

**Town of Lakeville**  
**BOARD OF APPEALS**  
*Meeting Minutes*  
**Thursday, January 25, 2018**

On January 25, 2018, the Board of Appeals held a meeting at 7:30 PM at the Lakeville Public Library. The meeting was called to order by Chairman Foster at 7:32 PM. Members Present: Don Foster, Janice Swanson, John Olivieri, Chris Carmichael, and James Gouveia. Members Absent: David Curtis, Joe Urbanski, and Daniel Gillis. Also present: Lorraine Carboni, Town Coordinator, Rita Garbitt, Town Administrator, Nate Darling, Building Commissioner, the Zoning By-Law Review Advisory Committee and the Planning Board were present and in session. Don Foster, ZBA Chairman was audio recording and LakeCAM was video recording the meeting.

**Meet with the Planning Board and the Board of Appeals to discuss the Following Zoning By-Law Amendments:**

Mr. Darling prepared the documents for the meeting. He crossed out the proposed language to be deleted and the proposed new text under each of the following categories... Fast Food Restaurant, Drive Through Facility, Filling Station, Upland Circle, and Industrial B. Aaron Burke, Chair of the Zoning By-Law Review Advisory Committee, opened the discussion on the proposed Zoning By-Law Amendments and walked the Committees through each topic.

**1. FAST FOOD RESTAURANTS**

**FAST FOOD RESTAURANT**

**2.0 DEFINITIONS**

**Fast Food Restaurant:** Any restaurant serving the majority of its food in disposable containers, packages or other similar wrapping, for consumption on or off the premises. (Adopted at Town Meeting June 11, 2007; approved by Attorney General September 12, 2007)

**4.1.2 Business Uses**

**R      B      I      I-B**

**Restaurant**

**N      Y      Y      Y**

**Fast food restaurant**

**N      SP      N      N**

(Allowed only in areas served by municipal water) (Adopted at ATM 6/11/07; approved by Attorney General 9/12/07)

**6.5.3.3 Parking Space Schedule:**

**Restaurant**

One per each two occupants based on the designed occupant load, plus one for each employee.

**Restaurant, Stadium, Gymnasium, Arena, Auditorium**

One per each three seats of total seating capacity, plus one for each employee.

**7.3 Planned Special Purpose District Regulations**

**7.3.4 Accessory Uses:**

The following uses shall be allowable as accessory to the above principal activities:

- 1) Banks
- 2) Barber/Beauty Shops
- 3) Tourist Shops
- 4) Dry Cleaning Shop
- 5) Medical/Dental Office
- 6) Restaurants

#### 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:

##### Fast Food Restaurant

SPGA—Board of Appeals; Business District

~~A Fast Food Restaurant shall be subject to Site Plan Approval by the Planning Board as a condition of Approval from the Zoning Board of Appeals. The petitioner shall meet the following conditions and findings:~~

- ~~1) Fast Food Restaurants shall only be allowed in areas served by a municipal water supply.~~
- ~~2) Evidence of reasonable public need not adequately met by existing facilities within 1.5 miles of the proposed location.~~
- ~~3) That the proposed facility will cause no traffic hazard, congestion or interference with the flow of traffic especially at and near intersections.~~
- ~~4) That the number of vehicles served will be limited to those specified in the permit as governed by the rules and regulations as may be adopted regulating such facilities.~~
- ~~5) A detailed traffic impact analysis shall be submitted, done by a registered professional engineer qualified in traffic engineering.~~

~~(Adopted at ATM 6/11/07; approved by Attorney General 9/12/07)~~

#### 7.5.3 Permitted Uses as Principal Activities in the Mixed Use Development District

##### 7.5.4 Accessory Uses

The following uses shall be allowable as accessory to the above principal activities:

- 1) Restaurant or Cafeteria.
- 2) Warehouse and Distribution, as accessory to Office or Research and Development uses.
- 3) Parking and Access Drives for all permitted uses in the Mixed Use Development District, as well as any and all utilities necessary to support such permitted uses, whether or not on the same lot as the principal use.

