

AGENDA
Lakeville Select Board and acting as the
Wage & Personnel Board as needed

Lakeville Police Station – 323 Bedford Street
October 11, 2022 – 5:00 PM

PLEASE ASK IF ANYONE IS RECORDING THE MEETING
AND ANNOUNCE CABLE TAPING (IF PRESENT)

1. Select Board Announcements
2. Town Administrator Announcements
3. Review and possible vote to approve Warrant for November 14, 2022 Special Town Meeting
4. Discuss and possible vote to layout Ledgewood Drive as a Public Way
5. Discuss and possible vote on request from Town Clerk to approve State Election Warrant for November 8, 2022
6. Review and discuss possible comments to Zoning Board of Appeals regarding 109 Bedford Street Comprehensive Permit Application
7. Discuss and possible vote on Public Way License Application for Stalwart Productions to close a portion of Bedford Street for movie production
8. Discuss and possible vote on change of date for Outdoor Entertainment Permit – Association Beach – Charbonneau Avenue
9. Meet with Nancy Yeatts and Noelle Rilleau to discuss letter regarding Community Preservation Committee and Administrative Budget
10. Review and possible vote to approve Select Board Meeting Minutes of September 29, 2022
11. New Business
12. Old Business

Please be aware that this agenda is subject to change. If other issues requiring immediate attention of the Lakeville Select Board arise after the posting of this agenda, they may be addressed at this meeting.

**AGENDA ITEM #1
OCTOBER 11, 2022**

SELECT BOARD ANNOUNCEMENTS

The Treasurer/Tax Collector would like to remind residents that real estate and personal property tax bills for the second quarter are due November 1, 2022.

The Town Clerk would like to let residents know that the deadline to register to vote in Lakeville for the November 8th State Election is October 29, 2022 at 5:00 PM.

Massachusetts voters now have the option to vote early by mail in all elections. To request your Vote by Mail ballot, submit a signed application to the Town Clerk's Office by 5 PM on November 1st.

Early voting in person is also available and takes place at the Old Town House located at 2 Precinct Street. Early voting begins on October 22nd and ends on November 4th.

Further detailed information can be found on the Town Clerk's website page at www.lakevillema.org.

**AGENDA ITEM #2
OCTOBER 11, 2022**

TOWN ADMINISTRATOR ANNOUNCEMENTS

**AGENDA ITEM #3
OCTOBER 11, 2022**

**REVIEW AND POSSIBLE VOTE TO APPROVE WARRANT FOR
NOVEMBER 14, 2022 SPECIAL TOWN MEETING**

Attached is a draft of the Warrant for the Special Town Meeting.

Ari has also included a list of the articles in the suggested order.

Fall 2022 Special Town Meeting
Articles in Suggested Order

Financial articles:

1. Prior bills
2. Operating Budget (Facilities, CPC, Fire Clothing)
3. Capital Budget (Police firearms, Fire Station & Town Hall schematic design)
4. Assawompset ES MSBA Project
5. CPC FY 23 Budget

6. Annual budget calendar – replace January 31 deadline and clarify submission pathway.

7. Historic preservation restriction for Old Town Hall.

8. CPC membership – Redesignate housing authority slot.

Planning Board requested articles:

9. Associate Planning Board member.
10. Acceptance of MGL Ch. 39, Sec. 23D (Mullins Rule).
11. Off-premise sign correction
12. Modify setbacks in the Business District.
13. Warehouse use special permit requirement.
14. Eliminate Section 7.9 (Development Opportunities District)
15. Warehouse in Mixed Use District (Amend 7.5)
16. County Road industrial district.

Problem properties package:

17. Define reusable materials or equipment.
18. Restrict junk dealer licenses to the Business zone.
19. Mandate junk dealers to show commercial activity for annual license renewal.
20. Acceptance of MGL Ch. 40, Sec. 58 (municipal charges lien).
21. Abutters' program – transfer certain tax title properties to the Select Board for disposition.
22. Acceptance of MGL Ch. 148, Sec. 26H (lodgings and boarding houses).

23. Ledgewood Drive Road Acceptance Petition

24. Town Clerk to appointed position (Special Act).

Citizens' Petitions:

25. Recall Provision (Special Act).
26. Select Board expansion to 5 members.

COMMONWEALTH OF MASSACHUSETTS

Town of Lakeville
Special Town Meeting
Monday, November 14, 2022

To any of the Constables of the **TOWN OF LAKEVILLE**,

Greetings:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in Town affairs to meet in the

APPONEQUET REGIONAL HIGH SCHOOL
100 HOWLAND ROAD, LAKEVILLE, MA

On Monday, November 14, 2022, at **6:30 PM**, then and there to act on the following articles:

ARTICLE 1: To see if the Town will vote to transfer the sum of \$11,975.43 from Free Cash and \$362.57 from Park Retained Earnings to pay for the following unpaid bills from the prior fiscal year; or take any other action in relation thereto.

Unpaid Bill No.	Department	Vendor	Amount	Purpose
1	Select Board	Country Press	\$384.04	Town Reports
2	Assessors	Real Estate Research Consultants, Inc.	9,200.00	Personal Property listing & valuations
3	Human Resources	WB Mason	96.38	Office Supplies
4	Human Resources	WB Mason	69.99	Office Supplies
5	Town Offices	Ricoh	82.02	Copier Maintenance
6	Facilities	Advanced Lock & Key	425.00	Service Call
7	General Insurance	J.K. Olivieri Insurance, Inc.	1,718.00	Year-end auto
8	Park Enterprise	Auto Zone	65.22	Auto Supplies
9	Park Enterprise	New England Ice Cream	297.35	Clear Pond concession
	Total		\$12,338.00	

Proposed by the Select Board

ARTICLE 2: To see if the Town will vote to raise and appropriate from taxation the sum of \$70,000 to supplement the appropriations stated below that were previously voted in Article 1 of the May 9, 2022, Annual Town Meeting for the Fiscal Year beginning July 1, 2022, for various Town Departments; or take any other action in relation thereto.

Line No.	Department	Budget Line Item	Amount	Purpose
28	Facilities	Salaries	\$50,000	Facilities Manager
35	Fire	Expenses	20,000	Protective Clothing
	Total		\$70,000	

Proposed by the Select Board

ARTICLE 3: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum of money for capital improvements and equipment shown below and all costs incidental or related thereto, and to authorize Town Officials to take such action and execute all documents as may be necessary to effectuate the purposes of this vote, or take any action relative thereto.

Department	Project/Purpose	Town Meeting	Amount	Funding Source
1	Police	Firearms replacement	\$30,000	Free Cash
2	Fire Station	Schematic Design	220,000	Free Cash
3	Town Hall	Schematic Design	205,000	Free Cash
	TOTAL		\$455,000	

Proposed by the Select Board

ARTICLE 4: To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the Town of Lakeville, for replacing windows and exterior doors at the Assawompset Elementary School located at 232 Main Street, Lakeville, Massachusetts 02347, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"). The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) fifty-three and fifty-three hundredths percent (53.53%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; or to take any other action relative thereto.

Proposed by the Select Board

ARTICLE 5: To see if the Town will vote to appropriate or reserve from the Community Preservation Fund annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other expenses in fiscal year 2023, as shown below, with each item to be considered a separate appropriation:

Appropriations:

From FY 2023 estimated revenues for Committee Administrative Expenses \$ 8,750

Reserves:

From FY 2023 estimated revenues for Historic Resources Reserve \$ 17,500

From FY 2023 estimated revenues for Community Housing Reserve \$ 17,500

From FY 2023 estimated revenues for Open Space Reserve \$ 17,500

From FY 2023 estimated revenues for Budgeted Reserve \$ 113,750

Or take any other action relative thereto.

Proposed by the Community Preservation Committee

ARTICLE 6: To see if the Town will vote to amend Section 13 of Chapter III of the Town's General Bylaws relative to the Select Board, Section 16 of Chapter II of the Town's General Bylaws relative to the Finance Committee and Section 25(e) of Chapter III of the Town's General Bylaws relative to the Capital Improvements Committee, all for the purpose of making the timeline for establishing the annual town budget more consistent with the Town Administrator Bylaw and the timeline used in recent years, as shown below with additions shown in **bold** and deletions shown in ~~strikethrough~~, or take any other action relative thereto.

Part I – Select Board

Section 13. **(a) Each year** the Select Board **shall establish a budget calendar for the ensuing fiscal year.** All boards, committees, heads of departments or other officers of the town authorized by law to expend money, shall furnish ~~directly to the Select Board~~ **to the Town Administrator** and Finance Committee by January 31st of each year **by a date established by the Select Board**, detailed estimates of the amounts necessary for **salaries, and expenses necessary** for the proper maintenance of the departments under their jurisdiction for the ensuing **fiscal** year with explanatory statements as to any changes from the amounts appropriated for the same purposes in the ~~preceding~~ **then current fiscal** year, ~~and an estimate of amounts necessary for outlays or permanent improvements.~~ They shall also prepare estimates of any income likely to be received by the town during the ensuing **fiscal** year in connection with the town's business or property entrusted to their care. ~~The Select Board shall include in their estimate the salaries and expenses connected with their own office, and the salaries of all other town officers shall be included in the estimate for the office, department or branch of the public service of which they are in charge.~~ The Treasurer shall, in addition to ~~his~~ **the** estimate of the amount required for the maintenance of ~~his own~~ **their** office, prepare a separate statement indicating the amounts required for the payment of interest on the town debt and for the payment of such portions of the town debt as may become due during the ~~succeeding~~ **ensuing fiscal** year. (Adopted May 13, 1974; approved by Attorney General June 6, 1974)

(b) Upon receipt of the budget submissions from the various departments, the Town Administrator shall assemble, prepare and present to the Select Board, by a date established by the Select Board, a proposed annual operating budget for each department for the ensuing fiscal year. The Town Administrator's proposed budget shall also include the annual report of the Capital Expenditures Committee. The Select Board shall review the annual proposed budget submitted by the Town Administrator and make recommendations with respect thereto as they deem advisable. The Town Administrator shall present the budget, incorporating the recommendations of the Select Board and the Capital Expenditures Committee to the Finance Committee by a date established by the Select Board.

(c) If the Select Board shall fail to establish an annual budget calendar by January 1, the calendar used to establish the budget for the then current fiscal year will be used to establish the budget for the ensuing fiscal year.

Part II – Finance Committee

Section 16. All articles in any warrant for a town meeting shall be referred to the finance committee for its consideration. The ~~Select Board~~ **Town Administrator** shall transmit **by a date established by the Select Board**, immediately a copy thereof to said committee; after due consideration of the subject matter of such articles, by the committee, they shall report thereon to the town meeting, in writing, such recommendations as it deems best for the interest of the town and its citizens. Said committee shall investigate the financial needs of the town, and its departments, and shall prepare and submit in writing at the annual town meeting, a budget and recommendations of the committee thereon.

Part III – Capital Improvements Committee

Section 25(e)(1) For the purposes of this Section, a capital improvement is defined as a physical betterment, including but not limited to the construction of new buildings or facilities and the alteration of buildings or facilities now or hereafter existing, the purchase of land, or items of equipment, provided that any such physical betterment having a cost of less than \$10,000, and which in the judgment of the committee is not of an unusual or non-recurring nature, shall not be considered a capital improvement.

(2) It shall be the duty of the committee to ascertain annually what expenditures for capital improvements, as herein defined, will be required by the Town during the ensuing five years, and in making its determination shall confer with the Finance Committee and the Town Accountant, any Town boards, commissions, committees, officers, employees, and other agencies and departments of the Town involved in making expenditures for capital improvements in the Town, all of which shall co-operate with the committee. All such agencies and departments or other authorities of the Town authorized by law to make such expenditures shall furnish detailed estimates of the expenditures necessary for capital improvements under their jurisdiction for the ensuing five years in conjunction with their annual budget requests **presented to the Town Administrator.**

(3) **Upon receipt of the capital expenditure submissions from the various departments, the Town Administrator shall assemble, prepare and present to the committee, by a date established by the Select Board, a proposed capital budget for each department for the ensuing five years.** The committee shall **use the Town Administrator's report to** prepare annually a program of expenditures for capital improvements, including recommendations for the scheduling of such expenditures and the financing thereof and the probable impact of such improvements on the tax rate of the Town and shall furnish such report and recommendations to the ~~Finance Committee and Select Board~~ **Town Administrator** on or before the ~~second Monday in April annually~~ **a date established by the Select Board** for use in preparing ~~it's~~ the annual budget recommendations ~~to the Town~~ **for the ensuing fiscal year.** Copies of such report and recommendation shall be deposited with the Town Accountant and with the Town Clerk and copies shall be made available by the Town Clerk upon request. The capital program for the following five years, shall be published with the Capital Expenditures Committee report and included in the Annual Town Report. Such capital program shall be presented to the annual town meeting for acceptance in principle, subject to final action at subsequent town meeting(s).

Proposed by the Select Board

ARTICLE 7: To see if the Town will vote to authorize the Select Board to grant to the Massachusetts Historical Commission or any other qualified entity a historic preservation restriction on the Town-owned property located at 2 Precinct Street, Lakeville, and the Old Town Hall building thereon, on such terms and conditions and for such duration, which may be perpetuity, as the Select Board deems in the best interests of the Town, and, further, to authorize the Select Board to apply for, accept and expend any and all gifts, grants and/or reimbursement of funds from federal, state, and local sources, including, without limitation, any grants and/or reimbursements under the Commonwealth's Preservation Projects Fund, for the preservation of the Old Town Hall and costs incidental or related thereto, and to execute any and all agreements, restrictions and other documents necessary or convenient to accomplish the foregoing; or take any action in relation thereto.

Proposed by the Select Board

ARTICLE 8: To see if the Town will vote to amend the Town's Community Preservation Committee Bylaw, to delete references to the Housing Authority, as shown below, or take any other action relative thereto:

1. Delete the sixth paragraph of Section 1 in its entirety, which currently reads "One member of the Housing Authority as designated by the Authority for an initial term of two (2) years and thereafter for a term of three (3) years."
2. Amend the eighth paragraph of Section 1 as shown here, with additions in **bold** and deletions in ~~strikethrough~~:

~~Three~~ **Four** members to be appointed by the Select Board, one member to be appointed for a term of one (1) year and thereafter for a term of three years and ~~two~~ **three** members to be appointed for a term of two (2) years and thereafter for a term of three (3) years, **provided that one of the two-year appointments shall be an individual with experience in the areas of clearance of substandard, decadent or blighted open areas or the provision of housing for families or elderly persons of low income or engaging in a land assembly and redevelopment projects, including the preservation, restoration or relocation of historical buildings.**

3. Amend the second sentence of Section 2(1) as shown here, with additions in **bold** and deletions in ~~strikethrough~~:

The Committee shall consult with existing municipal boards, including the Conservation Commission, the Historical Commission, the Planning Board, **and** the Park Commission ~~and the Housing Authority~~, or persons acting in those capacities or performing like duties, in conducting such studies.

Proposed by the Select Board

ARTICLE 9: To see if the Town will vote to amend the Town of Lakeville Zoning By-Laws to add a new section to Section 7.4 Special Permits to create the position of Associate Planning Board Member as authorized by G.L. c. 40 A, §9, as set forth below, or take any other action relative thereto:

7.4.4.1 Planning Board Associate Member

There shall be one Associate Member, recommended by the Planning Board and appointed annually by the Select Board for a one-year term. The Chair may designate the Associate Member to sit on the Board for purposes of acting on special permit applications in the case of absence, inability to act, or conflict of interest on the part of any member of the Planning Board or in the event of a vacancy on the Board.

Proposed by the Planning Board

ARTICLE 10: To see if the Town will vote to accept, for the following boards, committees, or commissions holding adjudicatory hearings in the Town, the provisions of Massachusetts General Laws Chapter 39 Section 23D, which provide that a member of a board, committee, or commission holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to the member's absence from one session of such hearing, provided that certain conditions as established by said statute are met or take any other action relative thereto.

Boards & Committees Affected:

- Planning Board
- Zoning Board of Appeals
- Conservation Commission

Proposed by the Planning Board

ARTICLE 11: To see if the Town will vote to amend the Town of Lakeville Zoning By-Laws Section 7.4.6 Specific Uses by Special Permit to delete the provisions relating to Signs, Off-Premises, as shown below with the changes shown in ~~strikethrough~~:

Remove: Signs, Off-Premise

~~SPGA—Board of Appeals; All Districts Applies to signs not exempt from local regulation by Chapter 93 of General Laws and not advertising the premises on which located or the occupant thereof or the goods and services available thereon; must advertise a business commodity or service available in Lakeville; shall not exceed 12 square feet in area; must be found to be appropriate for the location; Special Permit to be limited to a time period of not less than 3 years and subject to renewal.~~

Or take any other action relative thereto.

Proposed by Planning Board

ARTICLE 12: To see if the Town will vote to amend the Town of Lakeville Zoning By-Laws, Section 5.0 Intensity Regulations, 5.2 Footnotes to Intensity Requirements to:

Add Section 5.2.8. In the Business District one side or rear yard setback, on a non-conforming lot abutting another businesses district property, may be reduced by 50% by a Special Permit issued by the Planning Board. This may be only Granted if the applicant can show to the satisfaction of the Board that the reduced setbacks are necessary to allow for the most desirable and efficient site design due to the nonconformity of the lot.

or take any other action relative thereto.

Proposed by the Planning Board

ARTICLE 13: To see if the Town will amend the Lakeville Zoning By-Laws to:

Add to Section 4.1.3 Industrial Uses

	<u>R</u>	<u>B</u>	<u>I</u>	<u>I-B</u>
Warehouse, offices or facilities for distributing merchandise over 100,000 Sq. Ft	N	N	SP	SP
and				

Add to Section 7.4.6 Specific Uses by Special Permits

Warehouse, offices or facilities for distributing merchandise over 100,000 Sq. Ft

SPGA – Planning Board

A single building or combination of buildings that exceed a total of 100,000 square feet, located on one lot, shall require a Special Permit from the Planning Board.

or take any other action relative thereto.

Proposed by the Planning Board

ARTICLE 14: To see if the Town will vote to remove in its entirety Section 7.9 Development Opportunities (DO) District from the Town of Lakeville Zoning By-Law or take any other action thereto.

Proposed by the Planning Board

ARTICLE 15: To see if the Town will vote to amend the Lakeville Zoning By-Laws by modifying the following sections:

1. Section 7.5.1 (Title and Purpose) to delete the words “*each as in effect as of June 16, 2003*” in the second sentence of the last paragraph thereof.
2. Amend Section 7.5.3 (Permitted Principal Uses) to add a new Subsection (6) as follows: “6) *Warehouse, Offices or Facilities for Distributing Merchandise.*”
3. Amend Section 7.5.5.2 (Buffer Zones) to delete the existing text thereof and replace it with the text as follows: “*Developments in the Mixed Use Development District shall be subject to Section 5.2.5 of this Bylaw notwithstanding underlying zoning districts. The provisions of Section 5.2.5 of this Bylaw shall not apply to zoning boundaries internal to the Mixed Use Development District.*”
4. Amend Section 7.5.5.3 (Lot Coverage for Office and R&D Uses) to replace the existing Section with the following: “*Lot Coverage– For all office; warehouse, offices or facilities distributing merchandise; and R&D uses located in the Mixed Use Development District, a maximum of 60% of the upland area of the lot may be covered by structures, parking and paved areas.*”
5. Amend Section 7.5.5.7 (Site Plan Approval) to insert the following at the end thereof: “, *provided that the Planning Board may grant exemptions from the provisions in Section 6.7.7 as set forth and based on the factors in the introductory paragraph to such Section or based on the type of structure proposed in the Mixed Use Development District.*”
6. Amend Section 7.5.5.8 to add a new sentence at the end thereof as follows: “*Notice of the public hearing shall be provided as required by M.G.L. c. 40A s. 11.*”

Or take any other action relative thereto.

Proposed by the Planning Board

ARTICLE 16: To see if the Town will vote to amend the Town of Lakeville Zoning Map, by rezoning 155.4 Acres located on County Street, as shown on the attached map entitled “Zoning Amendment Plan of Land in Lakeville, MA” from the Residential District to the Industrial District.

Or take any other action relative thereto.

Proposed by the Planning Board

ARTICLE 17: To see if the Town will vote to amend the Lakeville Zoning By-Laws by adding to Section 2.0 definitions: Reusable Materials or Equipment: Used yard maintenance equipment, tools, car parts, construction materials ~~wood, metal, bicycles, toys,~~ furniture, (excluding farm equipment).

On residential property outdoor storage of Reusable Materials or Equipment shall be kept in one area and shall not exceed 500 sq. ft. The storage area shall be screened from view from the street and abutting properties. No Reusable Materials or Equipment shall be stored in any front yard, whether screened or not.

Or take any other action thereto.

Proposed by the Select Board

ARTICLE 18: To see if the Town will vote to amend the Lakeville Zoning By-Laws, Section 4.0 Use Regulations by:

Adding to Section 4.1.2 Business Uses

	<u>R</u>	<u>B</u>	<u>I</u>	<u>I-B</u>
Licensed junk dealers (Pursuant to the Town of Lakeville General Bylaws)	N	Y	N	N

or take any other action thereto.

Proposed by the Select Board

ARTICLE 19: To see if the Town will vote to amend the current general by-law titled Junk, Old Metals or Secondhand Articles to amend Section 2 relative to the inspection of the book of sales, and to add a new section 5 mandating that junk dealers show commercial activity annually as a requirement for license renewal as shown below with additions shown in **bold**, or take any other action relative thereto.

Section 2. A book required to be kept pursuant to Section 1 shall be open at all reasonable times to inspection by any police officer of the Town of Lakeville. Any person who has possession or control of a book required to be kept pursuant to Section 1 shall permit such inspection. **Copies of the portion of the book pertaining to the current calendar year shall be presented to the Select Board along with any application for renewal of an existing license.**

Section 5. A holder of a license is required to prove that the license is being utilized for an active business. For purposes of this Bylaw, a business will be considered active only when the license holder can demonstrate more than three sales of “junk” at a cost of fifty dollars or greater, or bartered for with property valued at fifty dollars or greater, within each six month period of the license. Such sales shall be recorded in the book described in Section 1 of this Bylaw.

Proposed by the Select Board

ARTICLE 20: To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 40, Section 58, to authorize the Town to assess a municipal charges lien on any real property in the Town for the following types of municipal fees and charges that have not been paid by their due date; or take any other action relative thereto.

Charges, penalties, fines or fees, including interest and all costs to record said lien(s) in the Plymouth County Registry of Deeds, assessed in accordance with the following provisions and not paid by their due date shall constitute a lien on the real property of the person assessed:

1. Any provision in Section V of the Town's General Bylaws;
2. Any provision in the Town's Zoning Bylaws;
3. Any bylaw, statute or regulation enforced or administered by the Board of Health;
4. Any bylaw, statute or regulation enforced or administered by the Conservation Commission;
5. Any bylaw, statute or regulation enforced or administered by the Building Inspector;
6. Any bylaw, statute or regulation enforced or administered by the Fire Department;
7. Any bylaw, statute or regulation enforced or administered by the Department of Public Works
8. Any bylaw, statute or regulation enforced or administered by the Zoning Board of Appeals; and
9. Any bylaw, statute or regulation enforced or administered by the Planning Board

A municipal charges lien authorized under this section shall take effect upon the recording of a list of unpaid municipal charges and fees by parcel of land and by the name of the person assessed for the charge or fee in the registry of deeds of the county or district where the land subject to the lien lies.

If a charge or fee which is secured by a municipal charges lien remains unpaid when the assessors are preparing a real estate tax list and warrant to be committed under section fifty-three of chapter fifty-nine, the board or officer in charge of the collection of the municipal charge or fee, or the town collector of taxes, if applicable under section thirty-eight A of chapter forty-one, shall certify such charge or fee to the assessors, who shall forthwith add such charge or fee to the tax on the property to which it relates and commit it with their warrant to the collector of taxes as part of such tax.

If the property to which such charge or fee relates is tax exempt, such charge or fee shall be committed as the tax. A lien under this section may be discharged by filing a certificate from the tax collector that all municipal charges or fees constituting the lien, together with any interest and costs thereon, have been paid or legally abated. All costs of recording or discharging a lien under this section shall be borne by the owner of the property.

Proposed by the Select Board

ARTICLE 21: To see if the Town will vote to transfer the care, custody and control of the parcels of land identified below, acquired by the Town by tax title foreclosure, from the Treasurer/Collector for the purpose of sale at public auction to the Select Board for general municipal purposes and/or for the purpose of conveyance and to authorize the Select Board to convey such parcels on such terms and conditions as the Board may deem appropriate, said parcels being described as follows, or take any other action relative thereto.

<u>Property Address</u>	<u>Assessors Map, Lot</u>
Meadow Lane/Clark Street	042-004-008
Grove Street/Clark Street	042-004-007
9 Violet Street	042-014-005

10 Helen Street
Evergreen Road

042-018-011
042-004-003

Proposed by the Select Board

ARTICLE 22: To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 148, Section 26H to require that every lodging house or boarding house shall be protected throughout with an adequate system of automatic sprinklers in accordance with the provisions of the state building code; and to also accept the provisions of Massachusetts General Laws, Chapter 148, Section 26I to require that any building hereafter constructed or hereafter substantially rehabilitated so as to constitute the equivalent of new construction and occupied in whole or in part for residential purposes and containing not less than four dwelling units including, but not limited to, lodging houses, boarding houses, fraternity houses, dormitories, apartments, townhouses, condominiums, hotels, motels and group residences, shall be equipped with an approved system of automatic sprinklers in accordance with the provisions of the state building code; For purposes of these statutes, a boarding / lodging house is defined as a building with six or more persons living together not within the second degree of kindred. "Second degree of kindred" means a father, mother, brother, sister, son, daughter, spouse, grandparent, grandchild, brother- or sister-in-law, son- or daughter-in-law, father- or mother-in-law, stepfather, stepmother, stepsister, stepbrother, stepson, or stepdaughter." or take any other action relative thereto.

Proposed by the Select Board

ARTICLE 23: To see if the Town will vote to accept the layout of Ledgewood Drive as a public way, as heretofore laid out by the Select Board and shown on a plan of land entitled "Roadway Acceptance Plan 'Ledgewood Estates' on Ledgewood Drive in Lakeville, Massachusetts," dated August 28, 2020, prepared by Outback Engineering Incorporated, and to authorize the Select Board to acquire, by purchase, gift, and/or eminent domain, the fee to or easements in said roadway for all purposes for which public ways are used in Lakeville and any access, drainage, utility and other easements incidental or related thereto, or take any other action relative thereto.

Proposed by the Select Board

ARTICLE 24: To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation, as set forth below, to change to position of Town Clerk from an elected position to a position appointed by the Select Board; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition; or take any other action relative thereto.

The petition for special legislation shall take the following form:

AN ACT RELATIVE TO THE POSITION OF TOWN CLERK IN THE TOWN OF LAKEVILLE

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding section 1 of chapter 41 of the General Laws or any other general or special law, rule or regulation to the contrary, there shall be a town clerk for the town of Lakeville. The town clerk shall have all the powers, perform the duties and be subject to the liabilities and penalties now or hereafter conferred and imposed by law on town clerks. The town clerk shall be appointed and may be removed, after the opportunity for a hearing, by the select board of the town. The select board may establish an employment contract, subject to annual appropriation, with the town clerk for salary, fringe

benefits and other conditions of employment, including, but not limited to, severance pay, reimbursement for expenses incurred in the performance of the duties of office, liability insurance and conditions of discipline, termination, dismissal, reappointment, performance standards and leave.

SECTION 2. Upon the effective date of this act, the elected office of town clerk shall be abolished and the term of the incumbent of such office terminated. Notwithstanding the foregoing, the elected incumbent holding the office of town clerk on the effective date of this act shall continue to hold such office and perform the duties of that office until the expiration of the term for which the town clerk was elected, unless he or she sooner vacates such office or until a new town clerk is appointed by the select board in accordance with section 1 of this act.

SECTION 3. No contracts or liabilities in force on the effective date of this act shall be affected by the abolition of the elected office of town clerk or the creation of the appointed office and the appointed town clerk shall, in all respects, be the lawful successor of the office so abolished. All records, property and equipment of the offices of the elected town clerk shall be assigned to the office of the appointed town clerk.

SECTION 4. This act shall take effect upon its passage.

Proposed by the Town Clerk

ARTICLE 25: To see if the town will vote to authorize the Select Board to petition the General Court for special legislation to provide for recall of officials elected solely by the voters of Lakeville, and, further, to authorize the General Court to make changes of form only to such legislation unless approved by Select Board prior to enactment, and, further to authorize the Board to approve such changes as are within the public purposes of this petition or take any other action relative thereto. Subject to the above-stated rights of the General Court and the Select Board to make certain changes, the proposed special legislation shall include the following provisions relative to the recall of elected Town officials:

Recall of an Elected Official

A. RECALL DESCRIPTION

1. Any holder of an elected office in the Town of Lakeville may be recalled therefrom by registered voters of the Town as hereinafter provided.
2. The recall of an elected official will consist of a 3-step process.
3. An initial recall affidavit shall not be filed against an officer within 3 months after the officer takes office or within the last 3 months of the term.

B. INITIATION OF THE RECALL AFFIDAVIT - (Step one) The Affidavit

1. Any 100 registered voters of the Town of Lakeville may initiate a recall petition by filing an affidavit with the Town Clerk.
2. The Select Board may appoint a Temporary/ Interim Town Clerk to handle the recall process and Election should the Town Clerk be the Elected official subjected to the recall.

C. THE PETITION - (Step two) The Petition

1. If the affidavit process has been completed in compliance with the requirements of Section B of this Chapter, the Town Clerk shall provide a sufficient number of copies of petition blanks demanding such recall (printed forms of which shall be kept on hand) to the voters who made the affidavit. The blanks shall be issued by the Town Clerk and bear the Clerk's signature and Official Seal; they shall be dated and addressed to the Select Board and shall contain the names of all persons to whom issued, the number of blanks so issued, the name of the person sought to be recalled, and shall demand the election of a successor to such office.

2. Such blanks must be provided within five Town hall business days during regular business hours.
3. Said recall petition shall be returned and filed with the Town Clerk on the 28th day after the requesting voter receives the blank petitions from the Town Clerk.
4. In the event that the Town hall is not open on the 28th day, the petition may be filed during normal business hours on the next Town hall business day.
5. The petition, before being returned and filed, shall be signed by 200 qualified voters of the Town. Every signature must be accompanied by the signer's place of residence, giving the street and number.
6. Within 5 working days of receipt of the recall petition sheets, the town clerk shall submit the recall petition sheets to the board of registrars of voters and the board of registrars of voters shall verify the number of signatures which are names of registered voters of the town.

D. THE RECALL ELECTION - (Step three) The Recall Election

1. If the petition shall be found and certified by the Registrars of Voters to be sufficient, the Town Clerk shall forthwith submit it with the certificate to the Select Board. The Select Board shall forthwith give written notice to said official of the receipt of said certificate and, if the official sought to be removed does not resign within seven calendar days, shall order an election to be held on a day fixed by them not less than 45 days nor more than 60 days after the date of the Town Clerk's certificate that a sufficient petition is filed. However, if any other Town election is to occur within 90 days after the date of said certificate the Select Board may, at their discretion, postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been so ordered, the election shall nevertheless proceed as in this section provided.
2. The nomination of other candidates, the publication of the warrant for the recall election and the conduct of the nomination and publication, shall all be in accordance with the law relating to elections, unless otherwise provided in this act.
3. Ballots used in a recall election shall contain the following propositions:

FOR THE RECALL OF THE
 [NAME OF OFFICER] ()
 AGAINST THE RECALL OF THE
 [NAME OF OFFICER] ()

Adjacent to each proposition, there shall be a place to mark a vote. Following the propositions shall appear the word "Candidates" with directions to voters as required by section 42 of chapter 54 of the General Laws. Beneath the word "Candidates" shall appear the names of candidates nominated as provided in this act. Adjacent to the name of each candidate shall be a place to mark a vote.

E. DUTIES OF THE INCUMBENT

1. The incumbent shall continue to perform the duties of his/her office until the recall election.
2. If the official is not recalled, he/she shall continue in the office for the remainder of his/her unexpired term, subject to recall as before, as provided in this act.

F. VOTING RESULTS

1. If a majority of the votes cast upon the question of recall are in favor of recall, the officer shall be recalled and the votes for the candidates shall be counted.
2. In that instance, the candidate receiving the highest number of votes shall be declared elected for the open office.
3. If less than a majority of the votes cast are in favor of recall, the votes for candidates shall not be counted.
4. If the official is recalled in the recall election, he/she shall be deemed removed upon the election of his/her successor, who shall hold office during the unexpired term.

5. If the successor fails to take office within five days after receiving notification of his/her election, the incumbent shall thereupon be deemed removed and the office vacant.

G. CANDIDATES TO SUCCEED THE ELECTED OFFICIAL

1. Any elected official sought to be recalled may not be a candidate to succeed himself/herself.
2. The nomination of candidates, the publication of the warrant for the recall election, and the conduct of the same shall all be in accordance with the provisions of law relating to elections unless otherwise provided by this act.

H. APPOINTMENT OF RECALLED OR RESIGNED OFFICIAL

1. Any person who has been removed from an office or who has resigned from office while recall proceedings were pending against him/her shall not be appointed to any Town office within 4 years after such removal or such resignation.
2. In the case of an officer subjected to a recall election and not recalled, a new recall affidavit shall not be filed against that officer until at least 3 months have elapsed after the election at which the previous recall was submitted to the voters of the town.

I. EFFECTIVE DATE

This act shall take effect upon its passage.

