



TOWN OF LAKEVILLE MEETING POSTING & AGENDA

Town Clerk's Time Stamp
received & posted:
K. Murray
LAKEVILLE TOWN CLERK
RCUD 2022 OCT 11 AM 11:15

48-hr notice effective
when time stamped

Notice of every meeting of a local public body must be filed and time-stamped with the Town Clerk's Office at least 48 hours prior to such meeting (excluding Saturdays, Sundays and legal holidays) and posted thereafter in accordance with the provisions of the Open Meeting Law, MGL 30A §18-22 (Ch. 28-2009). Such notice shall contain a listing of topics the Chair reasonably anticipates will be discussed at the meeting.

Name of Board or Committee:	Planning Board
Date & Time of Meeting:	Thursday, October 13, 2022 at 7:00 p.m.
Location of Meeting:	Lakeville Police Station 323 Bedford Street, Lakeville, MA 02347
Clerk/Board Member posting notice:	Cathy Murray

Cancelled/Postponed to: _____ (circle one)

Clerk/Board Member Cancelling/Postponing: _____

Revised A G E N D A

1. ~~Public Hearing #1 (7:05) – To amend the Zoning By-Law Section 8, Administration, and change Sub-section 8.2 to read Planning Board Associate Member with a description and specific details regarding the position to follow. The remainder of the Section will be re-numbered accordingly. This public hearing has been rescheduled to October 27, 2022, at 7:05.~~
2. Public Hearing #2 (7:10) – To amend the Zoning By-Law Section 5.0 Intensity Regulations, Sub-section 5.2, Footnotes to Intensity Regulations by adding Sub-section 5.2.8 allowing a reduced setback of 50% on one side yard or the rear yard in the Business District by Special Permit from the Planning Board.
3. Public Hearing #3 (7:15) – To amend the Town of Lakeville's Zoning Map by re-zoning 155.4 acres located on County Street, as shown on a map entitled "Zoning Amendment Plan of Land in Lakeville, MA" from the Residential District to the Industrial District.
4. Public Hearing #4 (7:20) – To amend the Zoning By-Law Section 7.4.6, Specific Uses by Special Permit, Signs, off-premise by deleting this section in its entirety.
5. Public Hearing #5 (7:25) – To amend the Zoning By-Law Section 4.1, Table of Use Regulations, Sub-section 4.1.3, Industrial Uses, and add warehouse, offices or facilities for distributing merchandise over 100,000 sq. ft. and add to Section 7.4.6 Specific Uses by Special Permit, that the SPGA for these types of facilities will be the Planning Board.
6. ~~Housing Production Plan presentation by Taylor Perez of SRPEDD. This has been rescheduled to November 10, 2022.~~
7. Review the following Zoning Board of Appeals petitions:
 - a. Sena – 103 Staples Shore Road
 - b. North Bedford Crossing – 109 Bedford Street
8. Approve the August 3, 2022, and August 25, 2022, Meeting Minutes
9. Review correspondence

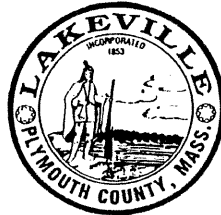
10. Next meeting. . . October 27, 2022 at the Lakeville Police Station
11. Any other business that may properly come before the Planning Board.
12. Adjourn

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

Town of Lakeville

PLANNING BOARD

346 Bedford Street
Lakeville, MA 02347
774-776-4350



NOTICE OF PUBLIC HEARING LEGAL NOTICE

The LAKEVILLE PLANNING BOARD will hold Public Hearings pursuant to the Town of Lakeville Zoning Bylaw and M.G.L. Ch. 40A §5 on **THURSDAY, October 13, 2022 at 7:00 PM** at the Lakeville Police Station Meeting Room. The purpose of the Public Hearings is to provide the public with an opportunity to comment on proposed amendments to the Lakeville Zoning Bylaw as follows:

7:05 P.M. Public Hearing #1 (Rescheduled to 10/27/22)

The Article would **Amend** Section 8.0 Administration to:

ADD 8.2 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 associate member shall 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. **And** renumber the remainder of the Section accordingly

7:10 P.M. Public Hearing #2

This Article would **Amend** Section 5.0 Intensity Regulations, 5.2 Footnotes to Intensity Requirements to:

ADD 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

7:15 P.M. Public Hearing #3

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 a map entitled “Zoning Amendment Plan of Land in Lakeville, MA” from the Residential District to the Industrial District.

7:20 P.M. Public Hearing #4

This Article would **Amend** Section 7.4.6 Specific Uses by Special Permit to: **Remove the Following Section: 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.

7:25 P.M. Public Hearing #5

This Article would Amend Section 4.1 Table of Use Regulations to:
ADD to Section 4.1.3 Industrial Uses

	R	B	I	I-B
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.

The proposed amendments to the Zoning Bylaw may be viewed at the Lakeville Town Clerk’s office in Town Hall, 346 Bedford Street, Lakeville, MA 02347 by appointment only. Amendments are also available for review on the Planning Department page of the Town website.

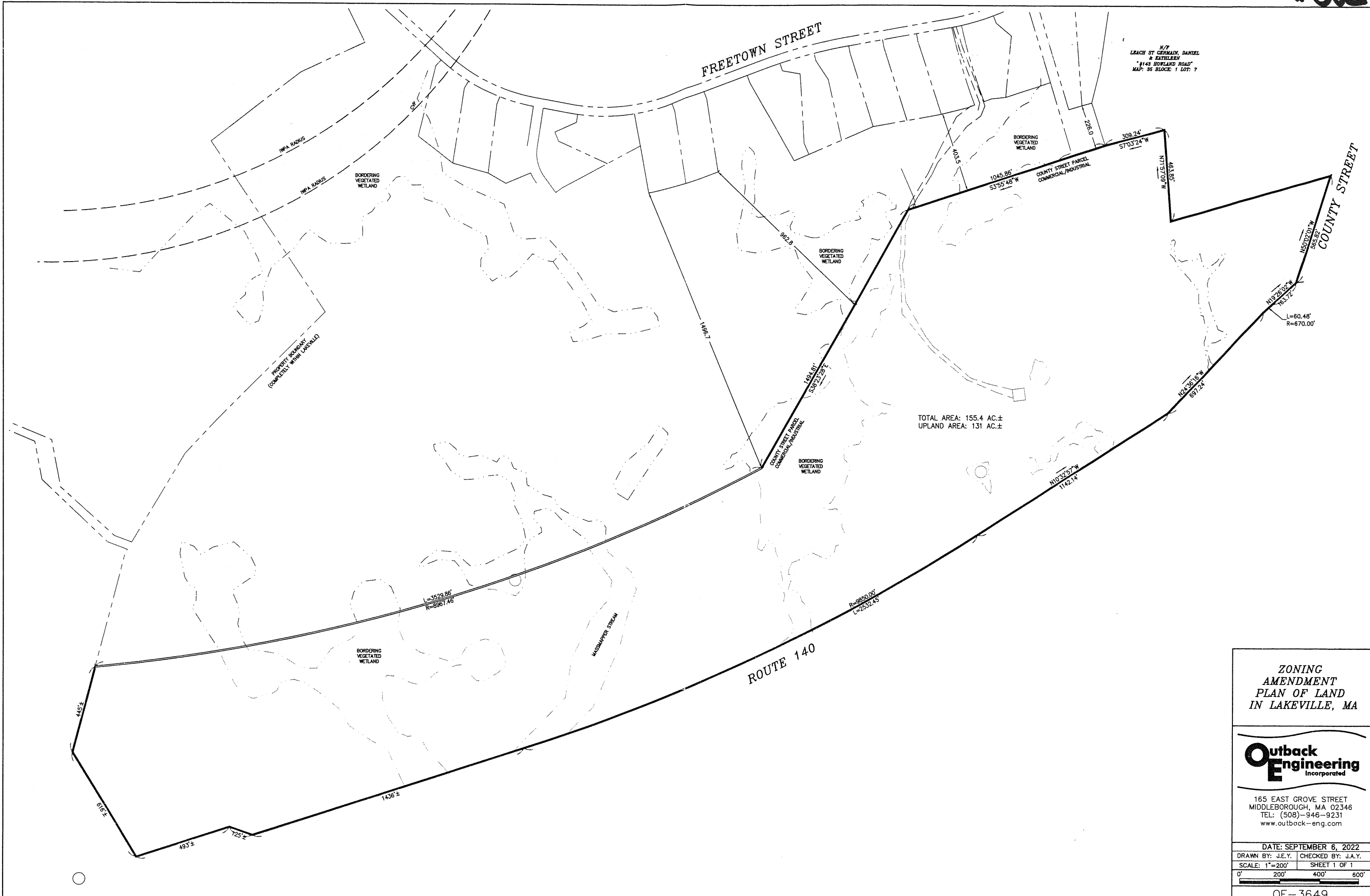
Planning Board Members
Mark Knox, Chairman
Peter Conroy, Vice-Chair
Jack Lynch
Michele MacEachern
Nora Cline

September 29, 2022 & October 6, 2022

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 and **ADD**:

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.

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.



ZONING
AMENDMENT
PLAN OF LAND
IN LAKEVILLE, MA



165 EAST GROVE STREET
MIDDLEBOROUGH, MA 02346
TEL: (508)-946-9231
www.outback-eng.com

DATE: SEPTEMBER 6, 2022
DRAWN BY: J.E.Y. CHECKED BY: J.A.Y.
SCALE: 1"=200' SHEET 1 OF 1

0' 200' 400' 600'
OE-3649

Delete Section 7.4.6, Specific Uses by Special Permit; Signs, off-premise

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.~~

To see if the Town will amend the Lakeville Zoning By-Laws to **ADD** to Section 4.1.3, Industrial Uses

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

and to **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.

#7a



Town of Lakeville
Lakeville Town Office Building
346 Bedford Street
Lakeville, Massachusetts 02347

OFFICE OF
ZONING BOARD OF APPEALS
Secretary: Cathy Murray

TO: Board of Health
Building Department
Conservation Commission
Planning Board ✓
Town Planner

FROM: Board of Appeals

DATE: September 28, 2022

RE: Attached Petition for Hearing
Sena – 103 Staples Shore Road

Attached please find a copy of one (1) Petition for Hearing, which has been submitted to the Board of Appeals. The hearing for this petition will be held on October 20, 2022.

Please review and forward any concerns your Board may have regarding this petition to the Board of Appeals, if possible, no later than Friday, October 14, 2022.

Thank you.

Petition to be
filed with Town Clerk

TOWN OF LAKEVILLE
MASSACHUSETTS

ZONING BOARD OF APPEALS
PETITION FOR HEARING

EXHIBIT "A"
RECEIVED
SEP 22 2022
BOARD OF APPEALS

Name of Petitioner: Donald Sena

Mailing Address: 103 Staples Shore Road

Name of Property Owner: Same

Location of Property: Same

Property is located in a residential business industrial (zone)

Registry of Deeds: Book No. 4932 Page No. 290

Map 64 Block 3 Lot 26

Petitioner is: owner tenant licensee prospective purchaser

Nature of Relief Sought:

Special Permit under Section (s) 6.1.3 & 7.4 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.)

(See attached Exhibit A.1)

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: Donald Sena

Date: 9/13/22

Signed: Donald Sena

Telephone: 1-508-821-8981

Owner Signature: Same

Owner Telephone: Same

(If not petitioner)

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

WILL YOU HAVE A REPRESENTATIVE OTHER THAN YOURSELF?

Yes No

Richard J. Rheaume, P.E., LSP, Chief Engineer
Prime Engineering, Inc.

(Name and Title)



September 20, 2022

Town of Lakeville
Zoning Board of Appeals
346 Bedford Street
Lakeville, MA 02347

RE: 103 STAPLES SHORE ROAD

Dear Board Members:

On behalf of Donald T. Sena, we hereby submit this petition for a Special Permit to re-construct a pre-existing non-conforming dwelling. Your Board issued a Special Permit for this work on July 30, 2020, but major construction costs and supply chain problems caused by Covid-19 prevented the work to be completed in the time period in which the Special Permit was valid. The submittal package consists of the originals and 17 copies of the following:

- This letter;
- The executed petition;
- A check for \$140.00 payable to the Town for the filing fee;
- A check for \$120.76 to cover the legal advertisement payable to Southcoast Media Group;
- The Narrative;
- Photos of the existing site;
- An Existing Conditions Plan; and,
- A proposed Dwelling Re-construction Plan.

The sewage disposal system was upgraded a few years ago, in compliance with plans approved by the Lakeville Board of Health.

We look forward to your favorable review.

Sincerely,

PRIME ENGINEERING, INC.

A handwritten signature in cursive script that reads 'Richard J. Rheume'.

Richard J. Rheume, P.E., LSP
Chief Engineer

Zoning Board of Appeals

Board Members,

On July 30, 2020 the Board granted me a special permit to tear down my house at 103 Staples Shore Road, and build a new house. My engineering firm (Prime) has informed me that this special permit was good for only two years versus the Conservation Commission's Order of Conditions which is good for three years. Therefore, I am asking the Board for an extension of the special permit for another two years as a result of the financial hardship I encountered as a result of the Covid – 19 pandemic's impact on the supply chain and the cost of materials.

The ZBA 's special permit, and Comm. Con.'s Order were filed with Plymouth County Registry of deeds in early September 2020. The architect then began the drawing up the plans for building the new house, and the drawings were completed in December 2020. In January 2021 I put the construction of the house out to bid to three different contractors. The contractors were all within \$10K to \$15K of one another on their bids, which were slightly higher than I was expecting. They all stated that the price of lumber on the futures market had typically been in the range of \$400 / 1,000 board feet, but was now doubled to \$800 /1,000 board feet. I selected the low bid estimate at the end of March 2021 of \$325K. The idea was to tear the house down in September 2021, put in the foundation and begin construction by October 2021. We met with the contractor in June 2021 to go over the plans in detail. When he got back to me at the end of July with the contract, the house cost had gone from an estimate of \$325K to \$450K. He stated that as a result of the pandemic the price of lumber was now over \$1,500 / 1,000 board feet, and the price of everything else has gone up as well. At that price I told him I could not go forward.

I am hopeful that with the pandemic subsiding and the federal reserve's efforts to reduce inflation, that I will be able to build a new house for around the original estimated range within the next two years if the Board grants this extension.

**NARRATIVE IN SUPPORT OF A PETITION
FOR A SPECIAL PERMIT FOR A
DWELLING AT 103 STAPLES SHORE ROAD
LAKEVILLE, MA**

PREPARED FOR:

**DONALD T. AND SUSAN E. SENA
103 STAPLES SHORE ROAD
LAKEVILLE, MA**

PREPARED BY:

**PRIME ENGINEERING, INC.
P.O. BOX 1088
LAKEVILLE, MA**

SEPTEMBER 20, 2022

1.0 INTRODUCTION

It is proposed to reconstruct an existing dwelling at 103 Staples Shore Road. There is currently an exceedance in allowed impervious area thereby necessitating a Special Permit from the Lakeville Zoning Board of Appeals. This Narrative has been prepared in support of that petition.

2.0 EXISTING CONDITIONS

The property, which is referenced as Assessor's Map 64, Block 003, Lot 26, is an approximately quarter acre lot. It is situated on the northern shore of Assawompset Pond at the eastern end of Staples Shore Road. There is an existing two story, three-bedroom, wood framed dwelling with ancillary deck, driveway and boat ramp on the south side of the road and a wood framed garage and driveway on the north side of the road. The dwelling falls in a FEMA flood zone with a flood elevation of 56.8 MSL. The finish floor of the existing dwelling is elevation 56.11 and the ground on all four sides of the dwelling is elevation 56.0.

The dwelling is pre-existing, non-conforming with respect to front yard setback and side yard setback.

3.0 PROPOSED IMPROVEMENTS

It is proposed to demolish the existing dwelling and to construct a similarly sized dwelling in the same location. The proposed dwelling has been sited so it is no closer to the road and to the side property line and no closer to Assawompset Pond than the current deck. The finished floor will be set at elevation 58.50 which is 1.7 feet above the flood plain. The foundation will be a standard concrete foundation with the bottom set 4 feet below ground level and the top 1.5 feet above ground level thereby providing a 1.5-foot height of crawl space. Flood vents will be installed on all sides with the bottom set at ground level so flood waters can readily flow in and subsequently drain out. The driveway south of the garage and the patio south of the proposed dwelling will be made pervious in order to decrease the overall impervious area.

4.0 NEED FOR RELIEF

Section 6.1.3 of the Lakeville zoning bylaw provides that "pre-existing non-conforming structures or uses may be changed, extended or altered by Special Permit from the Board of Appeals, finding that such change, extension or alteration is not substantially more detrimental than the existing non-conforming structures or uses.

1. “Changes, extensions or alterations to pre-existing non-conforming structures on lots zoned residential of 15,000 square feet or more shall be exempt from the Special Permit requirement, except where the Building Commissioner determines that the proposed change, extension or alteration will intensify the nonconformity.”

