7:00 p.m. The **vote** was **unanimous for**.

### **Discuss OSRD draft bylaw**

Mr. Knox said that the latest draft had been circulated. It also went out to the Board of Health and the Conservation Commission. Mr. Knox and Mr. Resnick will work towards getting on those

agendas to present this draft and make sure the Boards are satisfied. Mr. Resnick said that Conservation was concerned that multiple small parcels would have to be accepted by the Town or a Conservation Group, so a 20-acre minimum has been added. There will be a 10-acre parcel for open space. The exception will be if the land abuts an existing parcel of open space, which can be combined if that entity desires to acquire that additional land for open space. The second issue that Conservation had was restricting the open space land under Article 97. Additional language has been included with that reference.

Mr. Resnick said regarding the concern from the Board of Health of not having enough space for a well and septic system to have the proper setbacks to abutting parcels, he has modified the bylaw to reflect there must be a public water supply. This can be provided by Taunton or a public water system. If water is supplied you can then have private septic systems on each lot. The other option is to have a common septic system or a sewer treatment plant. You could then have individual wells on each lot. The area for these common septic systems or private water supplies would be excluded from the calculation for the open space.

Mr. Knox said that they will wait for feedback from those Boards and then place this back on the agenda. At that point, they can discuss it further to make sure everyone is satisfied.

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

Ms. MacEachern said that she had sent some changes out previously. She will re-circulate them. Mr. Knox asked it then be placed on the next agenda.

#### **Discussion regarding Subdivision waivers**

Mr. Resnick said they had talked about trying to write a tiered system to reduce the number of requested waivers. Some Towns specify the road design for subdivisions up to three or four lots. These private roads then all fall under the same standard. They could all have standard lantern lighting, sidewalks, etc. It would depend on what the Board decides. This way the standard would be known going into the process. Mr. Knox asked if three templates could be found of different tiered developments. Maybe a road to be accepted by the Town would have two different scenarios, one a cul-de-sac and the other a through street having an ability to connect to another road.

Mr. Resnick said their Subdivision Rules and Regs are rather old and have not been updated for many years. As the dates for Town Meeting would be set soon, he would recommend this to be a project through the late fall and winter. As well as the tiers, they should be looking at some procedural and other items for modification. Mr. Knox said this will need to be placed on the agenda at some point and will encompass the waiver process. However, they may still need to put in some requirements that they may need to waive.

### **Approve Meeting Minutes**

Ms. Cline made a motion, seconded by Mr. Lynch, to approve the Minutes from the July 13, 2023, meeting. Ms. Cline, Mr. Lynch, Mr. Knox – **Aye**; Ms. MacEachern, Mr. Cabral - **Abstain**

Ms. Cline made a motion, seconded by Mr. Lynch, to approve the Minutes from the May 11, 2023, meeting. The **vote** was **unanimous for**.

### **Next meeting**

The next meeting is scheduled for August 10, 2023, at 7:00 p.m. at the Lakeville Police Station.

### **Correspondence**

There was no correspondence to review. Ms. MacEachern asked if Mr. Resnick had seen any news or potential plan for the hospital site. Mr. Resnick said that he has not seen any plan. There had been a conversation in April about putting together an alternative plan that would be allowed and economically viable, but it was a very preliminary discussion.

### **Adjourn**

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

Meeting adjourned at 8:37.