By Petition

ARTICLE 26: To see if the Town will vote to petition the General Court for Special Legislation. Notwithstanding Chapter 43B section 13 of the General Laws or any General or Special Law to the contrary.

SECTION 1. Notwithstanding any general or special law to the contrary, the number of members on the Lakeville Select Board shall be increased from three (3) to five (5). The Select Board shall annually elect a chairperson from among its members.

SECTION 2. At the first Ballot Election to occur following the effective date of this act, three (3) Select Board members shall be elected. The candidate receiving the highest number of votes in that election shall serve a three (3) year term. The candidate receiving the second highest number of votes shall serve a two (2) year term. The candidate receiving the third highest number of votes shall serve a one (1) year term. Thereafter, as the terms of Select Board members expire, successors shall be elected for terms of three (3) years.

SECTION 3. This act shall take effect upon its passage.

By Petition

You are directed to serve this warrant by posting an attested copy hereof fourteen days at least before the day appointed for a Special Town Meeting and seven days at least before the day appointed for the Annual Town Meeting at the following places: Town Office Building, Baldie's Pizzeria, Fat Cousins, the Clark Shores Association Bulletin Board, Apponequet Regional High School, Lakeville Senior Center, and Assawompset Elementary School.

Hereof fail not and make return of this warrant with your doings hereon at the time and place of said meeting.

Given under our hands this 11th day of October, 2022.

Richard LaCamera, Chairman

Evagelia Fabian

Lorraine Carboni

LAKEVILLE SELECT BOARD

A true copy, Attest:

Constable
Lakeville, MA October 2022

**AGENDA ITEM #4
OCTOBER 11, 2022**

**DISCUSS AND POSSIBLE VOTE TO LAYOUT LEDGEWOOD DRIVE
AS A PUBLIC WAY**

Attached is a report from Environmental Partners regarding Ledgewood Drive.

Also attached is the as built plan for Ledgewood Drive and the Layout Order, which has been reviewed by Town Counsel.

The motion to vote to layout the road is:

The Select Board of the Town of Lakeville, acting pursuant to G.L. C. 82 Sections 21-24, deeming that common convenience and necessity require the layout as a town way of Ledgewood Drive, and intending to acquire easements necessary for such layout, hereby lays out the hereafter-described Ledgewood Drive as a public town way. The boundaries of said way hereby laid out are as follows:

Ledgewood Drive Roadway As Built Plan, "Ledgewood Drive" a Residential Subdivision off Pierce Avenue in Lakeville, Massachusetts, dated August 28, 2020, prepared by Outback Engineering, Incorporated on file with the Select Board and Town Clerk's Offices.

Said plan being hereby adopted as a part of this order, and attached hereto as Exhibit A. All land lying within the above-described boundaries is hereby laid out as a town way.

The aforementioned layout plans are hereby forwarded to the Town Clerk for filing and the foregoing layout is hereby reported to the Town for Acceptance.

**TOWN OF LAKEVILLE
LAYOUT ORDER
LEDGEWOOD DRIVE**

The Select Board of the Town of Lakeville, acting pursuant to G.L. C. 82 Sections 21-24, deeming that common convenience and necessity require the layout as a town way of Ledgewood Drive, and intending to acquire easements necessary for such layout, hereby lays out the hereafter-described Ledgewood Drive as a public town way. The boundaries of said way hereby laid out are as follows:

Ledgewood Drive Roadway As Built Plan, "Ledgewood Drive" a Residential Subdivision off Pierce Avenue in Lakeville, Massachusetts, dated August 28, 2020, prepared by Outback Engineering, Incorporated on file with the Select Board and Town Clerk's Offices.

Said plan being hereby adopted as a part of this order, and attached hereto as Exhibit A. All land lying within the above-described boundaries is hereby laid out as a town way.

The aforementioned layout plans are hereby forwarded to the Town Clerk for filing and the foregoing layout is hereby reported to the Town for Acceptance.

Adopted _____
(date)

Town of Lakeville
Select Board

Filed in the office of
the Town Clerk _____
(date)

MEMORANDUM

Date: September 28, 2022

To: Marc Resnick, Town Planner, Town of Lakeville

From: Scott Turner, PE, AICP, Environmental Partners

Subject: Ledgewood Estates

Environmental Partners (EP) performed a second site observation and review of approved and as-built plans regarding the Ledgewood Estates Definitive Subdivision project located in Lakeville, Massachusetts. EP performed an initial site observation on January 18, 2021 and issued a memorandum documenting our observations on January 20, 2021. Consequently, we were asked to perform follow-up observations to verify conditions as-built conditions in the subdivision. Scott Turner from Environmental Partners performed this second site visit on September 28, 2022. Also present during the site visit were Marc Resnick, the Lakeville Town Planner and Franklin Moniz, the Lakeville Department of Public Works Director. Also present for part of the visit was Paul Turner, the developer and a resident of the subdivision. Specifically, Environmental Partners reviewed the following documents:

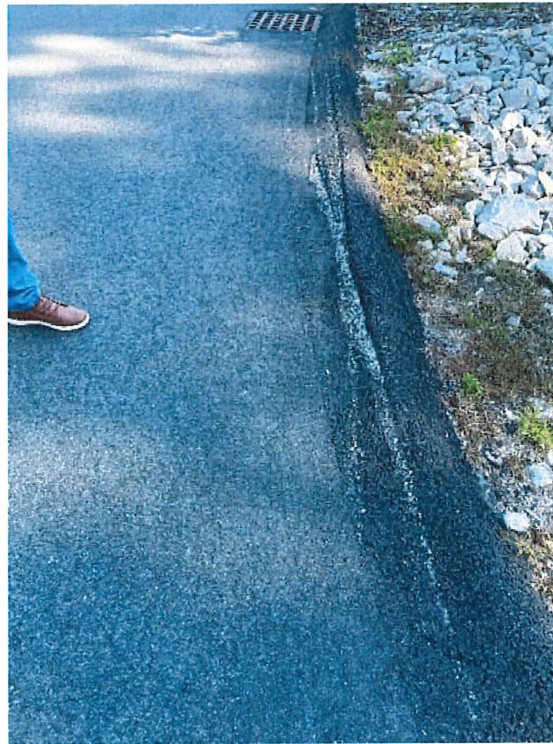
- Approved Definitive Subdivision Plans entitled "Ledgewood Estates – A Residential Subdivision Off Pierce Avenue in Lakeville, Massachusetts," prepared by Outback Engineering, revised through 3/3/16, endorsed by the Lakeville Planning Board 4/7/16 (4 sheets).
- Plan entitled "Ledgewood Drive Roadway As-Built Plan, Ledgewood Estates – A Residential Subdivision Off Pierce Avenue in Lakeville, Massachusetts," prepared by Outback Engineering, dated August 28, 2020.

During the second site visit, EP has the following comments.

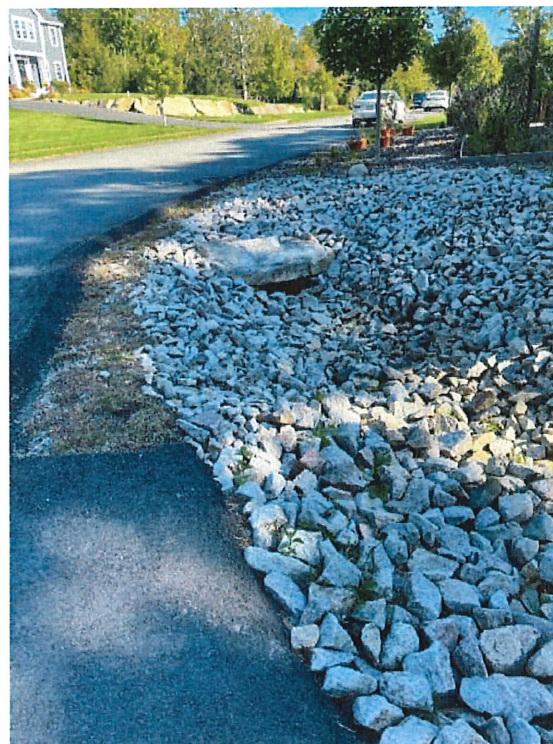
1. In general, the quality of the construction appears good. The as-built conditions were accurately represented in the as-built plans and were generally consistent with the approved plans as provided.
2. The rip-rap filled swale located at the intersection of Ledgewood Drive and Pierce Avenue was generally clean with the exception of a few weeds growing between the stones. This swale is in good condition.

3. All catch basins within the subdivision contain hoods or an equivalent. There was standing water in all of the sumps, which is expected and is an indicator the catch basins are working as intended.
4. All stormwater piping is High Density Polyethylene (HDPE). The as-built plans show reinforced concrete pipes. We understand a waiver was granted by the Planning Board to allow the installation of HDPE pipe.
5. All drain manholes on site were opened. The drain manholes contained small amounts of silt and debris but not nearly enough to impact how the drain manholes function.
6. The infiltration basin located on the north side of the subdivision was dry. All stone on the bottom of the basin appeared clean and in good condition. There were small amounts of weeds growing on the bottom of the basin which is expected to occur over time. In our opinion, they should be removed as part of regular maintenance of the basin.
7. The overflow between the sediment forebay and the main infiltration area of the basin should be cleaned to remove any sediment and vegetation growing between the stones.
8. The rip rap pad at the discharge to the sediment forebay contains some vegetation and sediment. This pad should be cleaned or replaced to ensure that proper energy dissipation occurs.
9. The overflow from the infiltration basin contains a mix of angular stones and $\frac{3}{4}$ inch stone which has produced a smooth surface on top of the overflow. We recommend the smaller stones be removed to produce an angular surface along the top of the overflow weir to dissipate velocities of water over the weir.
10. Many of the survey bounds and other monumentation were not found during this visit. The as-built plan indicates all bounds were installed as shown on the plans.
11. Some 'scarring' of the cape cod berm was observed. It is likely this scarring occurred as part of regular snow plowing and is expected wear and tear.
12. All sidewalks and handicap ramps are in good condition.
13. There are two driveways that have been improved by setting flush stones and stamped concrete in the approach to the subdivision road. We understand these features were installed to improve the look of the driveways. These features do not appear to be part of the original approval and do not impact the function of the driveways. They have been installed within the right-of-way.

In general, the subdivision appears of good construction and has been maintained. We do not have any major issues with the items we have observed or the construction of the subdivision with regards to consistency with the approved plans. Please call if you have any questions.



Scarring of Cape Cod Berm



Rip Rap Swale at Subdivision Entrance



Sidewalks and handicap ramp



Inset stones at driveway



Stamped concrete at driveway



Rip-rap pad at discharge to sediment forebay



Overflow from sediment forebay



Bottom of infiltration basin



Overflow weir from infiltration basin



Outlet control structure from infiltration basin

**AGENDA ITEM #5
OCTOBER 11, 2022**

**DISCUSS AND POSSIBLE VOTE ON REQUEST FROM TOWN
CLERK TO APPROVE STATE ELECTION WARRANT FOR
NOVEMBER 8, 2022**

Attached is the warrant for the November 8th State Election for your approval.

**COMMONWEALTH OF MASSACHUSETTS
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH**

WARRANT FOR 2022 STATE GENERAL ELECTION

Plymouth, SS.

To the Constables of the Town of Lakeville.

GREETINGS:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said city or town who are qualified to vote in General to vote at:

PRECINCT ONE, PRECINCT TWO, AND PRECINCT THREE

Ted Williams Camp, Loon Pond Lodge
28 Precinct Street, Lakeville, MA 02347

On **TUESDAY, THE EIGHTH DAY OF NOVEMBER, 2022**, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the State Primaries for the candidates of political parties for the following offices:

GOVERNOR and LIEUTENANT GOVERNOR.....	FOR THIS COMMONWEALTH
ATTORNEY GENERAL	FOR THIS COMMONWEALTH
SECRETARY OF STATE	FOR THIS COMMONWEALTH
TREASURER.....	FOR THIS COMMONWEALTH
AUDITOR.	FOR THIS COMMONWEALTH
REPRESENTATIVE IN CONGRESS	FOURTH DISTRICT
COUNCILLOR.	FIRST DISTRICT
SENATOR IN GENERAL COURT	FIRST BRISTOL & PLYMOUTH DISTRICT
REPRESENTATIVE IN GENERAL COURT	TWELFTH BRISTOL DISTRICT
DISTRICT ATTORNEY	PLYMOUTH DISTRICT
SHERIFF	PLYMOUTH COUNTY
COUNTY COMMISSIONER	PLYMOUTH COUNTY

QUESTION 1: PROPOSED AMENDMENT TO THE CONSTITUTION

Do you approve of the adoption of an amendment to the constitution summarized below, which was approved by the General Court in joint sessions of the two houses on June 12, 2019 (yeas 147 – nays 48); and again, on June 9, 2021 (yeas 159 – nays 41)?

SUMMARY

This proposed constitutional amendment would establish an additional 4% state income tax on that portion of annual taxable income in excess of \$1 million. This income level would be adjusted annually, by the same method used for federal income-tax brackets, to reflect increases in the cost of living. Revenues from this tax would be used, subject to appropriation by the state Legislature, for public education, public colleges and universities; and for the repair and maintenance of roads, bridges, and public transportation. The proposed amendment would apply to tax years beginning on or after January 1, 2023.

A YES VOTE would amend the state Constitution to impose an additional 4% tax on that portion of incomes over one million dollars to be used, subject to appropriation by the state Legislature, on education and transportation.

A NO VOTE would make no change in the state Constitution relative to income tax.

QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2022?

SUMMARY

This proposed law would direct the Commissioner of the Massachusetts Division of Insurance to approve or disapprove the rates of dental benefit plans and would require that a dental insurance carrier meet an annual aggregate medical loss ratio for its covered dental benefit plans of 83 percent. The medical loss ratio would measure the amount of premium dollars a dental insurance carrier spends on its members' dental expenses and quality improvements, as opposed to administrative expenses. If a carrier's annual aggregate medical loss ratio is less than 83 percent, the carrier would be required to refund the excess premiums to its covered individuals and groups. The proposed law would allow the Commissioner to waive or adjust the refunds only if it is determined that issuing refunds would result in financial impairment for the carrier.

The proposed law would apply to dental benefit plans regardless of whether they are issued directly by a carrier, through the connector, or through an intermediary. The proposed law would not apply to dental benefit plans issued, delivered, or renewed to a self-insured group or where the carrier is acting as a third-party administrator.

The proposed law would require the carriers offering dental benefit plans to submit information about their current and projected medical loss ratio, administrative expenses, and other financial information to the Commissioner. Each carrier would be required to submit an annual comprehensive financial statement to the Division of Insurance, itemized by market group size and line of business. A carrier that also provides administrative services to one or more self-insured groups would also be required to file an appendix to their annual financial statement with information about its self-insured business. The proposed law would impose a late penalty on a carrier that does not file its annual report on or before April 1.

The Division would be required to make the submitted data public, to issue an annual summary to certain legislative committees, and to exchange the data with the Health Policy Commission. The Commissioner would be required to adopt standards requiring the registration of persons or entities not otherwise licensed or registered by the Commissioner and criteria for the standardized reporting and uniform allocation methodologies among carriers.

The proposed law would allow the Commissioner to approve dental benefit policies for the purpose of being offered to individuals or groups. The Commissioner would be required to adopt regulations to determine eligibility criteria.

The proposed law would require carriers to file group product base rates and any changes to group rating factors that are to be effective on January 1 of each year on or before July 1 of the preceding year. The Commissioner would be required to disapprove any proposed changes to base rates that are excessive, inadequate, or unreasonable in relation to the benefits charged. The Commissioner would also be required to disapprove any change to group rating factors that is discriminatory or not actuarially sound.

The proposed law sets forth criteria that, if met, would require the Commissioner to presumptively disapprove a carrier's rate, including if the aggregate medical loss ratio for all dental benefit plans offered by a carrier is less than 83 percent.

The proposed law would establish procedures to be followed if a proposed rate is presumptively disapproved or if the Commissioner disapproves a rate.

The proposed law would require the Division to hold a hearing if a carrier reports a risk-based capital ratio on a combined entity basis that exceeds 700 percent in its annual report.

The proposed law would require the Commissioner to promulgate regulations consistent with its provisions by October 1, 2023. The proposed law would apply to all dental benefit plans issued, made effective, delivered, or renewed on or after January 1, 2024.

A YES VOTE would regulate dental insurance rates, including by requiring companies to spend at least 83% of premiums on member dental expenses and quality improvements instead of administrative expenses, and by making other changes to dental insurance regulations.

A NO VOTE would make no change in the law relative to the regulations that apply to dental insurance companies.

QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2022?

SUMMARY

This proposed law would increase the statewide limits on the combined number of licenses for the sale of alcoholic beverages for off-premises consumption (including licenses for “all alcoholic beverages” and for “wines and malt beverages”) that any one retailer could own or control: from 9 to 12 licenses in 2023; to 15 licenses in 2027; and to 18 licenses in 2031.

Beginning in 2023, the proposed law would set a maximum number of “all alcoholic beverages” licenses that any one retailer could own or control at 7 licenses unless a retailer currently holds more than 7 such licenses.

The proposed law would require retailers to conduct the sale of alcoholic beverages for off-premises consumption through face-to-face transactions and would prohibit automated or self-checkout sales of alcoholic beverages by such retailers.

The proposed law would alter the calculation of the fine that the Alcoholic Beverages Control Commission may accept in lieu of suspending any license issued under the State Liquor Control Act. The proposed law would modify the formula for calculating such fee from being based on the gross profits on the sale of alcoholic beverages to being based on the gross profits on all retail sales.

The proposed law would also add out-of-state motor vehicle licenses to the list of the forms of identification that any holder of a license issued under the State Liquor Control Act, or their agent or employee, may choose to reasonably rely on for proof of a person's identity and age.

A YES VOTE would increase the number of licenses a retailer could have for the sale of alcoholic beverages to be consumed off premises, limit the number of “all-alcoholic beverages” licenses that a retailer could acquire, restrict use of self-checkout, and require retailers to accept customers’ out-of-state identification.

A NO VOTE would make no change in the laws governing the retail sale of alcoholic beverages.

QUESTION 4: REFERENDUM ON AN EXISTING LAW

Do you approve of a law summarized below, which was approved by the House of Representatives and the Senate on May 26, 2022?

SUMMARY

This law allows Massachusetts residents who cannot provide proof of lawful presence in the United States to obtain a standard driver's license or learner's permit if they meet all the other qualifications for a standard license or learner's permit, including a road test and insurance, and provide proof of their identity, date of birth, and residency. The law provides that, when processing an application for such a license or learner's permit or motor vehicle registration, the registrar of motor vehicles may not ask about or create a record of the citizenship or immigration status of the applicant, except as otherwise required by law. This law does not allow people who cannot provide proof of lawful presence in the United States to obtain a REAL ID.

To prove identity and date of birth, the law requires an applicant to present at least two documents, one from each of the following categories: (1) a valid unexpired foreign passport or a valid unexpired Consular Identification document; and (2) a valid unexpired driver's license from any United States state or territory, an original or certified copy of a birth certificate, a valid unexpired foreign national identification card, a valid unexpired foreign driver's license, or a marriage certificate or divorce decree issued by any state or territory of the United States. One of the documents presented by an applicant must include a photograph and one must include a date of birth. Any documents not in English must be accompanied by a certified translation. The registrar may review any documents issued by another country to determine whether they may be used as proof of identity or date of birth.

The law requires that applicants for a driver's license or learner's permit shall attest, under the pains and penalties of perjury, that their license has not been suspended or revoked in any other state, country, or jurisdiction.

The law specifies that information provided by or relating to any applicant or license-holder will not be a public record and shall not be disclosed, except as required by federal law or as authorized by Attorney General regulations, and except for purposes of motor vehicle insurance.

The law directs the registrar of motor vehicles to make regulations regarding the documents required of United States citizens and others who provide proof of lawful presence with their license application.

The law also requires the registrar and the Secretary of the Commonwealth to establish procedures and regulations to ensure that an applicant for a standard driver's license or learner's permit who does not provide proof of lawful presence will not be automatically registered to vote.

The law takes effect on July 1, 2023.

A YES VOTE would keep in place the law, which would allow Massachusetts residents who cannot provide proof of lawful presence in the United States to obtain a driver's license or permit if they meet the other requirements for doing so.

A NO VOTE would repeal this law.

You are directed to serve this warrant by posting an attested copy hereof seven days at least before **November 8, 2022** at the following places: Town Office Building; Baldies Pizzeria; Fat Cousins; the Clark Shores Association Bulletin Board; Apponequet Regional High School; the Senior Center and Assawompset School.

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 11th day of October, 2022.

Richard LaCamera, Chairman

Evagelia Fabian

Lorraine Carboni

LAKEVILLE SELECT BOARD

A true copy, Attest:

Constable

Lakeville, October _____, 2022

CONSTABLE POSTING

**Plymouth, ss:
Lakeville, Mass.**

October _____, 2022

Pursuant to the within Warrant I have notified and warned the inhabitants of the Town of Lakeville by posting attest copies of same at the Town Office Building, Baldies Pizzeria, Fat Cousins, the Clark Shores Association Bulletin Board, Apponequet Regional High School, the Senior Center and Assawompset School.

Constable of Lakeville

**AGENDA ITEM #6
OCTOBER 11, 2022**

**REVIEW AND DISCUSS POSSIBLE COMMENTS TO ZONING
BOARD OF APPEALS REGARDING 109 BEDFORD STREET
COMPREHENSIVE PERMIT APPLICATION**

Attached please find:

Letter from Attorney O'Shaughnessy

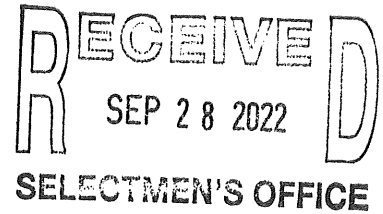
Zoning Board of Appeals Petition

Buildings Sketches

Comprehensive Permit Site Plan

Brief in Support of an Application for Comprehensive Permit

Law Office of
Michael P. O'Shaughnessy
43 East Grove Street, Suite 5
Middleboro, MA 02346
Phone: (508) 947-9170
E-mail: mike@mpoesq.com



September 23, 2022

Town of Lakeville
Board of Appeals
Attention: Mr. John Olivieri, Jr., Chairman
346 Bedford Street
Lakeville, MA 02347

Re: Comprehensive Permit Application
North Bedford Crossing ("Project")
109 Bedford Street, Lakeville, MA
Board of Assessors Map 025 Block 003 Lot 021

Dear Mr. Olivieri:

On behalf of North Bedford Crossing, LLC. ("Applicant") and pursuant to M.G.L. c. 40B, §§20-23, please accept this application for a Comprehensive Permit for the property located at 109 Bedford Street, Lakeville, MA.

The proposed project is twenty (20) three-bedroom homeownership units in ten (10) duplex style buildings. Five (5) of the units (or twenty-five (25%) percent) will be affordable to households earning up to eighty percent (80%) of the Area Median Income, in accordance with applicable state regulations and guidelines. Fifteen (15) units will be sold as market rate units. All of the units will be sold as condominium units.

In support of this application please find the following:

1. Twenty (20) full size sets of site development plans;
2. Twenty (20) sets of preliminary, scaled, architectural drawings;
3. Five (5) bound copies of the Brief in Support of the Application;
4. Three (5) copies of the drainage report prepared by Zenith Consulting Engineers;
5. Certified abutters List;
6. Notice to Tax Collector;
7. Filing Fee of \$2,225.00 (\$350 flat fee plus \$75 per unit); and
8. Check to South Coast Media for \$120.76.

September 23, 2022

Page 2

I would request that a hearing on this application be scheduled within 30 days as required by 760 CMR 56.05 (3). If a short continuance is necessary until the public hearing can be opened, I am confident the Applicant is willing to grant same. If such a request is necessary, please contact this office.

I look forward to the working with the Lakeville Zoning Board of Appeals in its review of this application.

Should you have any questions or comments, please do not hesitate to contact me.

Very truly yours,



Michael O'Shaughnessy

Received by Board of Appeals or Town Clerk

Petition to be
filed with Town Clerk

EXHIBIT "A"

TOWN OF LAKEVILLE
MASSACHUSETTS

ZONING BOARD OF APPEALS
PETITION FOR HEARING

Name of Petitioner: North Bedford Crossing LLC

Mailing Address: 1 Lakeville Business Park Drive, Suite 2A, Lakeville, MA 02347

Name of Property Owner: North Bedford Crossing LLC

Location of Property: 109 Bedford Street

Property is located in a residential business industrial (zone)

Registry of Deeds: Book No. 55084 Page No. 286

Map 025 Block 003 Lot 021

Petitioner is: owner tenant licensee prospective purchaser

Nature of Relief Sought: COMPREHENSIVE PERMIT

Special Permit under Section (s) _____ of the Zoning Bylaws

Variance from Section (s) _____ of the Zoning Bylaws.

Appeal from Decision of the Building Inspector/Zoning Enforcement Officer

Date of Denial

Brief to the Board: (See instructions on reverse side - use additional paper if necessary.)
Applicant seeks a comprehensive permit under G.L. c 40B authorizing the construction
of twenty (20) units in ten (10) duplex style buildings

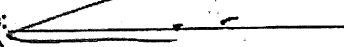
I HEREBY REQUEST A HEARING BEFORE THE ZONING BOARD OF APPEALS WITH
REFERENCE TO THE ABOVE PETITION OR APPEAL. ALL OF THE INFORMATION ON
THIS PETITION, TO THE BEST OF MY KNOWLEDGE, IS COMPLETE AND ACCURATE
AND CONFORMS TO THE REQUIREMENTS ON THE BACK OF THIS PETITION FORM.

Petitioner: North Bedford Crossing, LLC

Date: 9.22.2022

Signed: _____

Telephone: 508-947-9170

Owner Signature: 
(If not petitioner)

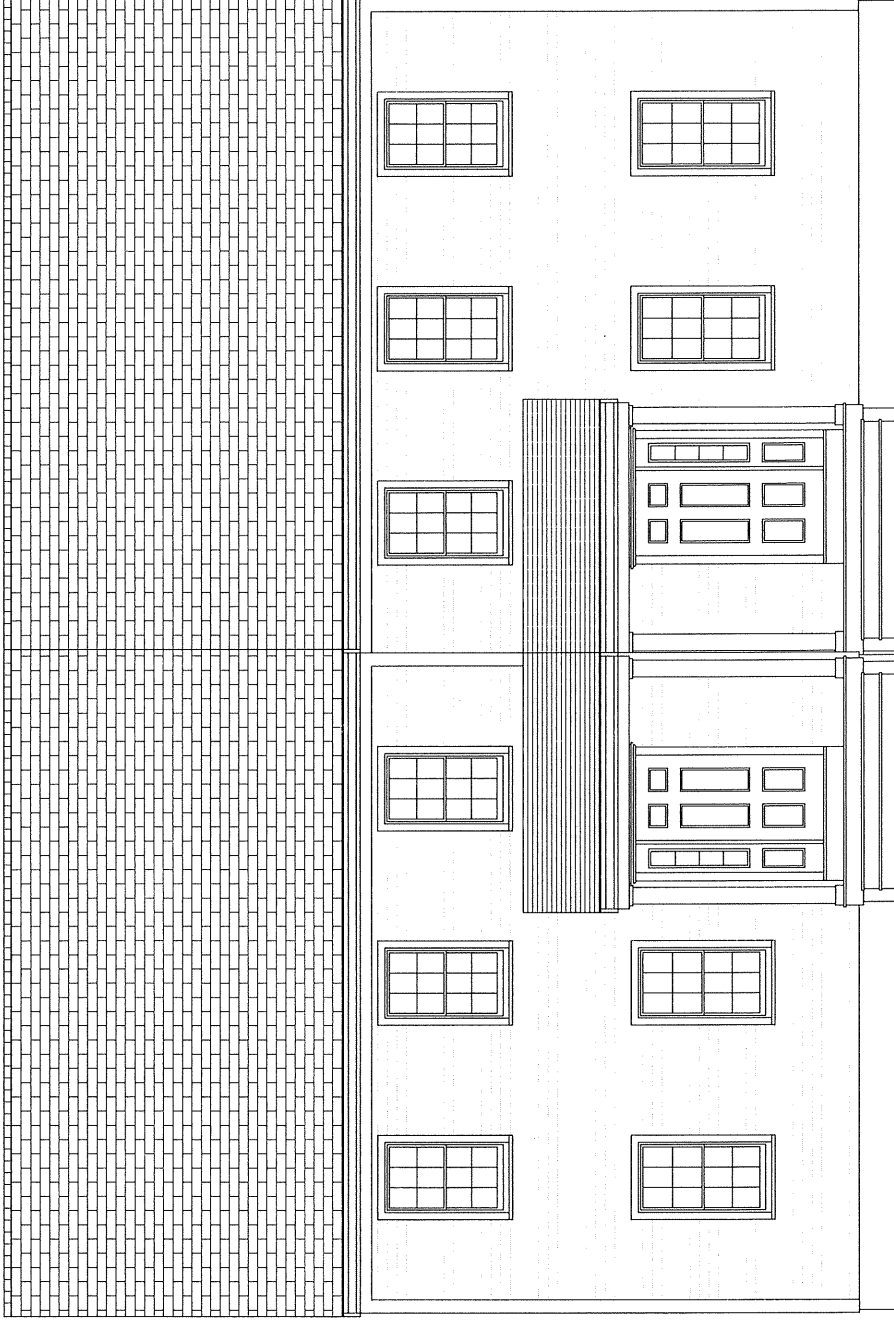
Owner Telephone: 774-930-7184

(REFERENCE THE REVERSE SIDE OF THIS APPLICATION FOR FURTHER
INSTRUCTIONS IN FILING YOUR PETITION.)

WILL YOU HAVE A REPRESENTATIVE OTHER THAN YOURSELF?