It is proposed to bring the structure into conformity with the flood plain regulations where it is presently out of compliance. It is also proposed to bring the site into conformity with percent impervious requirements where it is presently out of compliance.

The lot has approximately 12,100 square feet of area, but a 20-foot wide right of way (a road easement) cuts through it. Lakeville zoning bylaws require that easements be deducted from the lot area leaving a net area of 10,500 square feet. The proposed impervious area resulting from the dwelling, driveway and garage totals 1,971 square feet resulting in 20.7% impervious using the area on both sides of the right of way. This meets the Town’s zoning standards. However, if only the south side of the road’s lot area is used, the impervious will exceed the 25% impervious.

5.0 SPECIAL PERMIT CRITERIA

The Lakeville zoning bylaw lists specific criteria that must be met in order to obtain a Special Permit. All of these criteria have been met as detailed in the following subsections.

5.1 NOT HARMFUL

Constructing a new similarly sized dwelling in the same location that has been there for eighty years will not be noxious, harmful or hazardous. In fact, raising the finish floor above the floodplain is less hazardous and meets an existing need and avoids a potential future hazard.

5.2 ADVANTAGES OUTWEIGH DETRIMENTAL EFFECTS

The advantage of constructing a modern, energy-efficient, similarly sized dwelling above the flood plain clearly outweighs leaving the old dwelling in its current state.

5.3 COMPATIBILITY WITH NEIGHBORHOOD

Building a comparably sized modern dwelling in the same location as the existing dwelling is clearly compatible with the immediate neighborhood. Constructing a code compliant, energy efficient dwelling above the flood plain is fully compliant with the principles of good engineering, sound planning and correct land use.

6.0 CONCLUSION

The proposed improvements will be in harmony with the general purpose and intent of the Lakeville zoning bylaw and meets all of the criteria for a Special Permit.

PRIME ENGINEERING, INC.

Narrative to Accompany Special Permit
103 Staples Shore Road, Lakeville, MA

September 20, 2022

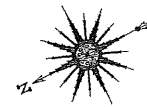












IMPERVIOUS COVERAGE:
 EXISTING (SHADED) = 33.7%
 * NOT INCLUDING R.O.W. AREA

EXISTING RAISED
 LEACH FIELD TO REMAIN
 (SEA SHELL CAP OVER SAND)

LOT AREA = 11,018 S.F.
 LOT AREA MINUS R.O.W. = 9,504 S.F.

EXISTING GARAGE
 TO REMAIN

EXISTING SEPTIC TANK
 (TO REMAIN)

GRAVEL DRIVE

EXISTING R.O.W.

EXISTING LAWN

50' OFFSET
 EDGE OF WATER

WELL

EXISTING DRIVE
 TO BE PRESERVED

EXISTING DECK

LIMIT OF ALLOWABLE BUILDING (TYP.)

RETAINING WALL


EXISTING 3-BEDROOM DWELLING
 910 SQ. FT.

PATIO BLOCKS

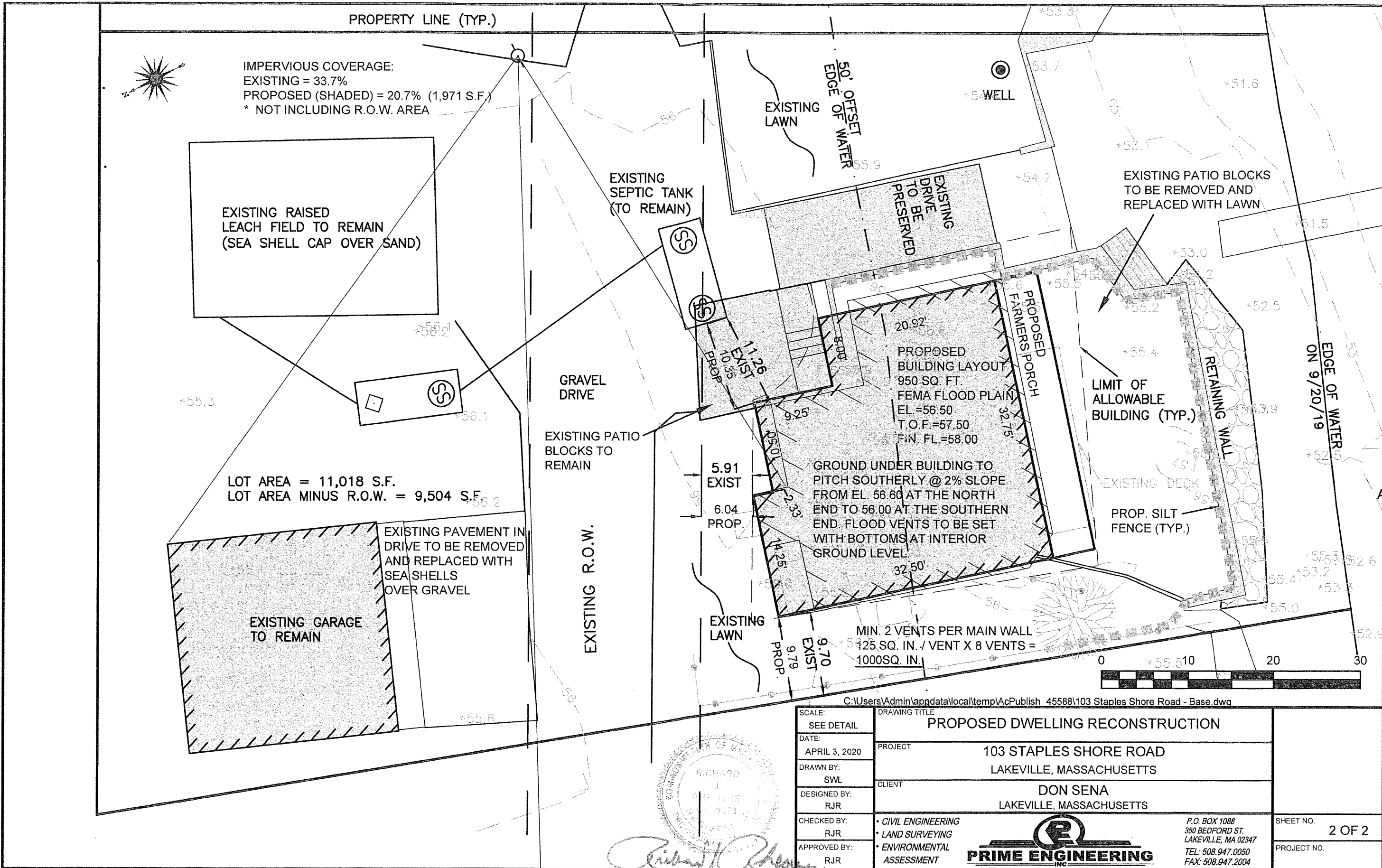
EDGE OF WATER ON 9/20/19



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SCALE: SEE DETAIL	DRAWING TITLE EXISTING CONDITION	SHEET NO. 1 OF 2
DATE: APRIL 3, 2020	PROJECT 103 STAPLES SHORE ROAD LAKEVILLE, MASSACHUSETTS	
DRAWN BY: SWL	CLIENT DON SENA LAKEVILLE, MASSACHUSETTS	PROJECT NO.
DESIGNED BY: RJR	 PRIME ENGINEERING <small>INC.</small>	
CHECKED BY: RJR		
APPROVED BY: RJR	<ul style="list-style-type: none"> • CIVIL ENGINEERING • LAND SURVEYING • ENVIRONMENTAL ASSESSMENT 	

Richard R. Johnson
 REGISTERED PROFESSIONAL ENGINEER
 STATE OF MASSACHUSETTS
 LICENSE NO. 10101



IMPERVIOUS COVERAGE:
 EXISTING = 33.7%
 PROPOSED (SHADED) = 20.7% (1,971 S.F.)
 * NOT INCLUDING R.O.W. AREA

EXISTING RAISED
 LEACH FIELD TO REMAIN
 (SEA SHELL CAP OVER SAND)

LOT AREA = 11,018 S.F.
 LOT AREA MINUS R.O.W. = 9,504 S.F.

EXISTING GARAGE
 TO REMAIN

EXISTING PAVEMENT IN
 DRIVE TO BE REMOVED
 AND REPLACED WITH
 SEA SHELLS
 OVER GRAVEL

EXISTING SEPTIC TANK
 (TO REMAIN)

GRAVEL DRIVE

EXISTING PATIO
 BLOCKS TO
 REMAIN

EXISTING R.O.W.

EXISTING LAWN

50' OFFSET
 EDGE OF WATER

EXISTING
 DRIVE
 TO BE
 PRESERVED

PROPOSED
 BUILDING LAYOUT
 950 SQ. FT.
 FEMA FLOOD PLAIN
 EL = 56.50
 T.O.F. = 57.50
 FIN. FL. = 58.00

GROUND UNDER BUILDING TO
 PITCH SOUTHERLY @ 2% SLOPE
 FROM EL. 56.60 AT THE NORTH
 END TO 56.00 AT THE SOUTHERN
 END. FLOOD VENTS TO BE SET
 WITH BOTTOMS AT INTERIOR
 GROUND LEVEL.

MIN. 2 VENTS PER MAIN WALL
 125 SQ. IN. / VENT X 8 VENTS =
 1000SQ. IN.

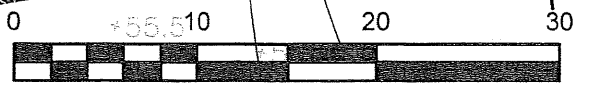
EXISTING PATIO BLOCKS
 TO BE REMOVED AND
 REPLACED WITH LAWN


LIMIT OF
 ALLOWABLE
 BUILDING (TYP.)

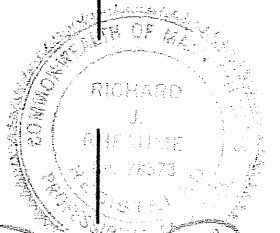
RETAINING WALL

EXISTING DECK

PROP. SILT
 FENCE (TYP.)

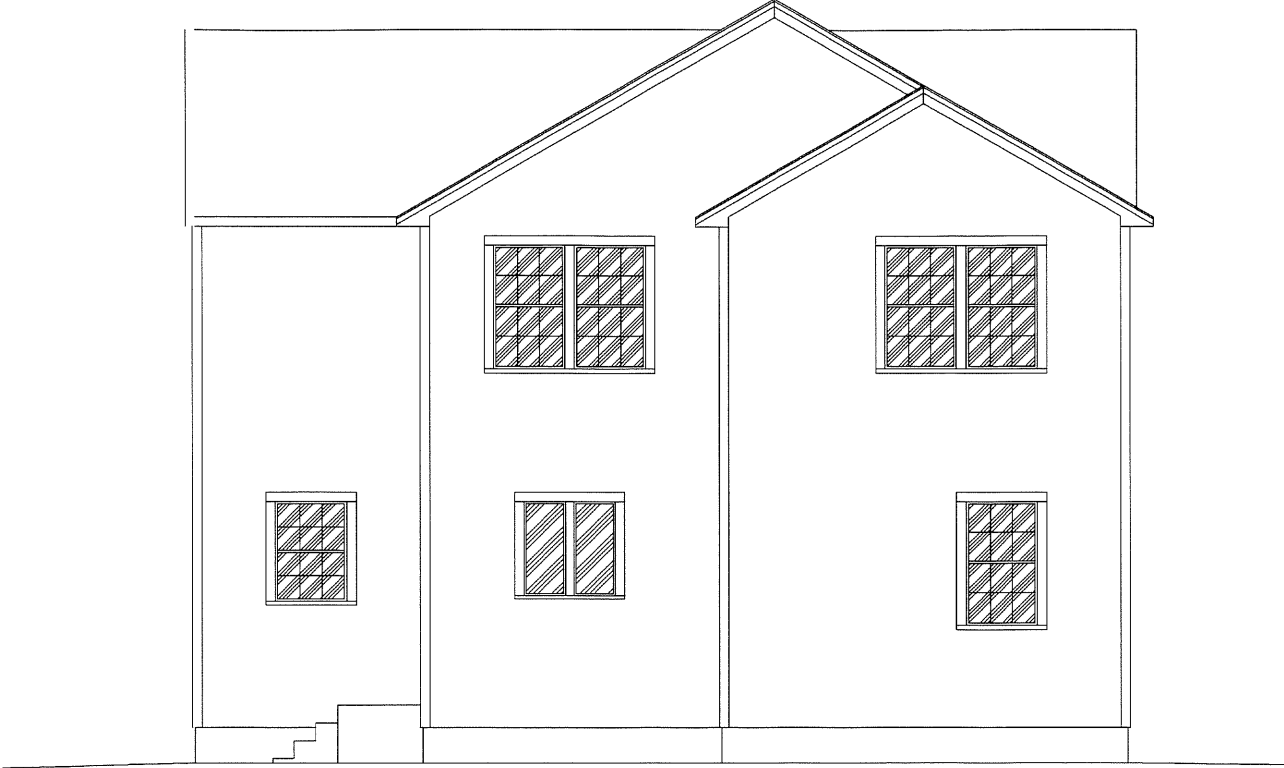


SCALE: SEE DETAIL	DRAWING TITLE PROPOSED DWELLING RECONSTRUCTION	SHEET NO. 2 OF 2
DATE: APRIL 3, 2020	PROJECT 103 STAPLES SHORE ROAD LAKEVILLE, MASSACHUSETTS	
DRAWN BY: SWL	CLIENT DON SENA LAKEVILLE, MASSACHUSETTS	PROJECT NO.
DESIGNED BY: RJR		
CHECKED BY: RJR		
APPROVED BY: RJR	<ul style="list-style-type: none"> • CIVIL ENGINEERING • LAND SURVEYING • ENVIRONMENTAL ASSESSMENT 	