#### 7.7 THE RESIDENCES AT LAKEVILLE "STATION SMART GROWTH OVERLAY DISTRICT"

##### 7.7.5.2 Other Uses

Any of the following non-residential uses may be permitted by special permit:

Neighborhood Businesses Small-scale (a maximum of 20,000 square feet of gross floor area per building) retail, service, and office uses that are compatible with residential uses and are intended to serve commuters and local residential populations within the SGOD. Examples include, but are not limited to: news stand, grocery or specialty food store, bakery, delicatessen, coffee shop, restaurant, bank, hairdresser, barber shop, launderette or dry cleaners (dry cleaning performed off-site), tailor, health club or exercise facility, video/DVD rentals and sales, shoe repair, drug store, florist, liquor store, gift shop or specialty retail, hardware store, home goods and furnishings, personal care items, medical/professional/ small business offices (up to ten (10) employees), and home occupations.

#### 7.9 DEVELOPMENT OPPORTUNITIES (DO) DISTRICT

7.9.2.1 The following uses shall be permitted by special permit in the DO District:

##### O. Restaurants;

## 2. DRIVE THROUGH FACILITY

### DRIVE THROUGH FACILITY

#### 2.0 DEFINITIONS

**Drive - Through Facility:** A commercial establishment which provides a service directly to the occupants of a motor vehicle or where the customer drives a motor vehicle onto the premise and to a window or mechanical device through or by which the customer is serviced without exiting the vehicle. *(Adopted at Town Meeting June 11, 2007; approved by Attorney General September 12, 2007)*

##### 4.1.2 Business Uses

R      B      I      I-B

Drive through facility

N      SP      ~~N~~ SP      N

##### 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:

##### Drive - through facility

SPGA – Board of Appeals; Business, Industrial Districts

~~A Drive through facility shall be subject to site plan Approval by the Planning Board as a condition of Approval from the Zoning Board of Appeals.~~

The petitioner shall demonstrate ~~the need for the following conditions or findings:~~

~~1) Evidence of reasonable public need not adequately met by existing facilities within 1.5 miles of the proposed location.~~

~~2) That the proposed facility will cause no traffic hazard, congestion or interference with the flow of traffic especially at and near intersections.~~

~~3) That the number of vehicles served will be limited to those specified in the permit as governed by the rules and regulations of the Board of Appeals and the Planning Board as may be adopted regulating such facilities.~~

~~(Adopted at Town Meeting 6/11/07; approved by Attorney General 9/12/07)~~



### 3. FILLING STATION

#### FILLING STATION AUTO OR BOAT SALES, RENTALS OR SERVICE CAR WASH

##### 2.0 DEFINITIONS

Filling Station: -An establishment involving on-site distribution of fuel to be sold retail. A filling, service or gasoline station shall mean a place where motor fuels, lubricating materials and other automotive accessories and supplies are sold at retail and where motor vehicles are serviced and installation of batteries, tires and minor repairs of like nature are undertaken, but not including a body or paint shop, garage for major automotive repairs or a car wash.

Auto or boat sales, rentals or service: An establishment involving auto or boat sales, rentals or service, including but not limited to: a body or paint shop, auto or boat dealership, and repair/service garage.

4.1.2 <u>Business Uses</u>	R	B	I	I-B
Auto or boat sales, rentals or service (Adopted 6/16/97; approved by Attorney General 8/11/97)	N	SP	SP	N
Filling station allowed only in areas served by municipal water (Adopted at ATM 5/8/06; approved by Attorney General 6/14/06)	N	SP	SP	N
Car Wash	N	SP	N	N

##### 4.1.3 Industrial Uses

Fuel establishment involving storage and distribution to  
to be sold wholesale to suppliers, allowed only in areas  
served by municipal water (adopted at ATM 5/8/06; approved by Attorney General 6/14/06)

	N	N	SP	SP
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##### 6.5.3.3 Parking Space Schedule:

Commercial Establishments  
serving the general public  
(except automotive service  
retail establishments)

One per each 300 square feet of gross  
floor area or fraction thereof, plus one  
for each employee.