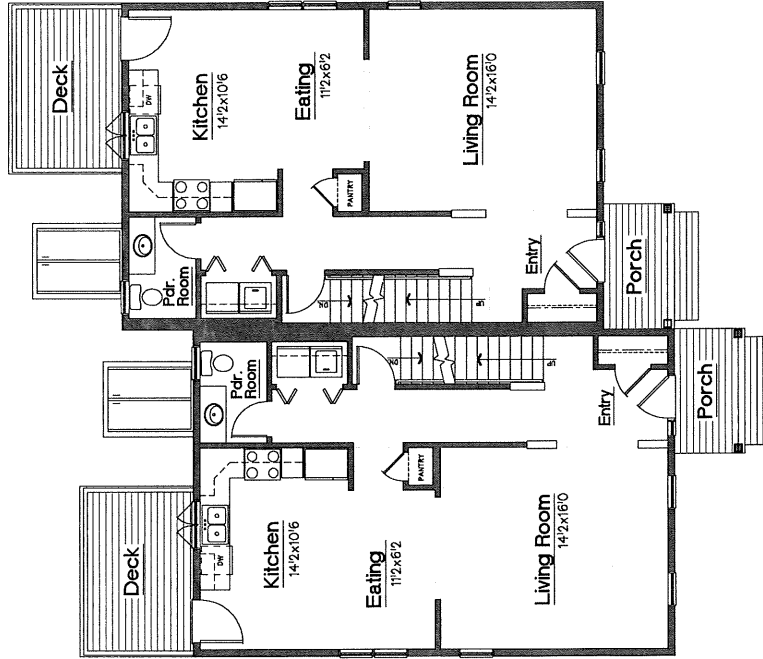
Yes No

Michael O'Shaughnessy, Esq.
(Name and Title)

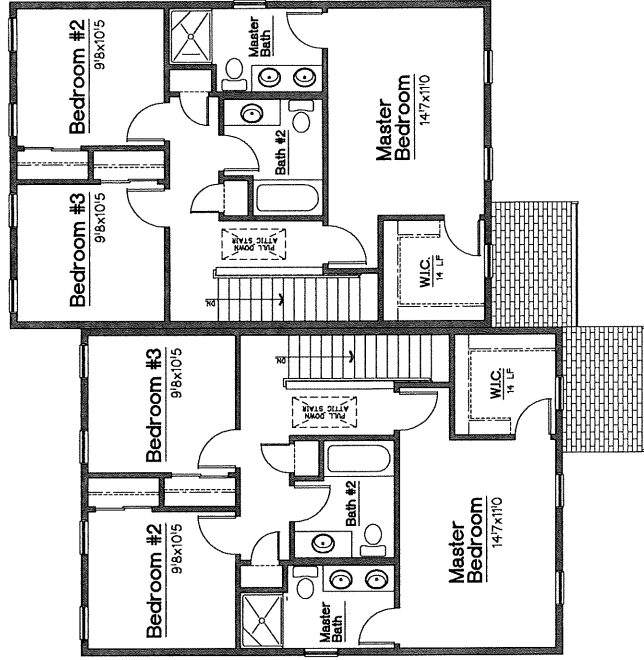


109 Bedford Street

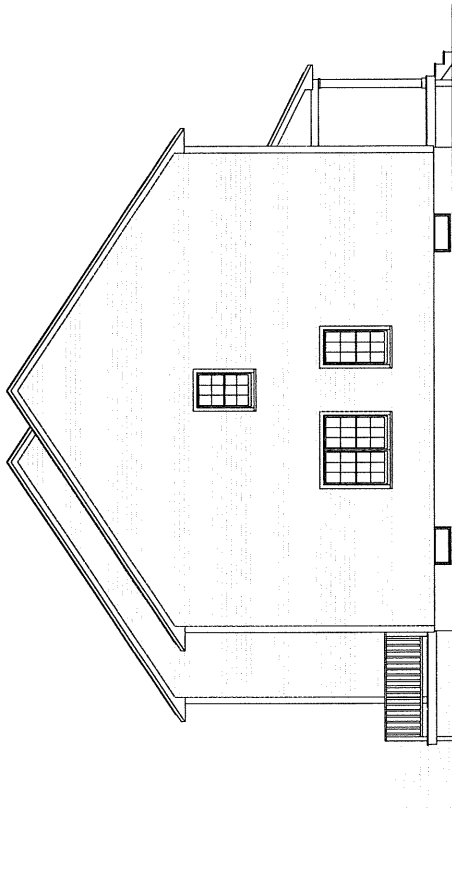
Lakeville, MA



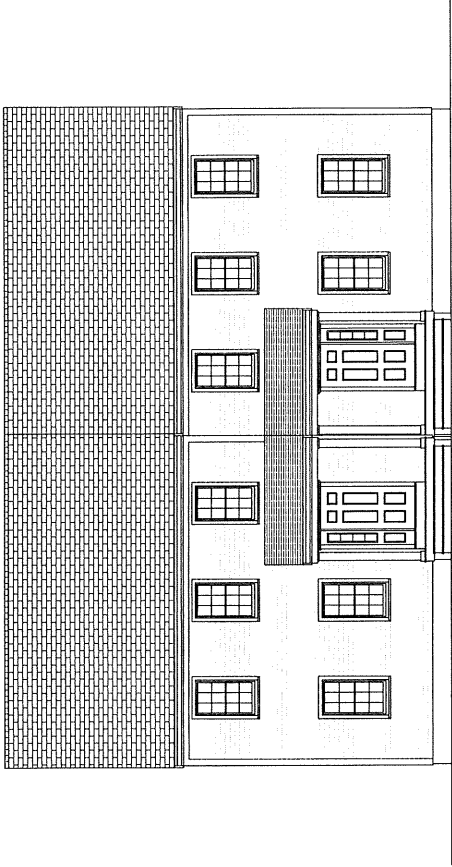
First Floor Plan SCALE: 1/4" = 1'-0"
 UNIT LIVING AREA _____ 782 GSF
 TOTAL BUILDING FOOTPRINT _____ 1564 GSF



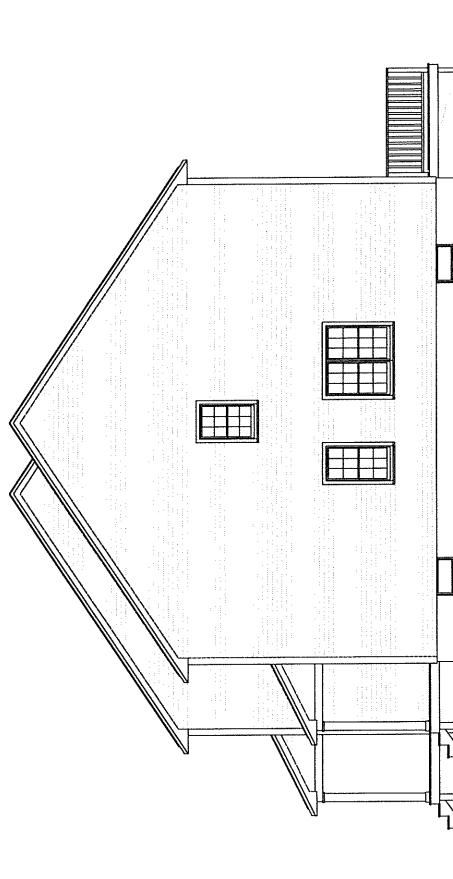
Second Floor Plan SCALE: 1/4" = 1'-0"
 UNIT LIVING AREA _____ 782 GSF
 TOTAL BUILDING FOOTPRINT _____ 1564 GSF



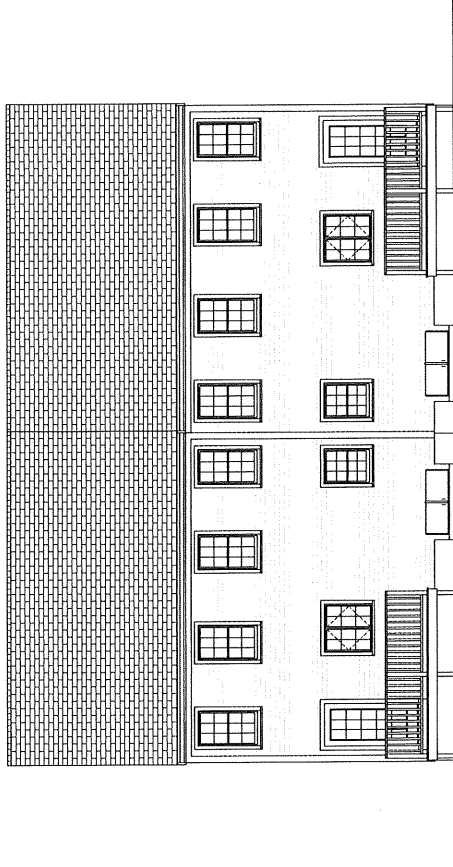
Left Side Elevation
SCALE: 1/4" = 1'-0"



Front Elevation
SCALE: 1/4" = 1'-0"

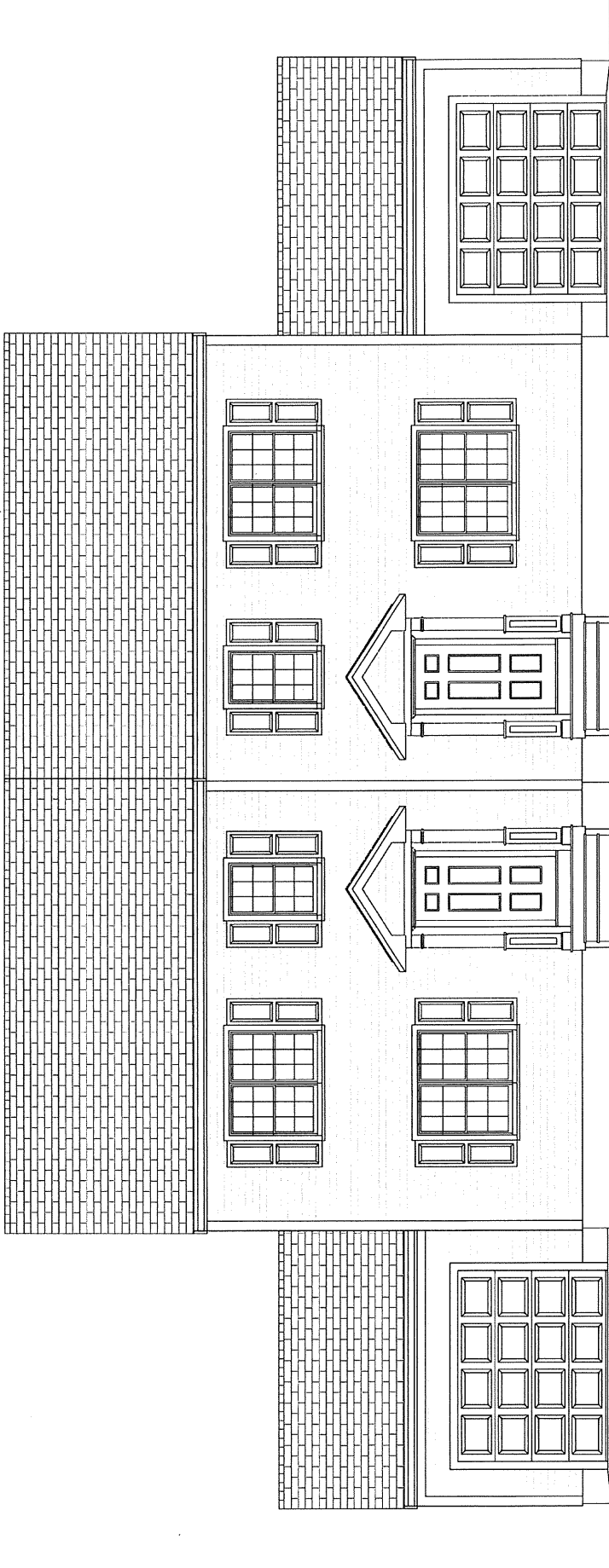


Right Side Elevation
SCALE: 1/4" = 1'-0"



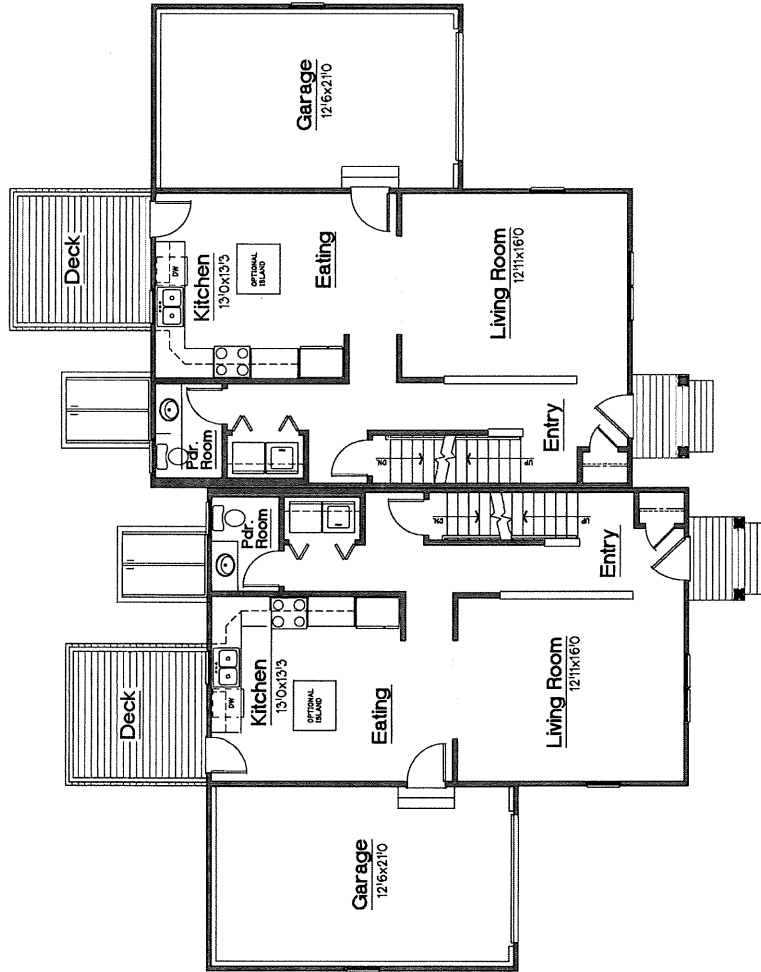
Rear Elevation
SCALE: 1/4" = 1'-0"

shown with optional garage



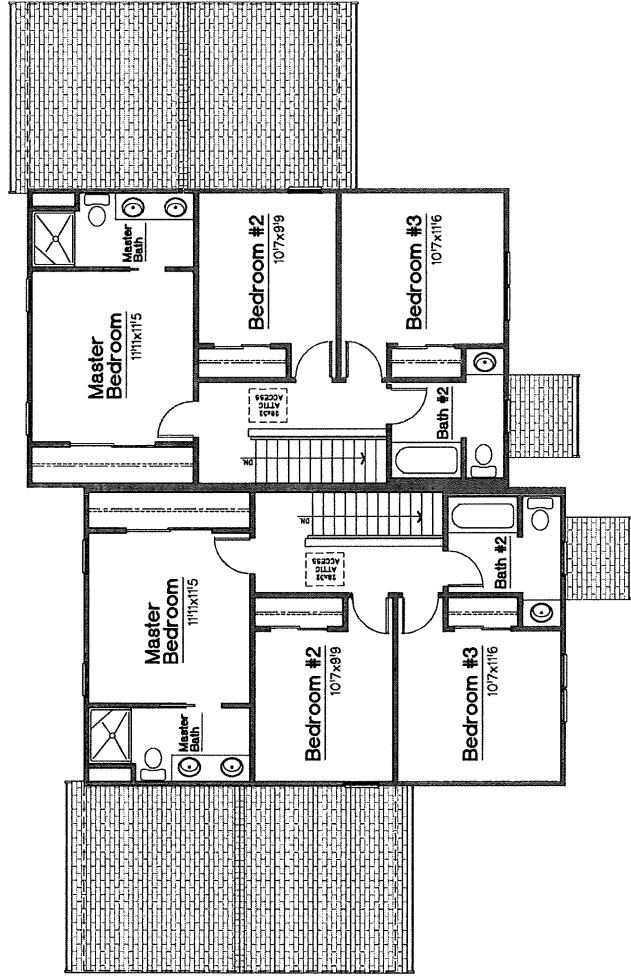
109 Bedford Street

Unit Type A1 Lakeville, MA



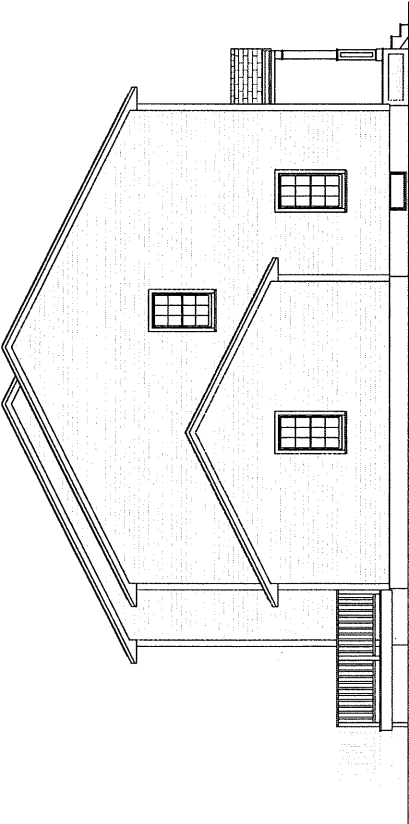
Unit Type A1 First Floor Plan

UNIT LIVING AREA _____ 714 GSF
 UNIT GARAGE AREA _____ 286 GSF
 TOTAL BUILDING FOOTPRINT _____ 2000 GSF

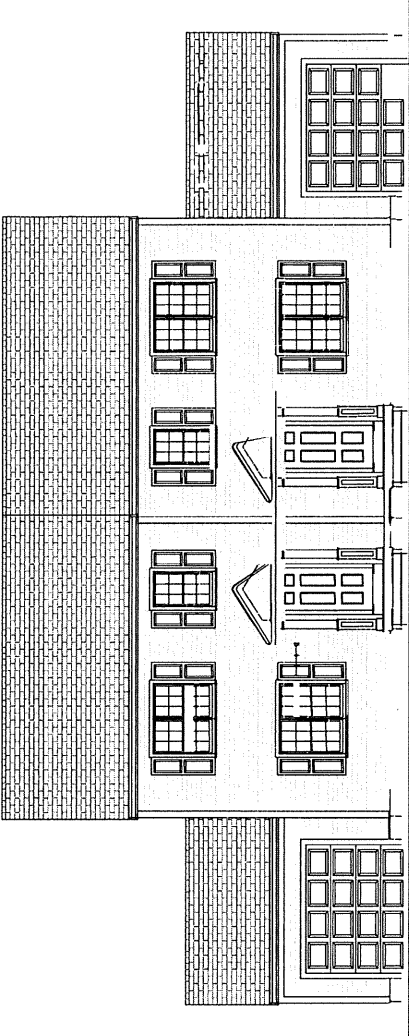


Unit Type A1 Second Floor Plan

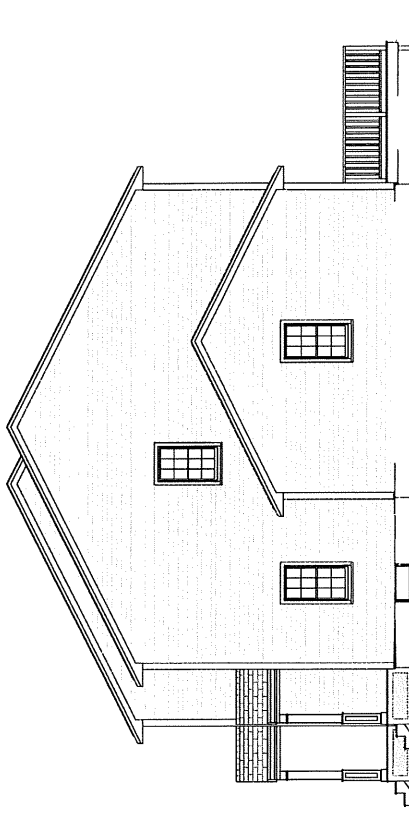
UNIT LIVING AREA — 714 GSF
 TOTAL BUILDING FOOTPRINT — 1428 GSF



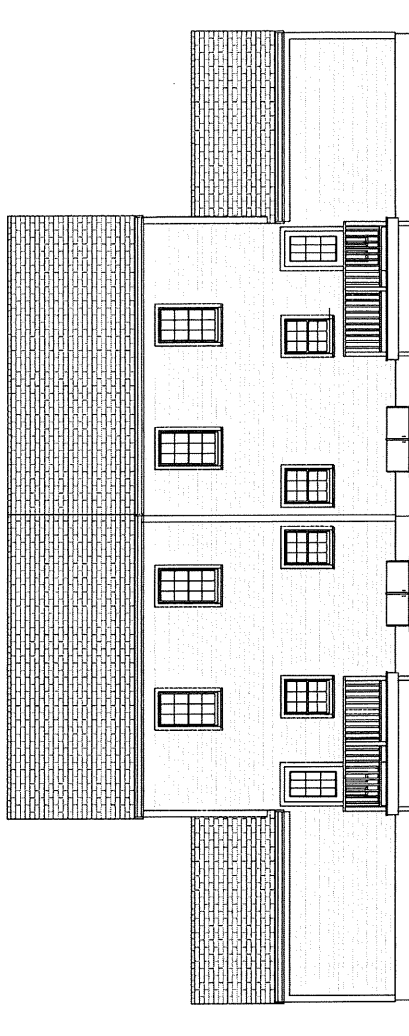
Unit Type A1 Left Side Elevation





Unit Type A1 Front Elevation



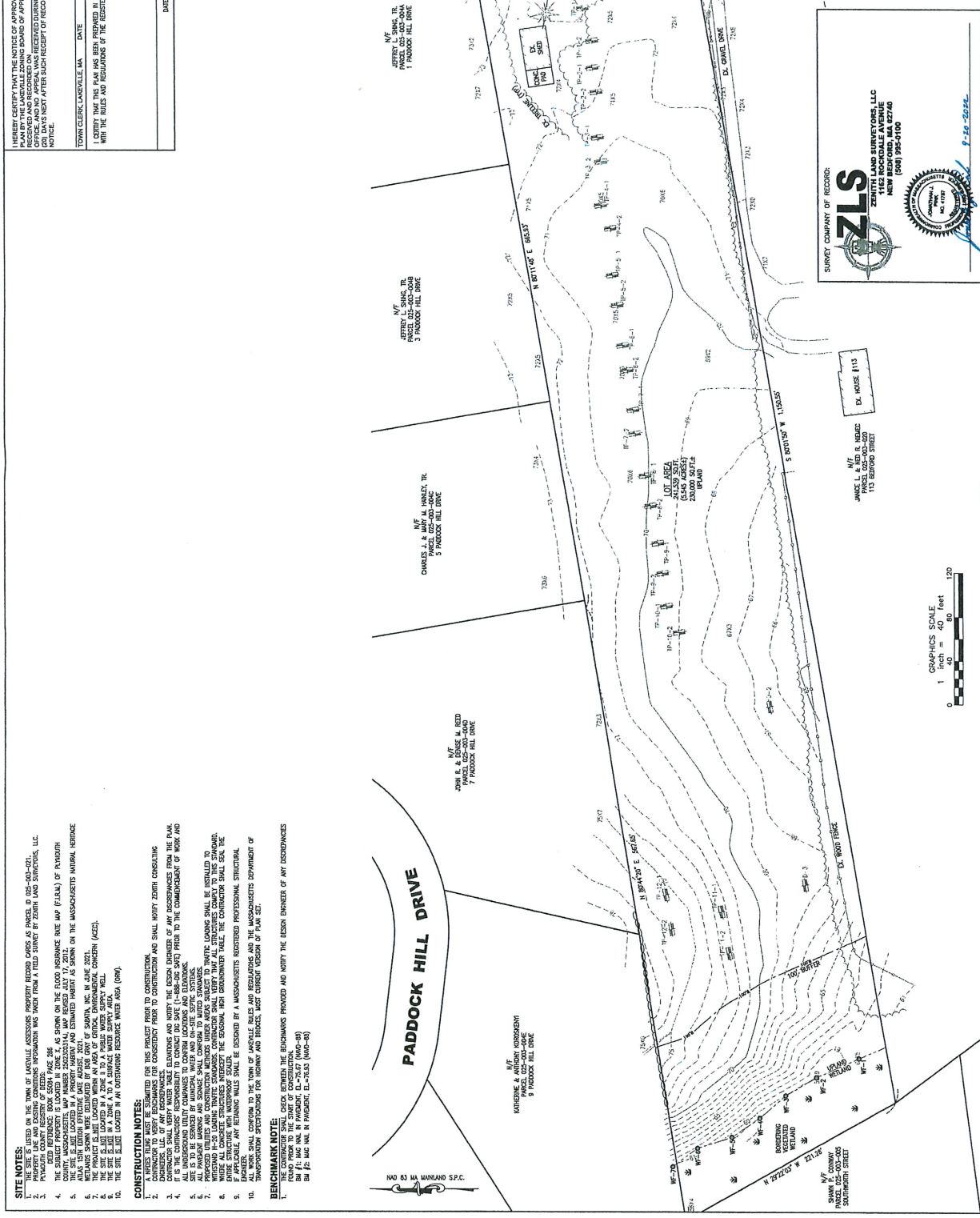
Unit Type A1 Right Side Elevation



Unit Type A1 Rear Elevation

 ZENITH CONSULTING ENGINEERS, LLC 3 MAIN STREET LAKEVILLE, MA 02347 PHONE: (508) 947-4208 P.E. STAMP 	SHEET NO. 1 EXISTING CONDITIONS PLAN PROJECT SITE: 109 BEDFORD STREET LAKEVILLE, MASSACHUSETTS NORTH BEDFORD CROSSING LLC. 1 LAKEVILLE BUSINESS PARK DRIVE LAKEVILLE, MASSACHUSETTS
---	--

I HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN HAS BEEN RECEIVED AND RECORDED ON THE BOARD OF APPEALS AND THE TOWN CLERK'S OFFICE AND THAT THE APPLICANT HAS RECEIVED THE APPLICANT'S RECEIPT OF RECORDING OF SAID NOTICE. TOWN CLERK LAKEVILLE, MA DATE I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS.	FOR RECEIPT USE ONLY LAKEVILLE ZONING BOARD OF APPEALS APPROVED AND ENDORSED UNDER M.G.L.C. 40B BY THE LAKEVILLE ZONING BOARD ON DATE APPROVED: _____ ENDORSED: _____
--	--



SITE NOTES:

- THE SITE IS LINED ON THE TOWN OF LAKEVILLE ASSESSORS PROPERTY RECORD CORDED AS PARCEL ID 025-040-021.
- THE INFORMATION WAS TAKEN FROM A FIELD SURVEY BY ZENITH AND SURVEYOR, LLC.
- THE SUBDIVISION RECORD IS LOCATED IN 2006 EX. AS SHOWN ON THE FLOOD INSURANCE RATE MAP (FIRM) OF PLYMOUTH COUNTY, MASSACHUSETTS, MAP NUMBER 200300014L, MAP REVISED JULY 17, 2012.
- THE SUBDIVISION RECORD IS LOCATED IN 2006 EX. AS SHOWN ON THE FLOOD INSURANCE RATE MAP (FIRM) OF PLYMOUTH COUNTY, MASSACHUSETTS, MAP NUMBER 200300014L, MAP REVISED JULY 17, 2012.
- ALL UTILITIES SHOWN ARE BASED ON THE RECORD DRAWINGS AND FIELD SURVEY WORK ON THE MASSACHUSETTS WORKAL VERBAGE ATLAS 10TH EDITION EFFECTIVE DATE AUGUST 2007.
- THE PROJECT IS SITUATED WITHIN AN AREA OF CRITICAL ENVIRONMENTAL CONCERN (CEC).
- THE SITE IS LINED ON A ZONE S TO A PUBLIC WATER SUPPLY WELL.
- THE SITE IS LINED ON A ZONE S TO A PUBLIC WATER SUPPLY WELL.
- THE SITE IS LINED ON A ZONE S TO A PUBLIC WATER SUPPLY WELL.
- THE SITE IS LINED ON A ZONE S TO A PUBLIC WATER SUPPLY WELL.
- THE SITE IS LINED ON A ZONE S TO A PUBLIC WATER SUPPLY WELL.

CONSTRUCTION NOTES:

- ALL UTILITIES SHALL BE RELOCATED FOR THIS PROJECT PRIOR TO CONSTRUCTION.
- CONTRIBUTOR TO VERIFY BENCHMARKS FOR CONSIDERATION PRIOR TO CONSTRUCTION AND SHALL NOTIFY ZENITH CONSULTING ENGINEERS OF ANY DISCREPANCIES FROM THE PLAN.
- CONTRIBUTOR SHALL VERIFY WATER TABLE ELEVATIONS AND NOTIFY THE DESIGN ENGINEER OF ANY DISCREPANCIES FROM THE PLAN.
- ALL UNDERGROUND UTILITIES SHALL BE LOCATED AND MARKED PRIOR TO THE COMMENCEMENT OF WORK AND ALL UNDERGROUND UTILITIES COMPANIES TO OBTAIN LOCATIONS AND ELEVATIONS.
- THE SITE IS TO BE SERVED BY WASTEWATER AND ON-SITE SEPTIC SYSTEMS.
- CONTRIBUTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES AND NOTIFY THE DESIGN ENGINEER OF ANY DISCREPANCIES FROM THE PLAN.
- WHERE ALL CONCRETE STRUCTURES ARE REQUIRED, THE CONTRACTOR SHALL OBTAIN PROFESSIONAL STRUCTURAL ENGINEER'S APPROVAL.
- CONTRIBUTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES AND NOTIFY THE DESIGN ENGINEER OF ANY DISCREPANCIES FROM THE PLAN.
- CONTRIBUTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES AND NOTIFY THE DESIGN ENGINEER OF ANY DISCREPANCIES FROM THE PLAN.
- CONTRIBUTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES AND NOTIFY THE DESIGN ENGINEER OF ANY DISCREPANCIES FROM THE PLAN.

BENCHMARK NOTE:

- THE CONTRACTOR SHALL CHECK BETWEEN THE BENCHMARKS PROVIDED AND NOTIFY THE DESIGN ENGINEER OF ANY DISCREPANCIES.
- BM 1: 100' HIGH IRON PIPERAIL (EL=75.67) (NAD-83)
- BM 2: 100' HIGH IRON PIPERAIL (EL=75.67) (NAD-83)

PROJECT SITE: 109 BEDFORD STREET LAKEVILLE, MASSACHUSETTS	APPROVED BY:	DATE:
	CHECKED BY:	DATE:
CLIENT REF: NORTH BEDFORD CROSSING LLC. 1 LAKEVILLE BUSINESS PARK DRIVE LAKEVILLE, MASSACHUSETTS	PROJECT NUMBER:	DATE:
	SHEET NO. 1	DATE:

109 BEDFORD STREET LAYOUT PLAN

REVISIONS:

REV.	DATE	DESCRIPTION
1	9/19/2022	

LAKEVILLE ZONING BOARD OF APPEALS
 109 BEDFORD STREET, LAKEVILLE, MA 02347
 APPROVED: _____
 ENDORSED: _____

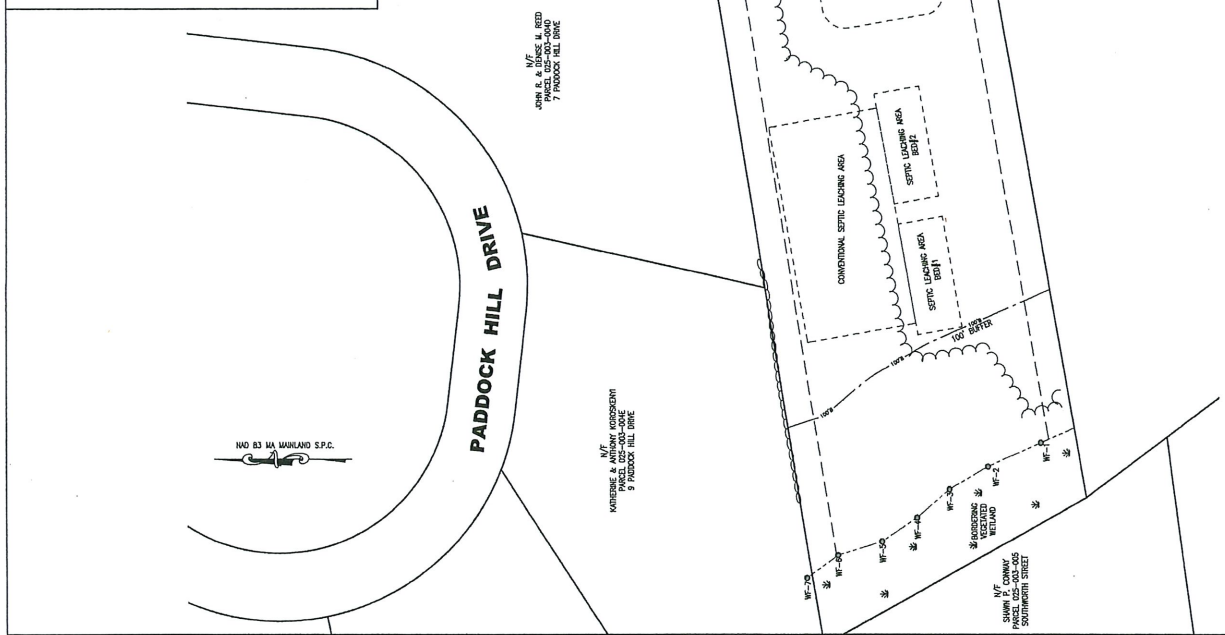
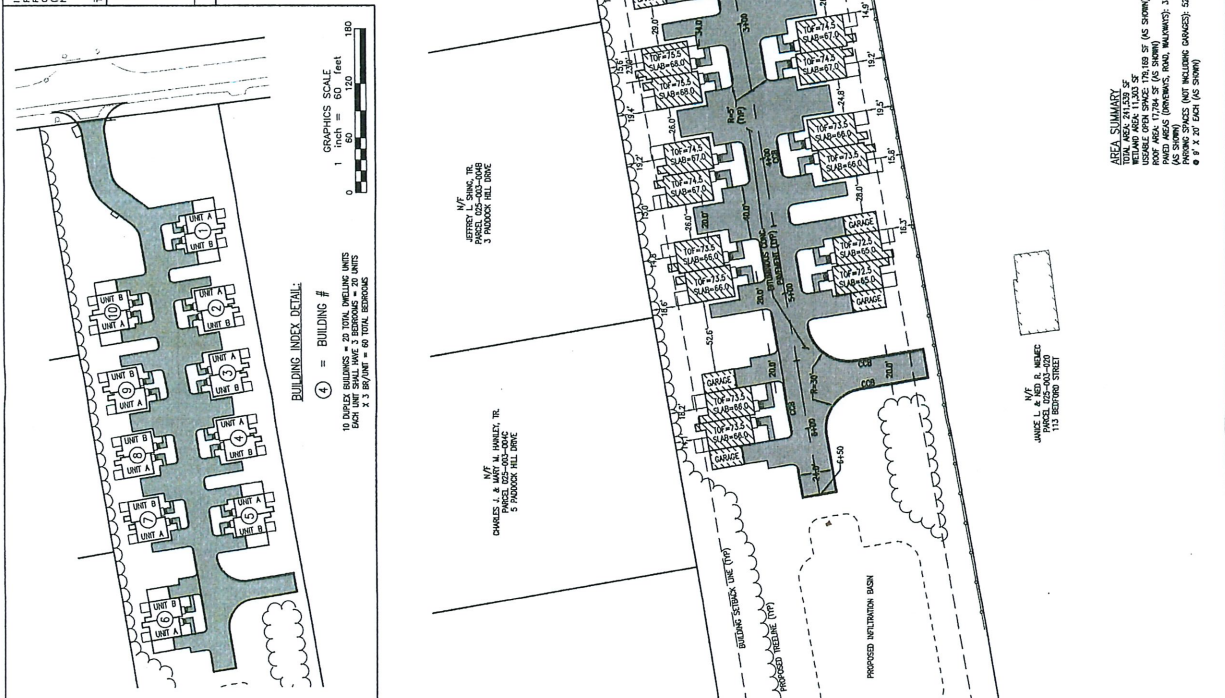
FOR REENTRY USE ONLY

DATE: _____

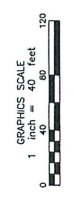
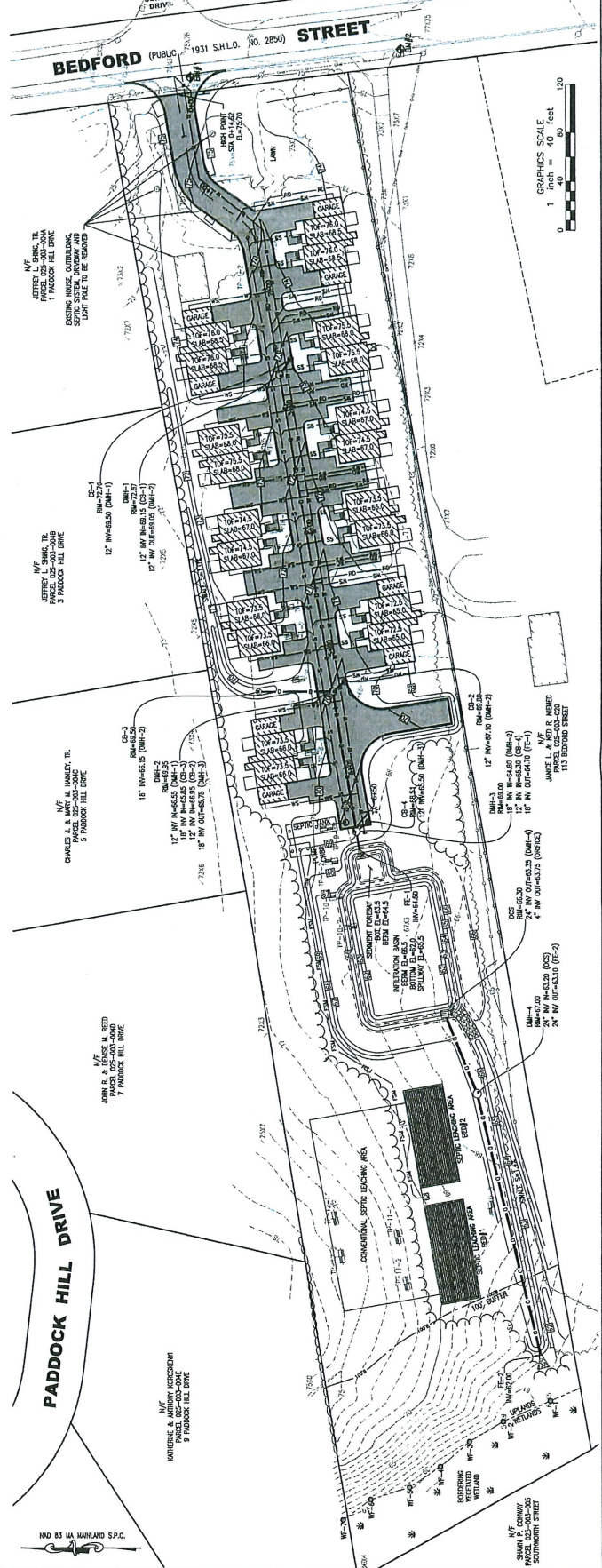
TOWN CLERK, LAKEVILLE, MA DATE: _____

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE BOARD OF APPEALS.