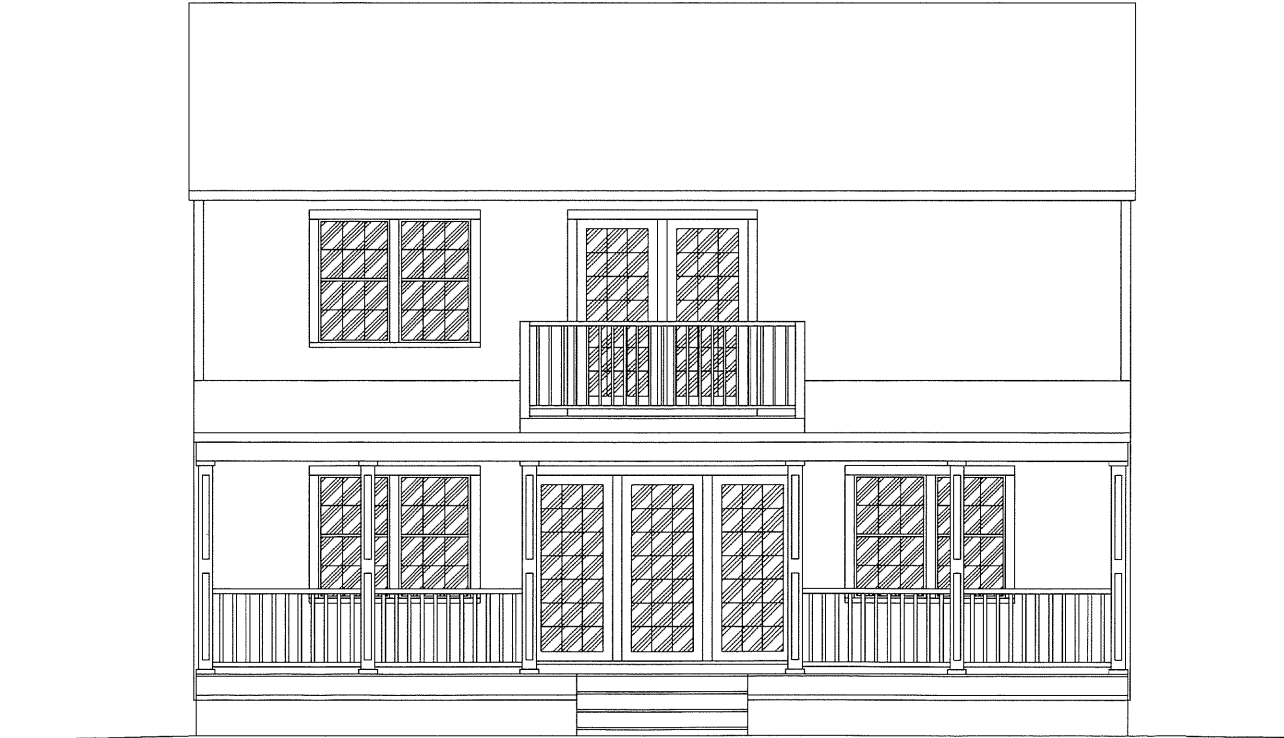
Richard J. Fine

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FRONT VIEW

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

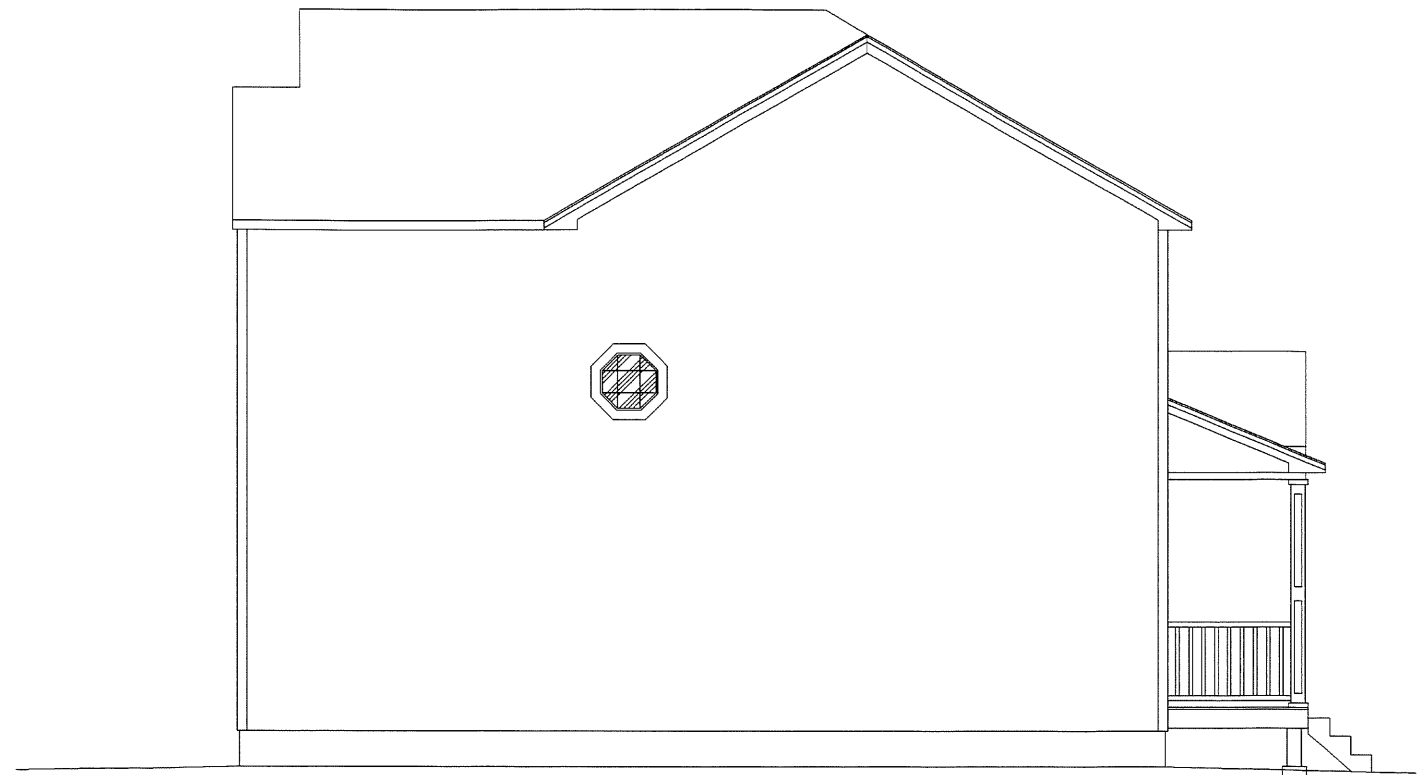


WATER SIDE (REAR)

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

DR. BY: J. ROGERS





RIGHT SIDE

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



LEFT SIDE

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



#7b



Town of Lakeville
Lakeville Town Office Building
346 Bedford Street
Lakeville, Massachusetts 02347

OFFICE OF
ZONING BOARD OF APPEALS
Secretary: Cathy Murray

TO: Board of Health
Building Department
Conservation Commission
Planning Board ✓
Town Planner

FROM: Board of Appeals

DATE: September 28, 2022

RE: North Bedford Crossing LLC Comprehensive Permit application

Attached please find a copy of the Comprehensive Permit plan for North Bedford Crossing LLC, which has been submitted to the Board of Appeals. The hearing for this petition will be held on October 20, 2022.

Please review and forward any concerns your Board may have regarding this petition to the Board of Appeals, if possible, no later than Friday, October 14, 2022.

Thank you.

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,

A handwritten signature in blue ink, appearing to read "Michael O'Shaughnessy", written in a cursive style.

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

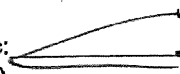
I HEREBY REQUEST A HEARING BEFORE THE ZONING BOARD OF APPEALS WITH REFERENCE TO THE ABOVE PETITION OR APPEAL. ALL OF THE INFORMATION ON THIS PETITION, TO THE BEST OF MY KNOWLEDGE, IS COMPLETE AND ACCURATE AND CONFORMS TO THE REQUIREMENTS ON THE BACK OF THIS PETITION FORM.

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)

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

RECEIVED
SEP 22 2022
BOARD OF APPEALS

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.

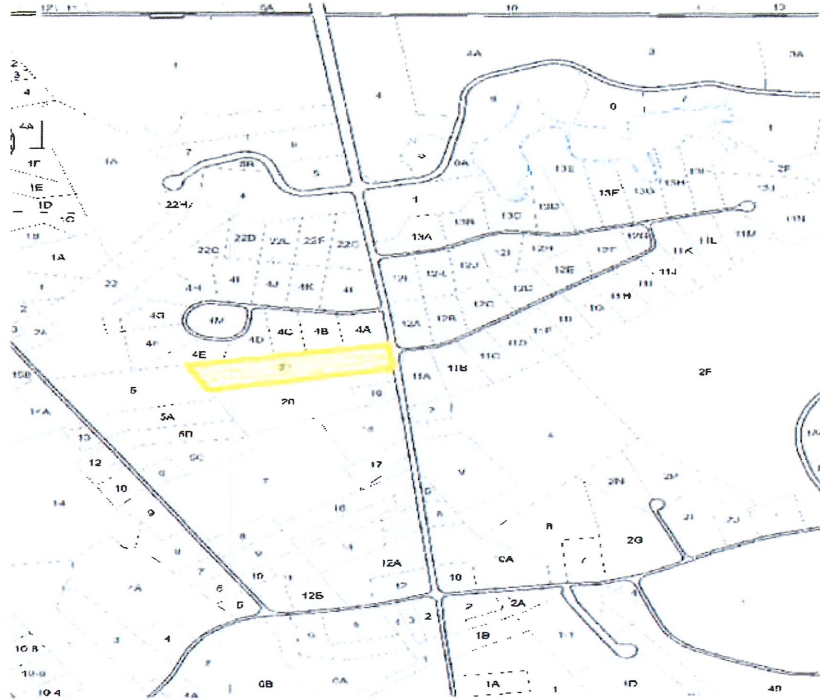


Figure 1 (Site shown in yellow)

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.

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.

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>
	\$	
	\$	
	\$	

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. Beech;

Thence Southerly in said Beech'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

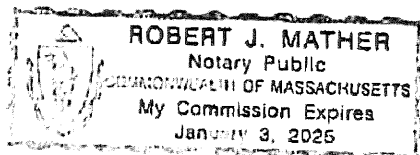
THE COMMONWEALTH OF MASSACHUSETTS

Plymouth: ss

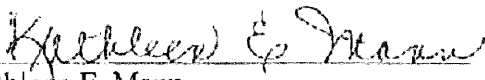
On this 2^d day of June, 2021, before me, the undersigned notary public, personally appeared Bonnie L. Cruz proved to me through satisfactory evidence of identification, which was a Massachusetts driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged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

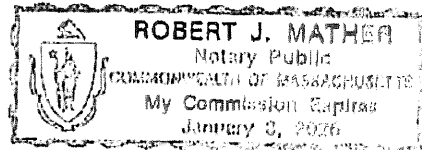
THE COMMONWEALTH OF MASSACHUSETTS

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

Tel: 617.854.1000
Fax: 617.854.1091 www.masshousing.com
Videophone: 857.256.4157 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 Jeanne Pinado, Chair Chrystal Karneyay, Executive Director
Karyn E. Polito, Lt. Governor Ping Yin Chai, Vice Chair

- 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.

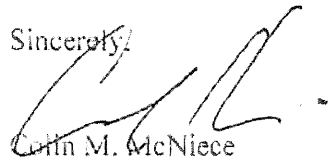
This approval will be effective for a period of two (2) years from the date of this letter. Should the Applicant not apply for a comprehensive permit within this period this letter shall be considered to be expired and no longer in effect unless MassHousing extends the effective period of this letter 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.



**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	<u>52</u>
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	<u>5</u>	<u>15</u>
	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

**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
<u>Section 1.0 Purpose and Scope</u>			
1.2	Applicability of Zoning By-Law	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.	Waive, subject to the conditions of the comprehensive permit decision
<u>Section 4.0 Use Regulations</u>			
4.0	Use Regulations	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.	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
<u>Section 5.0 Intensity Regulations</u>			
5.0	Number of Principal Structures on a lot	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.	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.
5.1	Residential Dimensional Requirements	Side Yard in feet - 20 feet	Allow side yard setbacks as follows: Building 1 Unit A 13 feet Unit B 17 feet

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

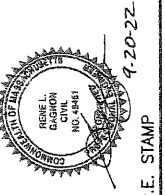
<u>BYLAW</u>	<u>SUBJECT</u>	<u>REQUIREMENT</u>	<u>WAIVER REQUEST</u>
SECTION 6.7 SITE PLAN REVIEW			
6.7.3	Site Plan Review	Applicants for a building permit for new construction of or for modification or addition to any residential structure which will disturb more than 43,560 square feet of ground shall 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.	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.

COMPREHENSIVE PERMIT SITE PLAN

"NORTH BEDFORD CROSSING"

109 BEDFORD STREET

LAKEVILLE, MASSACHUSETTS



P. E. STAMP
9-20-22

FOR REGISTRY USE ONLY

LAKEVILLE ZONING BOARD OF APPEALS

APPROVED AND ENDORSED UNDER M.G.L. C. 40B BY THE LAKEVILLE ZONING BOARD OF APPEALS

APPROVED: _____

ENDORSED: _____

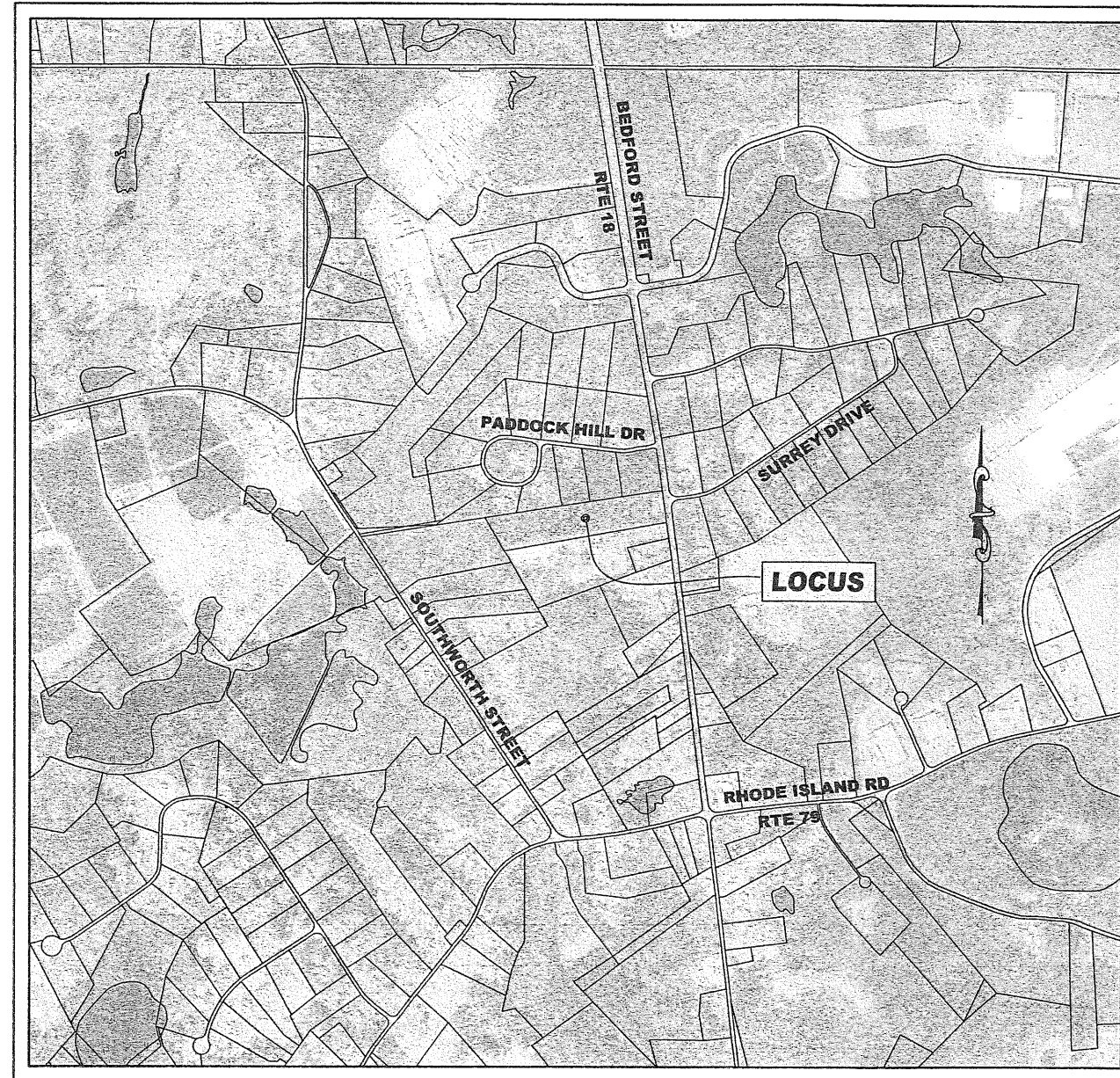
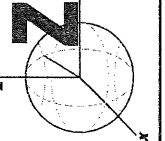
I HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE LAKEVILLE ZONING BOARD OF APPEALS WAS RECEIVED AND RECORDED ON _____ AT THIS OFFICE, AND NO APPEAL WAS RECEIVED DURING THE TWENTY (20) DAYS NEXT AFTER SUCH RECEIPT OF RECORDING OF SAID NOTICE.