Automotive Retail and  
Service Establishments

One per each 1,000 square feet of gross floor  
area or fraction thereof, plus one for each  
employee.

##### 6.5.3.5 Aisle and Entrance Dimensions:

For business and industrial uses, the minimum width of aisles and entrance drives providing access to more than two spaces shall be at least 24 feet wide. On lots where one entrance and exit driveway or access is constructed, the access shall not exceed fifty-four (54) feet in width. Where two driveways or accesses are constructed, the accesses shall each not exceed thirty (30) feet in width. For automotive service stations, the maximum width shall be thirty-two (32) feet for each driveway or access.

##### 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:

###### Auto or Boat sales, rentals or service

SPGA - Board of Appeals; Industrial Business Districts  
Must be compatible with the surrounding areas, subject to site plan review by the Planning Board. (Adopted June 16, 1997; approved by Attorney General August 11, 1997)

###### Car Wash

SPGA - Board of Appeals; Business District  
Subject to a site plan review by the Planning Board, which site plan shall be incorporated into the Special Permit. Drainage must be contained on-site. Suitable provisions shall be made for proper discharge of water into the ground so as not to pollute groundwater.

###### Filling or service station or automotive repair garage

SPGA - Board of Appeals; All Business Districts  
The petitioner shall demonstrate: An automotive repair garage shall be subject to an annual license by the Board of Selectmen and shall be found to be compatible with nearby uses, and shall include provisions for parking and screening. A gasoline service station shall be subject to an annual license or permit by the Board of Selectmen and to the following conditions or findings: 1) Evidence of reasonable public need not adequately met by existing service stations within 1 mile of the proposed location. 2) That the proposed service filling station will cause no traffic hazard, congestion or interference with the flow of traffic especially at and near intersections. 3) That adequate provisions will be made to minimize pollution due to oil, gasoline and other chemical spills, fumes and particulates. 4) That the numbers of vehicles served will be limited to those specified in the permit. 5) That there will be no outdoor storage of materials except as provided by the Special Permit and no parking of unregistered or wrecked vehicles.

##### 7.7 THE RESIDENCES AT LAKEVILLE "STATION SMART GROWTH OVERLAY DISTRICT"

###### 7.7.5.4 Prohibited Uses

###### Filling Stations

#### 4. UPLAND CIRCLE

##### UPLAND CIRCLE

###### 5.1.2 Upland Front Yard Circle

No dwelling, building or structure having permitted use in any district shall be erected on a lot unless the lot has an area within its bounds which encompasses an upland front yard circle with a minimum diameter of 160 feet and within which the frontage, or frontage at the required set back must pass. ~~This by-law shall not apply to any buildable lot legally established and existing prior to May 11, 1998. (Adopted June 14, 2004; approved by Attorney General September 16, 2004)~~

#### 5. INDUSTRIAL B

Planning Board Chairman, Brian Hoeg, and Ms. Garbitt provided background information about the original intent of Industrial B Zoning. The proposal would be to re-zone Industrial B to Residential. Currently, the Town has one (1) Industrial B Zone located on Kingman Street, and there is a business located there. If the zoning were to change to Residential, the business would remain and be considered, a pre-existing on a non-conforming lot.

Mr. Burke suggested Committee Members forward any comments or suggestions directly to Mr. Darling so he could compile all of the information and incorporate them into the proposed By-Law amendment.

#### Adjournment

At 8:32 PM, Chairman Foster Adjourned the Meeting.

*At 8:32 PM, the Zoning By-Law Review Advisory Committee adjourned and the Planning Board remained in session.*