I HEREBY CERTIFY THAT THE NOTICES OF APPEAL, THE APPEAL RECORD AND RECORDS OF APPEALS HAS BEEN RECEIVED AND RECORDED ON THE RECORDS OF THE TOWN CLERK OF LAKEVILLE, MASSACHUSETTS, AND THAT THE APPEAL HAS BEEN HEARD AND DECISION MADE AND THAT THE APPEAL IS NOW CLOSED AND THE APPEAL RECORD IS BEING RETURNED TO THE APPELLANT. THE APPELLANT SHALL BE RESPONSIBLE FOR THE COSTS OF THE APPEAL AND THE COSTS OF THE APPEAL RECORDS OF SAID NOTICE.



PROJECT NAME	GRADING & DRAINAGE PLAN
PROJECT SITE	109 BEDFORD STREET LAKEVILLE, MASSACHUSETTS
CLIENT NAME	NORTH BEDFORD CROSSING LLC. 1 LAKEVILLE BUSINESS PARK DRIVE LAKEVILLE, MASSACHUSETTS
DATE	9/19/2022
DRAWN BY	DATE
CHECKED BY	SCALE
SHEET NO.	SHEET 0



PROJECT NAME	GRADING & DRAINAGE PLAN
PROJECT SITE	109 BEDFORD STREET LAKEVILLE, MASSACHUSETTS
CLIENT NAME	NORTH BEDFORD CROSSING LLC. 1 LAKEVILLE BUSINESS PARK DRIVE LAKEVILLE, MASSACHUSETTS
DATE	9/19/2022
DRAWN BY	DATE
CHECKED BY	SCALE
SHEET NO.	SHEET 0

I HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE LAKEVILLE ZONING BOARD OF APPEALS WAS SENT BY REGISTERED MAIL TO THE REGISTERED PROFESSIONAL ENGINEER AND ARCHITECT, AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAY PERIOD AFTER SUCH RECEIPT OF RECORDING OF SAID NOTICE.

DATE _____

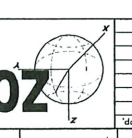
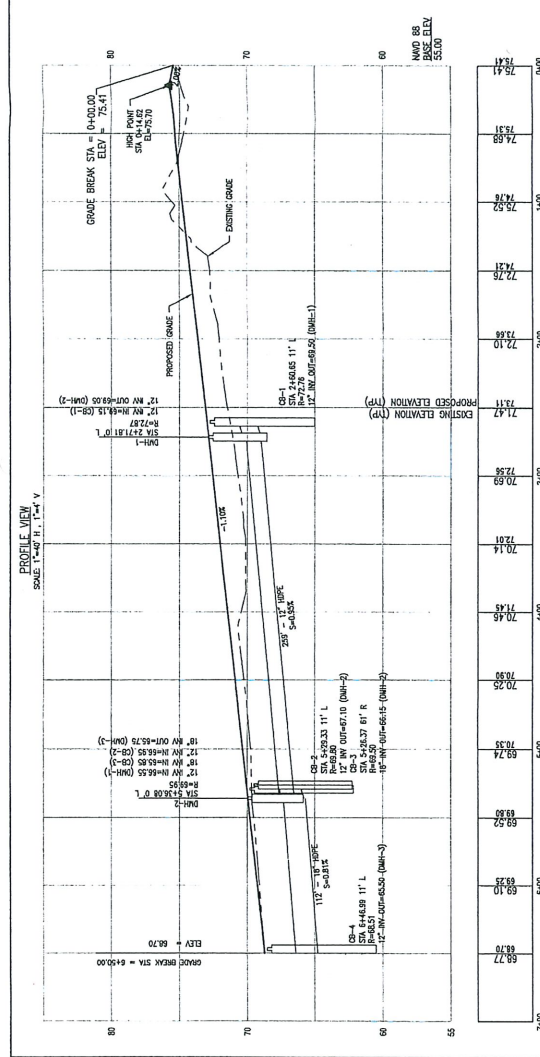
FOR RECORD USE ONLY

LAKEVILLE ZONING BOARD OF APPEALS
APPROVED AND ENDORSED UNDER G.L.C. 48B BY THE
LAKEVILLE ZONING BOARD OF APPEALS

APPROVED: _____

ENDORSED: _____

- CONSTRUCTION NOTES:**
- ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MASSACHUSETTS CONSTRUCTION CODES, ALL CITY ORDINANCES, AND ALL APPLICABLE REGULATIONS.
 - CONTRACTOR SHALL VERIFY WATER TABLE ELEVATIONS AND NOTIFY THE DESIGN ENGINEER OF ANY DISCREPANCIES.
 - IF IN THE CONSTRUCTION RESPONSIBILITY TO CONTACT THE STATE (1-800-352) PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
 - IF THE CONSTRUCTION RESPONSIBILITY TO CONTACT THE STATE (1-800-352) PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
 - ALL STRUCTURES SHALL BE CONSTRUCTED TO THE EXISTING FINISHED FLOORING AND CEILING.
 - PROPOSED DRILLING AND CONSTRUCTION METHODS SHALL BE SUBJECT TO TYPICAL LOADS SHALL BE NOTIFIED WITHIN 10-20 WORKING DAYS PRIOR TO CONSTRUCTION.
 - WHERE ALL COMPLETE STRUCTURES INTERSECT THE SEASONAL HIGH WATER TABLE, THE CONTRACTOR SHALL PROVIDE AN APPROPRIATE FOUNDATION DESIGN TO BE APPROVED BY A MASSACHUSETTS REGISTERED PROFESSIONAL ENGINEER.
 - IF AVAILABLE, ALL REMAINING WALLS SHALL BE DESIGNED BY A MASSACHUSETTS REGISTERED PROFESSIONAL ENGINEER.
 - ALL WORK SHALL CONFORM TO THE TOWN OF LAKEVILLE RULES AND REGULATIONS AND THE MASSACHUSETTS DEPARTMENT OF TRANSPORTATION SPECIFICATIONS FOR HIGHWAY AND BRIDGE, MOST CURRENT VERSION OF PLAN DATE.
- BENCHMARK NOTE:**
CHECK BENCHMARKS FOR THE PROJECT PRIOR TO CONSTRUCTION AND SHALL NOTIFY ZENITH CONSULTING ENGINEERS, LLC OF ANY DISCREPANCIES.
BENCHMARK NO. 1: 11\"/>



ZENITH CONSULTING ENGINEERS, LLC
3 MAIN STREET LAKEVILLE, MA 02347
PHONE: (508) 947-4208
P.E. STAMP

I HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE LAKEVILLE ZONING BOARD OF APPEALS WAS SENT BY REGISTERED MAIL TO THE REGISTERED PROFESSIONAL ENGINEER AND ARCHITECT, AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAY PERIOD AFTER SUCH RECEIPT OF RECORDING OF SAID NOTICE.

DATE _____

FOR RECORD USE ONLY

LAKEVILLE ZONING BOARD OF APPEALS
APPROVED AND ENDORSED UNDER G.L.C. 48B BY THE
LAKEVILLE ZONING BOARD OF APPEALS

APPROVED: _____

ENDORSED: _____

CONSTRUCTION NOTES:

- ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MASSACHUSETTS CONSTRUCTION CODES, ALL CITY ORDINANCES, AND ALL APPLICABLE REGULATIONS.
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- IF AVAILABLE, ALL REMAINING WALLS SHALL BE DESIGNED BY A MASSACHUSETTS REGISTERED PROFESSIONAL ENGINEER.
- ALL WORK SHALL CONFORM TO THE TOWN OF LAKEVILLE RULES AND REGULATIONS AND THE MASSACHUSETTS DEPARTMENT OF TRANSPORTATION SPECIFICATIONS FOR HIGHWAY AND BRIDGE, MOST CURRENT VERSION OF PLAN DATE.

BENCHMARK NOTE:
CHECK BENCHMARKS FOR THE PROJECT PRIOR TO CONSTRUCTION AND SHALL NOTIFY ZENITH CONSULTING ENGINEERS, LLC OF ANY DISCREPANCIES.
BENCHMARK NO. 1: 11\"/>

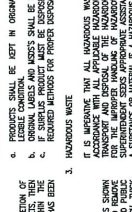
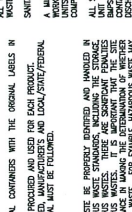
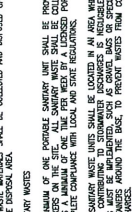
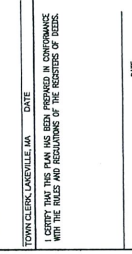
I HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN HAS BEEN FORWARDED TO THE BOARD OF APPEALS AND THAT THE PLAN HAS BEEN RECORDED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE BOARD OF APPEALS AND THAT THIS PLAN IS IN FULL COMPLIANCE WITH ALL CITY ORDINANCES AND LOCAL REGULATIONS. THE RECORDED COPY WILL BE AVAILABLE TO THE PUBLIC FOR INSPECTION DURING BUSINESS HOURS AT THE TOWN CLERK'S OFFICE, 100 STATE STREET, LAKEVILLE, MA 02456.

TOWN CLERK, LAKEVILLE, MA
 DATE

LAKEVILLE ZONING BOARD OF APPEALS
 APPROVED AND FORWARDED TO THE BOARD OF APPEALS
 APPROVED:
 ENDORSED:

THE REGULATIONS OF THE BOARD OF APPEALS SHALL BE OBSERVED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PHASE OF THE PROJECT.
 THE FOLLOWING MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PHASE OF THE PROJECT.
 EROSION AND SEDIMENTATION CONTROL MEASURES
 THE FOLLOWING MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PHASE OF THE PROJECT:
 1. ALL WORK AREAS SHALL BE PROTECTED FROM EROSION AND SEDIMENTATION BY INSTALLING EROSION CONTROL MEASURES AT THE COMMENCEMENT OF ANY EXCAVATION OR DISTURBANCE OF THE EARTH. THESE MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PHASE AND REPAIRED OR REPLACED IMMEDIATELY AFTER DISTURBANCE.
 2. EROSION CONTROL MEASURES SHALL BE DESIGNED TO PREVENT RUNOFF OF SOILS FROM THE CONSTRUCTION SITE TO ADJACENT PROPERTIES OR PUBLIC AREAS.
 3. ALL EXCAVATED AREAS SHALL BE STABILIZED IMMEDIATELY WITH EROSION CONTROL MEASURES.
 4. ALL EXPOSED SOILS SHALL BE COVERED WITH MULCH OR OTHER EROSION CONTROL MEASURES.
 5. ALL DIRT ROADS SHALL BE MAINTAINED AND REPAIRED IMMEDIATELY AFTER CONSTRUCTION.
 6. ALL WORK AREAS SHALL BE PROTECTED FROM EROSION AND SEDIMENTATION BY INSTALLING EROSION CONTROL MEASURES AT THE COMMENCEMENT OF ANY EXCAVATION OR DISTURBANCE OF THE EARTH.
 7. ALL EXPOSED SOILS SHALL BE COVERED WITH MULCH OR OTHER EROSION CONTROL MEASURES.
 8. ALL DIRT ROADS SHALL BE MAINTAINED AND REPAIRED IMMEDIATELY AFTER CONSTRUCTION.
 9. ALL WORK AREAS SHALL BE PROTECTED FROM EROSION AND SEDIMENTATION BY INSTALLING EROSION CONTROL MEASURES AT THE COMMENCEMENT OF ANY EXCAVATION OR DISTURBANCE OF THE EARTH.
 10. ALL EXPOSED SOILS SHALL BE COVERED WITH MULCH OR OTHER EROSION CONTROL MEASURES.
 11. ALL DIRT ROADS SHALL BE MAINTAINED AND REPAIRED IMMEDIATELY AFTER CONSTRUCTION.
 12. ALL WORK AREAS SHALL BE PROTECTED FROM EROSION AND SEDIMENTATION BY INSTALLING EROSION CONTROL MEASURES AT THE COMMENCEMENT OF ANY EXCAVATION OR DISTURBANCE OF THE EARTH.
 13. ALL EXPOSED SOILS SHALL BE COVERED WITH MULCH OR OTHER EROSION CONTROL MEASURES.
 14. ALL DIRT ROADS SHALL BE MAINTAINED AND REPAIRED IMMEDIATELY AFTER CONSTRUCTION.
 15. ALL WORK AREAS SHALL BE PROTECTED FROM EROSION AND SEDIMENTATION BY INSTALLING EROSION CONTROL MEASURES AT THE COMMENCEMENT OF ANY EXCAVATION OR DISTURBANCE OF THE EARTH.
 16. ALL EXPOSED SOILS SHALL BE COVERED WITH MULCH OR OTHER EROSION CONTROL MEASURES.
 17. ALL DIRT ROADS SHALL BE MAINTAINED AND REPAIRED IMMEDIATELY AFTER CONSTRUCTION.
 18. ALL WORK AREAS SHALL BE PROTECTED FROM EROSION AND SEDIMENTATION BY INSTALLING EROSION CONTROL MEASURES AT THE COMMENCEMENT OF ANY EXCAVATION OR DISTURBANCE OF THE EARTH.
 19. ALL EXPOSED SOILS SHALL BE COVERED WITH MULCH OR OTHER EROSION CONTROL MEASURES.
 20. ALL DIRT ROADS SHALL BE MAINTAINED AND REPAIRED IMMEDIATELY AFTER CONSTRUCTION.

RESIDUE SHOULD NOT BE LEFT ON THE SURFACE OF PAVED OR UNPAVED AREAS OR ALLOWED TO FLOW FROM THE SITE. ALL WASTE MATERIALS SHALL BE COLLECTED AND REMOVED FROM THE CONSTRUCTION SITE IMMEDIATELY AFTER THE CONSTRUCTION PHASE. ALL WASTE MATERIALS SHALL BE COLLECTED AND DEPOSED OF AT AN APPROPRIATE SOLID WASTE DISPOSAL FACILITY.
 SOIL AND CONSTRUCTION WASTE
 ALL WASTE MATERIALS SHALL BE COLLECTED AND DEPOSED OF AT AN APPROPRIATE SOLID WASTE DISPOSAL FACILITY.
 WASTE DISPOSAL AREA
 A minimum of one portable sanitary unit shall be provided for every ten (10) workers on the site. All sanitary waste shall be collected and disposed of at a sanitary landfill. All sanitary waste shall be collected and disposed of at a sanitary landfill.
 ALL WASTE MATERIALS SHALL BE COLLECTED AND DEPOSED OF AT AN APPROPRIATE SOLID WASTE DISPOSAL FACILITY.
 WASTE DISPOSAL AREA
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 WASTE DISPOSAL AREA
 A minimum of one portable sanitary unit shall be provided for every ten (10) workers on the site. All sanitary waste shall be collected and disposed of at a sanitary landfill. All sanitary waste shall be collected and disposed of at a sanitary landfill.



NOTES: 1. THE 'SILT SOCK' SHALL BE MANUFACTURED FROM A MASONRY POLYPROPYLENE FIBRE. 2. ALL SILT SOCKS SHALL BE INSTALLED IN ALL EXPOSED SOILS TO PREVENT EROSION AND SEDIMENTATION. 3. ALL SILT SOCKS SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PHASE. 4. ALL SILT SOCKS SHALL BE REPAIRED OR REPLACED IMMEDIATELY AFTER DISTURBANCE. 5. ALL SILT SOCKS SHALL BE REMOVED AFTER CONSTRUCTION IS COMPLETE.

CONSTRUCTION OPERATION AND MAINTENANCE SCHEDULE
 THE OPERATION AND MAINTENANCE (O&M) SCHEDULE DURING THE CONSTRUCTION PHASE IS TO BE SUBMITTED TO THE TOWN ENGINEER FOR REVIEW AND APPROVAL. THE O&M SCHEDULE SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PHASE AND REPAIRED OR REPLACED IMMEDIATELY AFTER DISTURBANCE.

CONSTRUCTION OPERATION AND MAINTENANCE SCHEDULE
 THE OPERATION AND MAINTENANCE (O&M) SCHEDULE DURING THE CONSTRUCTION PHASE IS TO BE SUBMITTED TO THE TOWN ENGINEER FOR REVIEW AND APPROVAL. THE O&M SCHEDULE SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PHASE AND REPAIRED OR REPLACED IMMEDIATELY AFTER DISTURBANCE.

CONSTRUCTION OPERATION AND MAINTENANCE SCHEDULE
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CONSTRUCTION OPERATION AND MAINTENANCE SCHEDULE
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CONSTRUCTION OPERATION AND MAINTENANCE SCHEDULE
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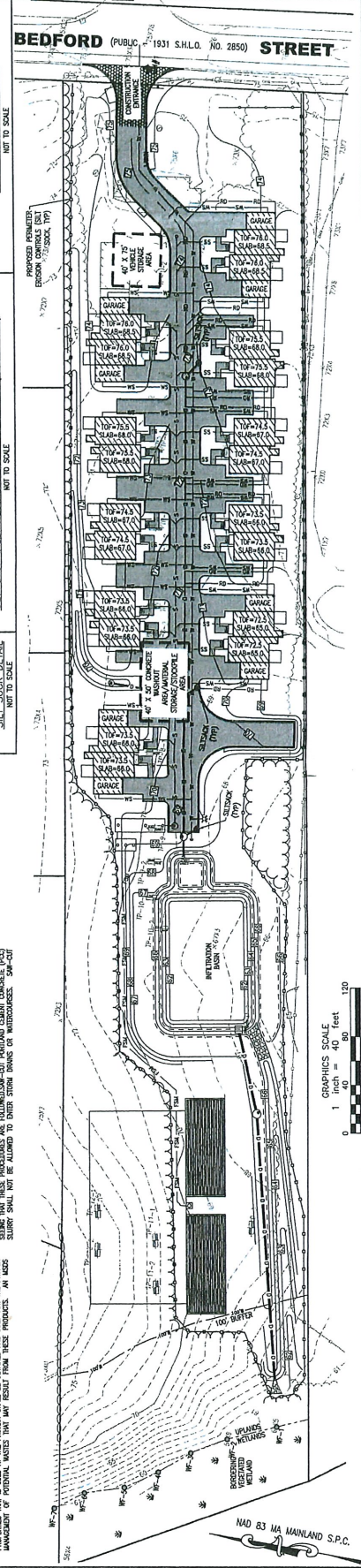
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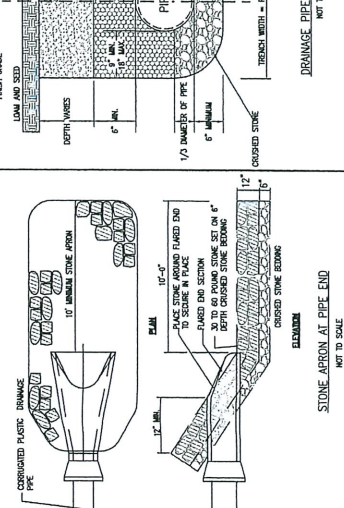
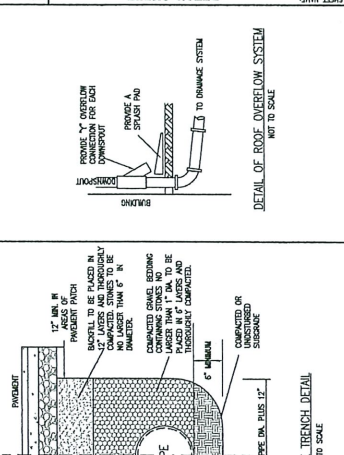
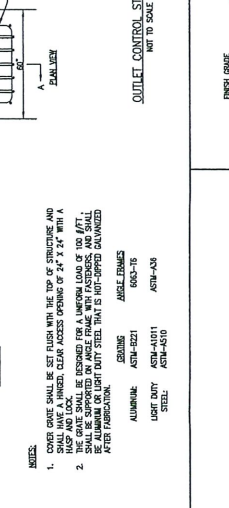
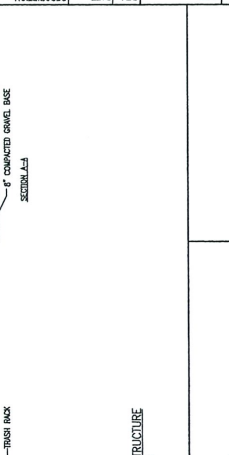
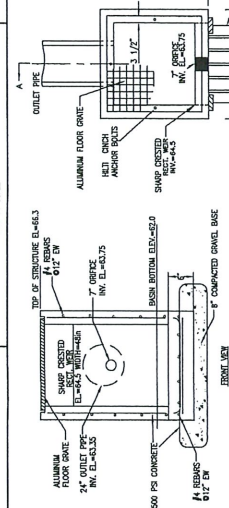
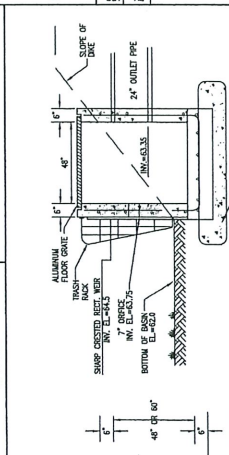
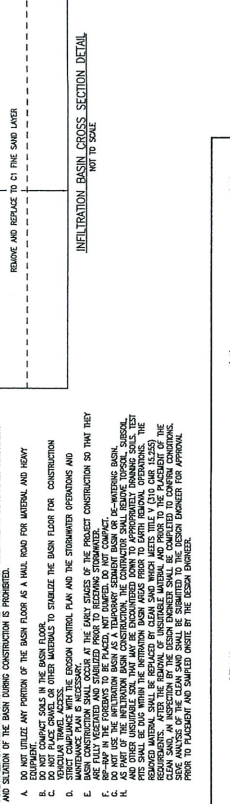
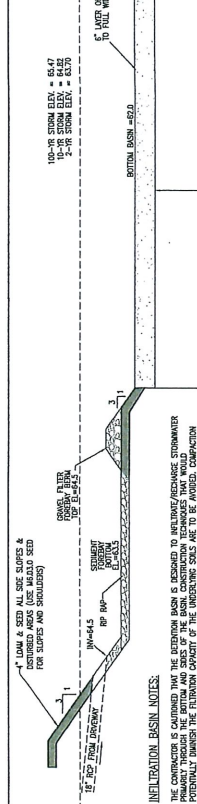
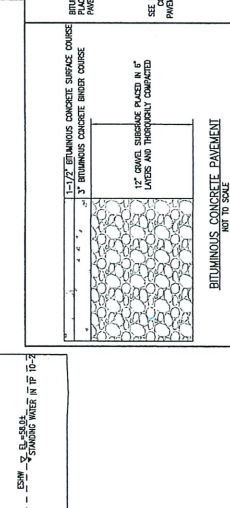
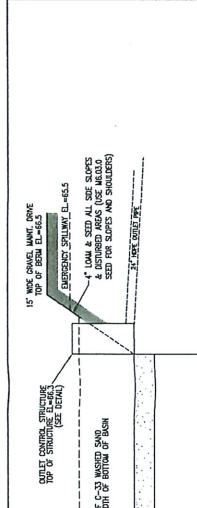
I HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN HAS BEEN RECEIVED BY THE TOWN CLERK OF LAKEVILLE, MASSACHUSETTS, AND THAT THE TOWN CLERK HAS RECORDED THIS PLAN IN THE PUBLIC RECORDS OF LAKEVILLE, MASSACHUSETTS.

TOWN CLERK, LAKEVILLE, MA DATE: _____
 I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERED PROFESSIONAL ENGINEERS.

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APPROVED: _____
 ENDORSED: _____



INFILTRATION BASIN NOTES:
 1. INFILTRATION BASIN IS DESIGNED TO RECEIVE EXCESS FLOW FROM THE BASIN AND TO ALLOW INFILTRATION OF THE EXCESS FLOW INTO THE GROUND. THE INFILTRATION BASIN SHALL BE CONSTRUCTED TO RECEIVE EXCESS FLOW FROM THE BASIN AND TO ALLOW INFILTRATION OF THE EXCESS FLOW INTO THE GROUND. THE INFILTRATION BASIN SHALL BE CONSTRUCTED TO RECEIVE EXCESS FLOW FROM THE BASIN AND TO ALLOW INFILTRATION OF THE EXCESS FLOW INTO THE GROUND.

DETECTION BASIN SPILLWAY NOTES:
 1. SPILLWAY SHALL BE CONSTRUCTED TO RECEIVE EXCESS FLOW FROM THE BASIN AND TO ALLOW INFILTRATION OF THE EXCESS FLOW INTO THE GROUND. THE SPILLWAY SHALL BE CONSTRUCTED TO RECEIVE EXCESS FLOW FROM THE BASIN AND TO ALLOW INFILTRATION OF THE EXCESS FLOW INTO THE GROUND.

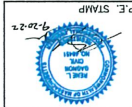
OUTLET CONTROL STRUCTURE NOTES:
 1. CONTROL GATE SHALL BE SET TO ALLOW THE TOP OF STRUCTURE AND CURB TO BE AT APPROXIMATE EQUAL ELEVATION. THE CONTROL GATE SHALL BE SET TO ALLOW THE TOP OF STRUCTURE AND CURB TO BE AT APPROXIMATE EQUAL ELEVATION.

DRAINAGE PIPE TRENCH NOTES:
 1. TRENCH SHALL BE CONSTRUCTED TO RECEIVE EXCESS FLOW FROM THE BASIN AND TO ALLOW INFILTRATION OF THE EXCESS FLOW INTO THE GROUND. THE TRENCH SHALL BE CONSTRUCTED TO RECEIVE EXCESS FLOW FROM THE BASIN AND TO ALLOW INFILTRATION OF THE EXCESS FLOW INTO THE GROUND.

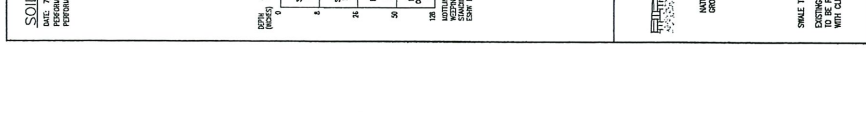
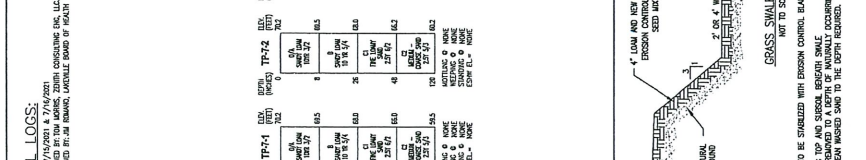
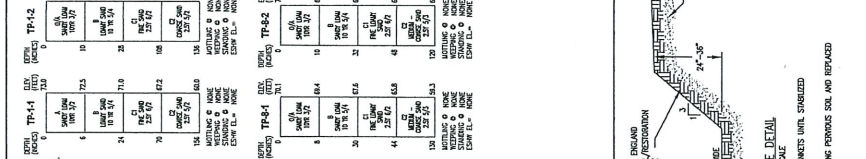
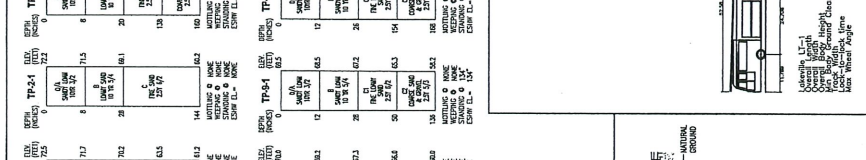
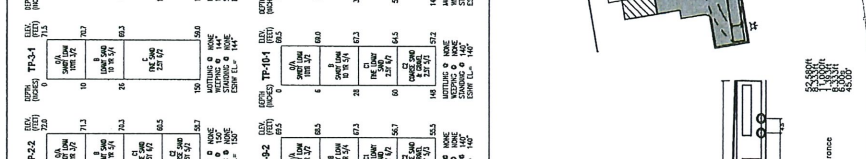
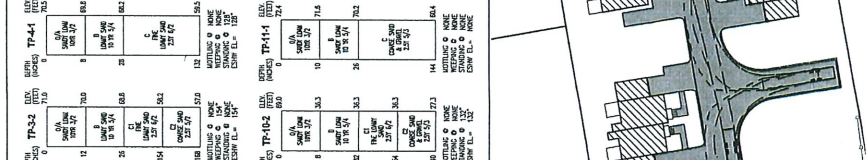
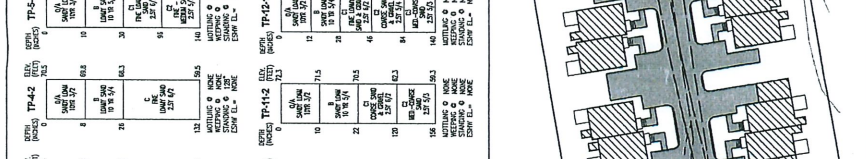
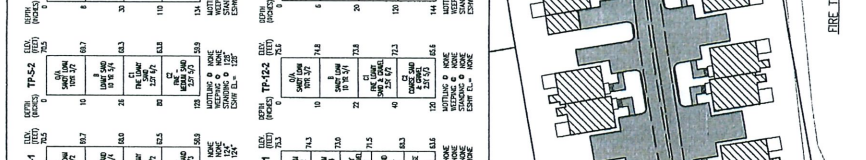
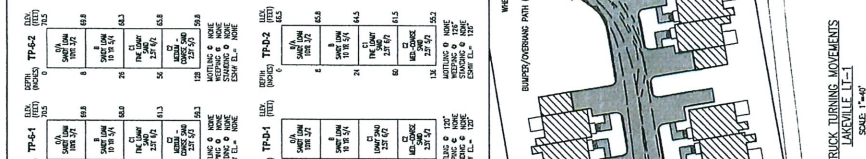
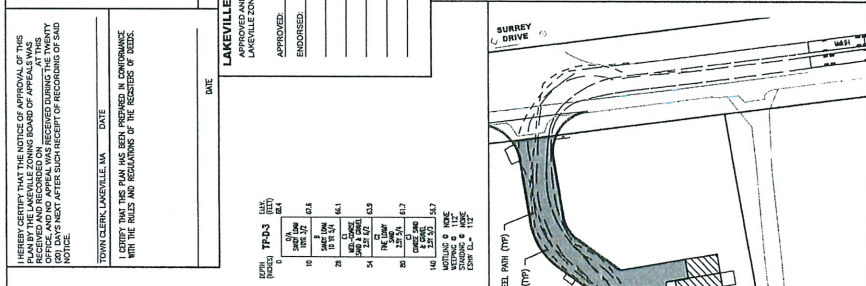
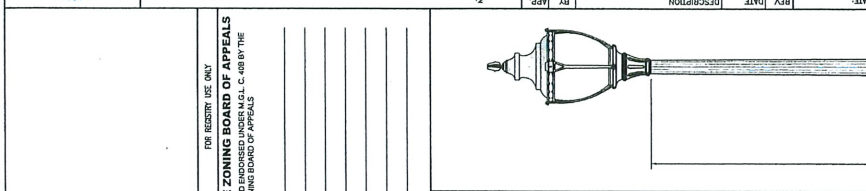
STONE APRON AT PIPE END NOTES:
 1. APRON SHALL BE CONSTRUCTED TO RECEIVE EXCESS FLOW FROM THE BASIN AND TO ALLOW INFILTRATION OF THE EXCESS FLOW INTO THE GROUND. THE APRON SHALL BE CONSTRUCTED TO RECEIVE EXCESS FLOW FROM THE BASIN AND TO ALLOW INFILTRATION OF THE EXCESS FLOW INTO THE GROUND.