TOWN CLERK, LAKEVILLE, MA DATE _____

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

DATE _____

ZCE
ZENITH CONSULTING ENGINEERS, LLC
3 MAIN STREET LAKEVILLE, MA 02347
PHONE: (508) 947-4208



LEGEND		
EXISTING	DESCRIPTION	PROPOSED
	BUILDING	
	CONTOUR	
	SPOT GRADE	
	SILT FENCE/SILT SOCK	
	CHAINLINK FENCE	
	STOCKADE FENCE	
	WIRE FENCE	
	SIGN	
	MAILBOX	
	TEST PIT	
	UNKNOWN MANHOLE	
	DRAINAGE PIPE	
	ROOF DRAIN PIPE	
	CATCH BASIN	
	DOUBLE GRATE CATCH BASIN	
	CURB INLET	
	DRAIN MANHOLE	
	FLARED END	
	OVERHEAD WIRES	
	UNDERGROUND ELECTRIC	
	UNDERGROUND TELEPHONE	
	ELECTRIC MANHOLE	
	TELEPHONE MANHOLE	
	HANDHOLE	
	ELECTRIC METER	
	TRANSFORMER	
	UTILITY POLE	
	GUY POLE	
	GUY WIRE	
	LIGHT POLE	
	GRAVITY SEWER MAIN	
	FORCE SEWER MAIN	
	SEWER SERVICE	
	SEWER MANHOLE	
	SEWER VALVE	
	WATER MAIN	
	WATER SERVICE	
	HYDRANT	
	WATER GATE/VALVE	
	WATER SHUTOFF	
	WELL	
	WATER MANHOLE	
	MONITORING WELL	
	TREELINE	
	STONEWALL	
	WETLAND LINE	
	WETLAND FLAG	
	BENCHMARK	
	MAG NAIL	
	DRILLHOLE	
	CONCRETE BOUND	
	STONE BOUND	
	IRON PIPE	
	REBAR	

ZONING INFORMATION	
RESIDENTIAL DISTRICT	
LOT AREA	REQUIRED
70,000 S.F.	
CONTIGUOUS UPLAND AREA	52,500 S.F.
LOT FRONTAGE	175 FEET
MIN. FRONTYARD SETBACK	40 FEET
MIN. SIDEYARD SETBACK	20 FEET
MIN. REARYARD SETBACK	20 FEET

LOCUS PLAN
SCALE: 1"=500'

OWNER/APPLICANT
NORTH BEDFORD CROSSING, LLC
1 LAKEVILLE BUSINESS PARK DRIVE SUITE 2A
LAKEVILLE, MA 02347

SCHEDULE OF DRAWINGS		
SHEET ID	PLAN TITLE	LATEST REVISION DATE
C	COVER SHEET	9/19/22
X	EXISTING CONDITIONS PLAN	9/19/22
L	LAYOUT PLAN	9/19/22
G	GRADING AND DRAINAGE PLAN	9/19/22
V	LANDSCAPING PLAN	9/19/22
E	EROSION CONTROL PLAN	9/19/22
D1 & D2	DETAIL SHEETS	9/19/22

SURVEY COMPANY OF RECORD:

ZLS
ZENITH LAND SURVEYORS, LLC
1162 ROCKDALE AVENUE
NEW BEDFORD, MA 02740
(508) 995-0100

9-20-2022

SITE NOTES:

- THE SITE IS LISTED ON THE TOWN OF LAKEVILLE ASSESSORS PROPERTY RECORD CARDS AS PARCEL ID 025-003-021.
- PROPERTY LINE AND EXISTING CONDITIONS INFORMATION WAS TAKEN FROM A FIELD SURVEY BY ZENITH LAND SURVEYORS, LLC.
- PLYMOUTH COUNTY REGISTRY OF DEEDS:
DEED REFERENCE: BOOK 55084 PAGE 286
- THE SUBJECT PROPERTY IS LOCATED IN ZONE X, AS SHOWN ON THE FLOOD INSURANCE RATE MAP (F.I.R.M.) OF PLYMOUTH COUNTY, MASSACHUSETTS, MAP NUMBER 250230314J, MAP REVISED JULY 17, 2012.
- THE SITE IS NOT LOCATED IN A PRIORITY HABITAT AND ESTIMATED HABITAT AS SHOWN ON THE MASSACHUSETTS NATURAL HERITAGE ATLAS 15TH EDITION EFFECTIVE DATE AUGUST, 2021.
- WETLANDS SHOWN WERE DELINEATED BY BOB GRAY OF SABATIA, INC. IN JUNE 2021.
- THE PROJECT IS NOT LOCATED WITHIN AN AREA OF CRITICAL ENVIRONMENTAL CONCERN (ACEC).
- THE SITE IS NOT LOCATED IN A ZONE II TO A PUBLIC WATER SUPPLY WELL.
- THE SITE IS NOT IN A ZONE A TO A SURFACE WATER SUPPLY AREA.
- THE SITE IS NOT LOCATED IN AN OUTSTANDING RESOURCE WATER AREA (ORWA).

CONSTRUCTION NOTES:

- A NPDES FILING MUST BE SUBMITTED FOR THIS PROJECT PRIOR TO CONSTRUCTION.
- CONTRACTOR TO VERIFY BENCHMARKS FOR CONSISTENCY PRIOR TO CONSTRUCTION AND SHALL NOTIFY ZENITH CONSULTING ENGINEERS, LLC, OF ANY DISCREPANCIES.
- CONTRACTOR SHALL VERIFY WATER TABLE ELEVATIONS AND NOTIFY THE DESIGN ENGINEER OF ANY DISCREPANCIES FROM THE PLAN.
- IT IS THE CONTRACTORS' RESPONSIBILITY TO CONTACT DIG SAFE (1-888-DIG SAFE) PRIOR TO THE COMMENCEMENT OF WORK AND ALL UNDERGROUND UTILITY COMPANIES TO CONFIRM LOCATIONS AND ELEVATIONS.
- SITE IS TO BE SERVICED BY MUNICIPAL WATER AND ON-SITE SEPTIC SYSTEM.
- ALL PAVEMENT MARKING AND SIGNAGE SHALL CONFORM TO MUTCD STANDARDS.
- PROPOSED UTILITIES AND CONSTRUCTION METHODS UNDER AREAS SUBJECT TO TRAFFIC LOADING SHALL BE INSTALLED TO WITHSTAND H-20 LOADING TRAFFIC STANDARDS. CONTRACTOR SHALL VERIFY THAT ALL STRUCTURES COMPLY TO THIS STANDARD.
- WHERE ALL CONCRETE STRUCTURES INTERCEPT THE SEASONAL HIGH GROUNDWATER TABLE, THE CONTRACTOR SHALL SEAL THE ENTIRE STRUCTURE WITH WATERPROOF SEALER.
- IF APPLICABLE, ANY RETAINING WALLS SHALL BE DESIGNED BY A MASSACHUSETTS REGISTERED PROFESSIONAL STRUCTURAL ENGINEER.
- ALL WORK SHALL CONFORM TO THE TOWN OF LAKEVILLE RULES AND REGULATIONS AND THE MASSACHUSETTS DEPARTMENT OF TRANSPORTATION SPECIFICATIONS FOR HIGHWAY AND BRIDGES, MOST CURRENT VERSION OF PLAN SET.

COVER SHEET	
SHEET NAME	DESCRIPTION
109 BEDFORD STREET LAKEVILLE, MASSACHUSETTS	
NORTH BEDFORD CROSSING LLC, LAKEVILLE, MASSACHUSETTS	

DATE	REV.	DATE	BY	APP.
9/19/2022				

PROJECT SITE: 109 BEDFORD STREET LAKEVILLE, MASSACHUSETTS

CLIENT INFO: NORTH BEDFORD CROSSING LLC, 1 LAKEVILLE BUSINESS PARK DRIVE LAKEVILLE, MASSACHUSETTS

SITE NOTES:

1. THE SITE IS LISTED ON THE TOWN OF LAKEVILLE ASSESSORS PROPERTY RECORD CARDS AS PARCEL ID 025-003-021.
2. PROPERTY LINE AND EXISTING CONDITIONS INFORMATION WAS TAKEN FROM A FIELD SURVEY BY ZENITH LAND SURVEYORS, LLC.
3. PLYMOUTH COUNTY REGISTRY OF DEEDS.
4. DEED REFERENCE: BOOK 55064 PAGE 286
5. THE SUBJECT PROPERTY IS LOCATED IN ZONE X, AS SHOWN ON THE FLOOD INSURANCE RATE MAP (F.I.R.M.) OF PLYMOUTH COUNTY, MASSACHUSETTS, MAP NUMBER 25023003141, MAP REVISED JULY 17, 2012.
6. THE SITE IS NOT LOCATED IN A PRIORITY HABITAT AND ESTIMATED HABITAT AS SHOWN ON THE MASSACHUSETTS NATURAL HERITAGE ATLAS 15TH EDITION EFFECTIVE DATE AUGUST, 2021.
7. WETLANDS SHOWN WERE DELINEATED BY BOB GRAY OF SABATIA, INC. IN JUNE 2021.
8. THE PROJECT IS NOT LOCATED WITHIN AN AREA OF CRITICAL ENVIRONMENTAL CONCERN (ACEC).
9. THE SITE IS NOT LOCATED IN A ZONE II TO A PUBLIC WATER SUPPLY WELL.
10. THE SITE IS NOT IN A ZONE A TO A SURFACE WATER SUPPLY AREA.
11. THE SITE IS NOT LOCATED IN AN OUTSTANDING RESOURCE WATER AREA (ORW).

CONSTRUCTION NOTES:

1. A NPDES FILING MUST BE SUBMITTED FOR THIS PROJECT PRIOR TO CONSTRUCTION.
2. CONTRACTOR TO VERIFY BENCHMARKS FOR CONSISTENCY PRIOR TO CONSTRUCTION AND SHALL NOTIFY ZENITH CONSULTING ENGINEERS, LLC OF ANY DISCREPANCIES.
3. CONTRACTOR SHALL VERIFY WATER TABLE ELEVATIONS AND NOTIFY THE DESIGN ENGINEER OF ANY DISCREPANCIES FROM THE PLAN. IT IS THE CONTRACTORS' RESPONSIBILITY TO CONTACT DIG SAFE (1-888-DIG SAFE) PRIOR TO THE COMMENCEMENT OF WORK AND ALL UNDERGROUND UTILITY COMPANIES TO CONFIRM LOCATIONS AND ELEVATIONS.
4. SITE IS TO BE SERVICED BY MUNICIPAL WATER AND ON-SITE SEPTIC SYSTEMS.
5. ALL PAVEMENT MARKING AND SIGNAGE SHALL CONFORM TO MUTCD STANDARDS.
6. PROPOSED UTILITIES AND CONSTRUCTION METHODS UNDER AREAS SUBJECT TO TRAFFIC LOADING SHALL BE INSTALLED TO WITHSTAND H-20 LOADING TRAFFIC STANDARDS. CONTRACTOR SHALL VERIFY THAT ALL STRUCTURES COMPLY TO THIS STANDARD.
7. WHERE ALL CONCRETE STRUCTURES INTERCEPT THE SEASONAL HIGH GROUNDWATER TABLE, THE CONTRACTOR SHALL SEAL THE ENTIRE STRUCTURE WITH WATERPROOF SEALER.
8. IF APPLICABLE, ANY RETAINING WALLS SHALL BE DESIGNED BY A MASSACHUSETTS REGISTERED PROFESSIONAL STRUCTURAL ENGINEER.
9. ALL WORK SHALL CONFORM TO THE TOWN OF LAKEVILLE RULES AND REGULATIONS AND THE MASSACHUSETTS DEPARTMENT OF TRANSPORTATION SPECIFICATIONS FOR HIGHWAY AND BRIDGES, MOST CURRENT VERSION OF PLAN SET.

BENCHMARK NOTE:

1. THE CONTRACTOR SHALL CHECK BETWEEN THE BENCHMARKS PROVIDED AND NOTIFY THE DESIGN ENGINEER OF ANY DISCREPANCIES FOUND PRIOR TO THE START OF CONSTRUCTION.
 BM #1: MAG NAIL IN PAVEMENT, EL.=75.67 (NAVD-88)
 BM #2: MAG NAIL IN PAVEMENT, EL.=76.93 (NAVD-88)

I HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE LAKEVILLE ZONING BOARD OF APPEALS WAS RECEIVED AND RECORDED ON _____ AT THIS OFFICE, AND NO APPEAL WAS RECEIVED DURING THE TWENTY (20) DAYS NEXT AFTER SUCH 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 REGISTERS OF DEEDS.

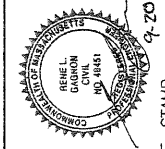
DATE _____ FOR REGISTRY USE ONLY

LAKEVILLE ZONING BOARD OF APPEALS

APPROVED AND ENDORSED UNDER M.G.L.C. 40B BY THE LAKEVILLE ZONING BOARD OF APPEALS

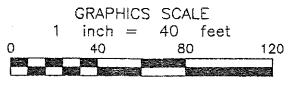
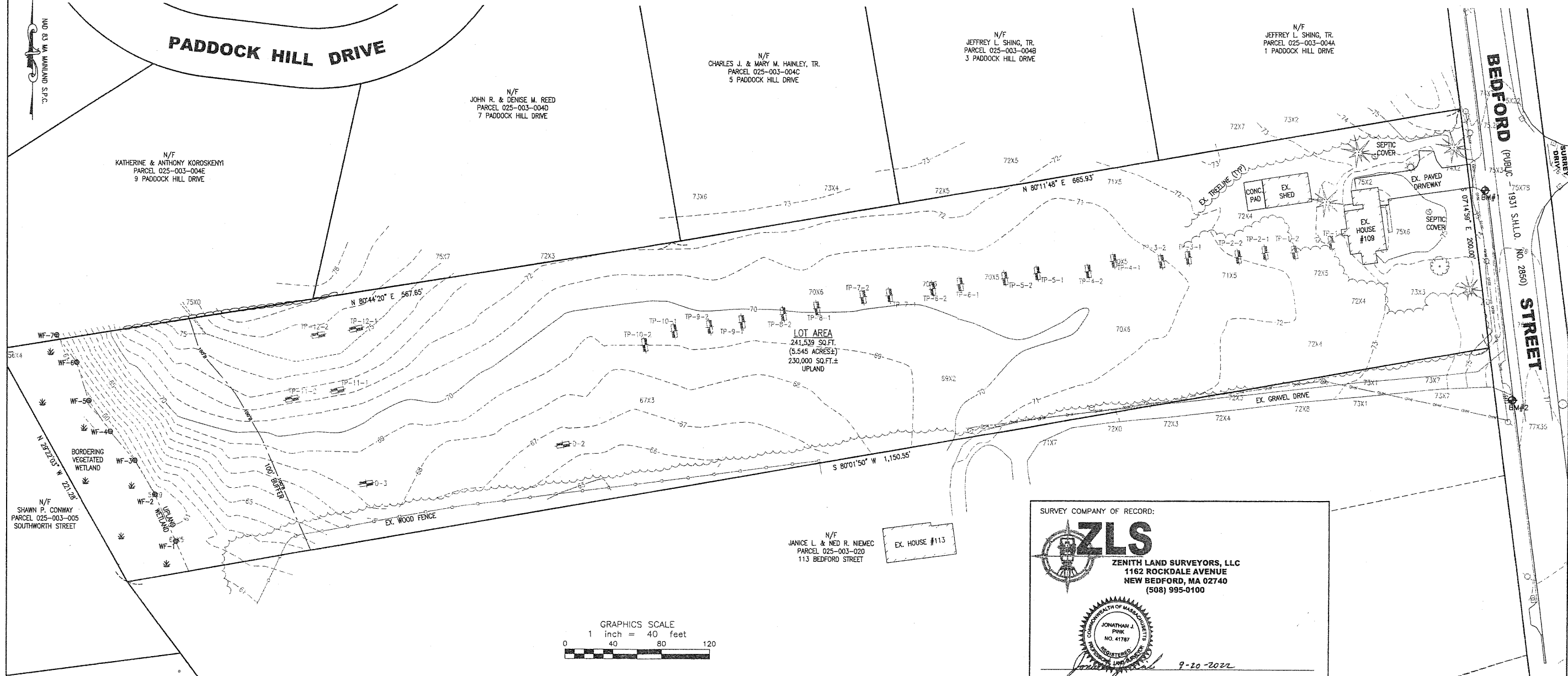
APPROVED: _____

ENDORSED: _____



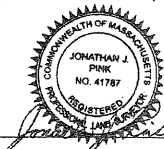
P.E. STAMP
9-20-22

ZCE
ZENITH CONSULTING ENGINEERS, LLC
3 MAIN STREET LAKEVILLE, MA 02347
PHONE: (508) 947-4208



SURVEY COMPANY OF RECORD:

