

**TOWN OF LAKEVILLE**  
**PLANNING BOARD-PUBLIC HEARING 40R**  
**Monday, September 25, 2006**

On September 25, 2006, the Board of Selectmen attended a meeting of the Planning Board at 7:30 PM at the Town Office Building in Lakeville. The Selectmen's meeting was called to order by Chairman LaCamera at 7:30 PM. Selectmen present were: Selectman LaCamera, Selectman Yeatts and Selectman Evirs. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary.

Planning Board Chairman James Marot called the Planning Board to order at 7:30 PM. Members present were: James Marot, Walter Healey, Kevin St. George, Brian Hoeg and Gregory Kashgagian. Also present was Pauline Ashley, Recording Secretary.

Donald Foster, Chairman of the Zoning Board of Appeals, called the Zoning Board of Appeals to order at 7:30 PM. Members present were: Donald Foster, David Curtis, Joseph Beneski, Robert Canessa and Stephen Flood.

Chairman Marot read the hearing notice into the record:

In accordance with the provisions of M.G.L. Chapter 40A, Section 5 and Chapter 40R, the Lakeville Planning Board will hold a public hearing on September 25, 2006 at 7:30 PM at Lakeville Town Office Building, 346 Bedford Street, Lakeville, MA to consider amending the Town's zoning by-laws to add a new **Section 7.7** – The Residences at Lakeville Station Smart Growth Overlay District (SGOD) and to amend the Lakeville Zoning ByLaw and Zoning Map by adding “The Residences at Lakeville Station Smart Growth Overlay District: as a new item **3.1.9** to the list of use districts within the existing **Section 3.1** and by adding a new **Section 3.2.8** which identified the location of “The Residences at Lakeville Station Smart Growth Overlay District” and seeks to amend the existing Zoning Map by adding “The Residences at Lakeville Station Smart Growth Overlay District” to the Industrial District that portion of the property located on Commercial Drive shown as Assessor's Parcels 62-3-7A, 62-2-7B, 62-3-7G, 62-3-10I and 62-3-10J containing 10.87 acres of land.

The complete text and zoning map relative to the proposed amendments may be reviewed in the Town Clerk's Office on the first floor of the Lakeville Town Hall, 346 Bedford Street, Lakeville, Massachusetts, between the hours of 9:00 AM to 4:00 PM, Monday through Friday. Reasonable accommodations and audio/visual aids will be made available upon request.

Chairman Marot asked that all questions be addressed to the Board and for anyone wishing to speak to state their name and address for the record. He said that in conjunction with the Master Plan Implementation Committee and the Planning Board, the Zoning Board of Appeals voted to allow Oxford Development to withdraw their 40B project, which was approved, and reapply under 40R for this project, which has substantial benefits for both the Town and the developer. Chairman Marot said the purpose of the hearing is for the Planning Board to consider endorsing the 40R district; and they have spent a reasonable amount of time discussing the matter. Brian Hoeg asked what is considered a dwelling unit. Chairman Marot said it is an apartment. Mr. Hoeg asked then why do we have a single family situation and then two family and multi family in regards to density; he would like that to be explained. Kathleen O'Donnell, Esquire, from Kopelman and Paige said this is in the statute and the bylaw repeats

the density requirements. It will allow the developer a higher density and will result in payments for the Town, which is allowed in the district. Since it is transit oriented, it meets the statute for an area that makes sense. Mr. Foster said that the ZBA met with the Planning Board over a year ago on this, and we found it to be very acceptable. The developer was cooperative and responded to our requests and made changes to the project upon our request. Chairman Marot said that before the developer even came in with the project, we were very apprehensive until we heard the benefits to the Town, and we think they are a good outfit. It does not net them much of anything, but the Town does, and they have agreed to the process, and it is commendable.