PRECAST CONCRETE CATCH BASIN NOTES:
 1. CATCH BASIN SHALL BE CONSTRUCTED TO RECEIVE EXCESS FLOW FROM THE BASIN AND TO ALLOW INFILTRATION OF THE EXCESS FLOW INTO THE GROUND. THE CATCH BASIN SHALL BE CONSTRUCTED TO RECEIVE EXCESS FLOW FROM THE BASIN AND TO ALLOW INFILTRATION OF THE EXCESS FLOW INTO THE GROUND.

PRECAST CONCRETE DRAIN MANHOLE NOTES:
 1. MANHOLE SHALL BE CONSTRUCTED TO RECEIVE EXCESS FLOW FROM THE BASIN AND TO ALLOW INFILTRATION OF THE EXCESS FLOW INTO THE GROUND. THE MANHOLE SHALL BE CONSTRUCTED TO RECEIVE EXCESS FLOW FROM THE BASIN AND TO ALLOW INFILTRATION OF THE EXCESS FLOW INTO THE GROUND.



ZCE
 3 MAIN STREET LAKEVILLE, MA 02347
 PHONE: (508) 947-4208
 P.E. STAMP



SOIL LOGS:
 REGULAR PERIODIC MAINTENANCE ZONING CONSULTING, INC. LLC
 PERFORMED BY: AN IRVING, LAKEVILLE BOARD OF HEALTH

DEPTH	TP-1	TP-2	TP-3	TP-4	TP-5	TP-6	TP-7	TP-8	TP-9	TP-10	TP-11	TP-12	TP-13	TP-14	TP-15	TP-16	TP-17	TP-18	TP-19	TP-20
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19	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
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DATE: _____
 APPROVED: _____
 ENDORSED: _____

HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS
 APPEAL WAS RECEIVED DURING THE PERIOD OF 30 DAYS
 OFFICE AND APPEAL WAS RECEIVED DURING THE PERIOD OF 30 DAYS
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TOWN CLERK: LAKEVILLE, MA DATE: _____
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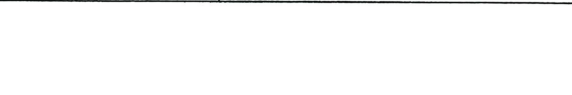
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ZENITH CONSULTING ENGINEERS, LLC
 3 MAIN STREET LAKEVILLE, MA 02347
 PHONE: (508) 947-4208

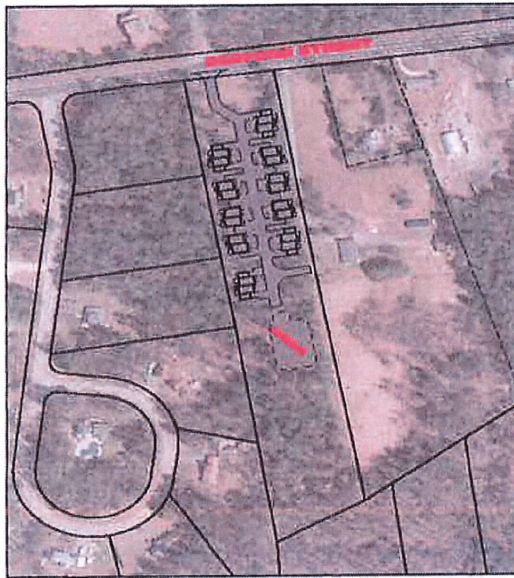


BRIEF IN SUPPORT OF AN APPLICATION FOR A COMPREHENSIVE PERMIT

for the property located at

**109 Bedford Street, Lakeville, MA 02347
Lakeville Assessor's Map 25 Lot 003-021**

NORTH BEDFORD CROSSING



Applicant: North Bedford Crossing, LLC
1 Lakeville Business Park, Suite 2A
Lakeville, MA 02347

Engineer: Zenith Consulting Engineers, LLC
3 Main Street
Lakeville, MA 02347

Attorney: Michael O'Shaughnessy, Esq.
43 East Grove Street, Suite 5
Middleborough, MA 02346

I. Introduction

This memorandum is in support of an application submitted by North Bedford Crossing, LLC ("Applicant") pursuant to M.G.L. Chapter 40B, Section 20-23 for a Comprehensive Permit for the property located at 109 Bedford Street, Lakeville, MA 02347 and shown on the Town of Lakeville Assessor's Map 25 Lot 003-021. See Figure 1.

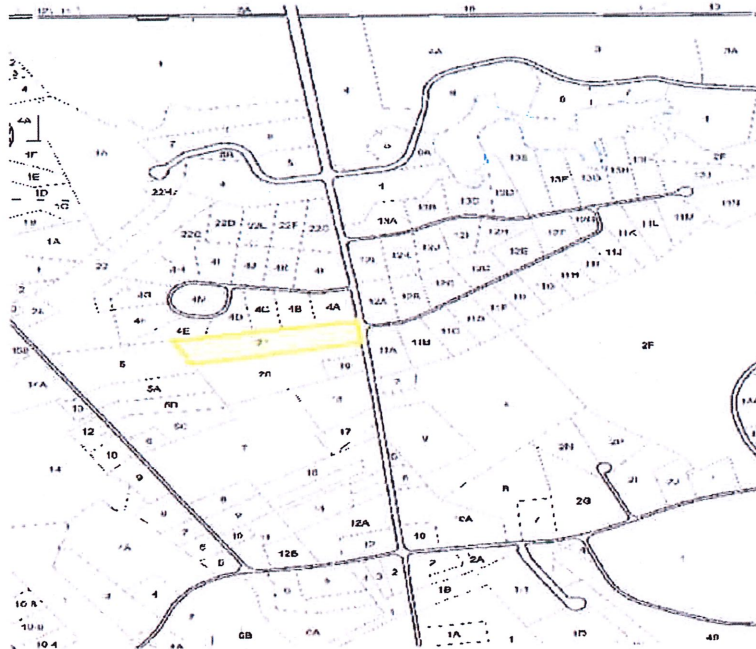


Figure 1 (Site shown in yellow)

The proposed project is called "North Bedford Crossing" consisting of twenty (20) for sale units on a 5.5 +/- acre site. There will be ten (10) duplex style buildings. Each unit will have three-bedrooms. Five (5) units (or twenty-five (25%) percent) will be affordable to households earning up to eighty percent (80%) of the Area Median Income, in accordance with applicable state regulations and guidelines. The remaining units will be market rate units.

Under M.G.L. Chapter 40B ("Statute"), when there is a substantial need for low and moderate income housing in a community, the Statute essentially creates a state mandate to local cities and towns to allow the construction of low and moderate income housing that requires relief from otherwise applicable local requirements and regulations, including but not limited to zoning bylaws, subdivision rules and regulations and local regulations that exceed state requirements under the Wetlands Protection Act and Title V. A Zoning Board of Appeals can insist on full compliance with local requirements and regulations only if they are, in the words of the Statute, "consistent with local needs." Local requirements and regulations will be considered "consistent with local needs" if they are reasonable, taking into account the "regional need for low and

moderate income housing considered with the number of low income persons in the city or town affected and the need to protect the health or safety of the occupants of the proposed housing or of the city or town, to promote better site and building design in relation to the surroundings, or to preserve open space" and if they outweigh the regional need for affordable housing.

As the Board is aware, the goal of the Statute is to make at least 10% of every Massachusetts' community's housing stock affordable for low to moderate income households. The Department of Housing and Community Development ("DHCD") tracks a community's compliance with this goal by maintaining a Subsidized Housing Inventory ("SHI"). The SHI lists the number of housing units in each municipality that qualify for the list and count towards the municipality's goal of meeting 10% of its housing stock as being affordable.

As of December 21, 2020, the Town of Lakeville is at 6.5%¹ of its required 10% affordable housing requirement. See Tab 1

II. The Applicant

The Applicant, North Bedford Crossing, LLC, is a Massachusetts limited liability company, having a business address of 1 Lakeville Business Park, Suite 2A, Lakeville, MA 02347.

III. Jurisdictional Requirements

The Applicant meets the jurisdictional requirements of the Act and has standing before the Zoning Board of Appeals because it will be a limited dividend organization, it has control of the land and it has received a project eligibility letter.

A. Limited Dividend Organization

North Bedford Crossing, LLC intends to enter into a Regulatory Agreement with the Massachusetts Housing Finance Agency ("MassHousing") under the New England Fund Program and to abide by the requisite limitation on profits. See 760 CMR 56.04(1)(a). The form of the Regulatory Agreement can be found at Tab 2.

B. Control of the Land

North Bedford Crossing, LLC is the owner of the property by deed recorded with Plymouth County Registry of Deeds in Book 55084, Page 286 (see Tab 3) and has control of the land, as required by the regulations. See 760 CMR 56.04(1)(c).

C. Project Eligibility

North Bedford Crossing, LLC has received a Project Eligibility Letter ("PEL") dated April 15, 2022 from the Massachusetts Housing Finance Agency ("MassHousing") under the New England Fund program that is a qualifying subsidy program used for the construction of affordable housing. The PEL confirms the project's eligibility and suitability of the site. A copy of the Project Eligibility Letter is submitted herewith (see Tab 4). Therefore, the Applicant fulfills the requirement of 760 CMR 56.04(1)(b), which states: "The project shall be fundable under a subsidizing agency under a low- and moderate-income subsidy program". See 760 CMR 54.04(1)(b), which states that compliance with the project eligibility requirements shall be established by issuance of a written determination of Project Eligibility by the Subsidizing Agency.

¹ MassHousing has indicated that as of April 2022 this number is 6.49%

In the PEL, MassHousing asked the Applicant to address certain issues in its application to the Board. These issues are addressed below.

IV. Response to Municipality Comments in PEL

The Municipality requests that the Applicant's site plan provide adequate screening and protection from light and noise impacts for the neighbors adjacent to the proposed access road and the proposed parking lot.

The Applicant has shifted the buildings towards the easterly portion of the site so as to reduce light and noise impacts to the neighbors and has added fencing and screening along the southerly property line. Significant plantings and a fence are proposed near Bedford Street to also mitigate any noise or light impacts.

The Municipality expressed concern that additional traffic generated by the Project would result in increased congestion on area roadways and pose heightened risks to drivers and pedestrians. The Municipality requested that the Applicant provide a traffic study to allow them to fully assess Project traffic and public safety impacts.

The Applicant has engaged Vanasse and Associates, Inc. ("Vanasse") to evaluate potential traffic impacts from the project. A copy of the traffic impact report will be submitted under separate cover.

V. Response to Mass Housing Comments in PEL

Development of this Site will require compliance with all state and federal environmental laws, regulations and standards applicable to existing conditions and to the proposed use related to building construction, stormwater management, wastewater collection and treatment, and hazardous waste safety. The Applicant should expect that the Municipality will require evidence of such compliance prior to the issuance of a building permit for the Project..

The development of the site will comply with all state and federal environmental laws regulations, and standards applicable to existing conditions and to the proposed use related to floodplain management, wetland protection, river and wildlife habitats/conservation areas, stormwater supply, wastewater collection treatment, hazardous waste, safety and public water supply. The proposed work does not require the filing of a notice of intent with the Conservation Commission. The site is not within and estimated or priority habitat areas and does not requiring the filing of an application for a Conservation Management Permit from the Division of Fisheries and Wildlife under the Natural Heritage Program. The Applicant will file an application for approval of the propose septic system with the Town of Lakeville Board of Health as required under 310 CMR 15 ("Title V"). There are no known hazardous waste issues associated with the project site and abutting sites.

The Applicant should continue to engage with municipal officials in a good-faith discussion regarding design review matters and other site related concerns, including, but not limited to issues regarding roadway design and public safety considerations.

The Applicant will engage with local officials regarding design review matters and other site related concerns, including, but not limited to roadway design and public safety considerations.

A landscaping plan should be provided, including a detailed planting plan, as well as paving, lighting, and signage details, and the location of outdoor dumpsters or other waste receptacles. The landscape plan should also include provisions for snow removal and long-term landscape maintenance options

A landscaping plan has been provided. A fence and plantings are being provided along the southern most property line to provide screening of the project from the southerly property. Landscaping is proposed along Bedford Street to provide screening. Dumpsters are not being provided as each unit will have trash and recycling barrels for individual trash pickup by the condominium association. Snow removal location is shown on the plans.

VI. The Development Team

The Applicant's development team for the project is as follows:

Civil Engineering

Zenith Consulting Engineers, LLC

Legal

Michael O'Shaughnessy, Esq.

General Contractor

South Shore Development

Traffic

Vanasse and Associates

VII. Existing Conditions of the Property and Surrounding Area (760 CMR 56.05(2)(b))

The proposed site is a 5.5 +/- acre site located in the Residential zoning district. The site is currently improved with a single-family residence. See Photo 2



Photo 2 – Existing Street View

The project is bordered to the north by a 13-lot subdivision located on Paddock Hill Drive. The property is bounded to the south by a 7.3-acre parcel of land that is improved with a single-family residence and barn. The property is bounded to the west by vacant land and Route 18 to the east. Across from the property on the east side of Bedford Street is Surrey Drive. An aerial view of the property is shown in Photo 3.



Photo 3 -- Aerial View. See also Tab 5.

The existing condition of the Property is shown on the engineering plans submitted with this application.

There is a small area of wetlands near the western property line.

According to the Federal Emergency Management Agency Flood Insurance Rate Map ("FIRM Map"), the Property is located entirely within a Zone X which is a minimal flood hazard area.

The project is not located within a Natural Heritage Priority or Estimated Habitat.

A review of the National Register of Historic Places and the Massachusetts Cultural Resource Information System (MACRIS) does not reflect that the Project site is an historic property.

The Property is approximately a 5-minute drive to the Lakeville Town Hall, with its nearby stores and shops, municipal buildings, churches and schools. Additionally, the site is a short drive to the Lakeville MBTA Commuter rail station.

VIII. Description of the Proposed Project

The proposed site conditions of the Project are shown on the Engineering Plans. Proposed floorplans and elevations for the Project are shown on the architectural plans (“Architectural Plans”). The Architectural Plans fulfil the requirement of 760 CMR 56.05(2)(c) to submit preliminary, scaled architectural plans. Under the Act, plans filed with a Comprehensive Permit application may be preliminary plans, and the Applicant reserves the right to revise said plans prior to final approval of the Project. A tabular analysis of the proposed buildings and site areas, in compliance with 760 CMR 56.05(2)(d) is enclosed under Tab 6. No subdivision of the Property within the meaning of the Subdivision Control Law, M.G.L. c. 41, § 81L is proposed. So, no subdivision plan is required pursuant to 760 CMR 56.05(2)(e).

The project will consist of twenty (20) duplex style buildings. The proposed buildings will be 2 ½ stories in height. The units will range in size from approximately 1,428 to 1,564 sf in living area. All units will be three-bedroom units. Examples of the units are shown in Photo 4 and Photo 5. Each unit will have off street parking.



Photo 4 - Example of smaller unit



Photo 5 - Example of larger unit

The roadway and drainage system were designed to meet stormwater management standards.

The project has been designed to integrate a multifamily development into the existing features of the site and residential neighborhood.

As can be seen on the site plans, the units are proposed to be located closer to the Bedford Street so as to maintain as much as a buffer as possible to the Paddock Hill subdivision. Landscaping is proposed along the Bedford Street. A fence and landscaping are proposed along the southern property line. The landscaping is robust to minimize impacts to the neighborhood. In terms of architectural style, these proposed units are intended to be more contemporary in nature.

The Applicant is submitting a list of waivers for the consideration of the Zoning Board a copy of which is found under Tab 7.

IX. Construction Schedule

The proposed commencement of construction is within twelve (12) weeks of receiving a Comprehensive Permit. Completion is anticipated within twenty four (24) months of commencement of construction.

X. Community and Municipal Impact

As can be seen in the comparison charts hereunder, the proposed project meets the goals and strategies of the **Lakeville December 2020 Master Plan** and the goals of the **Lakeville 2017 Housing Production Plan**.

July 2020 Master Plan

Goal	Strategy	Synopsis	How Goals and Strategies are Satisfied
3-1 Encourage Variety to Meet Needs of First Time Buyer's and Senior Populations	3-1-1	Reduce zoning area requirements in strategic locations in town such as along Route 18 corridor. Residential Zoning District is 1.6 acres/unit.	The 40B Project allows the Zoning Board of Appeals to grant zoning waivers and allow the construction of 20 units on 5.5 acres (3.64 units on an acre of land) as compared to conventional residential zoning of 1 unit on 1.6 acres. Proposed project located along Route 18 corridor.
	3-1-2	Work in partnership to build senior housing with local developer.	Project proponent is a local developer The proposed units can be configured to allow a master bedroom on first floor. This would allow seniors who may have mobility issues to reside in a home with a first-floor bedroom and remain in the Town of Lakeville.
3-2 Increase the number of units eligible for the Subsidized Housing Inventory (SHI)		Proactively create subsidized housing that meets the requirements of M.G.L. Chapter 40B §§ 20-23 and 760 CMR 56.00 regulations.	Project will be proposed under G.L. c.40B Five (5) units from project will be eligible for inclusion on the SHI

December 2017 Housing Production Plan Comparison

Section	Goal	Synopsis	Project Meets Goals
Section 6A	#1	Produce 19 Units eligible for SHI in each calendar year	Five (5) units from the project will be eligible for inclusion on SHI
	#2	Target Multifamily housing to Village Areas	Project is a clustered development using 40B as a development tool to develop affordable housing.

	#3	Allow a diversity of housing options to allow young adults and seniors to remain in the community	Project provides opportunities for both young families and seniors who wish to remain in the Town of Lakeville.
	#4	Work with developers to encourage friendly 40B developments	The Applicant expects to work cooperatively with the Board of Appeals

In developing the project, the Applicant made certain to try to preserve as much green space on the property as possible to create a quiet development that would provide affordable housing and would provide older Lakeville residents an option to downsize their current home and stay within the Town of Lakeville in a brand-new housing unit. Alternatively, these units will be attractive to younger families who wish to remain in Lakeville.

There is no site distance issue issued related to the proposed driveway access. The traffic flow on Bedford Street will not be negatively impacted from the number of vehicle trips to and from the project. The proposed project will be serviced by an onsite septic system. The proposed project complies with storm water management standards. There will be no wetland impacts from the project.

Based upon the foregoing, The Applicant believes that the proposed project will be a positive addition to the Town of Lakeville .

XI. Conclusion

Based on all of the foregoing, the Applicant believes that the proposed project will be an asset to the Town of Lakeville It will provide much needed affordable housing. The Applicant respectfully submits that a Comprehensive Permit should be issued by the Lakeville Zoning Board of Appeals.

Respectfully Submitted,



Michael P. O'Shaughnessy, Esq.

TAB 1

Department of Housing and Community Development
 Chapter 40B Subsidized Housing Inventory (SHI)
 as of December 21, 2020*

Community	2010 Census Year Round Housing Units	Total Development Units	SHI Units	%
Abington	6,364	662	629	9.9%
Acton	8,475	1,440	894	10.5%
Acushnet	4,097	125	95	2.3%
Adams	4,337	324	324	7.5%
Agawam	12,090	618	618	5.1%
Alford	231	0	0	0.0%
Amesbury	7,041	787	706	10.0%
Amherst	9,621	1,262	1,215	12.6%
Andover	12,324	2,195	1,657	13.4%
Aquinnah	158	33	33	20.9%
Arlington	19,881	1,445	1,129	5.7%
Ashburnham	2,272	144	29	1.3%
Ashby	1,150	0	0	0.0%
Ashfield	793	2	2	0.3%
Ashland	6,581	936	415	6.3%
Athol	5,148	284	284	5.5%
Attleboro	17,978	1,169	1,169	6.5%
Auburn	6,808	251	251	3.7%
Avon	1,763	75	75	4.3%
Ayer	3,440	409	254	7.4%
Barnstable	20,550	1,818	1,487	7.2%
Barre	2,164	83	83	3.8%
Becket	838	0	0	0.0%
Bedford	5,322	1,243	987	18.5%
Belchertown	5,771	416	390	6.8%
Bellingham	6,341	983	801	12.6%
Belmont	10,117	673	661	6.5%
Berkley	2,169	158	40	1.8%
Berlin	1,183	308	201	17.0%
Bernardston	930	22	22	2.4%
Beverly	16,522	2,489	1,954	11.8%
Billerica	14,442	1,979	1,664	11.5%
Blackstone	3,606	165	123	3.4%
Blandford	516	0	0	0.0%
Bolton	1,729	180	69	4.0%
Boston	269,482	58,609	55,509	20.6%
Bourne	8,584	1,129	591	6.9%

Boxborough	2,062	323	266	12.9%
Boxford	2,730	80	39	1.4%
Boylston	1,765	30	30	1.7%
Braintree	14,260	1,670	1,373	9.6%
Brewster	4,803	368	268	5.6%
Bridgewater	8,288	1,216	948	11.4%
Brimfield	1,491	59	59	4.0%
Brockton	35,514	4,604	4,604	13.0%
Brookfield	1,452	13	13	0.9%
Brookline	26,201	3,525	2,674	10.2%
Buckland	866	3	3	0.3%
Burlington	9,627	1,858	1,302	13.5%
Cambridge	46,690	7,089	6,898	14.8%
Canton	8,710	1,237	1,099	12.6%
Carlisle	1,740	65	59	3.4%
Carver	4,514	142	142	3.1%
Charlemont	615	3	3	0.5%
Charlton	4,774	83	83	1.7%
Chatham	3,460	182	176	5.1%
Chelmsford	13,741	1,903	1,349	9.8%
Chelsea	12,592	2,419	2,414	19.2%
Cheshire	1,481	0	0	0.0%
Chester	585	3	3	0.5%
Chesterfield	524	14	14	2.7%
Chicopee	25,074	2,662	2,623	10.5%
Chilmark	418	0	0	0.0%
Clarksburg	706	9	9	1.3%
Clinton	6,375	547	547	8.6%
Cohasset	2,898	321	307	10.6%
Colrain	731	0	0	0.0%
Concord	6,852	926	721	10.5%
Conway	803	0	0	0.0%
Cummington	426	14	14	3.3%
Dalton	2,860	159	159	5.6%
Danvers	11,071	1,556	1,140	10.3%
Dartmouth	11,775	1,037	1,007	8.6%
Dedham	10,115	1,166	1,121	11.1%
Deerfield	2,154	33	33	1.5%
Dennis	7,653	422	390	5.1%
Dighton	2,568	427	151	5.9%
Douglas	3,147	140	140	4.4%
Dover	1,950	69	18	0.9%
Dracut	11,318	866	590	5.2%
Dudley	4,360	104	104	2.4%
Dunstable	1,085	0	0	0.0%
Duxbury	5,532	509	432	7.8%
East Bridgewater	4,897	230	176	3.6%

East Brookfield	888	0	0	0.0%
East Longmeadow	6,072	532	464	7.6%
Eastham	2,632	128	119	4.5%
Easthampton	7,567	1,036	537	7.1%
Easton	8,105	1,035	834	10.3%
Edgartown	1,962	78	73	3.7%
Egremont	596	0	0	0.0%
Erving	778	0	0	0.0%
Essex	1,477	40	40	2.7%
Everett	16,691	875	875	5.2%
Fairhaven	7,003	495	495	7.1%
Fall River	42,650	4,631	4,535	10.6%
Falmouth	14,870	1,380	1,070	7.2%
Fitchburg	17,058	1,775	1,581	9.3%
Florida	335	0	0	0.0%
Foxborough	6,853	930	878	12.8%
Framingham	27,443	3,483	2,963	10.8%
Franklin	11,350	1,819	1,357	12.0%
Freetown	3,263	104	86	2.6%
Gardner	9,064	1,361	1,361	15.0%
Georgetown	3,031	352	352	11.6%
Gill	591	24	24	4.1%
Gloucester	13,270	1,043	1,008	7.6%
Goshen	440	0	0	0.0%
Gosnold	41	0	0	0.0%
Grafton	7,160	740	381	5.3%
Granby	2,451	79	79	3.2%
Granville	630	0	0	0.0%
Great Barrington	3,072	378	243	7.9%
Greenfield	8,325	1,301	1,284	15.4%
Groton	3,930	410	224	5.7%
Groveland	2,423	145	88	3.6%
Hadley	2,200	275	275	12.5%
Halifax	2,971	36	36	1.2%
Hamilton	2,783	126	86	3.1%
Hampden	1,941	60	60	3.1%
Hancock	326	0	0	0.0%
Hanover	4,832	568	568	11.8%
Hanson	3,572	270	160	4.5%
Hardwick	1,185	3	2	0.2%
Harvard	1,982	263	114	5.8%
Harwich	6,121	333	333	5.4%
Hatfield	1,549	47	47	3.0%
Haverhill	25,557	2,959	2,744	10.7%
Hawley	137	0	0	0.0%
Heath	334	0	0	0.0%
Hingham	8,841	2,799	1,008	11.4%

Hinsdale	918	0	0	0.0%
Holbrook	4,262	436	436	10.2%
Holden	6,624	514	406	6.1%
Holland	1,051	4	4	0.4%
Holliston	5,077	515	245	4.8%
Holyoke	16,320	3,189	3,189	19.5%
Hopedale	2,278	115	115	5.0%
Hopkinton	5,087	843	725	14.3%
Hubbardston	1,627	49	49	3.0%
Hudson	7,962	1,059	901	11.3%
Hull	4,964	83	83	1.7%
Huntington	919	32	32	3.5%
Ipswich	5,735	608	527	9.2%
Kingston	4,881	359	204	4.2%
Lakeville	3,852	433	250	6.5%
Lancaster	2,544	374	250	9.8%
Lanesborough	1,365	28	28	2.1%
Lawrence	27,092	4,037	4,017	14.8%
Lee	2,702	176	176	6.5%
Leicester	4,231	176	176	4.2%
Lenox	2,473	178	172	7.0%
Leominster	17,805	1,406	1,369	7.7%
Leverett	792	2	2	0.3%
Lexington	11,946	1,565	1,334	11.2%
Leyden	300	0	0	0.0%
Lincoln	2,153	370	298	14.0%
Littleton	3,443	653	456	13.2%
Longmeadow	5,874	276	276	4.7%
Lowell	41,308	5,189	5,119	12.4%
Ludlow	8,337	292	292	3.5%
Lunenburg	4,037	315	315	7.8%
Lynn	35,701	4,307	4,307	12.1%
Lynnfield	4,319	632	494	11.4%
Malden	25,122	2,765	2,562	10.2%
Manchester	2,275	137	115	5.1%
Mansfield	8,725	1,118	953	10.9%
Marblehead	8,528	399	333	3.9%
Marion	2,014	204	162	8.0%
Marlborough	16,347	1,944	1,848	11.3%
Marshfield	9,852	1,024	821	8.3%
Mashpee	6,473	369	343	5.3%
Mattapoisett	2,626	68	68	2.6%
Maynard	4,430	595	419	9.5%
Medfield	4,220	474	406	9.6%
Medford	23,968	2,847	1,719	7.2%
Medway	4,603	830	529	11.5%
Melrose	11,714	1,463	934	8.0%

Mendon	2,072	77	40	1.9%
Merrimac	2,527	402	146	5.8%
Methuen	18,268	2,162	1,708	9.3%
Middleborough	8,921	979	799	9.0%
Middlefield	230	2	2	0.9%
Middleton	3,011	258	156	5.2%
Milford	11,379	1,483	701	6.2%
Millbury	5,592	244	221	4.0%
Millis	3,148	185	122	3.9%
Millville	1,157	26	26	2.2%
Milton	9,641	765	477	4.9%
Monroe	64	0	0	0.0%
Monson	3,406	120	120	3.5%
Montague	3,926	407	375	9.6%
Monterey	465	0	0	0.0%
Montgomery	337	0	0	0.0%
Mount Washington	80	0	0	0.0%
Nahant	1,612	48	48	3.0%
Nantucket	4,896	509	199	4.1%
Natick	14,052	1,856	1,477	10.5%
Needham	11,047	1,605	1,410	12.8%
New Ashford	104	0	0	0.0%
New Bedford	42,816	5,132	5,095	11.9%
New Braintree	386	0	0	0.0%
New Marlborough	692	0	0	0.0%
New Salem	433	0	0	0.0%
Newbury	2,699	94	94	3.5%
Newburyport	8,015	667	551	6.9%
Newton	32,346	2,745	2,509	7.8%
Norfolk	3,112	521	187	6.0%
North Adams	6,681	866	866	13.0%
North Andover	10,902	1,398	950	8.7%
North Attleborough	11,553	366	354	3.1%
North Brookfield	2,014	142	142	7.1%
North Reading	5,597	650	538	9.6%
Northampton	12,604	1,506	1,441	11.4%
Northborough	5,297	715	606	11.4%
Northbridge	6,144	483	468	7.6%
Northfield	1,290	27	27	2.1%
Norton	6,707	916	596	8.9%
Norwell	3,652	461	180	4.9%
Norwood	12,441	1,241	1,229	9.9%
Oak Bluffs	2,138	129	117	5.5%
Oakham	702	0	0	0.0%
Orange	3,461	410	410	11.8%
Orleans	3,290	326	296	9.0%
Otis	763	0	0	0.0%

Oxford	5,520	404	404	7.3%
Palmer	5,495	307	266	4.8%
Paxton	1,590	66	66	4.2%
Peabody	22,135	2,761	2,122	9.6%
Pelham	564	3	3	0.5%
Pembroke	6,477	773	618	9.5%
Pepperell	4,335	197	130	3.0%
Peru	354	0	0	0.0%
Petersham	525	0	0	0.0%
Phillipston	658	5	5	0.8%
Pittsfield	21,031	2,004	1,883	9.0%
Plainfield	283	0	0	0.0%
Plainville	3,459	624	577	16.7%
Plymouth	22,285	1,229	1,006	4.5%
Plympton	1,039	67	55	5.3%
Princeton	1,324	26	26	2.0%
Provincetown	2,122	254	206	9.7%
Quincy	42,547	4,212	4,201	9.9%
Randolph	11,980	1,294	1,294	10.8%
Raynham	5,052	604	487	9.6%
Reading	9,584	1,563	1,004	10.5%
Rehoboth	4,252	99	27	0.6%
Revere	21,956	1,735	1,725	7.9%
Richmond	706	4	4	0.6%
Rochester	1,865	8	8	0.4%
Rockland	7,030	648	453	6.4%
Rockport	3,460	135	135	3.9%
Rowe	177	0	0	0.0%
Rowley	2,226	179	94	4.2%
Royalston	523	3	3	0.6%
Russell	687	2	2	0.3%
Rutland	2,913	86	86	3.0%
Salem	18,998	2,431	2,391	12.6%
Salisbury	3,842	807	395	10.3%
Sandisfield	401	0	0	0.0%
Sandwich	8,183	461	314	3.8%
Saugus	10,754	784	756	7.0%
Savoy	318	0	0	0.0%
Scituate	7,163	482	358	5.0%
Seekonk	5,272	114	87	1.7%
Sharon	6,413	936	678	10.6%
Sheffield	1,507	30	30	2.0%
Shelburne	893	46	46	5.2%
Sherborn	1,479	41	34	2.3%
Shirley	2,417	106	106	4.4%
Shrewsbury	13,919	1,226	891	6.4%
Shutesbury	758	4	4	0.5%

Somerset	7,335	269	269	3.7%
Somerville	33,632	3,261	3,250	9.7%
South Hadley	7,091	424	424	6.0%
Southampton	2,310	44	44	1.9%
Southborough	3,433	809	294	8.6%
Southbridge	7,517	384	384	5.1%
Southwick	3,852	131	131	3.4%
Spencer	5,137	312	311	6.1%
Springfield	61,556	10,307	10,041	16.3%
Sterling	2,918	285	72	2.5%
Stockbridge	1,051	113	113	10.8%
Stoneham	9,399	504	498	5.3%
Stoughton	10,742	1,500	1,284	12.0%
Stow	2,500	393	179	7.2%
Sturbridge	3,759	357	209	5.6%
Sudbury	5,921	888	669	11.3%
Sunderland	1,718	183	183	10.7%
Sutton	3,324	176	55	1.7%
Swampscott	5,795	256	212	3.7%
Swansea	6,290	275	243	3.9%
Taunton	23,844	1,874	1,683	7.1%
Templeton	3,014	511	233	7.7%
Tewksbury	10,803	1,379	1,062	9.8%
Tisbury	1,965	147	107	5.4%
Tolland	222	0	0	0.0%
Topsfield	2,157	205	187	8.7%
Townsend	3,356	184	145	4.3%
Truro	1,090	25	25	2.3%
Tyngsborough	4,166	847	469	11.3%
Tyringham	149	0	0	0.0%
Upton	2,820	190	145	5.1%
Uxbridge	5,284	427	257	4.9%
Wakefield	10,459	1,394	703	6.7%
Wales	772	25	25	3.2%
Walpole	8,984	661	649	7.2%
Waltham	24,805	2,709	1,819	7.3%
Ware	4,539	363	363	8.0%
Wareham	9,880	875	745	7.5%
Warren	2,202	76	76	3.5%
Warwick	363	0	0	0.0%
Washington	235	0	0	0.0%
Watertown	15,521	2,770	1,212	7.8%
Wayland	4,957	460	330	6.7%
Webster	7,788	707	707	9.1%
Wellesley	9,090	1,160	1,044	11.5%
Wellfleet	1,550	38	38	2.5%
Wendell	419	5	5	1.2%

Wenham	1,404	196	128	9.1%
West Boylston	2,729	413	223	8.2%
West Bridgewater	2,658	175	121	4.6%
West Brookfield	1,578	67	67	4.2%
West Newbury	1,558	150	43	2.8%
West Springfield	12,629	426	426	3.4%
West Stockbridge	645	0	0	0.0%
West Tisbury	1,253	26	11	0.9%
Westborough	7,304	1,253	960	13.1%
Westfield	16,001	1,173	1,170	7.3%
Westford	7,671	1,487	1,057	13.8%
Westhampton	635	17	17	2.7%
Westminster	2,826	138	87	3.1%
Weston	3,952	467	331	8.4%
Westport	6,417	480	290	4.5%
Westwood	5,389	922	598	11.1%
Weymouth	23,337	1,903	1,628	7.0%
Whately	654	4	4	0.6%
Whitman	5,513	208	208	3.8%
Wilbraham	5,442	306	305	5.6%
Williamsburg	1,165	55	55	4.7%
Williamstown	2,805	261	213	7.6%
Wilmington	7,788	1,059	766	9.8%
Winchendon	4,088	326	326	8.0%
Winchester	7,920	439	296	3.7%
Windsor	387	0	0	0.0%
Winthrop	8,253	638	638	7.7%
Woburn	16,237	2,121	1,706	10.5%
Worcester	74,383	10,023	10,017	13.5%
Worthington	553	22	22	4.0%
Wrentham	3,821	597	431	11.3%
Yarmouth	12,037	786	599	5.0%
Totals	2,692,186	315,591	273,004	10.1%

*This data is derived from information provided to the Department of Housing and Community Development (DHCD) by individual communities and is subject to change as new information is obtained and use restrictions expire. Community percentages will be based upon 2020 Census data upon the release of such data by the U.S. Census Bureau.