ZLS
ZENITH LAND SURVEYORS, LLC
1162 ROCKDALE AVENUE
NEW BEDFORD, MA 02740
(508) 995-0100



9-20-2022

DATE	REV.	DESCRIPTION	BY	APP.
9/19/2022				

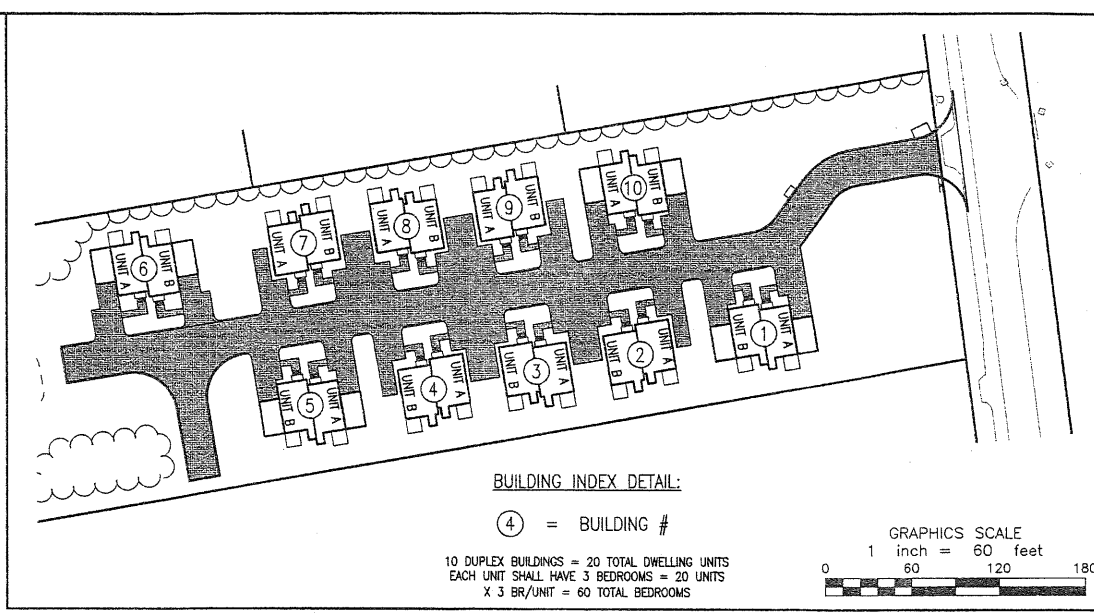
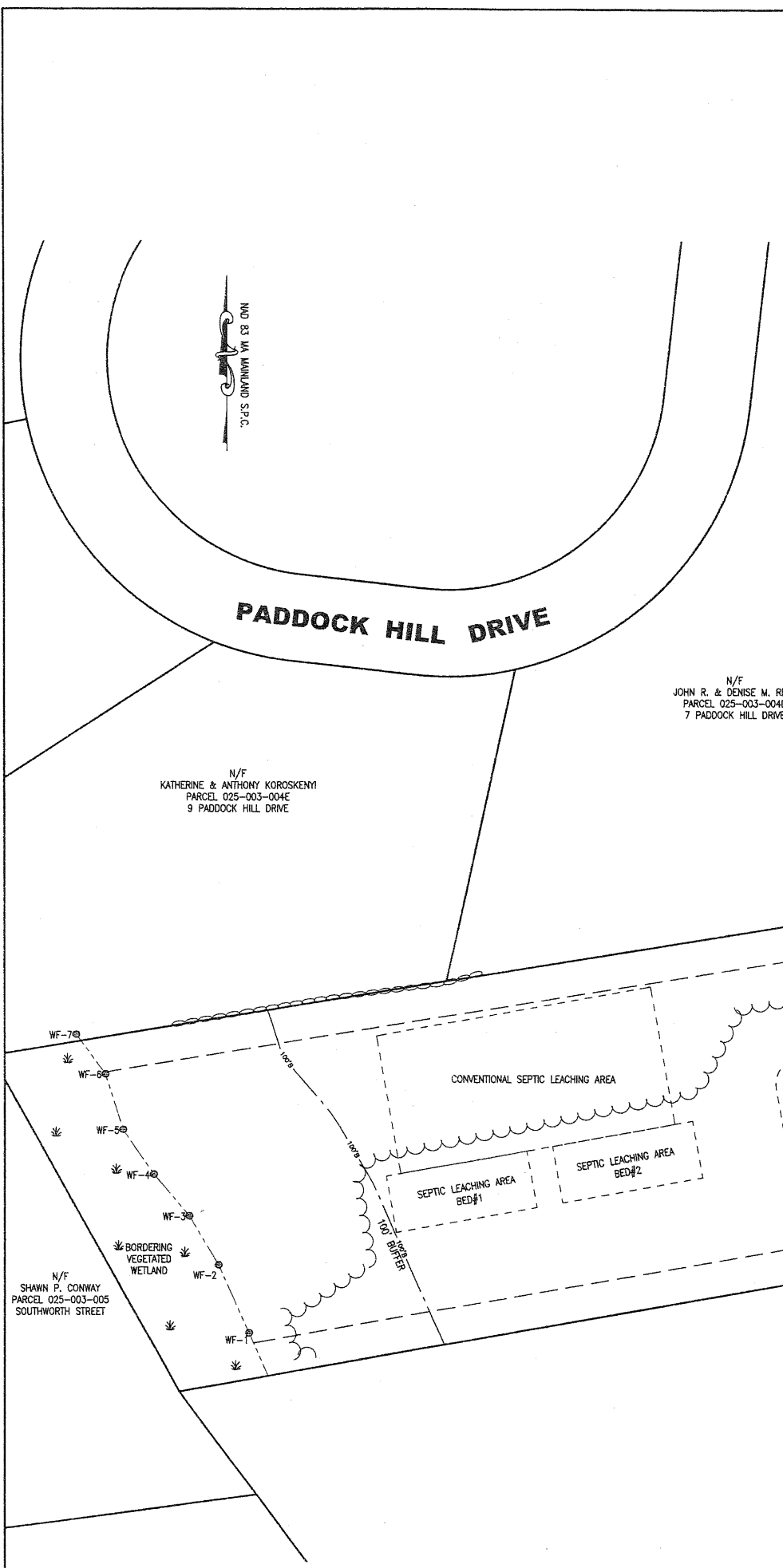
DATE:	9/19/2022
PROJECT NUMBER:	0143-13-01
SCALE:	1"=40'
SHEET ID:	X

DRAWN BY:	RLG
DESIGNED BY:	RLG
CHECKED BY:	RMF
APPROVED BY:	JLB

EXISTING CONDITIONS PLAN

PROJECT SITE:
109 BEDFORD STREET
LAKEVILLE, MASSACHUSETTS

CLIENT INFO:
NORTH BEDFORD CROSSING LLC.
1 LAKEVILLE BUSINESS PARK DRIVE
LAKEVILLE, MASSACHUSETTS



I HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE LAKEVILLE ZONING BOARD OF APPEALS WAS RECEIVED AND RECORDED ON _____ AT THIS OFFICE, AND NO APPEAL WAS RECEIVED DURING THE TWENTY (20) DAYS NEXT AFTER SUCH RECEIPT OF RECORDING OF SAID NOTICE.

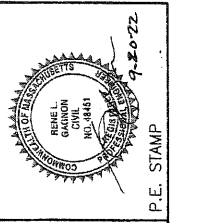
TOWN CLERK, LAKEVILLE, MA DATE _____

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

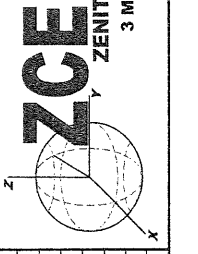
DATE _____ FOR REGISTRY USE ONLY

LAKEVILLE ZONING BOARD OF APPEALS
 APPROVED AND ENDORSED UNDER M.G.L. C. 40B BY THE LAKEVILLE ZONING BOARD OF APPEALS

APPROVED: _____
 ENDORSED: _____



ZCE ZENITH CONSULTING ENGINEERS, LLC
 3 MAIN STREET LAKEVILLE, MA 02347
 PHONE: (508) 947-4208



DATE	REVISION	DESCRIPTION	BY	APP.
9/19/2022 <td></td> <td></td> <td></td> <td></td>				

DRAWN BY: RLG	DATE: 9/19/2022	PROJECT NUMBER: 0143-13-01	SCALE: 1"=40'	SHEET ID: L
DESIGNED BY: RLG				
CHECKED BY: RMF				
APPROVED BY: [Signature]				

N/F
 KATHERINE & ANTHONY KOROSKENYI
 PARCEL 025-003-004E
 9 PADDOCK HILL DRIVE

N/F
 JOHN R. & DENISE M. REED
 PARCEL 025-003-004D
 7 PADDOCK HILL DRIVE

N/F
 CHARLES J. & MARY M. HAINLEY, TR.
 PARCEL 025-003-004C
 5 PADDOCK HILL DRIVE

N/F
 JEFFREY L. SHING, TR.
 PARCEL 025-003-004A
 3 PADDOCK HILL DRIVE

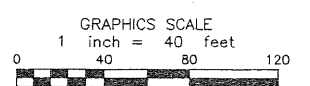
N/F
 JEFFREY L. SHING, TR.
 PARCEL 025-003-004A
 1 PADDOCK HILL DRIVE

N/F
 SHAWN P. CONWAY
 PARCEL 025-003-005
 SOUTHWORTH STREET

N/F
 JANICE L. & NED R. NIEMEC
 PARCEL 025-003-020
 113 BEDFORD STREET

AREA SUMMARY
 TOTAL AREA: 241,539 SF
 WETLAND AREA: 11,303 SF
 USEABLE OPEN SPACE: 179,169 SF (AS SHOWN)
 ROOF AREA: 17,784 SF (AS SHOWN)
 PAVED AREAS (DRIVENWAYS, ROAD, WALKWAYS): 33,283 SF (AS SHOWN)
 PARKING SPACES (NOT INCLUDING GARAGES): 52 SPACES
 9' X 20' EACH (AS SHOWN)

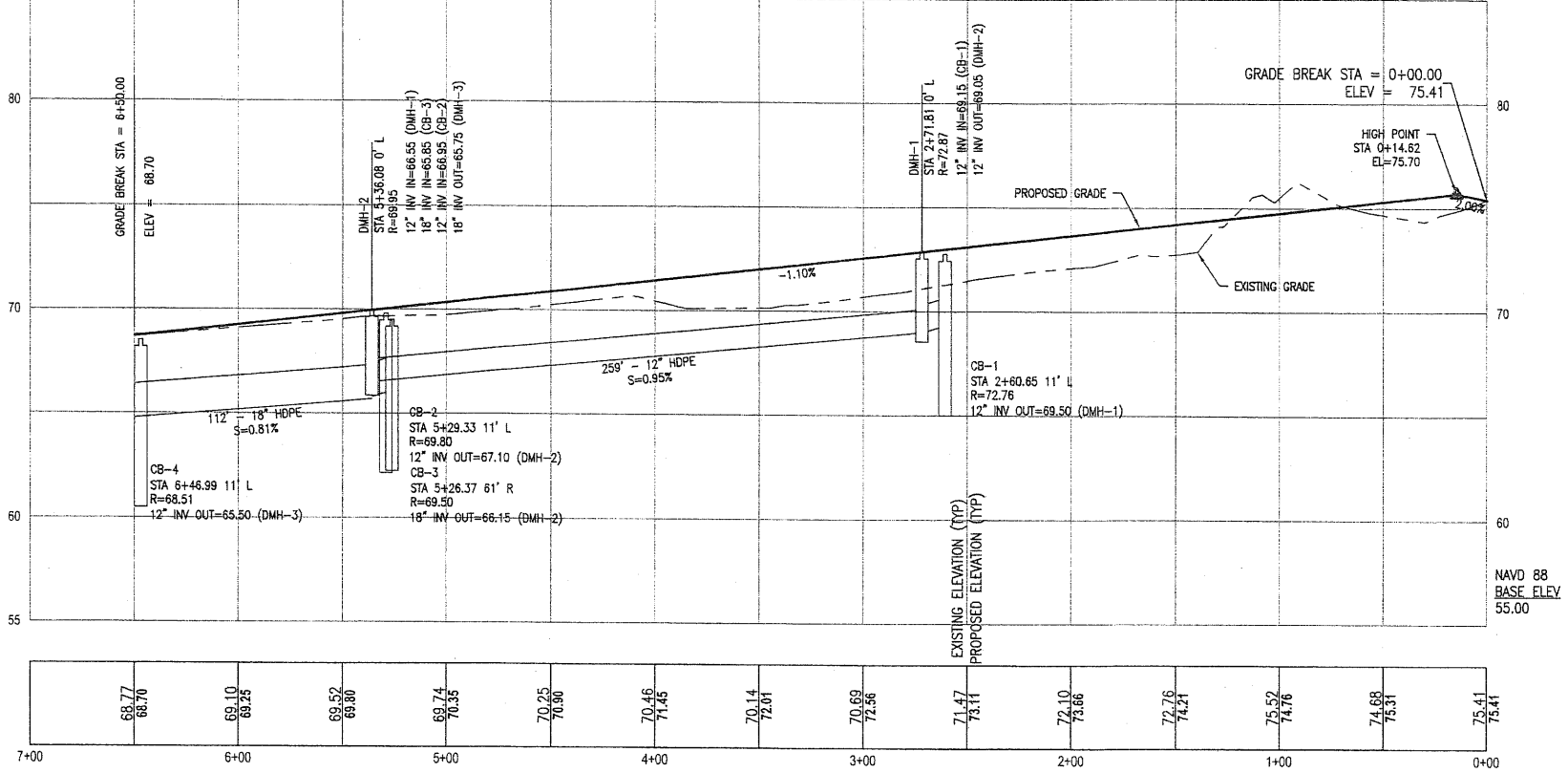
LOT COVERAGE CALCULATION:
 TOTAL AREA: 241,539 SF
 WETLAND AREA: 11,303 SF
 DRAINAGE AREA: 11,921 SF
 ADJUSTED AREA: 218,315 SF (AS SHOWN)
 COVERAGE AREA (ROOFS, DRIVENWAYS, ROAD, WALKWAYS, PORCHES, DECKS, PATIOS): 54,047 SF (AS SHOWN)
 54,047 / 218,315 = 24.8% LOT COVERAGE



LAYOUT PLAN

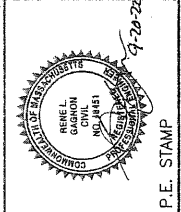
109 BEDFORD STREET
 LAKEVILLE, MASSACHUSETTS
 NORTH BEDFORD CROSSING LLC.
 1 LAKEVILLE BUSINESS PARK DRIVE
 LAKEVILLE, MASSACHUSETTS

PROFILE VIEW
SCALE: 1"=40' H, 1"=4' V



I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

DATE _____



P.E. STAMP

CONSTRUCTION NOTES:

- A NOTES FILING MUST BE SUBMITTED FOR THIS PROJECT PRIOR TO CONSTRUCTION.
- CONTRACTOR TO VERIFY BENCHMARKS FOR CONSISTENCY PRIOR TO CONSTRUCTION AND SHALL NOTIFY ZENITH CONSULTING ENGINEERS, LLC OF ANY DISCREPANCIES.
- CONTRACTOR SHALL VERIFY WATER TABLE ELEVATIONS AND NOTIFY THE DESIGN ENGINEER OF ANY DISCREPANCIES FROM THE PLAN.
- IT IS THE CONTRACTORS' RESPONSIBILITY TO CONTACT DIG SAFE (1-888-DIG SAFE) PRIOR TO THE COMMENCEMENT OF WORK AND ALL UNDERGROUND UTILITY COMPANIES TO CONFIRM LOCATIONS AND ELEVATIONS. SITE IS TO BE SERVICED BY MUNICIPAL WATER AND ON-SITE SEPTIC SYSTEM.
- ALL PAVEMENT MARKING AND SIGNAGE SHALL CONFORM TO MUTCD STANDARDS.
- PROPOSED UTILITIES AND CONSTRUCTION METHODS UNDER AREAS SUBJECT TO TRAFFIC LOADING SHALL BE INSTALLED TO WITHSTAND 4-20 LOADING TRAFFIC STANDARDS. CONTRACTOR SHALL VERIFY THAT ALL STRUCTURES COMPLY TO THIS STANDARD.
- WHERE ALL CONCRETE STRUCTURES INTERCEPT THE SEASONAL HIGH GROUNDWATER TABLE, THE CONTRACTOR SHALL SEAL THE ENTIRE STRUCTURE WITH WATERPROOF SEALER.
- IF APPLICABLE, ANY RETAINING WALLS SHALL BE DESIGNED BY A MASSACHUSETTS REGISTERED PROFESSIONAL STRUCTURAL ENGINEER.
- ALL WORK SHALL CONFORM TO THE TOWN OF LAKEVILLE RULES AND REGULATIONS AND THE MASSACHUSETTS DEPARTMENT OF TRANSPORTATION SPECIFICATIONS FOR HIGHWAY AND BRIDGES, MOST CURRENT VERSION OF PLAN SET.

BENCHMARK NOTE:

- THE CONTRACTOR SHALL CHECK BETWEEN THE BENCHMARKS PROVIDED AND NOTIFY THE DESIGN ENGINEER OF ANY DISCREPANCIES FOUND PRIOR TO THE START OF CONSTRUCTION.
BM #1: MAG NAIL IN PAVEMENT, EL=75.57 (NAVD-88)
BM #2: MAG NAIL IN PAVEMENT, EL=76.93 (NAVD-88)

GRADING AND DRAINAGE NOTES:

- EXTERIOR STAIRS ARE SHOWN AS APPROXIMATE AND WILL NEED TO BE ADJUSTED BASED ON FINISHED GRADE AND TOP OF FOUNDATION ELEVATIONS.
- THE DRAINAGE SYSTEM HAS BEEN DESIGNED ASSUMING ALL ROOF AREAS ARE TO BE CAPTURED AND ROUTED TO THE INFILTRATION BASIN. AS SUCH, ROOF DRAIN LEADER PIPES MAY BE NEEDED FOR SOME UNITS AND SHALL BE CONNECTED TO THE MAIN LINE DRAINAGE PIPES.
- THE DRAINAGE SYSTEM HAS BEEN DESIGNED ASSUMING THAT ALL UNITS SHALL BE PROVIDED WITH ATTACHED GARAGES.