Charles Moynihan of 18 Forest Park Drive asked for a brief explanation of the difference between a 40B and a 40R development. Chairman Marot said a 40R is a transit oriented development. We were able to do it due to the proximity to the T-station, otherwise there is not much difference from a 40B to a 40R. Attorney O'Donnell said that the way we define 40B and 40R is that a 40R development is a 40B with a check. You get the same project that you were going to have in any event, but there are incentive payments to the Town that you would not get under 40B. It allows the Town to decide on an area where some denser development is acceptable. A 40R can be set up to allow many different projects. 40R projects can include a number of other projects, mixed use, etc, which you wouldn't have under normal zoning. A 40B is considered unfriendly often with the Town having no choice where it is located.

Michael DeCicco, reporter from the Enterprise, asked if a 40R project has to be transportation oriented. Attorney O'Donnell said under the statute, there are various definitions; transit oriented assumes it to be a smart growth area, areas of dense development, under utilized uses. They don't necessarily have to be next to a train station. Selectman LaCamera said the Town originally wanted this to be a 40R, but the State did not have their rules, regulations and the legislation ready at the time. The Developer, Jonathan White, wanted to move ahead with the 40B project, so he did. Then he allowed us to do this. Previous to this, the Town would have not gotten anything, and it is a great project for the Town. Mr. Hoeg said that by the Town approving it, it helps us keep involved, rather than the State being the only one involved and that is a good thing.

Mr. Moynihan asked what the \$962,000 was based on; is this payment guaranteed and how many communities have jumped onto 40R? Attorney O'Donnell said in Norwood they have converted a church and rectory, in North Reading there are 402 rental units, and there is a project in Cordage Park in Plymouth, which add up to over 1,000 units of housing. Dartmouth has one, Boston, Chelsea, Grafton, Haverhill, and Kingston are all looking at them, some are in the works. She thought about 12 communities so far had applied with many applications on the way. Selectman LaCamera said we are going to submit a 40R application to the State and expect to have the approval before we go to Special Town Meeting on October 10<sup>th</sup>. Once the Planning Board approves the site plan, the Town gets \$350,000 plus \$3000 per unit totaling \$612,000.

Chairman Marot asked if there was another incentive of \$300,000. Selectman LaCamera said we negotiated that with the developer and will get that from the developer. Attorney O'Donnell said in addition, if there is an increase in the number of school children due to the project, the Town would qualify for reimbursement under 40S. It is difficult to know now, we need to figure out the net income for the district and see if over and above that there was an increase due to school children being added. Mr. Foster stated the ZBA oversees the 40B's that have already been granted and are underway. We oversee the progress of construction but with 40R, he understood it was the Planning Board's jurisdiction. Chairman Marot said yes.

Upon motion by Mr. Hoeg, seconded by Mr. St. George, the Planning Board:

VOTED: To recommend at the Special Town Meeting to add Section 7.1, Sections 3.1.9, Section 3.1, and Section 3.2.8 as read.  
Unanimous vote.

Chairman Marot then closed the public hearing.

Ms. Garbitt noted that a vote was needed from all three Boards to send letters of support to the Department of Housing and Community Development in regards to the project.

Upon motion by Selectman Yeatts, seconded by Selectman Evirs, the Board of Selectmen:

VOTED: To send a letter of support to the Department of Housing and Community Development in favor of the project.  
Unanimous vote.

Upon motion by Robert Canessa, seconded by David Curtis, the ZBA:

VOTED: To send a letter of support to the Department of Housing and Community Development in favor of the project.  
Unanimous vote.

Upon motion by Mr. Hoeg, seconded by Mr. St. George, the Planning Board:

VOTED: To send a letter of support to the Department of Housing and Community Development in favor of the project.  
Unanimous vote.

### **Adjournment**

Upon a motion by Mr. Hoeg, seconded by Mr. St. George, the Planning Board:

VOTED: To adjourn the meeting at 7:50 PM.  
Unanimous vote.

Upon a motion by Selectman Yeatts, seconded by Selectman Evirs, the Board:

VOTED: To adjourn their meeting at 7:50 PM.  
Unanimous vote.