TAB 2

REGULATORY AGREEMENT

For Comprehensive Permit Projects in Which Funding is Provided Through Other than a State Entity

This Regulatory Agreement (this "Agreement") is made as of the ___ day of _____ 20___, by and between the Massachusetts Housing Finance Agency, a body politic and corporate organized and operated under the provisions of Chapter 708 of the Acts of 1966 of the Commonwealth of Massachusetts, as amended, acting as Subsidizing Agency as defined under the provisions of 760 CMR 56.02 (the "Subsidizing Agency"), and _____, a Massachusetts _____, having an address at _____, and its successors and assigns (the "Developer").

RECITALS

WHEREAS, the Developer intends to construct a housing development known as _____ consisting of _____ homeownership [condominium units/single-family] residences (the "Project") on a _____-acre site located at _____ in the [City/Town] of _____ (the "Municipality"), which real property is more particularly described in Exhibit A attached hereto and made a part hereof; and

WHEREAS, _____, a non-governmental entity (the "NEF Lender"), is making a \$ _____ construction loan for the Project, which is equal to or greater than twenty-five percent (25%) of the construction financing for the Project; and

WHEREAS, the Massachusetts Housing Finance Agency acts as Subsidizing Agency for the Project, on behalf of the Department of Housing and Community Development of the Commonwealth of Massachusetts ("DHCD"), pursuant to Massachusetts General Laws Chapter 40B Sections 20-23 (the "Act"), the regulations at 760 CMR 56.00, and the Comprehensive Permit Guidelines issued pursuant thereto (collectively, the "Comprehensive Permit Rules"); and

WHEREAS, the Zoning Board of Appeals of the Municipality has issued a comprehensive permit for the Project in accordance with the Act (including any and all amendments issued by the Zoning Board of Appeals prior to the date of this Agreement, the "Comprehensive Permit"), which has been [revise as applicable ("Registry" is defined below to include filings at the Land Court): [recorded with the Registry in Book _____, Page _____] [and] [filed as Document No. _____] [if amendment(s), add: , as amended by the amendment [recorded with the Registry in Book _____, Page _____] [and] [filed as Document No. _____]; and

WHEREAS, pursuant to the requirements of the Comprehensive Permit Rules, twenty-five percent (25%) of the units in the Project (___ units) (the "Affordable Units") will be sold at prices specified in this Agreement to Eligible Purchasers (as defined herein) and will be subject to resale restrictions as set forth herein; and

WHEREAS, the Subsidizing Agency may delegate to an affordability monitoring agent (the "Affordability Monitoring Agent") certain administration, monitoring and enforcement services regarding compliance of the Project with the Comprehensive Permit, the Comprehensive Permit Rules and this Agreement during the period of affordability of the Affordable Units; and

WHEREAS, the parties recognize that Affirmative Fair Marketing (as defined herein) is an important precondition for sale of Affordable Units and that local preference is only applicable at initial sale of the units and cannot be granted in a manner which results in a violation of applicable fair housing laws, regulations and subsidy programs;

NOW, THEREFORE, in consideration of the agreements hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Subsidizing Agency and the Developer hereby agree as follows:

1. Definitions. Capitalized terms used and not defined herein shall have the same meaning as set forth in the Affordable Housing Restriction attached hereto as Exhibit B and incorporated herein by reference (the "Affordable Housing Restriction"). In addition to the defined terms in the Affordable Housing Restriction and the capitalized terms defined in the Recitals above, the following terms shall have the meanings set forth below:

Affordability Monitoring Services Agreement shall have the meaning set forth in Section 5 hereof.

Affordability Requirement shall mean the obligations of the Developer described in Section 3 hereof.

Affirmative Fair Marketing means the marketing of the Affordable Units in accordance with the AFHMP and all applicable fair housing laws, regulations and subsidy programs.

AFHMP shall have the meaning set forth in Section 3(c) hereof.

Allowable Profit shall have the meaning set forth in Section 4(a) hereof.

Cost Examination shall have the meaning set forth in Section 4(b) hereof.

DHCD means the Department of Housing and Community Development.

Eligible Purchaser shall have the meaning set forth in the Affordable Housing Restriction attached hereto as Exhibit B, and, in addition, must also (i) be a First-Time Homebuyer, and (ii) own assets not in excess of the limit set forth in the Comprehensive Permit Rules.

Excess Profit shall have the meaning set forth in Section 4(e) hereof.

Event of Default shall have the meaning set forth in Section 10(a) hereof.

Limited Dividend Requirement shall mean the obligations of the Developer described in Section 4 hereof.

Limited Dividend Monitoring Services Agreement shall have the meaning set forth in Section 4 hereof.

Marketing Documentation shall have the meaning set forth in Section 3(c) hereof.

Maximum Initial Sale Price means the purchase price for which a credit-worthy Eligible Purchaser earning seventy percent (70%) of the Area Median Income for an Appropriate Size Household (as defined in the Affordable Housing Restriction) could obtain mortgage financing as determined by the Subsidizing Agency using the same methodology then used by DHCD for its Local Initiative Program or similar comprehensive permit program.

Plans and Specifications shall have the meaning set forth in Section 2 hereof.

Registry means, as applicable, the Registry of Deeds and/or the Registry District of the Land Court in which the Project located, and references to "recording" means recording with such Registry of Deeds and/or filing with such Registry District of the Land Court, as applicable.

Resale Price Certificate means the certificate in recordable form issued by the Subsidizing Agency and recorded with the first deed of each Affordable Unit from the Developer to the initial Eligible Purchaser, which certificate sets forth the Resale Price Multiplier to be applied on the resale of such Affordable Unit, according to the terms of the Affordable Housing Restriction applicable to such unit, for so long as the restrictions set forth in such Affordable Housing Restriction continue, and any subsequent certificate issued by the Affordability Monitoring Agent in accordance with the terms of such Affordable Housing Restriction.

Substantial Completion shall have occurred for purposes of this Agreement when the construction of the Project is sufficiently complete so that all of the units may be occupied and amenities may be used for their intended purpose (including, as applicable, issuance of an unconditional certificate of occupancy or other evidence of unconditional approval for occupancy if and as required by the Municipality), except for designated punch list items and seasonal work which does not interfere with the residential use of the Project.

Term shall have the meaning set forth in Section 14(a) hereof.

Total Development Costs means the total budget for the acquisition and construction of the Project (including both hard and soft costs and such other sums as the Subsidizing Agency may determine constitute the Developer's contribution to the Project, but not including any fee paid to the Developer), as approved by Subsidizing Agency pursuant to the

Comprehensive Permit Rules, this Agreement, and the Limited Dividend Monitoring Services Agreement, using the standards of the Subsidizing Agency applicable to comprehensive permit projects in accordance with the Comprehensive Permit Rules.

2. Construction Obligations.

(a) The Developer agrees to construct the Project in accordance with plans and specifications approved by the Subsidizing Agency and the Municipality (the "Plans and Specifications"), which are consistent with the minimum design and construction standards of the Subsidizing Agency applicable to comprehensive permit projects in accordance with the Comprehensive Permit Rules, in accordance with all on-site and off-site construction, design and land use conditions of the Comprehensive Permit, and in accordance with the information describing the Project provided by the Developer to the Subsidizing Agency in its Application for Final Approval.

(b) The Subsidizing Agency shall monitor compliance with the construction obligations set forth in this section in such manner as the Subsidizing Agency may deem reasonably necessary. In furtherance thereof, the Developer shall provide to the Subsidizing Agency (i) evidence that the final Plans and Specifications for the Development comply with the requirements of the Comprehensive Permit and that the Development was built substantially in accordance with such Plans and Specifications; and (ii) such information as the Subsidizing Agency may reasonably require concerning the expertise, qualifications and scope of work of any construction monitor proposed by the NEF Lender, and if such information is acceptable to the Subsidizing Agency, the Developer shall provide to the Subsidizing Agency prior to commencement of construction a certification from the NEF Lender concerning construction monitoring in form and substance acceptable to the Subsidizing Agency. Such certification shall also include a representation that the NEF Lender will maintain certain minimum funding levels to meet the subsidy requirements of the Act.

3. Affordability Requirement. The Developer shall comply with the following requirements in connection with the sale of the Affordable Units (collectively, the "Affordability Requirement"):

(a) The Developer shall sell the Affordable Units only to Eligible Purchasers at no greater than the Maximum Initial Sale Price. There shall be Affirmative Fair Marketing and the Developer shall comply with the lottery procedures set forth in the Comprehensive Permit Rules prior to the selection of an Eligible Purchaser. At the time of sale of each Affordable Unit by the Developer, the Developer shall execute and shall as a condition of the sale cause the purchaser of the Affordable Unit to execute and record in the Registry an Affordable Housing Restriction in the form of Exhibit B attached hereto and incorporated herein by reference. Such Affordable Housing Restriction shall be attached to and made a part of the deed from the Developer to the initial purchaser of the Affordable Unit and each subsequent deed of such unit so that the affordability of the Affordable Unit will be preserved each time a resale of the Affordable Unit occurs. The initial purchaser, and any and each subsequent purchaser acquiring an Affordable Unit during the period that the Affordable Housing Restriction remains in effect shall also execute and record in the

Registry with the deed and Affordable Housing Restriction a mortgage securing such purchaser's obligations thereunder in the form of Exhibit C attached hereto and incorporated herein by reference (the "Affordable Housing Restriction Mortgage").

(b) Prior to marketing or otherwise making available for sale any of the Affordable Units, the Developer shall request the Subsidizing Agency to calculate the Maximum Initial Sale Price for each Affordable Unit and shall advertise the price so calculated in the Marketing Documentation for the Affordable Units. Prior to the delivery of the first deed for each Affordable Unit, the Developer shall notify the Subsidizing Agency of the actual purchase price for each Affordable Unit (which shall in no event be greater than the Maximum Initial Sale Price calculated by the Subsidizing Agency), and the Subsidizing Agency shall issue a Resale Price Certificate to the Developer calculating the Resale Price Multiplier. The Developer shall, as a condition of the initial sale of each Affordable Unit, cause the Eligible Purchaser purchasing such unit to record at the Registry, immediately after the recording of the deed conveying such Affordable Unit from the Developer to the Eligible Purchaser: (i) the Resale Price Certificate, (ii) the Affordable Housing Restriction, (iii) the Affordable Housing Restriction Mortgage executed by such purchaser, and (iv) and the Compliance Certificate (as defined in the Affordable Housing Restriction) executed by the Affordability Monitoring Agent.

(c) Prior to marketing or otherwise making available for sale any of the Affordable Units, the Developer must prepare an Affirmative Fair Housing Marketing Plan (the "AFHMP") for the Affordable Units. The Developer shall submit the proposed AFHMP to the Affordability Monitoring Agent and the Subsidizing Agency, and the Affordability Monitoring Agent shall recommend approval or disapproval thereof to the Subsidizing Agency, as set forth in the Affordability Monitoring Services Agreement. The Developer shall make such modifications as may be appropriate to address any issues raised by the Affordability Monitoring Agent and/or the Subsidizing Agency, and the Subsidizing Agency shall confirm its approval of the final AFHMP in writing. The AFHMP, including, but not limited to, the site plan laying out the location of Affordable Units which is attached hereto as Exhibit D and incorporated herein by reference, as so approved, may not be amended thereafter without the Subsidizing Agency's consent to any such amendment, in accordance with the foregoing review and approval procedure.

(d) If required under the Comprehensive Permit and approved by the Subsidizing Agency, the AFHMP may also include a preference for local residents, which in no event may exceed more than seventy percent (70%) of the Affordable Units; provided that, in the event a local resident preference is established, use of the preference shall not violate applicable fair housing laws and regulations.

(e) The Affordability Monitoring Agent shall be responsible for ensuring compliance with the AFHMP obligations, including, without limitation, all requirements with respect to outreach, location and selection of the Eligible Purchasers for the initial sale and any subsequent resale(s) of the Affordable Units, as part of its services under the Affordability Monitoring Services Agreement. The Subsidizing Agency is responsible for paying the Affordability Monitoring Agent the fees for such services as provided in the Affordability Monitoring Services Agreement.

(f) The Developer agrees to maintain for at least five (5) years following the initial sale of the last Affordable Unit to be sold, a record of all newspaper ads, outreach letters, translations, leaflets, and all Affirmative Fair Marketing efforts (collectively, the “Marketing Documentation”) as described in the AFHMP. The Marketing Documentation may be inspected at any time by the Affordability Monitoring Agent, the Subsidizing Agency and the Municipality. If at any time prior to or during the process of marketing the Affordable Units for the initial sale to Eligible Purchasers, the Subsidizing Agency determines that the Developer or the Affordability Monitoring Agent has not adequately complied with the approved AFHMP, the Developer or Affordability Monitoring Agent, as the case may be, shall take such additional corrective measures as shall be specified by the Subsidizing Agency.

4. Limited Dividend Requirement.

(a) The Developer agrees that the aggregate profit from the Project which shall be payable to the Developer or to the partners, shareholders or other owners of Developer or the Project shall not exceed twenty percent (20%) of Total Development Costs (the “Allowable Profit”), which development costs have been approved by the Subsidizing Agency pursuant to the Comprehensive Permit Rules, this Agreement, and the Limited Dividend Monitoring Services Agreement attached hereto as Exhibit E and incorporated herein by reference (the “Limited Dividend Monitoring Services Agreement”). Notwithstanding the foregoing, the Subsidizing Agency shall have the sole right to approve the Cost Examination and to determine the Allowable Profit. For so long as the Developer complies with the requirements of this section, the Developer shall be deemed to be a limited dividend organization within the meaning of the Act.

(b) Within one hundred-eighty (180) days after Substantial Completion of the Project, or, if later, within ninety (90) days of the date on which all units in the Project are sold, the Developer shall deliver to the Subsidizing Agency an itemized statement of Total Development Costs together with a statement of gross income from the Project received by the Developer to date in the format provided in the Subsidizing Agency’s Cost Examination Program applicable to the Project, together with all other documents required by the Cost Examination Program (the “Cost Examination”). The Cost Examination must be prepared and certified by a certified public accountant in accordance with the attestation standards established by the American Institute of Certified Public Accountants. The certified public accountant preparing the Cost Examination must be acceptable to the Subsidizing Agency and the Cost Examination, including any update as described herein, shall be subject to the Subsidizing Agency’s review and approval. If all units in the Project have not been sold as of the date the initial Cost Examination is delivered to the Subsidizing Agency, the Developer shall, at least once every ninety (90) days thereafter until such time as all of the units are sold, deliver to the Subsidizing Agency an updated Cost Examination. If all units have not been sold within twenty-four (24) months of Substantial Completion, a sale price for the remaining unsold units shall be imputed in an amount equal to the average of the last three (3) arm’s-length sales of comparable units, and a final Cost Examination shall be required within ninety (90) days thereafter. The Subsidizing Agency may allow additional time for submission of the Cost Examination if significant issues are

determined to exist which prevent the timely submission of the Cost Examination, and may in certain circumstances (such as a halt in construction for a significant period of time) require submission of an interim Cost Examination within ninety (90) days of written notice to the Developer.

(c) All related party transactions resulting in Project costs or income must be disclosed in the Cost Examination, and documentation must be provided identifying, where applicable, what portion of costs were paid to non-related third parties (e.g., subcontractors) and what portion were retained by related parties. In the event that any unit sales are made to related parties, the amount of income to be included in the Cost Examination for such sales shall be the greater of (i) the actual sales price of the unit, and (ii) the average sales price of the highest three (3) arm's-length sales of comparable units.

(d) If any unit is sold prior to the date the final Cost Examination is approved by the Subsidizing Agency, the Developer shall, promptly upon the request of the Subsidizing Agency, provide evidence reasonably satisfactory to the Subsidizing Agency that any profit distributed to the Developer or to any partner(s) or shareholder(s) of the Developer and/or other person(s) or party(ies) holding any direct or indirect ownership interest in the Developer or the Project in connection with such sale, combined with the reasonably projected total profits from the Project, will not exceed the Allowable Profit.

(e) All profits from the Project in excess of the Allowable Profit, as finally determined by the Subsidizing Agency (the "Excess Profit"), shall be paid by the Developer to the Municipality promptly after such determination.

5. Affordability Monitoring Agent. The Subsidizing Agency shall assign an Affordability Monitoring Agent for purposes of administration, monitoring and enforcement under this Agreement pursuant to an agreement substantially in the form of the Affordability Monitoring Services Agreement attached hereto as Exhibit F and incorporated herein by reference (the "Affordability Monitoring Services Agreement"). All notices and reports required to be submitted under this Agreement shall be submitted simultaneously to the specified entity and to the Affordability Monitoring Agent. The Affordability Monitoring Services Agreement may be terminated by the Subsidizing Agency or the Affordability Monitoring Agent as provided in the Affordability Monitoring Services Agreement. In the event of such termination, the Subsidizing Agency shall select a successor monitoring agent in accordance with the provisions of the Affordability Monitoring Services Agreement, and thereafter such successor shall be the Affordability Monitoring Agent for the Project.

6. Developer's Representations, Covenants and Warranties. The Developer hereby represents, covenants and warrants as follows:

(a) The Developer (i) is a [limited liability company] [corporation] [limited partnership] duly organized under the laws of the Commonwealth of Massachusetts, and is qualified to transact business under the laws of said Commonwealth, (ii) has the power and authority to own its properties and assets and to carry on its business as now being

conducted, and (iii) has the full legal right, power and authority to execute and deliver and perform its obligations under this Agreement.

(b) The execution, delivery and performance of this Agreement by the Developer (i) will not violate (and, to the extent applicable, has not violated) any provision of law, rule or regulation, or any order of any court or other agency or governmental body, and (ii) will not violate (and, to the extent applicable, has not violated) any provision of any indenture, agreement, mortgage, mortgage note, or other instrument to which the Developer is a party or by which it or the Project is bound, and (iii) will not result in the creation or imposition of any prohibited encumbrance of any nature.

(c) The Developer will, at the time of execution and delivery of this Agreement, have good and marketable title to the premises constituting the Project free and clear of any lien or encumbrance other than encumbrances created pursuant to this Agreement, and any other documents executed in connection with the loan from the NEF Lender [*if applicable*: , the subordinate loan(s) identified in Exhibit G attached hereto] and any other encumbrances permitted by the Subsidizing Agency in writing.

(d) There is no action, suit or proceeding at law or in equity or by or before any governmental instrumentality or other agency now pending, or, to the knowledge of the Developer, threatened against or affecting it, the Project, or any of its other properties or rights, which, if adversely determined, would materially impair its right to carry on business substantially as now conducted and as contemplated by this Agreement or would materially adversely affect its financial condition.

7. No Discrimination. The Developer shall ensure that the Project is at all times in full compliance with the provisions of all applicable federal, state and local laws and regulations prohibiting discrimination in housing. The Developer shall not discriminate in the selection of purchasers for Affordable Units and other units, or in connection with the employment or application for employment of persons for the construction, operation and/or management of the Project, on the basis of age, physical or mental disability or handicap, sex, sexual orientation, gender identity, genetic information, race, color, national origin, ancestry, alien or citizenship status, religion, creed, pregnancy, children, marital status, familial status, veteran status or membership in the armed services, the receipt of public assistance, or any other characteristic protected by applicable federal, state or local laws.

8. Restrictions on Transfers and Junior Encumbrances. Except for sales of Affordable Units and any other units to homebuyers as permitted by the terms of this Agreement, Developer shall not sell, convey, transfer, ground lease, lease, exchange, pledge, assign, mortgage or otherwise transfer its interest, or any portion of its interest, in the Project or any portion thereof without the prior written consent of the Subsidizing Agency. In the event the Subsidizing Agency grants such consent, the Developer agrees, prior to any transfer of ownership of the Project or any portion thereof or interest therein, to secure from the transferee a written agreement, in form and substance acceptable to the Subsidizing Agency in its discretion, stating that the transferee will assume in full the Developer's obligations and duties under this Agreement.

9. Casualty. Until such time as decisions regarding repair of damage due to fire or other casualty, or restoration after taking by eminent domain, shall be made by a condominium association or trust not controlled by the Developer (or if the Project consists of detached dwellings, by homebuyers), Developer agrees that if the Project, or any part thereof, shall be damaged or destroyed or shall be condemned or acquired for public use, the Developer shall use its best efforts to repair and restore the Project to substantially the same condition as existed prior to the event causing such damage or destruction, or to relieve the condemnation, and thereafter to operate the Project in accordance with the terms of this Agreement, subject to the approval of the Subsidizing Agency.

10. Defaults: Remedies.

(a) Any default, violation, or breach of obligations of the Developer hereunder shall constitute an Event of Default hereunder (an "Event of Default") if such default, violation, or breach is not cured to the satisfaction of the Subsidizing Agency within thirty (30) days after the Subsidizing Agency or the Affordability Monitoring Agent gives notice to the Developer (or, with respect to any matter for which this Agreement expressly specifies a different term for performance after notice, within such specified term). At any time after the occurrence of an Event of Default, at the Subsidizing Agency's option, and without further notice, the Subsidizing Agency may apply to any state or federal court for specific performance of this Agreement, exercise any other remedy at law or in equity and/or take any other action(s) as the Subsidizing Agency may deem necessary or desirable to correct non-compliance with this Agreement, including without limitation drawing upon the Additional Security described in Section 11 below. The Affordability Monitoring Agent shall have the same rights as the Subsidizing Agency to exercise remedies hereunder, but shall notify the Subsidizing Agency before exercising any such rights and remedies (except that, in the event of an emergency, the Affordability Monitoring Agent may so notify the Subsidizing Agency as soon as reasonably practicable).

(b) The Developer shall pay all fees and expenses (including legal fees) of the Subsidizing Agency and the Affordability Monitoring Agent incurred in connection with enforcement of the Developer's obligations hereunder. The Developer hereby grants to the Subsidizing Agency and the Affordability Monitoring Agent a lien on the Project, junior to the lien securing the loan from the NEF Lender, to secure payment of such fees and expenses. The Subsidizing Agency and/or the Affordability Monitoring Agent may, at any time and from time to time, perfect a lien on the Project by recording at the Registry one or more certificates setting forth the amount of the costs and expenses due and owing. A purchaser of the Project or any portion of the Project shall be liable for the payment of any unpaid costs and expenses which were the subject of such a recorded with the Registry prior to the purchaser's acquisition of the Project or any portion thereof.

(c) The Subsidizing Agency and the Affordability Monitoring Agent shall have access during normal business hours to all books and records of the Developer and the Project in order to monitor the Developer's compliance with the terms of this Agreement.

(d) The Developer agrees to submit any information, documents or certifications as may be requested by the Subsidizing Agency and/or the Affordability Monitoring Agent from time to time during the Term hereof that either shall deem necessary or appropriate to evidence the continuing compliance of the Developer with the terms of this Agreement.

11. Additional Security. As required by 760 CMR 56.04(7)(c), the Developer shall secure to the Subsidizing Agency adequate financial surety, as defined in the Comprehensive Permit Guidelines, to ensure completion of the Cost Examination and the required distribution of any Excess Profit. In furtherance of the foregoing requirement and to secure the Developer's full and timely performance of its obligations hereunder to construct the Project in accordance with the Plans and Specifications, to comply with the Affordability Requirement and otherwise to comply with its obligations under this Agreement, the Developer shall deliver to the Subsidizing Agency such additional security as the Subsidizing Agency may deem reasonable, in form and amount (the "Additional Security"). Such Additional Security may be, by way of example but not limitation, a cash escrow, letter of credit or bond, or such other security as may be approved by the Subsidizing Agency in its sole discretion and in accordance with the Comprehensive Permit Rules.

12. Governing Law; Amendment of Agreement. This Agreement shall be governed by the laws of the Commonwealth of Massachusetts. Any amendment to this Agreement must be in writing and executed by all of the parties hereto. The invalidity of any clause, part, or provision of this Agreement shall not affect the validity of the remaining portions hereof.

13. Notices.

(a) All notices to be given pursuant to this Agreement shall be in writing and shall be deemed given when delivered by hand or when mailed by certified or registered mail, postage prepaid, return receipt requested, to the parties hereto at the addresses set forth below, or to such other place as a party (or its successor) may from time to time designate by written notice:

Subsidizing Agency: Massachusetts Housing Finance Agency
One Beacon Street
Boston, MA 02108
Attention: Manager of Planning and Programs

Developer: _____

Attention: _____

(b) The Developer shall notify the Subsidizing Agency and the Affordability Monitoring Agent promptly upon the occurrence of the following events: (i) the date of satisfaction of all conditions to funding the loan from the NEF Lender; (ii) issuance of the

building permit for the Project or any portion thereof; (iii) Substantial Completion; (iv) sale of the first unit in the Project; (v) sale of the first Affordable Unit; (vi) sale of the last Affordable Unit; and (vii) sale of the last unit in the Project.

14. Term.

(a) The term of this Agreement (the "Term") shall continue until the date the Affordability Monitoring Agent and the Subsidizing Agency have determined that the Developer has fully complied with the Affordability Requirement and the limitation on Allowable Profit, including all substantive and reporting requirements hereunder. A discharge of this Agreement duly executed by the Subsidizing Agency and recorded at the Registry shall constitute conclusive evidence of the end of the Term hereof as of the date set forth in such discharge.

(b) The Developer intends, declares and covenants on behalf of itself and its successors and assigns that this Agreement and the covenants, agreements and restrictions contained herein (i) shall be and are covenants running with the land, encumbering the Project for the Term, and are binding upon the Developer's successors in title, (ii) are not merely personal covenants of the Developer, and (iii) shall bind the Developer, its successors and assigns, and inure to the benefit of the Subsidizing Agency and its successors and assigns for the Term. Developer hereby agrees that any and all requirements of the laws of the Commonwealth of Massachusetts to be satisfied in order for the provisions of this Agreement to constitute restrictions and covenants running with the land shall be deemed to be satisfied in full and that any requirements of privity of estate are also deemed to be satisfied in full.

(c) This Agreement and the use and resale restrictions contained in each of the Affordable Housing Restrictions which are to encumber each of the Affordable Units at the Project pursuant to the requirements of this Agreement shall constitute an affordable housing restriction as that term is defined in Section 31 of Chapter 184 of the Massachusetts General Laws. Such restrictions shall be for the benefit of the Subsidizing Agency (and the Affordability Monitoring Agent, as agent for the Subsidizing Agency), and the Municipality, and the Subsidizing Agency (and the Affordability Monitoring Agent, as agent for the Subsidizing Agency) shall be deemed to be the holders of the affordable housing restriction created by the restrictions in each of the Affordable Housing Restrictions.

15. Subsidized Housing Inventory. The Affordable Units shall be included in the Subsidized Housing Inventory as that term is described in 760 CMR 56.03(2) in accordance with rules and regulations issued by DHCD, as amended from time to time.

16. Recording. Promptly upon execution, the Developer shall cause this Agreement and any amendment(s) hereto to be recorded with the Registry, and the Developer shall pay all fees and charges incurred in connection therewith. Upon such recording, the Developer shall promptly transmit to the Subsidizing Agency and the Affordability Monitoring Agent evidence of such recording, including the date and, as applicable, the instrument, book and page or document number thereof.

17. Intent and Effect. The terms and conditions of this Agreement have been freely accepted by the parties. The provisions and restrictions contained herein exist to further the mutual purposes and goals of DHCD, the Subsidizing Agency, the Municipality and the Developer set forth herein to create and preserve access to land and to decent and affordable homeownership opportunities for eligible families who are often denied such opportunities for lack of financial resources.

18. Miscellaneous.

(a) The rights and obligations of the Subsidizing Agency under this Agreement shall continue for the Term, regardless of whether the loan from the NEF Lender is still outstanding.

(b) Neither the Subsidizing Agency nor the Affordability Monitoring Agent shall be held liable for any action taken or omitted under this Agreement so long as it shall have acted in good faith and without gross negligence.

(c) The Developer, for itself and its successors and assigns, agrees to indemnify and hold harmless the Subsidizing Agency and the Affordability Monitoring Agent from and against all damages, costs and liabilities, including reasonable attorney's fees, asserted against the Subsidizing Agency and/or the Affordability Monitoring Agent by reason of its relationship to the Project under this Agreement; provided, however, that such indemnification shall not apply with respect to any act(s) of bad faith and/or gross negligence by the Subsidizing Agency and/or the Monitoring Agent.

(d) If, at any time during the Term, there is no Affordability Monitoring Agent, the Subsidizing Agency shall have all the rights and obligations set forth herein as rights and obligations of the Affordability Monitoring Agent.

19. Conflict. In the event of any conflict or inconsistency (including without limitation more restrictive terms) between the terms of the Comprehensive Permit, any other document relating to the Project and this Agreement, the terms of this Agreement shall control. In the event of any conflict or inconsistency (including, without limitation, more restrictive terms) between the terms of the Affordable Housing Restriction, this Agreement or any other document relating to the Project, the terms of the Affordable Housing Restriction shall control.

[Remainder of page intentionally left blank.]

Executed as a sealed instrument as of the date first above written.

DEVELOPER:

By: _____
Name (Print):
Title:

COMMONWEALTH OF MASSACHUSETTS

County of _____, ss.

On this ___ day of _____, 20___, before me, the undersigned notary public, personally appeared the above-named _____, proved to me through satisfactory evidence of identification, which was:

a driver's license or other state or federal governmental document bearing the photographic image of the signatory's face and signature,
the oath or affirmation of a credible witness unaffected by the attached document or the transaction described therein who is personally known to me and who personally knows the signatory, or
my own personal knowledge of the identity of the signatory,
to be the person whose name is signed on the preceding or attached document, and acknowledged to me that [he][she] signed it voluntarily for its stated purpose, as [general partner of _____, a partnership] [_____ of _____, a corporation] [[manager/managing member] of _____, a limited liability company]

Notary Public
Name:
My Commission Expires:

ATTACHMENTS:

- Acknowledgement of Zoning Board of Appeals
- Exhibit A – Legal Description
- Exhibit B – Form of Affordable Housing Restriction
- Exhibit C – Form of Affordable Housing Restriction Mortgage
- Exhibit D – Unit Location Plan
- Exhibit E -- Form of Limited Dividend Monitoring Services Agreement
- Exhibit F – Form of Affordability Monitoring Services Agreement
- [if applicable: Exhibit G – List of Approved Subordinate Loans]

AGENCY:
MASSACHUSETTS HOUSING FINANCE
AGENCY

By: _____
Name: Jessica Malcolm
Title: Manager, Planning and Programs

COMMONWEALTH OF MASSACHUSETTS

County of _____, ss.

On this ___ day of _____, 20___, before me, the undersigned notary public, personally appeared the above-named Jessica Malcolm, proved to me through satisfactory evidence of identification, which was:

a driver's license or other state or federal governmental document bearing the photographic image of the signatory's face and signature,

the oath or affirmation of a credible witness unaffected by the attached document or the transaction described therein who is personally known to me and who personally knows the signatory, or

my own personal knowledge of the identity of the signatory,

to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, as Director of Planning and Programs of the Massachusetts Housing Finance Agency, a body politic and corporate organized and operated under the provisions of Chapter 708 of the Acts of 1966 of the Commonwealth of Massachusetts, as amended.

Notary Public
Name:
My Commission Expires:

ACKNOWLEDGEMENT OF ZONING BOARD OF APPEALS
OF THE [CITY] [TOWN] OF _____

The undersigned, being the duly [appointed] [elected] Chairman and members of the Zoning Board of Appeals of the [City] [Town] of _____ (the "Board"), hereby acknowledge that, after due consideration of the Developer's request, pursuant to the requirements of 760 CMR 56.05(11), the Board hereby agrees that the foregoing Regulatory Agreement, including the terms and conditions of the form of Affordable Housing Restriction, Affordability Monitoring Services Agreement, and Limited Dividend Monitoring Services Agreement attached thereto, satisfy the requirements of the Comprehensive Permit as defined therein. Without limiting the generality of the foregoing, (i) the units in the Project required to be affordable under the Comprehensive Permit shall be affordable if such units are subject to an Affordable Housing Restriction in the form attached to the foregoing Regulatory Agreement; (ii) any local preference set forth in the Comprehensive Permit shall be implemented only at initial sale of the unit and only to the extent in compliance with applicable state and federal fair housing rules; and (iii) compliance with the Allowed Profit requirement shall be determined solely by the Subsidizing Agency (as defined at 760 CMR 56.02) under the Regulatory Agreement using the standards of the Subsidizing Agency applicable to comprehensive permit projects in accordance with the Comprehensive Permit Guidelines. In addition, the conflict provision of the Regulatory Agreement shall control over any conflict provision of the Comprehensive Permit.