LAKEVILLE ZONING BOARD OF APPEALS

APPROVED AND ENDORSED UNDER M.G.L. C. 40B BY THE LAKEVILLE ZONING BOARD OF APPEALS

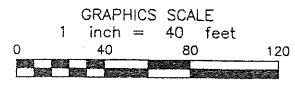
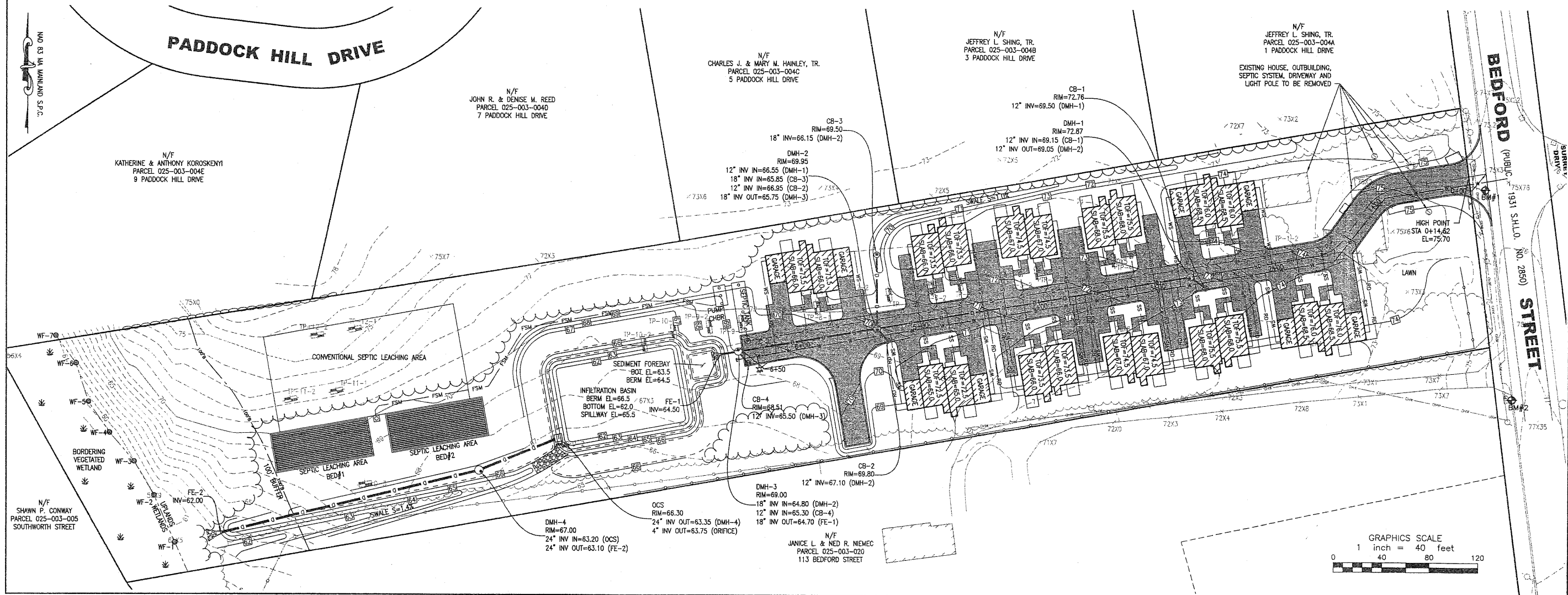
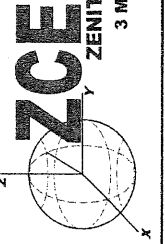
APPROVED: _____

ENDORSED: _____

I HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE LAKEVILLE ZONING BOARD OF APPEALS WAS RECEIVED AND RECORDED ON _____ AT THIS OFFICE, AND NO APPEAL WAS RECEIVED DURING THE TWENTY (20) DAYS NEXT AFTER SUCH RECEIPT OF RECORDING OF SAID NOTICE.

TOWN CLERK, LAKEVILLE, MA DATE _____

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



REV.	DATE	DESCRIPTION
1	9/19/2022	PROJECT NUMBER 0143-13-01
2		CHECKED BY: RWF
3		APPROVED BY: JLB

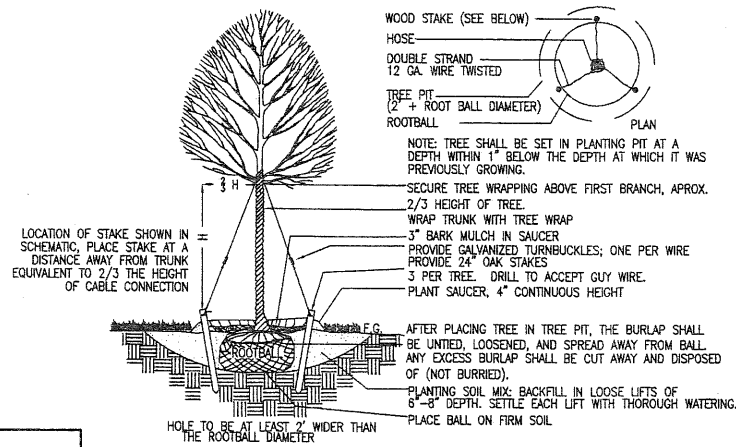
DATE:	9/19/2022
PROJECT NUMBER:	0143-13-01
CHECKED BY:	RWF
APPROVED BY:	JLB
SCALE:	1"=40'
SHEET ID:	6

SHEET NAME:	GRADING & DRAINAGE PLAN
PROJECT SITE:	109 BEDFORD STREET LAKEVILLE, MASSACHUSETTS
CLIENT INFO:	NORTH BEDFORD CROSSING LLC. 1 LAKEVILLE BUSINESS PARK DRIVE LAKEVILLE, MASSACHUSETTS

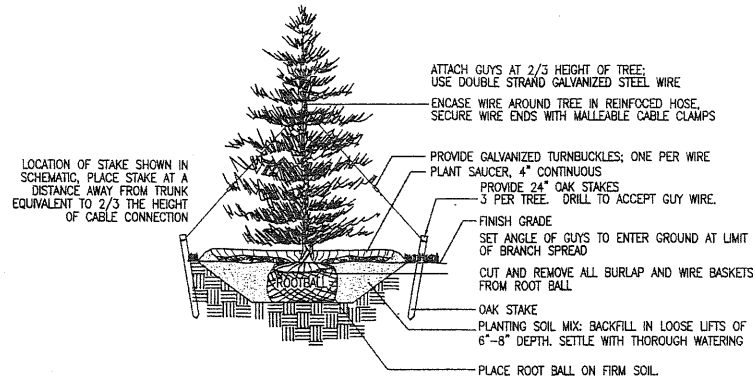
PLANTING SCHEDULE

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE
	CORNUS KOUSA	KOUSA DOGWOOD	10' HEIGHT (MIN.) 3" CALIPER (MIN.)
	ACER SACCHARUM	SUGAR MAPLE	10' HEIGHT (MIN.) 3" CALIPER (MIN.)
	Azalea "Delaware Valley"	Delaware Valley White Azalea	2' HEIGHT (MIN.)
	JUNIPERUS PFTIZERIANA	PFTIZER JUNIPER	18" - 24" HEIGHT (MIN.)

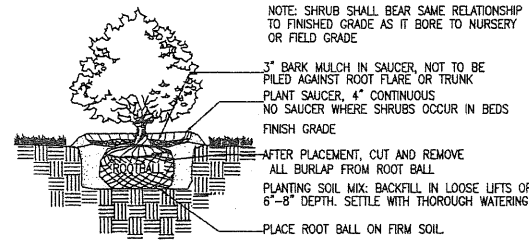
NOTE:
1. THE FOLLOWING TREES MAY BE SUBSTITUTED FOR THE SPECIES LISTED IN THIS SCHEDULE: GREEN ASH, RED SUNSET MAPLE, LINDEN, LONDON PLAN TREE, NORTHERN RED OAK, AND LOCUST.
2. ALTERNATE SHRUB SPECIES MAY ALSO BE CONSIDERED AS LONG AS THEY ARE A MINIMUM OF 2 FEET IN HEIGHT AND DO NOT OBSTRUCT VEHICLE SITE LINES.



DECIDUOUS TREE PLANTING AND STAKING
NOT TO SCALE



EVERGREEN TREE PLANTING
NOT TO SCALE



TYPICAL SHRUB PLANTING
NOT TO SCALE

I HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE LAKEVILLE ZONING BOARD OF APPEALS WAS RECEIVED AND RECORDED ON _____ AT THIS OFFICE, AND NO APPEAL WAS RECEIVED DURING THE TWENTY (20) DAYS NEXT AFTER SUCH RECEIPT OF RECORDING OF SAID NOTICE.

TOWN CLERK, LAKEVILLE, MA DATE _____

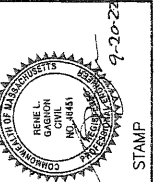
I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

DATE _____ FOR REGISTRY USE ONLY

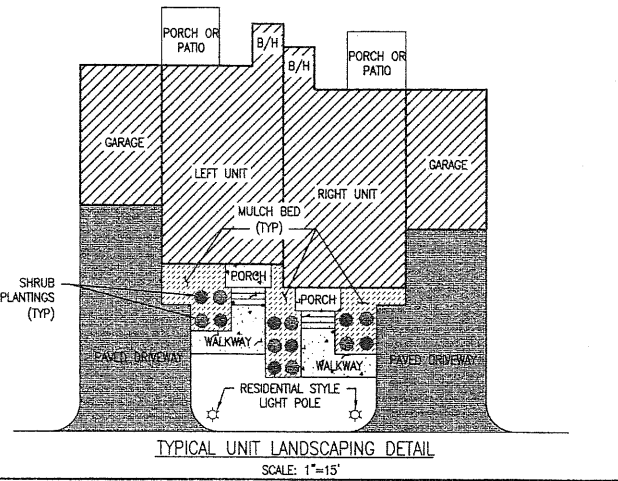
LAKEVILLE ZONING BOARD OF APPEALS

APPROVED AND ENDORSED UNDER M.G.L. C. 40B BY THE LAKEVILLE ZONING BOARD OF APPEALS

APPROVED: _____
ENDORSED: _____



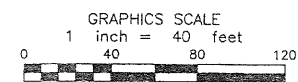
ZCE ZENITH CONSULTING ENGINEERS, LLC
3 MAIN STREET LAKEVILLE, MA 02347
PHONE: (508) 947-4208



TYPICAL UNIT LANDSCAPING DETAIL
SCALE: 1"=15"



*NOTE: LIGHTING SHALL CONFORM WITH THE TOWN OF LAKEVILLE GENERAL BY-LAW FOR OUTDOOR LIGHTING.



DATE	REV.	DATE	DESCRIPTION
9/19/2022			

DATE	BY	APP.

DATE	PROJECT NUMBER	SCALE	SHEET ID	Y
9/19/2022	0143-13-01	1"=40'		

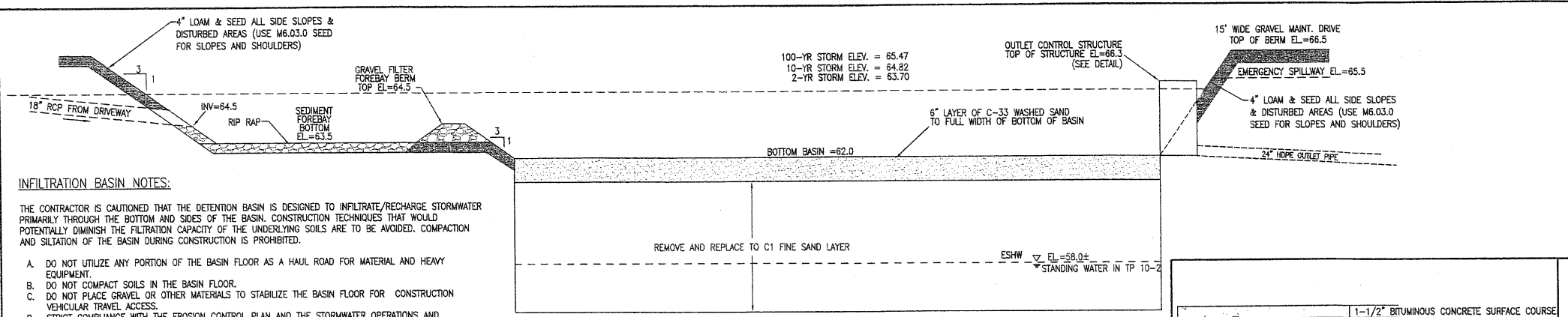
DATE	DESCRIPTION

DATE	DESCRIPTION

LANDSCAPING PLAN

PROJECT SITE: 109 BEDFORD STREET LAKEVILLE, MASSACHUSETTS
CLIENT INFO: NORTH BEDFORD CROSSING LLC, 1 LAKEVILLE BUSINESS PARK DRIVE LAKEVILLE, MASSACHUSETTS

DRAWN BY: RLG
DESIGNED BY: RLG
CHECKED BY: RLF
APPROVED BY: JLB



INFILTRATION BASIN NOTES:

THE CONTRACTOR IS CAUTIONED THAT THE DETENTION BASIN IS DESIGNED TO INFILTRATE/RECHARGE STORMWATER PRIMARILY THROUGH THE BOTTOM AND SIDES OF THE BASIN. CONSTRUCTION TECHNIQUES THAT WOULD POTENTIALLY DIMINISH THE FILTRATION CAPACITY OF THE UNDERLYING SOILS ARE TO BE AVOIDED. COMPACTION AND SILTATION OF THE BASIN DURING CONSTRUCTION IS PROHIBITED.

A. DO NOT UTILIZE ANY PORTION OF THE BASIN FLOOR AS A HAUL ROAD FOR MATERIAL AND HEAVY EQUIPMENT.

B. DO NOT COMPACT SOILS IN THE BASIN FLOOR.

C. DO NOT PLACE GRAVEL OR OTHER MATERIALS TO STABILIZE THE BASIN FLOOR FOR CONSTRUCTION VEHICULAR TRAVEL ACCESS.

D. STRICT COMPLIANCE WITH THE EROSION CONTROL PLAN AND THE STORMWATER OPERATIONS AND MAINTENANCE PLAN IS NECESSARY.

E. BASIN CONSTRUCTION SHALL OCCUR AT THE EARLY STAGES OF THE PROJECT CONSTRUCTION SO THAT THEY ARE FULLY VEGETATED AND STABILIZED PRIOR TO RECEIVING STORMWATER.

F. RIP-RAP IN THE FOREBAYS TO BE PLACED, NOT DUMPED. DO NOT COMPACT.

G. DO NOT USE THE INFILTRATION BASIN AS A TEMPORARY SEDIMENT BASIN OR DE-WATERING BASIN.

H. AS PART OF THE INFILTRATION BASIN CONSTRUCTION, THE CONTRACTOR SHALL REMOVE TOPSOIL, SUBSOIL, AND OTHER UNSUITABLE SOIL THAT MAY BE ENCOUNTERED DOWN TO APPROPRIATELY DRAINING SOILS. TEST PITS SHALL BE DUG WITHIN THE INFILTRATION BASIN AREAS PRIOR TO EARTH REMOVAL OPERATIONS. THE REMOVED MATERIAL SHALL BE REPLACED BY CLEAN SAND WHICH MEETS TITLE V (310 CMR 15.255) REQUIREMENTS. AFTER THE REMOVAL OF UNSUITABLE MATERIAL AND PRIOR TO THE PLACEMENT OF THE CLEAN SAND, AN INSPECTION BY THE DESIGN ENGINEER SHALL BE COMPLETED TO CONFIRM CONDITIONS. SIEVE ANALYSIS OF THE CLEAN SAND SHALL BE SUBMITTED TO THE DESIGN ENGINEER FOR APPROVAL PRIOR TO PLACEMENT AND SAMPLED ONSITE BY THE DESIGN ENGINEER.

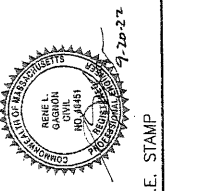
INFILTRATION BASIN CROSS SECTION DETAIL
NOT TO SCALE

I HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE LAKEVILLE ZONING BOARD OF APPEALS WAS RECEIVED AND RECORDED ON _____ AT THIS OFFICE, AND NO APPEAL WAS RECEIVED DURING THE TWENTY (20) DAYS NEXT AFTER SUCH RECEIPT OF RECORDING OF SAID NOTICE.