ZONING BOARD OF APPEALS

Chairman

Member

Member

Member

Member

COMMONWEALTH OF MASSACHUSETTS

County of _____, ss.

On this ___ day of _____, 20___, before me, the undersigned notary public, _____ personally appeared, proved to me through satisfactory evidence of identification, which was: [] at least one current document issued by a federal or state government agency bearing the photographic image of the signatory's face and signature, [] the oath or affirmation of a credible witness unaffected by the document or transaction who is personally known to me and who personally knows the signatory, or [] identification of the signatory based on my personal knowledge of the identity of the signatory, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that [he][she] signed it voluntarily for its stated purpose, [*revise if individual notary acknowledgements*]: as, respectively, Chairman and Members of the Zoning Board of Appeals of the [Town][City] of _____.

Notary Public
My Commission Expires:

EXHIBIT A

Legal Description

EXHIBIT B

Affordable Housing Restriction

(see attached)

EXHIBIT C

Affordable Housing Restriction Mortgage

(see attached)

EXHIBIT D

Unit Location Plan

EXHIBIT E

Limited Dividend Monitoring Services Agreement

(see attached)

if applicable:

EXHIBIT F

Affordability Monitoring Services Agreement

(see attached)

EXHIBIT G

Approved Subordinate Loans

<u>Lender/Funding Source</u>	<u>Amount</u>	<u>Priority</u>
	\$	
	\$	
	\$	

TAB 3

*** Electronic Recording ***
Doc#: 00063827
Bk: 55084 Pg: 286 Page: 1 of 4
Recorded: 06/02/2021 03:50 PM
ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

MASSACHUSETTS EXCISE TAX
Plymouth District ROD #11 001
Date: 06/02/2021 03:50 PM
Ctrl# 146510 04606
Fee: \$1,299.60 Cons: \$285,000.00

QUITCLAIM DEED

Kathleen E. Mann and Bonnie L. Cruz, 109 Bedford St., Lakeville, MA

for two hundred eighty-five thousand dollars (\$285,000.00) consideration paid

grants to **North Bedford Crossing, LLC**, a Massachusetts limited liability company with a principal office at 1 Lakeville Business Park Drive, Lakeville, MA 02347

with quitclaim covenants

The land, with the buildings thereon, situated in Lakeville, Plymouth County, Massachusetts, bounded and described as follows:

Beginning at a point in the Westerly side line of Bedford Street, said point being also a corner of land now or formerly of William D. Osborne, being approximately 331.2 feet Southerly from a cement bound, said cement bound being 3.8 feet Northerly from an iron pipe in said Westerly side line;

Thence Westerly approximately 1200 feet in line of land of said Osborne and land now or formerly of N. Merrill Sampson to a set stone in a swamp, being also a corner of land now or formerly of Aaron H. Becch;

Thence Southerly in said Becch's line 220 feet to an iron bar driven in the ground;

Thence Easterly in line of land now or formerly of Howard S. Maher and parallel with the first mentioned line approximately 1100 feet to an iron bar driven in the Westerly side line of said Bedford Street;

Thence Northerly 200 feet in said Westerly side line of said Bedford Street to the point of beginning.

Property Address: 109 Bedford St., Lakeville, MA 02347

The above described premises are conveyed together with benefit of and subject to all rights, rights of way, restrictions, easements and reservations of record if the same are in force and applicable.

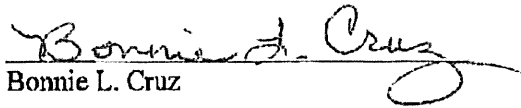
Grantors hereby affirm under oath that the property was not homestead property whether recorded or automatic, and no person claims the benefit of the Massachusetts Homestead Act, MGL, Ch. 188, and the property was not the principal residence of the Grantors or any other person.

Meaning and intending to convey the same premises set forth in a deed from William L. Mann dated March 29, 2013, recorded at the Plymouth County Registry of Deeds in Book 42962, Page 208.

PROPERTY ADDRESS: 109 Bedford St., Lakeville, MA 02347

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THE NEXT PAGE IS A SIGNATURE PAGE.


Witness my hand and seal this 2^d day of June, 2021.


Bonnie L. Cruz

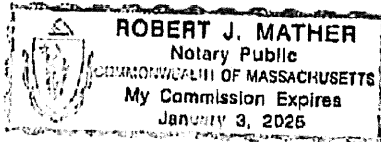
THE COMMONWEALTH OF MASSACHUSETTS

Plymouth: ss

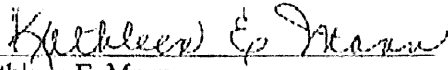
On this 2^d day of June, 2021, before me, the undersigned notary public, personally appeared Bonnie L. Cruz proved to me through satisfactory evidence of identification, which was a Massachusetts driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose and free act and deed.


Notary Public: Robert J. Mather

My commission expires: 1/3/2025




Witness my hand and seal this 27th day of May, 2021.


Kathleen E. Mann

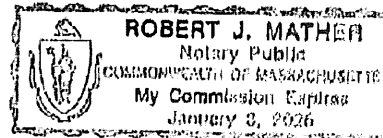
THE COMMONWEALTH OF MASSACHUSETTS

Plymouth: ss

On this 27th day of May, 2021, before me, the undersigned notary public, personally appeared Kathleen E. Mann proved to me through satisfactory evidence of identification, which was a Massachusetts driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose and free act and deed.


Notary Public: Robert J. Mather

My commission expires: Jan. 3, 2025



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THE NEXT PAGE IS AN ADDITIONAL SIGNATURE PAGE.

TAB 4



Massachusetts Housing Finance Agency
One Beacon Street, Boston, MA 02108

Tel: 617.854.1000
Fax: 617.854.1091 | www.masshousing.com
Videophone: 857.265.4157 or Relay: 711

April 15, 2022

North Bedford Crossing, LLC
1 Lakeville Business Park
Lakeville, MA 02347
Attention: Robert Poillucci

**Re: North Bedford Crossing
Project Eligibility/Site Approval
MassHousing ID No. 1136**

Dear Mr. Poillucci:

This letter is in response to your application as "Applicant" for a determination of Project Eligibility ("Site Approval") pursuant to Massachusetts General Laws Chapter 40B ("Chapter 40B"), 760 CMR 56.00 (the "Regulations") and the Comprehensive Permit Guidelines issued by the Department of Housing and Community Development ("DHCD") (the "Guidelines" and, collectively with Chapter 40B and the Regulations, the "Comprehensive Permit Rules"), under the New England Fund ("NEF") Program ("the Program") of the Federal Home Loan Bank of Boston ("FHLBank Boston").

North Bedford Crossing, LLC has submitted an application with MassHousing pursuant to Chapter 40B. You have proposed to build twenty (20) homeownership units (the "Project") on 5.5 acres of land located at 109 Bedford Street (the "Site") in Lakeville (the "Municipality").

In accordance with the Comprehensive Permit Rules, this letter is intended to be a written determination of Project Eligibility by MassHousing acting as Subsidizing Agency under the Guidelines, including Part V thereof, "Housing Programs In Which Funding Is Provided By Other Than A State Agency."

MassHousing has performed an on-site inspection of the Site and has reviewed the pertinent information for the Project submitted by the Applicant, the Municipality and others in accordance with the Comprehensive Permit Rules.

Municipal Comments

Pursuant to the Regulations, the Municipality was given a thirty (30) day period in which to review the Site Approval application and submit comments to MassHousing. The Lakeville Town Administrator submitted a letter expressing the Select Board's support for the Applicant's proposal with a few identified areas of concern:

The following concerns were identified in the letter:

Charles D. Baker, Governor
Karyn E. Polito, Lt. Governor

Jeanne Pinado, Chair
Pino Yin Chai, Vice Chair

Christal Korneyay, Executive Director

- The Municipality requests that the Applicant's site plan provide adequate screening and protection from light and noise impacts for the neighbors adjacent to the proposed access road and the proposed parking lot.
- The Municipality expressed concern that additional traffic generated by the Project would result in increased congestion on area roadways and pose heightened risks to drivers and pedestrians. The Municipality requested that the Applicant provide a traffic study to allow them to fully assess Project traffic and public safety impacts.

MassHousing Determination and Recommendation

MassHousing staff has determined that the Project appears generally eligible under the requirements of the Program, subject to final review of eligibility and to Final Approval.¹ As a result of our review, we have made the findings as required pursuant to 760 CMR 56.04(1) and (4). Each such finding, with supporting reasoning, is set forth in further detail on Attachment 1 hereto. It is important to note that Comprehensive Permit Rules limit MassHousing to these specific findings in order to determine Project Eligibility. If, as here, MassHousing issues a determination of Project Eligibility, the Applicant may apply to the Zoning Board of Appeals ("ZBA") for a comprehensive permit. At that time local boards, officials and members of the public are provided the opportunity to further review the Project to ensure compliance with applicable state and local standards and regulations.

Based on MassHousing's site and design review, and considering feedback received from the Municipality, the following issues should be addressed in the application to the ZBA, and the Applicant should be prepared to explore them more fully during the public hearing process:

- Development of this Site will require compliance with all state and federal environmental laws, regulations and standards applicable to existing conditions and to the proposed use related to building construction, stormwater management, wastewater collection and treatment, and hazardous waste safety. The Applicant should expect that the Municipality will require evidence of such compliance prior to the issuance of a building permit for the Project.
- The Applicant should continue to engage with municipal officials in a good-faith discussion regarding design review matters and other Site-related concerns, including, but not limited issues regarding roadway design and public safety considerations.
- A landscaping plan should be provided, including a detailed planting plan, as well as paving, lighting, and signage details, and the location of outdoor dumpsters or other waste receptacles. The landscape plan should also include provisions for snow removal and long-term landscape maintenance options.

MassHousing has also reviewed the application for compliance within the requirements of 760 CMR 56.04(2) relative to Application requirements and has determined that the material provided by the Applicant is sufficient to show compliance.

¹ MassHousing has relied on the Applicant to provide truthful and complete information with respect to this approval. If at any point prior to the issuance of a comprehensive permit MassHousing determines that the Applicant has failed to disclose any information pertinent to the findings set forth in 760 CMR 56.04 or information requested in the Certification and Acknowledgment of the Application, MassHousing retains the right to rescind this Site Approval letter.

This Site Approval is expressly limited to the development of no more than twenty (20) homeownership units under the terms of the Program, of which not less than five (5) of such units shall be restricted as affordable for low- or moderate-income persons or families as required under the terms of the Guidelines. It is not a commitment or guarantee of financing and does not constitute a site plan or building design approval. Should you consider, prior to obtaining a comprehensive permit, the use of any other housing subsidy program, the construction of additional units or a reduction in the size of the Site, you may be required to submit a new Site Approval application for review by MassHousing. Should you consider a change in tenure type or a change in building type or height, you may be required to submit a new site approval application for review by MassHousing.

For guidance on the comprehensive permit review process, you are advised to consult the Guidelines. Further, we urge you to review carefully with legal counsel the M.G.L. c.40B Comprehensive Permit Regulations at 760 CMR 56.00.

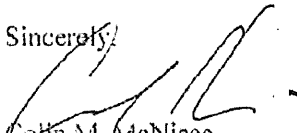
This approval will be effective for a period of two (2) years from the date of this letter. Should the Applicant not apply for a comprehensive permit within this period this letter shall be considered to be expired and no longer in effect unless MassHousing extends the effective period of this letter in writing. In addition, the Applicant is required to notify MassHousing at the following times throughout this two-year period: (1) when the Applicant applies to the local ZBA for a Comprehensive Permit, (2) when the ZBA issues a decision and (3) if applicable, when any appeals are filed.

Should a comprehensive permit be issued, please note that prior to (i) commencement of construction of the Project or (ii) issuance of a building permit, the Applicant is required to submit to MassHousing a request for Final Approval of the Project (as it may have been amended) in accordance with the Comprehensive Permit Rules (see especially 760 CMR 56.04(07) and the Guidelines including, without limitation, Part III thereof concerning Affirmative Fair Housing Marketing and Resident Selection). Final Approval will not be issued unless MassHousing is able to make the same findings at the time of issuing Final Approval as required at Site Approval.

Please note that MassHousing may not issue Final Approval if the Comprehensive Permit contains any conditions that are inconsistent with the regulatory requirements of the New England Fund Program of the FHLBank Boston, for which MassHousing serves as Subsidizing Agency, as reflected in the applicable regulatory documents. In the interest of providing for an efficient review process and to avoid the potential lapse of certain appeal rights, the Applicant may wish to submit a "final draft" of the Comprehensive Permit to MassHousing for review. Applicants who avail themselves of this opportunity may avoid significant procedural delays that can result from the need to seek modification of the Comprehensive Permit after its initial issuance.

If you have any questions concerning this letter, please contact Michael Busby at (617) 854-1219.

Sincerely,



Colin M. McNiece
General Counsel

cc: Jennifer Maddox, Undersecretary, DHCD
The Honorable Michael J. Rodrigues
The Honorable Norman J. Orrall
Evagelia Fabian, Chair, Select Board
John Olivieri, Jr. Chair, Zoning Board of Appeals
Ari J. Sky, Town Administrator

Attachment 1

760 CMR 56.04 Project Eligibility: Other Responsibilities of Subsidizing Agency
Section (4) Findings and Determinations

North Bedford Crossing, Lakeville, MA #1136

MassHousing hereby makes the following findings, based upon its review of the application, and taking into account information received during the site visit and from written comments:

(a) that the proposed Project appears generally eligible under the requirements of the housing subsidy program, subject to final approval under 760 CMR 56.04(7);

The Project is eligible under the NEF housing subsidy program and at least 25% of the units will be available to households earning at or below 80% of the Area Median Income, adjusted for household size, as published by the U.S. Department of Housing and Urban Development ("HUD"). The most recent HUD income limits indicate that 80% of the current median income for a four-person household in Lakeville is \$79,900.

The Applicant submitted a letter of financial interest from Blue Stone Bank, a member bank of the FHLBank Boston under the NEF Program.

(b) that the site of the proposed Project is generally appropriate for residential development, taking into consideration information provided by the Municipality or other parties regarding municipal actions previously taken to meet affordable housing needs, such as inclusionary zoning, multifamily districts adopted under c.40A, and overlay districts adopted under c.40R, (such finding, with supporting reasoning, to be set forth in reasonable detail);

Based on a site inspection by MassHousing staff, internal discussions, and a thorough review of the application, MassHousing finds that the Site is suitable for residential use and development and that such use would be compatible with surrounding uses and would address the local need for housing.

The Town of Lakeville does have a DHCD-approved Housing Production Plan. According to DHCD's Chapter 40B Subsidized Housing Inventory (SHI), updated through March 14, 2022, Lakeville has 250 Subsidized Housing Inventory (SHI) units (6.49% of its housing inventory), which is 135 units short of the statutory minima of 10%.

(c) that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns (such finding, with supporting reasoning, to be set forth in reasonable detail);

In summary, based on evaluation of the site plan using the following criteria, MassHousing finds that the proposed conceptual Project design is generally appropriate for the Site. The following plan review findings are made in response to the conceptual plan, submitted to MassHousing:

Relationship to Adjacent Building Typology (Including building massing, site arrangement, and architectural details)

The existing streetscape is protected by locating the proposed duplex-style housing off the roadway. The area of a proposed development is suitable for dense development and the clustered style layout. The cluster-style design approach is preferred by the Applicant because there is less land disturbance, fewer environmental impacts and less infrastructure associated compared with a traditional subdivision design approach. The duplex units have been laid out to avoid the buildings from facing one another. The buildings have been orientated so they face the street with an attractive building wall and facade facing the public side of the property. The Applicant is using architectural detailing, and changes in surface materials, colors, textures and roof lines to create façade divisions to modulate building mass and scale.

Relationship to adjacent streets/Integration into existing development patterns

The immediate neighborhood is primarily heavily wooded with large tracts of vacant land, along with established low-density residential developments, typically sited on one-to-two-acre house lots. Examples of nearby residential subdivisions include Paddock Hill Road, immediately to the north, Surrey Drive immediately to the east, and Carriage House Drive just north of the Site. The location has easy access to major highways, including I-495, about two miles to the east, and Route 44, about 1.5 miles to the north. Boston is about 50 minutes by car. There is an MBTA commuter rail station about two miles to the east.

Density

The Applicant proposes to build twenty (20) homeownership units on approximately 5.5 acres, of which, approximately 5 acres are buildable. The resulting density is 4 units per buildable acre, which is acceptable given the proposed housing type.

Conceptual Site Plan

Each duplex unit will have its own entrance from the street. Entrances are designed on the facades that front on and have a principal pedestrian access to the proposed streetway. Landscaping will be added around the buildings and walkways to create a sense of entry into the site through landscaping.

Environmental Resources

The Site does not contain any area of critical concern or areas of estimated or priority habitat of rare species, wildlife or vernal pools.

Topography

The Site is generally level throughout the property. The topographic features of the Site have been considered in relationship to the proposed development plans and do not constitute an impediment to development of the Site.

(d) that the proposed Project appears financially feasible within the housing market in which it will be situated (based on comparable rentals or sales figures);

The Project appears financially feasible based on a comparison of sales submitted by the Applicant.

(e) that an initial pro forma has been reviewed, including a land valuation determination consistent with the Department's Guidelines, and the Project appears financially feasible and consistent with the Department's Guidelines for Cost Examination and Limitations on Profits and Distributions (if applicable) on the basis of estimated development costs;

The initial pro forma has been reviewed for the proposed residential use, and the Project appears financially feasible with a projected profit margin of 11.66%. In addition, a third-party appraisal commissioned by MassHousing has determined that the "As Is" land value for the Site of the proposed Project is \$300,000.

(f) that the Applicant is a public agency, a non-profit organization, or a Limited Dividend Organization, and it meets the general eligibility standards of the housing program; and

MassHousing finds that the Applicant must be organized as a Limited Dividend Organization. MassHousing sees no reason this requirement could not be met given information reviewed to date. The Applicant meets the general eligibility standards of the NEF housing subsidy program and has executed an Acknowledgment of Obligations to restrict their profits in accordance with the applicable limited dividend provisions.

(g) that the Applicant controls the site, based on evidence that the Applicant or a related entity owns the site, or holds an option or contract to acquire such interest in the site, or has such other interest in the site as is deemed by the Subsidizing Agency to be sufficient to control the site.

The Site is owned by the Applicant, North Bedford Crossing LLC, who acquired title to the property on June 2, 2021, for \$285,000, recorded at the Plymouth County Registry of Deeds in Book 55084, Page 286.

TAB 5



TAB 6

**Town of Lakeville Zoning Board of Appeals
Comprehensive Permit Application
North Bedford Crossing Site Tabulation**

I. Site Information

	<u>Square Feet (+/-)</u>	<u>% of Lot</u>
Total Area	249,539	100
Upland	238,236	95
Wetland	11,303	5

II. Lot Coverage Summary

	<u>Square Feet (+/-)</u>	<u>% of Lot Coverage</u>
Buildings	17,784	7
Pavement/Sidewalk	33,283	13
Usable Open Space	179,169	72
Unusable Open Space	19,303	8
Total	249,539	100.00

III. Parking

Interior (Garage)	8
Exterior	52
Total	60

IV. Density

Gross (units/acre)	20/5.7 = 3.5 units/acre
Net (units/buildable acre)	20/5.5 = 3.6 units/acre

V. Units

	<u>Units</u>	<u>BR</u>
Market 3BR units	15	45
Affordable 3 BR Units	5	15
	20 units	60 Bedrooms

VI. Ten (10) Duplex Buildings

VII. Proposed Buildings

	Living Area (sf)	Bedrooms	Baths
	1,428	3	2.5
	1,564	3	2.5

TAB 7

**Town of Lakeville Zoning Board of Appeals
Comprehensive Permit Application
Bedford Crossing
109 Bedford Street, Lakeville, MA
Requested Waivers**

LIST OF WAIVERS

The Applicant seeks waivers from the Town of Lakeville local Bylaws, rules and regulations, as indicated herein and requests that all waivers be granted by the Board of Appeals to construct the project as shown on the plans.

The Applicant also requests that waivers be granted from any requirements to apply to the Town or other municipal boards or departments, including but not limited to the Board of Health, Board of Selectmen, Historic Commission, Planning Board, Conservation Commission, Department of Public Works and Water Department and/or Commissioners, if normally required; and the Applicant requests that the Comprehensive Permit be issued in lieu of all of the aforementioned permits, inclusively, including but not limited to the permits and approvals to connect to the municipal water.

If in the course of the hearings it is determined that there are other local by-laws, rules and regulations that would otherwise be applicable to this development that have not been requested in this application, the Applicant reserves the right to so amend the Requested Waivers.

The Applicant also requests waivers from otherwise applicable building permit and water department fees, as to the affordable units.

Bedford Crossing – List of Requested Waivers

TOWN OF LAKEVILLE ZONING BYLAWS 1994 Revision with Amendments Through May 16, 2022)	
BY-LAW	SUBJECT
REQUIREMENT	
WAIVER REQUEST	
Section 1.0 Purpose and Scope	
1.2	<p>Applicability of Zoning By-Law</p> <p>No building or structure in the Town of Lakeville shall hereafter be erected, reconstructed, altered, enlarged, moved or changed in use, nor shall the use of any land be changed, except in conformity with the provisions of this By-Law for the district in which such building, structure or land is or shall be located. All buildings, structures and uses not hereby specifically or generally permitted in a district, nor permitted by Special Permit, nor exempt by State Laws or legally non-conforming, are hereby expressly prohibited.</p>
	<p>Waive, subject to the conditions of the comprehensive permit decision</p>
Section 4.0 Use Regulations	
4.0	<p>Use Regulations</p> <p>Except as provided by law or in this By-Law, no building, structure or land shall be used except for the purpose permitted in the district as described in this section. Any use not listed shall be construed to be prohibited.</p>
	<p>Multifamily dwelling use is not listed as an allowed use. Waive the requirement that “Any use not listed shall be construed to be prohibited” and allow multifamily dwellings as a use in the Residential zoning district</p>
Section 5.0 Intensity Regulations	
5.0	<p>Number of Principal Structures on a lot</p> <p>Except as provided otherwise in this By-Law, no structure hereafter erected, altered, or placed in any district shall be located on a lot having less than the minimum requirements set forth in the table below (see 5.1), no more than one (1) principal structure shall be built upon any lot, and no existing lot shall be changed as to size or shape so as to violate the requirements set forth below.</p>
	<p>Waive requirement of no more than one (1) principal structure shall be built upon any lot and allow multiple principle structures to be constructed on a single lot.</p>
5.1	<p>Residential Dimensional Requirements</p> <p>Side Yard in feet - 20 feet</p>
	<p>Allow side yard setbacks as follows:</p> <p>Building 1 Unit A 13 feet Unit B 17 feet</p>

				<p>Building 2 Unit A 18 feet Unit B 14 feet</p> <p>Building 3 Unit A 14 feet Unit B 19 feet</p> <p>Building 4 Unit A 19 feet Unit B 15 feet</p> <p>Building 5 Unit A 16 feet</p> <p>Building 6 Unit A 14 feet Unit B 18 feet</p> <p>Building 7 Unit A 18 feet Unit B 14 feet</p> <p>Building 8 Unit A 15 feet Unit B 19 feet</p> <p>Building 9 Unit A 19 feet Unit B 15 feet</p> <p>Building 10 Unit A 15 feet</p>
--	--	--	--	--

TOWN OF LAKEVILLE ZONING BYLAWS (1994 Revision with Amendments Through May 16, 2022)

BYLAW	SUBJECT	REQUIREMENT	WAIVER REQUEST
6.7.3	Site Plan Review	<p align="center">SECTION 6.7 SITE PLAN REVIEW</p> <p>Applicants for a building permit for new construction or for modification or addition to any residential structure which will disturb more than 43,560 square feet of ground shall submit three (3) copies of a site plan as described herein to the Town Clerk for Planning Board approval. Failure of the Planning Board to act within twenty-one (21) days of receipt of a site plan shall be deemed lack of opposition thereto.</p>	<p>Waive in its entirety. Under G.L. c. 40B, the Zoning Board of Appeals acts as the Planning Board. Additionally, the Zoning Board of Appeals will undertake site plan review as the issuing authority for a comprehensive permit.</p>

**AGENDA ITEM #7
OCTOBER 11, 2022**

**DISCUSS AND POSSIBLE VOTE ON PUBLIC WAY LICENSE
APPLICATION FOR STALWART PRODUCTIONS TO CLOSE A
PORTION OF BEDFORD STREET FOR MOVIE PRODUCTION**

Attached is the Public Way License Application for Stalwart Productions requesting to close a portion of Bedford Street between Long Point Road and the Rochester Town Line for movie production.

The application has been signed off by relative departments.



Town of Lakeville
 346 Bedford Street
 Lakeville, MA 02347

Revised: Sept 20, 2021

RECEIVED
 OCT - 5 2022

Public Way License Application

Must be Submitted No Less Than 60 Days Before Event **SELECTMEN'S OFFICE**

This license application is for parties who wish to use public ways for private events. All license applications shall be subject to review and approval by the Board of Selectmen in its sole discretion.

Public Way License Fee: \$500. Fee is reduced to \$250 for nonprofit organizations providing proof of legal status.

Additional charges for Police details and EMS coverage may apply. All requesting organizations must provide a map of the impacted streets and evidence of insurance.

Section 1 - Request Summary/Contact Info.

Organization/Applicant Stalwart Productions		Event/Project Name Invitation to a Bonfire		Event/Project Location 84 Teed Drive Randolph MA 02368	
Primary Contact Olivia Minervini		Phone # 843-359-0006	Email Minervini.Olivia@Gmail.com		
Application Date 9/5/22	Date(s) of Event October 17th 2022	Time(s) of Event 6am-3pm	Applicant Signature Olivia Minervini		

Section 2 - Description of Request

Please use this space to describe your request. Include an overview of anticipated activities and specific requirements (EMS coverage, Police detail, road maintenance, etc.) Attach additional pages and information as needed.

We would like to shut down and film on Bedford Street Between Long Point Road and the Rochester Town Line (continuing into Rochester). We have driving scenes, so exclusive access to the street is important for safety. We would hire police details for the entirety of our filming. Work will take place during the day and there will be no need for any night time filming.

Section 3 - Reviews (Date of Approval)

1. Public Works FM 9/12	2. Inspectional Svcs ND 9/16	3. Police MP 9/15	4. Fire MO 9/12	5. Town Admin	6. Board of Selectmen	7. DOT Approval Required <input type="checkbox"/>
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Section 4 - Process/Comments

Evidence of Insurance (Date) 9/27/22	Payment Received (Amount/Date) \$500 10/4/22	Additional Comments
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Section 5 - Fee Estimates

Base License Fee: \$500.00
Police Detail: \$1,034.00
Fire/EMS Coverage: \$0
Other (Describe): DPW=\$275.94
Total Estimate: \$1,809.94

Other Fees Description: DPW overtime 6hrs=\$275.94 Set up and break down detour.
--

From: [Olivia Minervini](#)
To: [Jennifer Jewell, DPW - Administrative Assistant](#); [Bryan ODonnell](#)
Subject: Re: Route 105 Lakeville license
Date: Thursday, September 8, 2022 12:03:25 PM
Attachments: [Road Map Lakeville.pdf](#)

Jennifer,

Thanks so much for this information. I have discussed this with our location manager and to avoid any overlapping of projects, I think we are more interested in Bedford street. That seems to have better detour options as well. I've attached a map of the section of Bedford St we are interested in. I believe the southern half of this road is in Rochester so we would simultaneously work with their police department as well. (Do you have a contact by chance?) I am also including my colleague Bryan as he and I will be working on this location together.

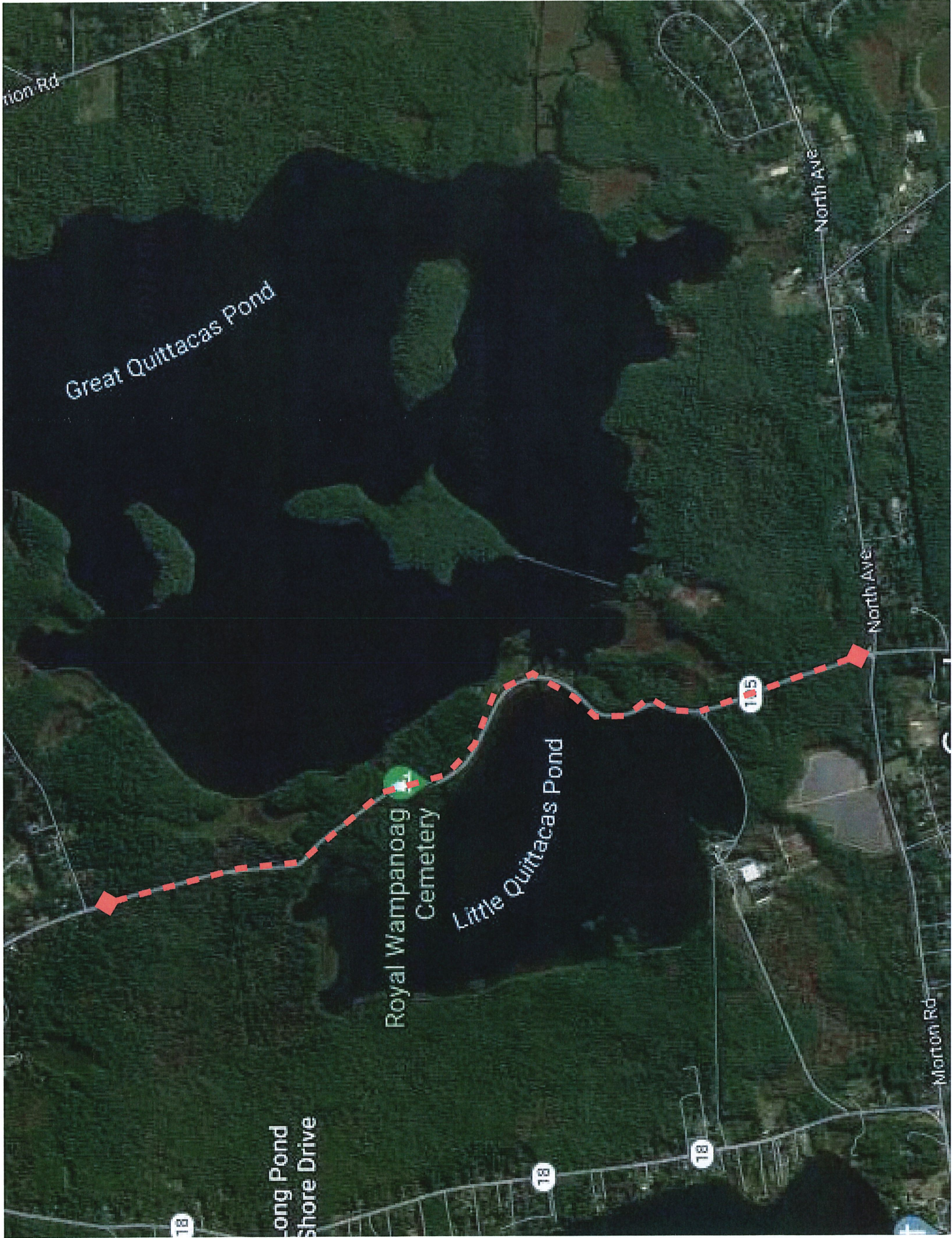
We did scout this new road yesterday with our department heads and came up with a tentative plan of our truck parking, dates, timing, detours etc. I can get further information to you shortly. But currently we are looking at Monday October 3rd. It would be a half day of filming as we have 3 scenes to complete that morning at another location in New Bedford. We are looking at some nearby lots for our crew and larger trucks to park in, but would like to bring our shorter trucks and park them on the path off the road on the Rochester side, and use the grassy section on the intersection of Long point rd and Bedford st to turn our process trailer around. (The process trailer is a large trailer we drive our hero car onto along with some crew members and a camera which helps us safely simulate a car driving.)

We'd like to fully shut down this road and create a detour in order to film this scene safely.

Please let me know if you have any further questions. I am happy to meet our police department on site to show them our exact plans if need be.

Thank you again, looking forward to hearing from you.

Olivia Minervini



Great Quittacas Pond

Royal Wampanoag Cemetery

Little Quittacas Pond

North Ave

North Ave

Morton Rd

Long Pond Shore Drive

ion Rd

18

18

18

105

**AGENDA ITEM #8
OCTOBER 11, 2022**

**DISCUSS AND POSSIBLE VOTE ON CHANGE OF DATE FOR
OUTDOOR ENTERTAINMENT PERMIT – ASSOCIATION BEACH –
CHARBONNEAU AVENUE**

Due to the rain on October 2nd, the block party on Association Beach was postponed until October 23rd. They are requesting that their permit be revised to October 23rd for the same hours of 4 PM to 7 PM.

Tracie Craig-McGee

From: Joanna Lyn <jrodrigues1487@gmail.com>
Sent: Wednesday, October 5, 2022 7:07 AM
To: Tracie Craig-McGee
Subject: Re: Permit for outdoor entertainment

Hi Tracie,

Unfortunately we had to postpone the block party due to weather to October 23rd. Do I need to fill out another application for this event? Please advise, thank you!

Best regards,

Joanna

On Fri, Sep 30, 2022 at 11:36 AM Tracie Craig-McGee <tcraig-mcgee@lakevillema.org> wrote:

Hi Joanna,

Attached is your permit for the outdoor entertainment for the block party.

Tracie Craig-McGee
Executive Assistant - Select Board
& Town Administrator
Town of Lakeville
346 Bedford Street
Lakeville, MA 02347
508 946-8803

**AGENDA ITEM #9
OCTOBER 11, 2022**

**MEET WITH NANCY YEATTS AND NOELLE RILLEAU TO DISCUSS
LETTER REGARDING COMMUNITY PRESERVATION COMMITTEE
AND ADMINISTRATIVE BUDGET**

Attached is a letter from Noelle Rilleau regarding the above.

Lakeville Town Offices

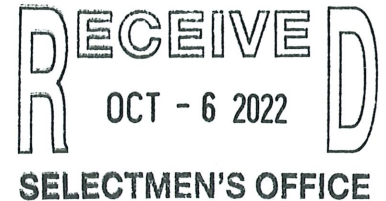
Select Board / Town Administrator

342 Bedford St

Lakeville, MA 02347

October 6, 2022

LAKEVILLE TOWN CLERK
RCUD 2022 OCT 6 PM 1:58



RE: CPC and administrative budget

Dear Select Board members and Town administrator

Thank you for your response to my letter. Nancy Yeats, Chairwoman for the CPC called me this morning and cleared up a concern that I had after attending the joint Select Board and CPC. It appeared to me on attending the meeting that Rich LaCamera was stating that the town finance department could bill CPC for any financial work done for the CPC. Nancy cleared this matter up for me, telling me that the town could not and would not do that. I was relieved to hear that. There is a wealth of information on the State website for Community Preservation Commission. Where this is a new committee for our town I would imagine that all of the select board members and the town administrator would want to take the free training offered by Stuart Saginor who is much more than a lobbyist; he cares deeply about assisting towns in our state in preserving community assets. He can only benefit the town of Lakeville.

I will do whatever small favors I can to assist with community preservation, and support the people who sit on the board. I simply want to understand what the laws and rules are so that we all have the same understanding.

Thank you for taking the time to clear this up.

A handwritten signature in cursive script that reads "Noelle".

Noelle Rilleau resident

Cc: Nancy Yeats, Chair Lakeville CPC

**AGENDA ITEM #10
OCTOBER 11, 2022**

**DISCUSS AND POSSIBLE VOTE TO APPROVE SELECT BOARD
MEETING MINUTES OF SEPTEMBER 29, 2022**

**TOWN OF LAKEVILLE
Select Board Meeting Minutes
September 29, 2022 – 6:00 PM
Lakeville Police Station Meeting Room
323 Bedford Street, Lakeville, MA**

On September 29, 2022, the Select Board held a meeting at 6:00 PM at the Lakeville Police Station Meeting Room. The meeting was called to order at 6:00 PM by Chairman LaCamera. Members present were Chairman LaCamera, Member Fabian and Member Carboni. Also present was Ari Sky, Town Administrator and Tracie Craig-McGee, Executive Assistant to Select Board & Town Administrator. LakeCAM was recording the meeting for broadcast.

Select Board Announcements

Chairman LaCamera read the Select Board announcements.

Town Administrator Announcements

Mr. Sky read the Town Administrator's announcements.

Discuss and possible vote on articles for November 14, 2022 Special Town Meeting

Chairman LaCamera reviewed the schedule for the Special Town Meeting. The articles were then read.

Mr. Sky noted that there are a few invoices that came up this week that will be added to Article #1.

Upon a motion made by Member Carboni and seconded by Member Fabian, it was:

VOTED: To add Article 1 to the November 14, 2022 Special Town Meeting Warrant.
Unanimous in favor.

Chairman LaCamera noted the first item is to hire a Facilities Manager and the second is to purchase fire retardant clothing for the Fire Department.

Upon a motion made by Member Carboni and seconded by Member Fabian, it was:

VOTED: To add Article 2 to the November 14, 2022 Special Town Meeting Warrant.
Unanimous in favor.

A motion was made by Member Carboni and seconded by Member Fabian to add Article 3 to the November 14, 2022 Special Town Meeting Warrant.

Discussion: Member Carboni asked would the discussion on the feasibility study have any impact on the Fire Station design? We may have additional information coming forward on the

current location. Mr. Sky said within the next few days we will have the additional information that was requested. Member Fabian asked what are we waiting for. Member Carboni said she had asked for additional information as to why the current location is not a viable option with an addition to the current location. Member Fabian said the question has been asked and answered in the Hazardous Mitigation Plan that said it is was not an ideal location. We are not supposed to let anyone build within 600' of a water supply. The septic system is bad and structurally the current fire station would need to be taken down and rebuilt.

Chairman LaCamera said there is not enough square footage to move the people over from the Historic Library. We are restricted by setbacks and the septic system. He had suggested meeting with the Feasibility Study Committee and the company that wrote the report, but Member Carboni did not want to do that. Member Carboni said her specific question was about an addition. Member Fabian said the Board of Health said that they were not willing to give another variance to the septic system. Member Carboni said there would be no increase in flow as staff would not be increasing. Chairman LaCamera said it would. If we don't increase the flow, we can't have any meetings or conference rooms. Member Carboni said if we were able to add on and renovate the current fire space, perhaps we could have meeting space at the Senior Center. Chairman LaCamera said we need meeting space at Town Hall. Member Carboni said the bays are not large enough to accommodate the apparatus, so we could expand out for four (4) bays and go up for living space. We could close off the first bay. Member Fabian said isn't that the most expensive part; you would incur the same cost at the wrong place. During the floods of 2010 the Fire Station had to be on opposite areas of town. Mr. Sky reached out to SOCOTEC and they are providing a letter regarding option #1 not being a viable option.

Mr. Darling said you would need to tear down the existing Fire Station. There are site constraints for lot coverage. Member Carboni said she was asking for better clarification on why an addition would not work. She wants to make sure that our Fire Department has the functionality and space needed, but we need to do this with a financial response that will work for the taxpayers. Chairman LaCamera said we can't put a Fire Station and Town Hall in one (1) building. If we change the building, we have to put a sprinkler system in there and change everything. Mr. Darling said when we start working on it, American with Disabilities Act requirements come into play. We need to evaluate every course of action and the cost associated with it. We need money right now for design on a project.

The vote on the previous motion was unanimous in favor.

Chairman LaCamera said the next article is regarding the proposed window and exterior door replacement for Assawompset School. The State has approved this project. The project is approximately \$4 million, and the Town will receive reimbursement of 53.3% and that will replace all the windows and exterior doors. Member Carboni noted that the article reads Main Street and Main Road.

Upon a motion made by Member Carboni and seconded by Member Fabian, it was:

VOTED: To add Article 4 to the November 14, 2022 Special Town Meeting Warrant.
Unanimous in favor.

A motion was made by Member Carboni and seconded by Member Fabian to add Article 5 to the November 14, 2022 Special Town Meeting Warrant.

Discussion: Mr. Sky said the total request is \$175,000. Member Fabian said this is allowable, but what is the reason being given for this. Chairman LaCamera said this money cannot be used until May of 2023. The Board of Assessors are two (2) months away from having the exact revenues instead of using estimated figures. The State match would not come in until November of 2023. Member Fabian said we did offer \$5,000 for start up administrative costs and that was rejected. Chairman LaCamera said we are talking about administrative expenses. Mr. Sky said in theory it could be wages and expenses. The Community Preservation Committee has the ability to develop a budget for the administrative piece and they don't need Town Meeting approval for that.

The vote on the previous motion was unanimous in favor.

Chairman LaCamera said Article 6 will change the timeline of the budget preparation.

Upon a motion made by Member Carboni and seconded by Member Fabian, it was:

VOTED: To add Article 6 to the November 14, 2022 Special Town Meeting Warrant.
Unanimous in favor.

Chairman LaCamera said this article would give us the opportunity to apply for grants at the Federal level for the Old Town House.

Upon a motion made by Member Carboni and seconded by Member Fabian, it was:

VOTED: To add Article 7 to the November 14, 2022 Special Town Meeting Warrant.
Unanimous in favor.

Chairman LaCamera said this article is to amend the Community Preservation Committee Bylaw as the Town does have a Housing Authority.

Upon a motion made by Member Carboni and seconded by Member Fabian, it was:

VOTED: To add Article 8 to the November 14, 2022 Special Town Meeting Warrant.
Unanimous in favor.

Chairman LaCamera said this article is to add an Associate Member to the Planning Board.

Upon a motion made by Member Carboni and seconded by Member Fabian, it was:

VOTED: To add Article 9 to the November 14, 2022 Special Town Meeting Warrant and forward to the Planning Board for a public hearing.
Unanimous in favor.

Mr. Sky noted that the Conservation Commission has also accepted this and will be added to the article. Chairman LaCamera noted that the Planning Board and Zoning Board of Appeals will also be included.

Upon a motion made by Member Carboni and seconded by Member Fabian, it was:

VOTED: To add Article 10 to the November 14, 2022 Special Town Meeting Warrant.
Unanimous in favor.

Chairman LaCamera said the Planning Board would like to delete a section of Zoning-Bylaw Section 7.4.6 Specific Uses for Special Permit.

Upon a motion made by Member Carboni and seconded by Member Fabian, it was:

VOTED: To add Article 11 to the November 14, 2022 Special Town Meeting Warrant and forward to the Planning Board for a hearing.
Unanimous in favor.

Chairman LaCamera said the Planning Board would like to amend the Town of Lakeville Zoning By-Laws, Section 5.0 Intensity Regulations, 5.2 Footnotes to Intensity Requirements.

Upon a motion made by Member Carboni and seconded by Member Fabian, it was:

VOTED: To add Article 12 to the November 14, 2022 Special Town Meeting Warrant and forward to the Planning Board for a hearing.
Unanimous in favor.

Chairman LaCamera said the Planning Board would like to amend the Zoning By-Laws to add to Section 4.1.3 Industrial Uses and add to Section 7.4.6 Specific Uses by Special Permits.

Upon a motion made by Member Carboni and seconded by Member Fabian, it was:

VOTED: To add Article 13 to the November 14, 2022 Special Town Meeting Warrant and forward to the Planning Board for a hearing.
Unanimous in favor.

A motion was made by Member Carboni and seconded by Member Fabian to add Article 14 to the November 14, 2022 Special Town Meeting Warrant and forward to the Planning Board for a hearing.

Discussion: John Jenkins of Pickens Street asked why the Development Opportunities District (DOD) is being removed from the zoning by-laws. Chairman LaCamera said he should speak to the Planning Board.

The vote on the previous motions was unanimous in favor.

Chairman LaCamera said this article is to amend Zoning Bylaw Section 7.5.1 (Title and Purpose); Section 7.5.3 (Permitted Principal Uses); Section 7.5.5.2 (Buffer Zones); Section 7.5.5.3; Section 7.5.5.7 (Site Plan Approval) and Section 7.5.5.8.

A motion was made by Member Carboni and seconded by Member Fabian to add Article 15 to the November 14, 2022 Special Town Meeting Warrant and forward to the Planning Board for a hearing.

Discussion: Richard Scott of Rush Pond Road asked where the mixed use property zone is now. Chairman LaCamera said the Lakeville Hospital property. Mr. Scott felt it would be more appropriate to just make it industrial. Mark Knox, Chairman of the Planning Board, noted that warehouses are included as an accessory use Chairman LaCamera said there will be an informational meeting on October 19th regarding this article. Mr. Knox said we are bringing it to Town Meeting like residents wanted. Mr. Scott asked why is the use being slipped into mixed use. Planning Board Members have said warehouses belong in an industrial area. This is an industrial use going into a mixed-use zone. Use and zoning are two (2) different things.

Mr. Jenkins said we are getting rid of the DOD so there can't be abuse. We really just wanted it to go to Town Meeting for a vote if the DOD was being applied. We now are going back into mixed use development and add some other language. You said the only property in Town in mixed use is Lakeville Hospital. Now they can put up a warehouse without a 2/3's vote. Chairman LaCamera said you sued the Planning Board because of the DOD. Mr. Jenkins said the application of the DOD was done incorrectly as Town wide rather than a specific area. Chairman LaCamera said the judge ruled that there were no targeted areas, but that the DOD was fine. Why would you continue with a DOD? Mr. Jenkins said the Planning Board and Select Board are making decisions to get rid of the DOD and then changing the mixed-use zoning for warehouses so that the facility in question can go forward. Chairman LaCamera said there was a committee of nine (9) people and they unanimously voted to put the warehouse there The Planning Board, Board of Health, Conservation Commission and Select Board thought it was a great project. We have had multiple people own that property over the past 30 years and we are still in the same situation. The Planning Board is trying to move the development of that property forward. It is up to the voters if they don't want to move ahead. Mr. Jenkins agreed that no one in Town would argue that something should be done, but the pushback has been with the process of getting it done. Chairman LaCamera said do you support a warehouse? Mr. Jenkins said no.

Chairman LaCamera said the Planning Board is giving the townspeople the opportunity to decide what they want to do. A 2/3's majority vote will be needed at Town Meeting. Discussion occurred regarding how the article came to be written. Mr. Scott said that that Rhino has approached him to meet prior to the informational meeting to discuss this. He will lead the charge to vote down the article.

Ms. Donahue asked what are the consequences if this does not pass. Chairman LaCamera said a massive amount of housing. Ms. Donahue asked can the Town be sued if this does not pass? Chairman LaCamera said no. Mr. Knox said there are protections in the bylaw for buffer zones. There are by-right uses that can happen that would put a warehouse 20' from a lot line. Mr. Scott said only as an accessory use with manufacturing; not distribution. Mr. Knox said there can be a

warehouse as an accessory use to a primary use. As an example, if Ocean Spray went in there, they could put their offices there with a warehouse. Ms. Donahue said with these adjustments is there more of a buffer? Mr. Knox said yes.

The vote on the previous motion was unanimous in favor.

Chairman LaCamera said this article is to rezone land on County Street.

Upon a motion made by Member Carboni and seconded by Member Fabian, it was:

VOTED: To add Article 16 to the November 14, 2022 Special Town Meeting Warrant and forward to the Planning Board for a hearing.
Unanimous in favor.

Chairman LaCamera said this article is to amend the Lakeville Zoning By-Laws by adding to Section 2.0 definitions.

Upon a motion made by Member Carboni and seconded by Member Fabian, it was:

VOTED: To add Article 17 to the November 14, 2022 Special Town Meeting Warrant and forward to the Planning Board for a hearing.
Unanimous in favor.

Chairman LaCamera said this article is to see if the Town will vote to amend the Lakeville Zoning By-Laws, Section 4.0 Use Regulations.

Upon a motion made by Member Carboni and seconded by Member Fabian, it was:

VOTED: To add Article 18 to the November 14, 2022 Special Town Meeting Warrant and forward to the Planning Board for a hearing.
Unanimous in favor.

Chairman LaCamera said this article is to amend the current general by-law for Junk, Old Metals or Secondhand Articles. Member Fabian asked if the Police Chief can request that the book be shown. Ms. Cotsoridis said she was not aware of the Police Department being able to request it, but the Town Clerk's Office can.

Upon a motion made by Member Carboni and seconded by Member Fabian, it was:

VOTED: To add Article 19 to the November 14, 2022 Special Town Meeting Warrant.
Unanimous in favor.

Chairman LaCamera said the reason for this article is that there are some properties in Town that need to be cleaned up. This gives us the tools to fine the property owner in order to get them to clean up the property.

Upon a motion made by Member Carboni and seconded by Member Fabian, it was:

VOTED: To add Article 20 to the November 14, 2022 Special Town Meeting.
Unanimous in favor.

Chairman LaCamera said article will allow the Town to offer Town owned properties for sale to people who are abutters.

Upon a motion made by Member Carboni and seconded by Member Fabian, it was:

VOTED: To add Article 21 to the November 14, 2022 Special Town Meeting.
Unanimous in favor.

Chairman LaCamera said this bylaw will give the Fire Chief the authority to make sure that sprinkler systems are installed in the type of properties listed in it.

Upon a motion made by Member Carboni and seconded by Member Fabian, it was:

VOTED: To add Article 22 to the November 14, 2022 Special Town Meeting.
Unanimous in favor.

Chairman LaCamera said this article is to accept Ledgewood Drive as a public way.

Upon a motion made by Member Carboni and seconded by Member Fabian, it was:

VOTED: To add Article 23 to the November 14, 2022 Special Town Meeting.
Unanimous in favor.

Member Carboni read the article, which changes the Town Clerk from an elected position to an appointed position.

Upon a motion made by Member Carboni and seconded by Member Fabian, it was:

VOTED: To add Article 24 to the November 14, 2022 Special Town Meeting Warrant.
Unanimous in favor.

Member Carboni said this article is by citizen's petition.

Upon a motion made by Member Carboni and seconded by Member Fabian, it was:

VOTED: To add Article 25 to the November 14, 2022 Special Town Meeting.
Unanimous in favor.

Member Fabian said this article is by citizen's petition.

Upon a motion made by Member Fabian and seconded by Member Carboni, it was:

VOTED: To add Article 26 to the November 14, 2022 Special Town Meeting.
Unanimous in favor.

Joint meeting with Community Preservation Committee to discuss implementation of the Community Preservation Act

Members of the Community Preservation Committee (CPC) present included: Nancy Yeatts, Chair, Nancy LaFave, Susan Spieler, Amy Knox, Barbara Standish, and Michelle McEachern. Chairman LaCamera said it seems like at times, the Select Board and CPC are not on the same page. The September 13th meeting was supposed to be training only, but it didn't turn out that way. One (1) of the members violated the Open Meeting Law. The Attorney General's Office is watching this; members can be removed or fined. The Town Clerk has given out information on the Open Meeting Law. We can't tolerate that happening and you didn't have a full committee to take a vote.

Chairman LaCamera said that Ms. Cotsoridis; Mr. Resnick; Mr. Hassett and Ms. Correia all have experience with the Community Preservation Act. We are trying to help the CPC, but are getting pushback. There is no debate about the numbers. The numbers come from the Board of Assessors, Town Accountant and Treasurer and get certified. At one of the meetings, someone was complaining about the tax bill. You should send them to the Treasurer or Assessors to answer questions. We hear about the coalition. It is not a State Agency; they are a lobbyist. They are not supposed to be giving advice to the committee or legal opinions. He would have rather have seen the numbers certified by the Assessors and those numbers would have automatically gone into the reserve accounts. As far as administrative expenses, any employee that may be hired has to be approved by the Wage & Personnel Board and go through Human Resources. The Town is providing secretarial services and legal services that we are not charging you back for. We could, but we aren't going to. He said he reviewed the draft plan. According to the bylaw, it is supposed to be studied over a period of time. Over three (3) meetings, we have a draft plan. All these other boards are supposed to be participating. There are a lot of mistakes to be corrected. The Select Board has not looked at it either. It is important to understand that CPC members cannot solicit people to put in applications for CPA money. Ms. McEachern said that has been explained. You attended, along with Mr. Resnick, one of our meetings and offered misinformation. There was training offered and you said that training would happen. Mr. Resnick was going to reach out to set that up, but it didn't happen. That would help clear up any questions. Chairman LaCamera said you sent an email about the training. The email said it was CPC Members only. Ms. McEachern said the invitation was sent to staff and the Town Administrator. Ms. Yeatts said she did not realize that there were two (2) trainings; one for staff and one for CPC. It was after the fact that she realized there was training for staff. Mr. Resnick said he spoke to the consultant and the training offered was the exact same training for the CPC. The consultant recommended Mr. Resnick, Mr. Sky, Mr. Hassett and Ms. Cotsoridis take the training. As all of them have been previously involved in CPA in other communities, it didn't make sense to have him come down. Mr. Sky said he did receive an email from Ms. McEachern on August 11, 2022 for the training on

August 13, 2022. The Select Board was meeting that night. He noted that Ms. Cotsoridis, himself and Mr. Hassett have all had CPA training in other places.

Ms. Yeatts said we are a brand-new committee and are still working it out. She is happy to have staff support. As far as the plan goes, it was on the agenda, but we never discussed it. We are working on the survey and on handouts for the Arts Festival to help with the survey. That is as far as we have gotten. We have only met with the Conservation Commission. We are supposed to meet with the Park Commission tonight. We are a committee of eight (8) people and we will all decide. The vote to put the budget forward was not unanimous. She has worked with the Town for 20 years and will continue to work with the Town.

Member Carboni said didn't have any backup in the agenda on this item. She is a bit uncomfortable tonight as this seems to be like a scolding. Sometimes violations of the Open Meeting Law happen accidentally. Open Meeting Law training will be held for staff and officials. We can work together. This committee is just getting started and we should try to encourage and work with them. Ms. Spieler said regarding the budget part, the consultant explained why we needed to pass it now. If we didn't, we can't touch the 2023 money until 2024. Member Fabian said she watched the training and there almost wasn't anything that he said that wasn't in the DLS publication. She is fine that they want to use the consultant, but cautioned that he a lobbyist. Mr. Resnick said he was advocating that you take action; he was interfering with the process. That was more than giving advice. The difference between Town Meeting in the spring and FY24 is only six (6) weeks.

Chairman LaCamera said the money can't be touched between now and spring town meeting. According the application, it says the applications will be submitted by September 15th and submitted to the Annual Town Meeting in May. Ms. McEachern said there are exceptions for Special Town Meeting. Ms. Spieler said Wareham did it to purchase Little Harbor. Member Fabian said the CPC should be asking the Town Accountant their questions. At the first organizational meeting, a reference was made regarding getting our money from the Town, which was questioning the auditing process. Ms. McEachern said the consultant said it has happened in other towns, so we need to keep track of the interest. Member Fabian said you need to have a level of trust in the Town staff. Ms. McEachern said they appointed Ms. Spieler to work with Mr. Hassett, but she has not heard back from him. Chairman LaCamera said we have nothing to report right now. This has nothing to do with quarterly tax bills. Mr. Sky said this doesn't run on a cash flow basis; it runs on an annual basis based on the certified revenues. Ms. McEachern said the tax bill did break down the amount going to CPA. Chairman LaCamera said it is still an estimate. The Assessors have not certified the tax rate yet. Mr. Sky said it is based on the prior year's levy until the tax rate has been certified. Member Fabian said you just have to know the laws and rules on how it is done. Best way to do that it to speak to the Assessors.

Member Fabian said this is a new group. A lot of us are excited that CPA passed. Speaking to Ms. McEachern, Member Fabian noted that the Open Meeting Law had been violated at their meeting. Ms. Yeatts shouldn't have to remind the members at every meeting that we operate under Robert's Rule of Order. Ms. McEachern said it says clearly on the bottom of the agenda that there may be something that may come up. Member Fabian said when the Town Clerk came back from training this year, anything under New or Old Business must be posted on the agenda. Ms.

McEachern said it had been brought up at a previous meeting and Ms. Yeatts did not allow it. Member Fabian said you ask the Chair to place a topic on an agenda and you vote on it.

Member Carboni said this conversation is unacceptable. This is a violation of the Open Meeting Law. Chairman LaCamera said that Ms. McEachern knew before the meeting that she wanted to bring a budget up; you need to speak to the Chair. Ms. McEachern said she did not know the consultant was going to bring a budget to the meeting. Chairman LaCamera said you won't admit that you violated the Open Meeting Law. Ms. LaFave said she left the meeting prior to the budget. She is aware of the Open Meeting Law and the consequences of being watched. Everyone makes mistakes, but you are supposed to be aware. The Town Clerk gave a huge pamphlet with information and cautioned us that we need to be diligent. Moving forward, she would like the committee to be careful and go through the Chair, who has said she would put anything on the agenda. We need to work together as this is very important. Ms. Standish said she is disappointed on how this is turning out. She read the Town Clerk's packet and did not understand fully the Open Meeting Law, but she does now. She hopes that this doesn't happen again. We need to work together. It feels like we are getting scolded. Ms. Lafave said we deserve it and we should not do it going forward. Ms. Knox said this is her first time on the committee and is shocked at the hostility. Now as Chair of the Open Space Committee she needs to watch herself. Ms. Yeatts said at the first meeting, the Town Clerk told her that we are being watched and make sure you take care of the agenda. Ms. McEachern started reading something off a page from the coalition that none of us had. She was strong in shutting down the conversation. After the fact she said it was asking to put a budget on. Anyone can email me if you want something on the agenda and she will put it on. The Town Clerk said she didn't have to put an item on, but she will put it on for discussion. She will do her best going forward to pull it back to center. We need to write a plan and all of us need to work together. We have trouble finding a night to work. We need to find a time to be taped by LakeCAM.

At 8:10 PM, upon a motion made by Ms. LaFave and seconded by Ms. Standish, it was:

VOTED: To adjourn the CPC meeting.
Unanimous in favor.

Discuss and possible vote regarding 475 Kenneth Welch Drive Taunton Water issue

Member Carboni recused herself from the discussion and left the room. Mr. Sky said we are having some issues with 475 Kenneth Welch and 310 Kenneth Welch Drive. Some of the issues are with Taunton and some with the owners. 475 Kenneth Welch Drive is Bud's Goods, which is a cannabis company ramping up. They went to Taunton and submitted an incomplete water application, which was approved by Taunton and implemented. He spoke to Mr. Arruda and he acknowledged they messed up. We don't have all the information, but need to get clear information on their needs. Benjamin Nadolny, CEO of Bud's Goods said he has emailed his contractors about this. There is one line that replaced an existing line. The application that was submitted said Not Applicable on the Lakeville signature line. This will be manufacturing, not cultivation. Chairman LaCamera said we didn't know that. Discussion occurred regarding the use of the property. Member Fabian said we should have another meeting to discuss the Host Community Agreement. We have a water connection that we don't know anything about. Mr.

Sky said we have a limited amount of allocation and we have an issue with another company asking for 50,000 gallons a day. The application submitted by your contractor we would have said was unacceptable. Mr. Nadolny said we had a new water line put in and relocated the water meter.

Mr. Sky said Taunton is willing to meet with these companies and assess what they would like to do. Mr. Sky said for 310 Kenneth Welch, we have been asking for engineering for months. Taunton is telling them they are shutting off the hydrant soon. Mr. Sky told Mr. Nadolny we are going to try to clarify the information from his contractor.

Discuss and possible vote on request from Department of Public Works Director regarding Snow Plow Contractor Rate Changes

Franklin Moniz, DPW Director was present for the meeting. Chairman LaCamera said in order for the Town to get 26 snow plow drivers, we have to pay Mass DOT rates.

Upon a motion made by Member Carboni and seconded by Member Fabian, it was:

VOTED: To approve the hourly snow plow rates for 2022-2023 as presented.
Unanimous in favor.

Discuss and possible vote on request from Department of Public Works Director regarding Snow Plow Rate Changes – Freetown/Lakeville Regional School District

Franklin Moniz, DPW Director was present for the meeting. Mr. Moniz noted that he tries to send Town employees to do the schools instead of contractors.

Upon a motion made by Member Carboni and seconded by Member Fabian, it was:

VOTED: To approve the hourly snow plow rates for 2022-2023 as presented for the Freetown/Lakeville Regional School District.
Unanimous in favor.

Discuss and possible vote to declare Fire Department 2008 Ford Taurus as surplus property

Chairman LaCamera noted that a request had been received from the Fire Chief to declare a vehicle as surplus property.

Upon a motion made by Member Carboni and seconded by Member Fabian, it was:

VOTED: To declare the Fire Department 2008 Ford Taurus as surplus.
Unanimous in favor.

Discuss and possible vote on request from Joanna Rodrigues for an Outdoor Entertainment Permit for a block party on October 2, 2022 – Association Beach-Charbonneau Avenue

Chairman LaCamera said the Board has received a request for an Outdoor Entertainment Permit for a block party.

Upon a motion made by Member Carboni and seconded by Member Fabian, it was:

VOTED: To approve the Outdoor Entertainment Permit for a block party on October 2, 2022 at Association Beach on Charbonneau Avenue.
Unanimous in favor.

Discuss and possible vote on request from Steven Coache for an Outdoor Entertainment Permit for a cookout – October 2, 2022 – 7 Charbonneau Avenue

Chairman LaCamera said the Board has received a request for an Outdoor Entertainment Permit in association with the above permit.

Upon a motion made by Member Carboni and seconded by Member Fabian, it was:

VOTED: To approve the Outdoor Entertainment Permit for a block party on October 2, 2022 at 7 Charbonneau Avenue.
Unanimous in favor.

Review and possible vote to approve Select Board Meeting Minutes of August 29, 2022; September 13, 2022; and September 15, 2022

Member Carboni noted that on September 13, 2022 on page 5 at the top of the page, the motion was made by Member Fabian and seconded by Chairman LaCamera.

Upon a motion made by Member Carboni and seconded by Member Fabian, it was:

VOTED: To approve the Select Board Meeting Minutes for August 29, 2022 and September 15, 2022 as presented and September 13, 2022 as amended.
Unanimous in favor.

New Business

There was no New Business discussed.

Old Business

There was no Old Business discussed.

Executive Session

At 8:29 PM, upon a motion made by Member Carboni and seconded by Member Fabian, it was:

VOTED: To enter Executive Session pursuant to M.G.L. c.30A, §21a (3) to discuss strategy with respect to collective bargaining, specifically with PBA Local 185; IAFF Local 3188 and Laborer's International Union, if an open meeting may have a detrimental effect on the litigating position of the public body and the Chairman so declares and not to return to Open Session.
Roll call vote: Member Carboni – aye; Member Fabian – aye and Chairman LaCamera – aye.

OTHER ITEMS

1. Letter from Mass DOT regarding Route 105 – Elliot Farm Parking Sign Request
2. Letter Division of Capital Asset Management and Maintenance seeking lease space
3. Notices from Department of Public Utilities regarding NSTAR Electric Company dba Eversource Energy

List of documents provided at the Select Board Meeting of September 29, 2022

1. Agenda page
2. Agenda page
3. Agenda page; list of draft articles for Special Town Meeting
4. Agenda page
5. Agenda page
6. Agenda page; memo from Department of Public Works Director
7. Agenda page; memo from the Department of Public Works Director
8. Agenda page; email from the Fire Chief; pictures of the 2008 Ford Taurus
9. Agenda page; application for outside entertainment permit
10. Agenda page; application for outside entertainment permit
11. Agenda page; Select Board Meeting Minutes August 29, 2022; September 13, 2022 and September 15, 2022
12. Agenda page
13. Agenda page
14. Agenda page

**AGENDA ITEM #11
OCTOBER 11, 2022**

NEW BUSINESS

**AGENDA ITEM #12
OCTOBER 11, 2022**

OLD BUSINESS

OTHER ITEMS

1. Letters of thanks from Lakeville Arts Council to Police Chief and DPW Director

RECEIVED
OCT - 6 2022
SELECTMEN'S OFFICE



October 6, 2022

Chief Matthew Perkins
Lakeville Police Department
Bedford Street
Lakeville, MA 02347

Dear Matt,

The Lakeville Arts Council(LAC), sponsor of the 2022 Arts & Music Festival and I want to thank you for the four outstanding officers assigned to work at the Arts & Music Festival this past Saturday.

Lieutenant Leanues, Officer Marshall, Officer Drane, and Officer Mosher diligently kept our very wet Festival visitors as safe this year as in the past.

I also want to thank you for the extra patrols that swing by to watch over the historic Town Hall for the week before and after the Festival. The items we leave in there are important for a good celebration and the end result of the Festival.

Though the day was not as successful for the organizers as in the past due to the wet weather, we improvised and as a result we were more successful than expected. I know that a big part of that success is due to the officers being diligent and for this we all thank you and the four officers.

Thank you for your support of the Festival and the other events that the LAC holds throughout the year. It is very much appreciated by all the Council members.

With appreciation and regards,


Joanne Corrieri-Upham
LAC Chair & 2022 Festival Committee member

Cc: Ari Sky

FYI: Our next event "All That Glitters" inside Loon Pond Lodge December 2: 5-8PM and December 3: 10AM-3PM. Details are being worked on. I will keep you informed as the date gets closer.

RECEIVED
OCT - 6 2022
SELECTMEN'S OFFICE



October 6, 2022

Mr. Franklin Moniz
Department of Public Works Director
c/o Lakeville Town Offices
346 Bedford Street
Lakeville, MA 02347

Dear Frank,

The Lakeville Arts Council(LAC) sponsor of the Lakeville Arts & Music Festival and I would like to thank you for all the work your men did before, during, and after the 2022 Lakeville Arts & Music Festival this past Saturday, October 1 to help assure its success, the safety of the community and our visitors as well as the beautification of the grounds so Lakeville looks it's best.

Jim Lucas and several men of the DPW were busy several mornings before the Festival on the grounds mowing, cleaning the pavers in front of the historic Town Hall and along the paths, taking care of edging, mulching and just plain making the entire center of the Lakeville look perfect for our Festival visitors. They brought the picnic tables to the area, hung the announcement banner, and moved the six library benches to the stage area. The Council appreciates the efforts they took. The area even in the pouring rain looked fantastic and several of us were told about how manicured the entire area looked from many Lakeville citizens. Everytime I heard the compliment all I could was smile and agree!!

On another note, the LAC and I most appreciate your continued support of the Festival and our other activities to include the Center Stage Summer Concerts! Your support in the way of physical labor by the men who work for you helps us to celebrate and educate the community about culture and arts in a safe way and that kind of support can never be underestimated or taken for granted. We thank you once again.

With regards and appreciation,


Joanne Corrieri-Upham
LAC Chair & 2022 Festival Committee member

cc: Ari Sky