TOWN CLERK, LAKEVILLE, MA DATE _____

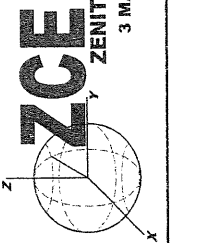
I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

DATE _____ FOR REGISTRY USE ONLY

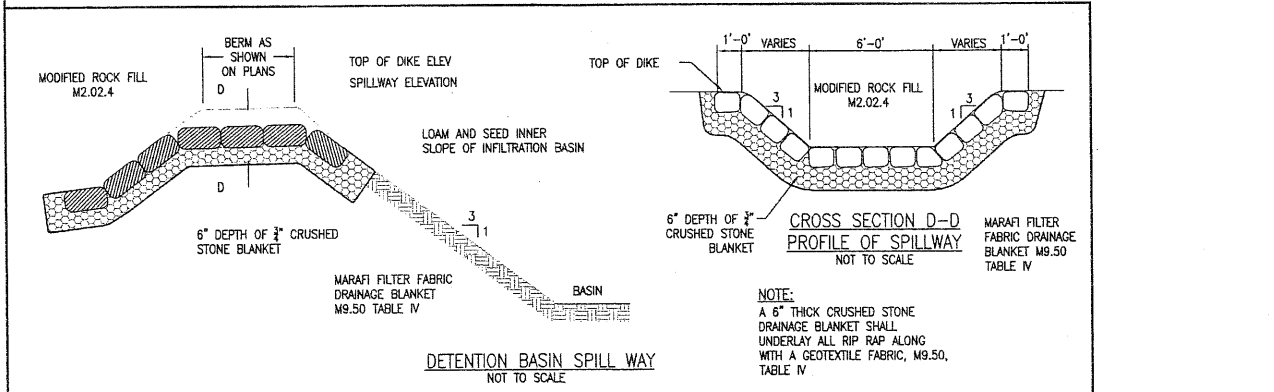


LAKEVILLE ZONING BOARD OF APPEALS
APPROVED AND ENDORSED UNDER M.G.L. C. 40B BY THE LAKEVILLE ZONING BOARD OF APPEALS

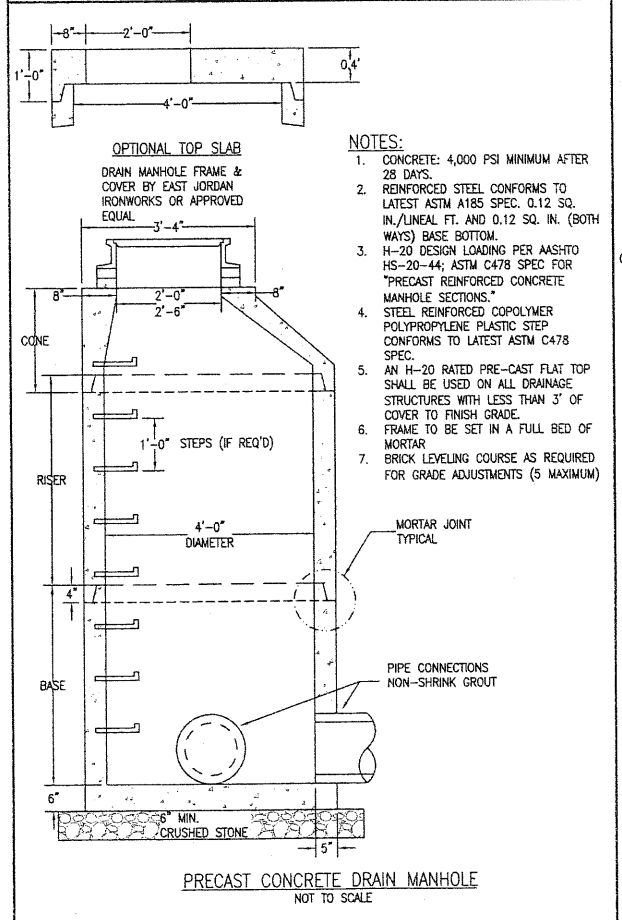
APPROVED: _____
ENDORSED: _____



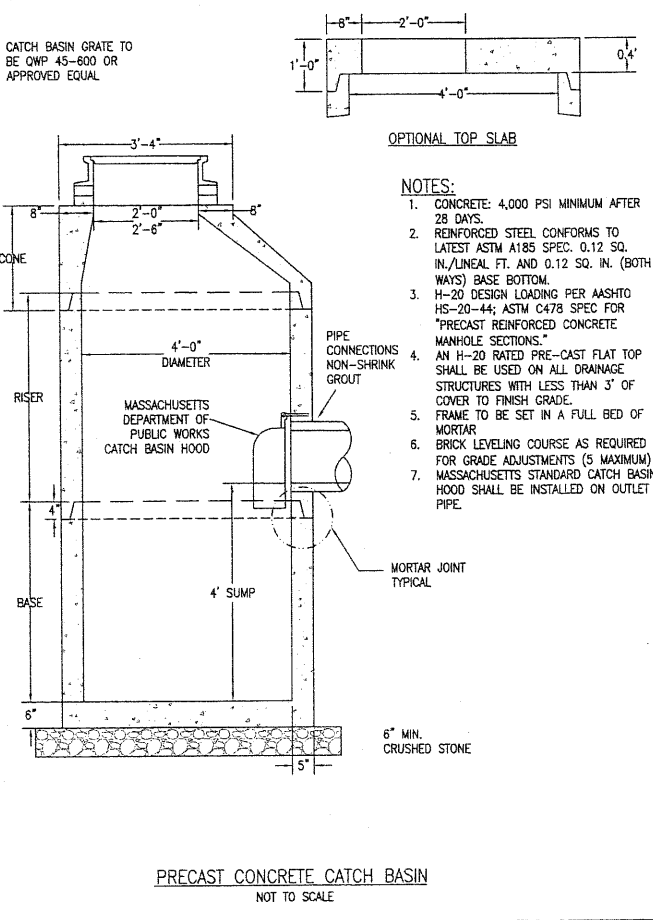
REV.	DATE	DESCRIPTION



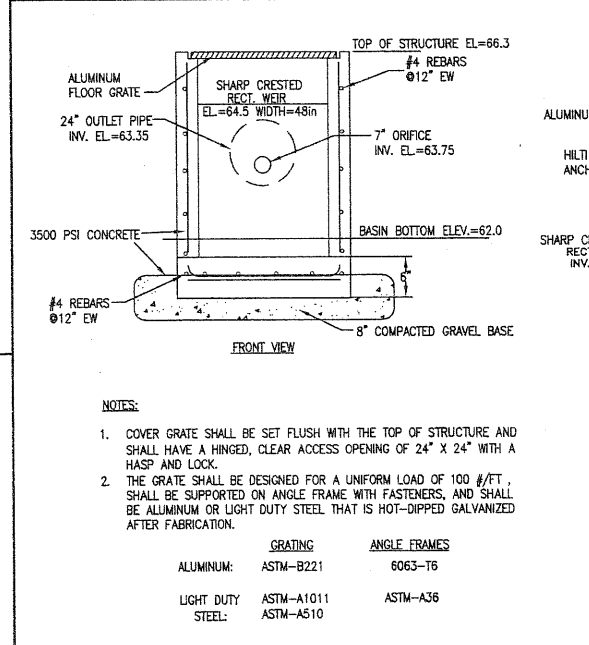
DETENTION BASIN SPILLWAY
NOT TO SCALE



PRECAST CONCRETE DRAIN MANHOLE
NOT TO SCALE



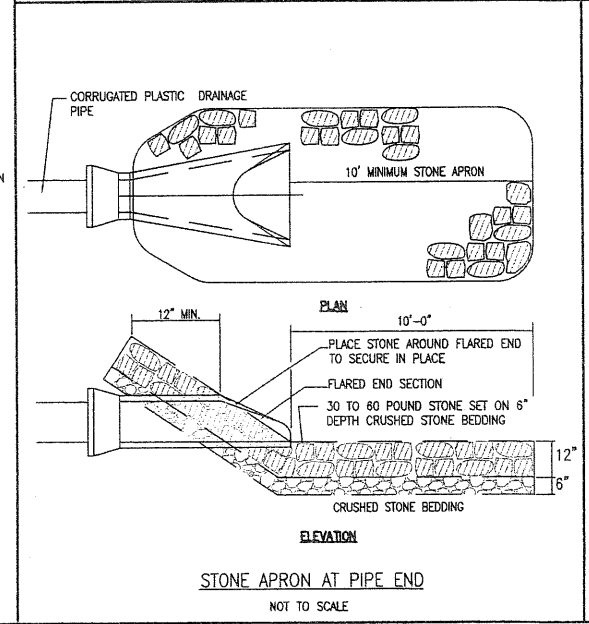
PRECAST CONCRETE CATCH BASIN
NOT TO SCALE



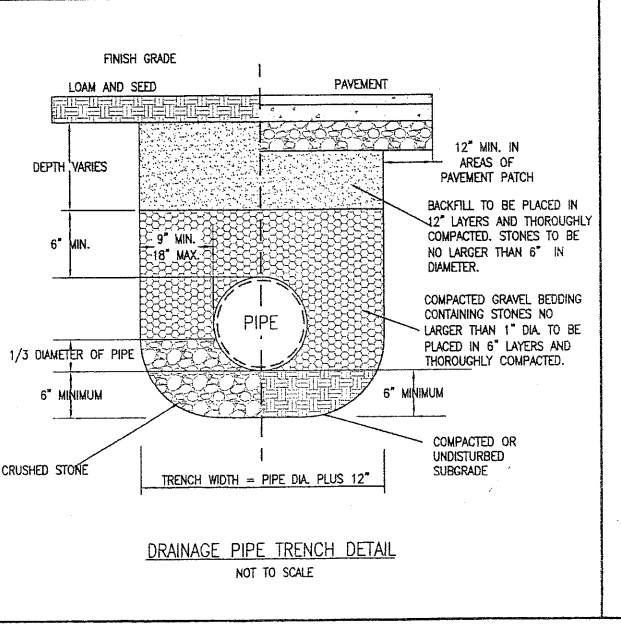
- NOTES:**
- COVER GRATE SHALL BE SET FLUSH WITH THE TOP OF STRUCTURE AND SHALL HAVE A HINGED, CLEAR ACCESS OPENING OF 24" X 24" WITH A HASP AND LOCK.
 - THE GRATE SHALL BE DESIGNED FOR A UNIFORM LOAD OF 100 #/FT. SHALL BE SUPPORTED ON ANGLE FRAME WITH FASTENERS, AND SHALL BE ALUMINUM OR LIGHT DUTY STEEL THAT IS HOT-DIPPED GALVANIZED AFTER FABRICATION.

	GRATING	ANGLE FRAMES
ALUMINUM:	ASTM-B221	6063-T6
LIGHT DUTY STEEL:	ASTM-A1011 ASTM-A510	ASTM-A36

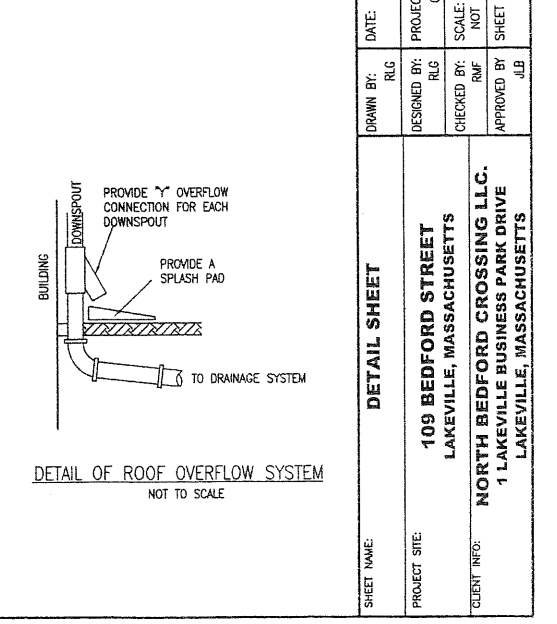
OUTLET CONTROL STRUCTURE
NOT TO SCALE



STONE APRON AT PIPE END
NOT TO SCALE



DRAINAGE PIPE TRENCH DETAIL
NOT TO SCALE



DETAIL OF ROOF OVERFLOW SYSTEM
NOT TO SCALE

DETAIL SHEET

SHEET NAME: 109 BEDFORD STREET
PROJECT SITE: LAKEVILLE, MASSACHUSETTS
CLIENT INFO: NORTH BEDFORD CROSSING LLC,
1 LAKEVILLE BUSINESS PARK DRIVE
LAKEVILLE, MASSACHUSETTS

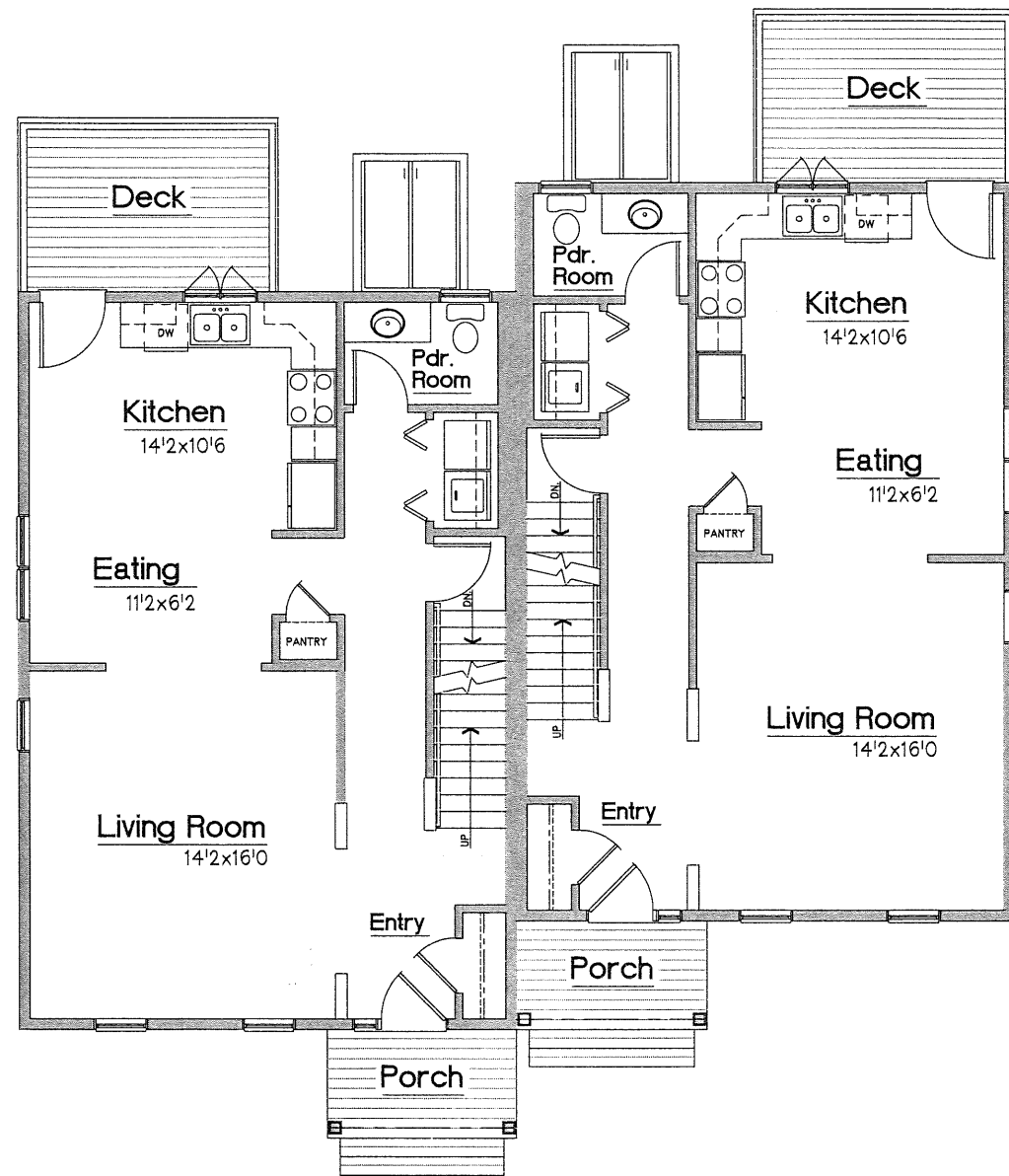
DATE: 9/19/2022
PROJECT NUMBER: 0143-13-01
SCALE: NOT TO SCALE
SHEET ID: D1

DRAWN BY: RLG
DESIGNED BY: RLG
CHECKED BY: RMF
APPROVED BY: JLB



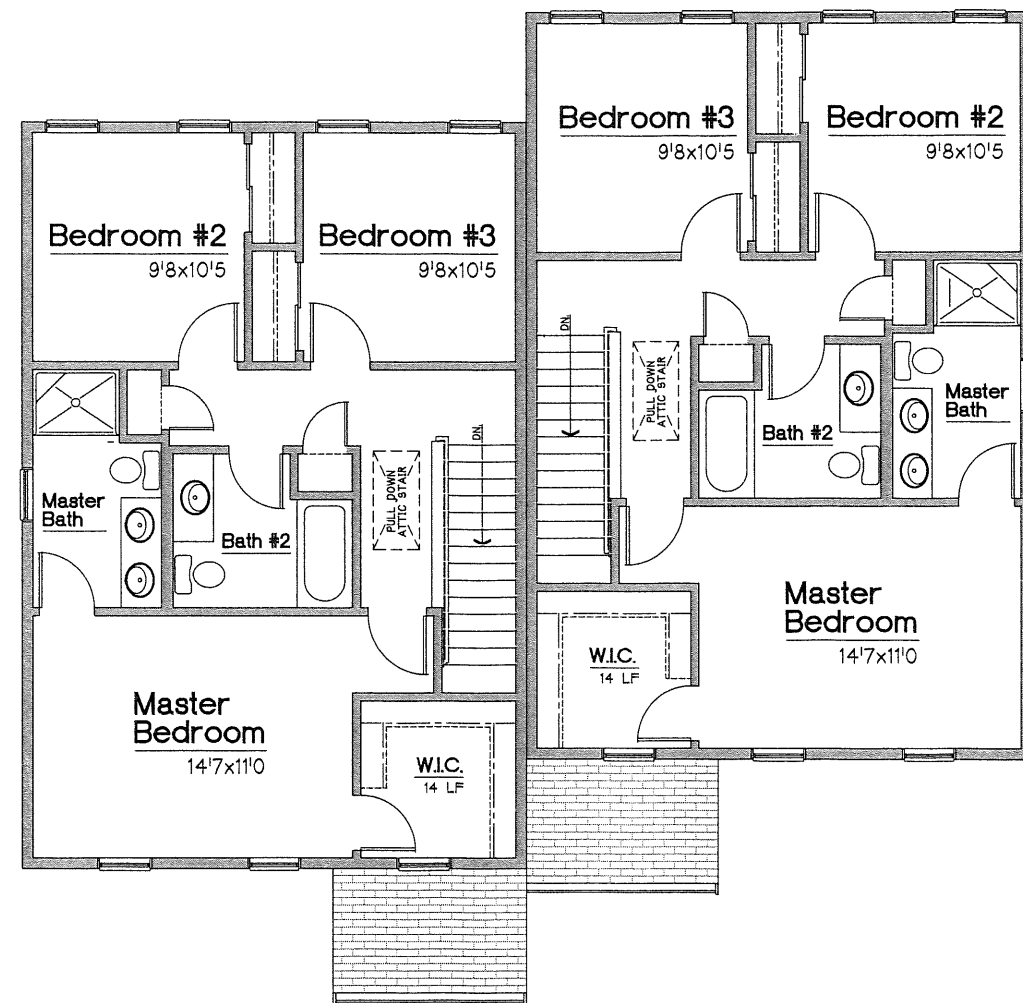
109 Bedford Street

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"



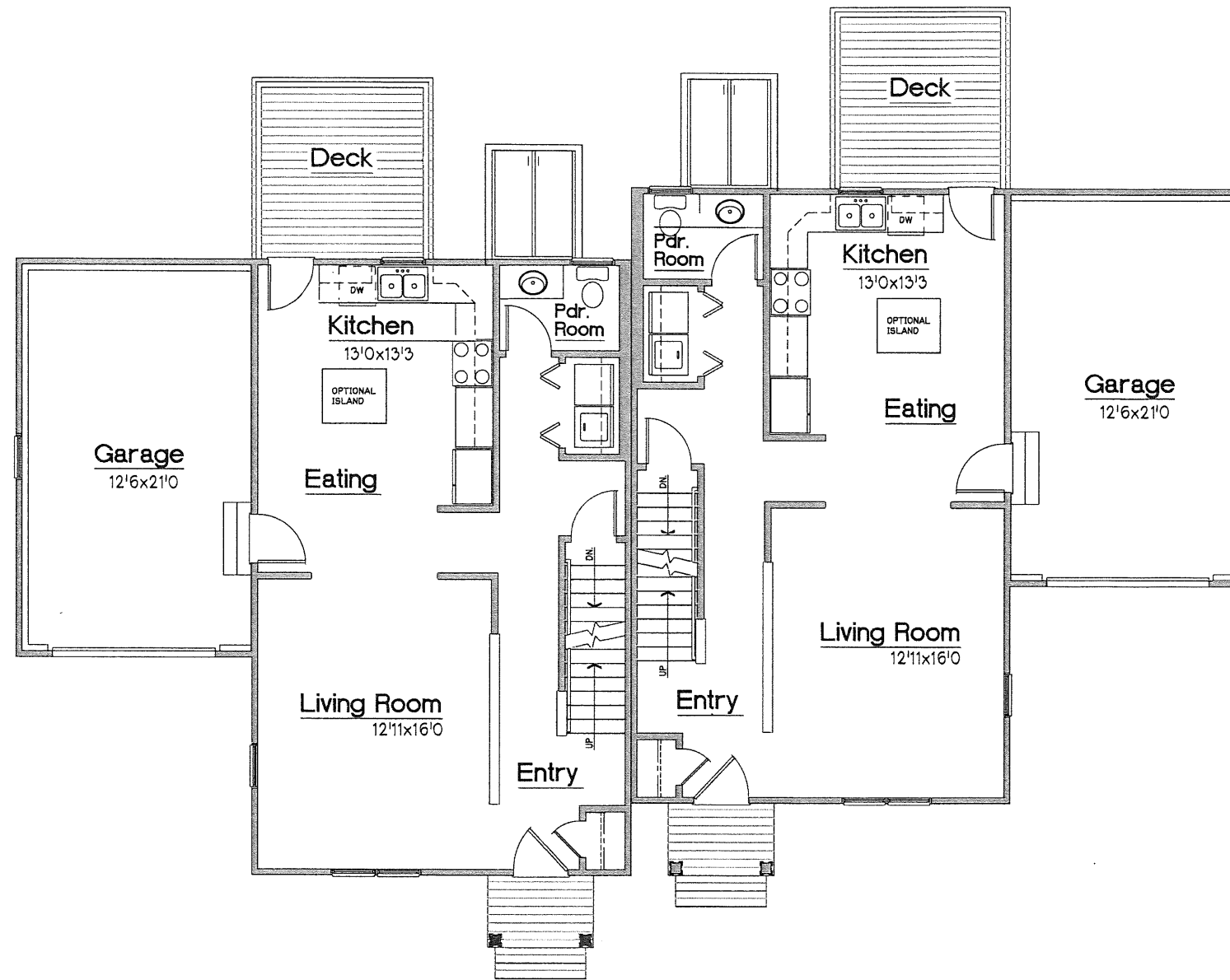
Rear Elevation SCALE: 1/4" = 1'-0"

shown with optional garage



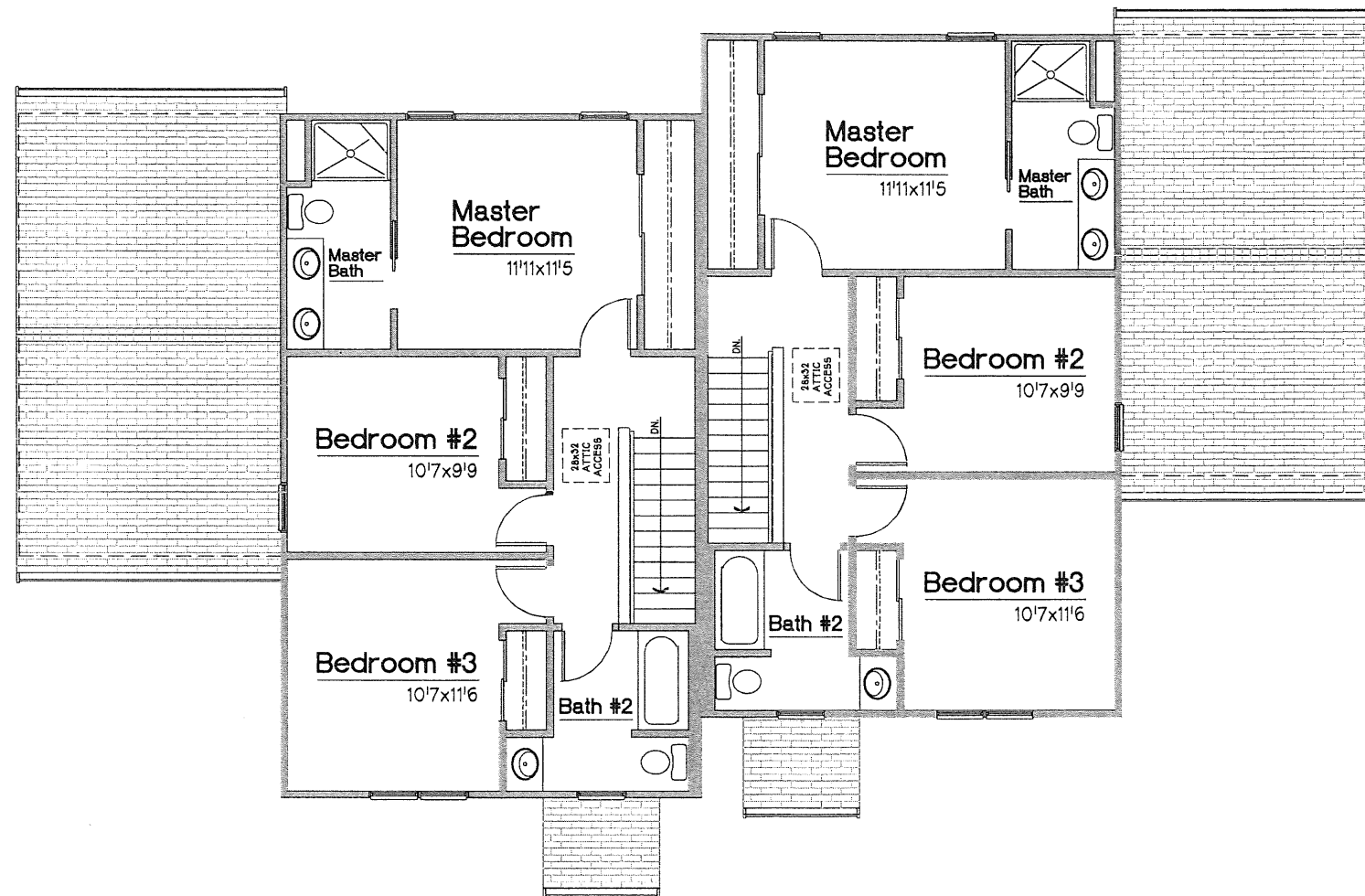
109 Bedford Street

Unit Type A1 Lakeville, MA



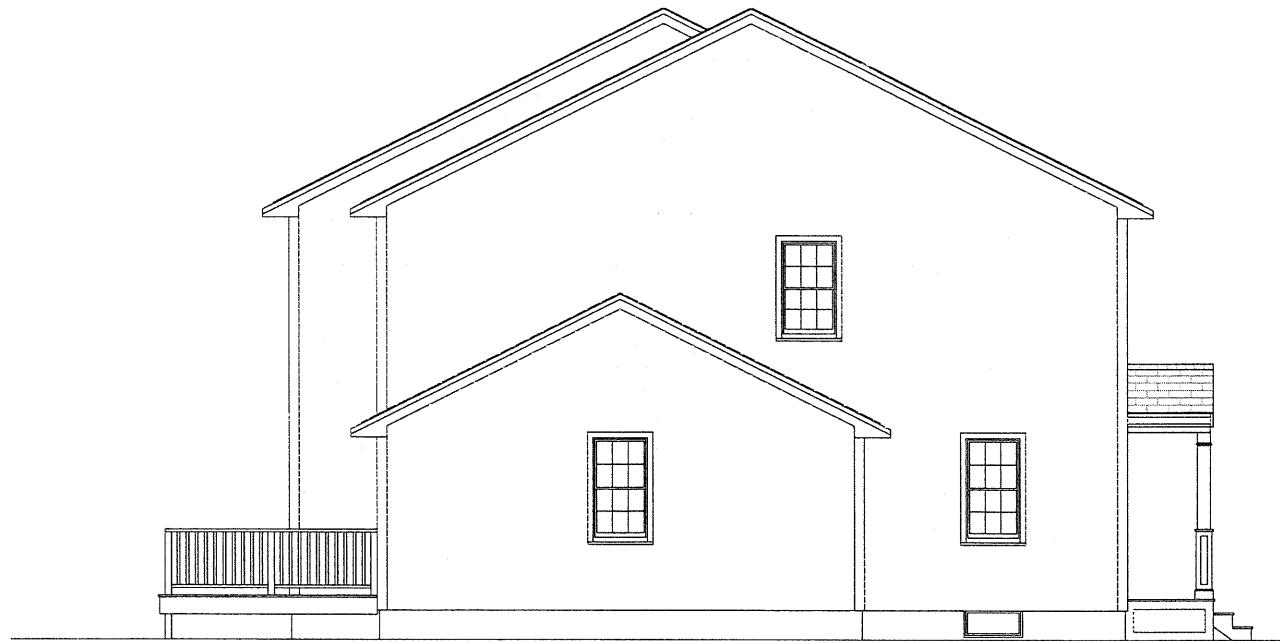
Unit Type A1 First Floor Plan

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



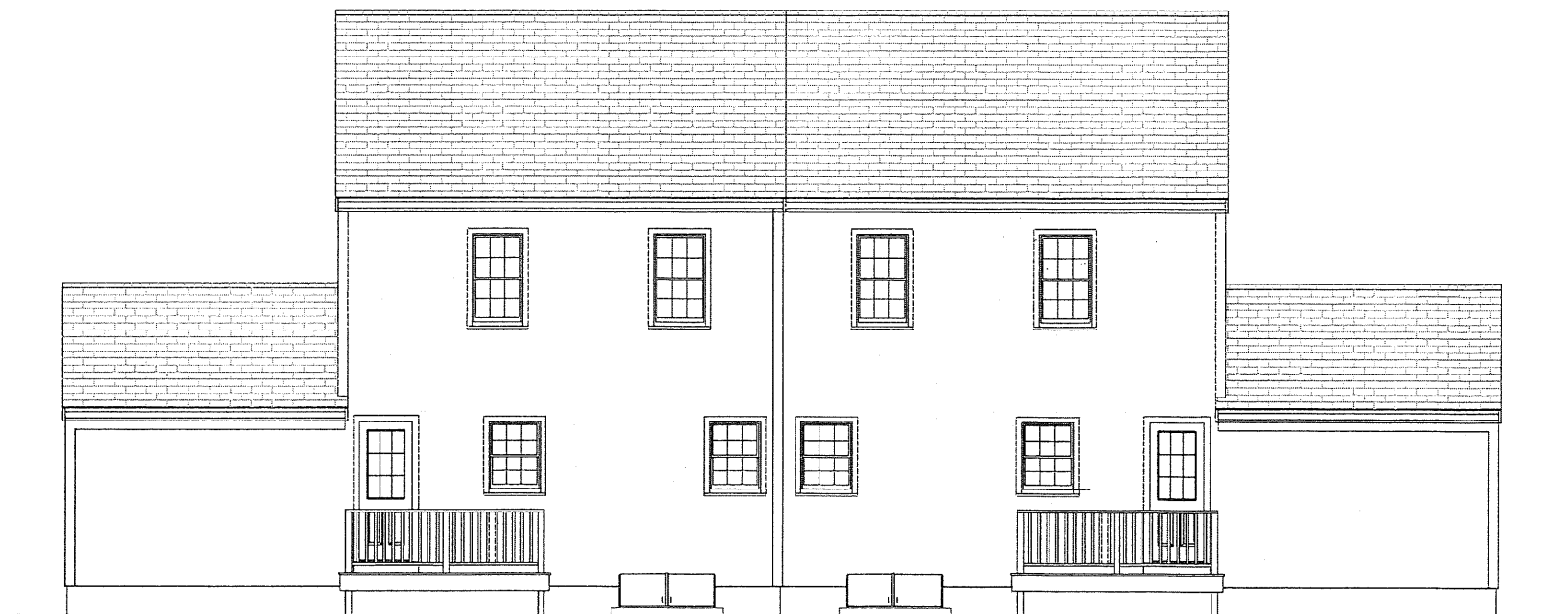
Unit Type A1 Left Side Elevation



Unit Type A1 Front Elevation



Unit Type A1 Right Side Elevation



Unit Type A1 Rear Elevation



Planning Board, Conservation Commission, and Board of Health – Joint meeting
Town of Lakeville
August 3, 2022 6pm

Members present: Mark Knox, Fred Frodyma, Joseph Chamberlain, Josh Faherty, Nancy Yeatts, and John LeBlanc. Members absent: Robert Bouchard, Chairman.

This was a joint meeting with Planning Board, Open Space, and Board of Health to discuss the proposed Open Space Residential Development bylaw.

Chairman Knox of the Planning Board, called the meeting to order. Present were: Chairman Knox, Michelle MacEachern, Peter Conroy, and Jack Lynch.

Member Knox of the Conservation Commission, called the meeting to order. Present were: Mark Knox, Fred Frodyma, Joe Chamberlain, Josh Faherty, Nancy Yeatts, and John LeBlanc.

Present for Open Space was Fred Frodyma (there was no quorum).

Chairman Spratt said the preliminary meeting regarding the Open Space Residential Development (OSRD) was just one member from each board. He thought that from that meeting, the participants thought this proposed bylaw needed more work. Member Poillucci said he didn't have a problem with open space. He thought cluster zoning was the only way to get open space without having to get money from the residents. His biggest concern is with the physicality of it; not fitting the way it's drafted. For this to work, it needs to be, everybody's backyard percs, the well goes in the front yard (or vice versa). All it would take is a couple of people that don't get the perc rate and they put their well in the back and the septic in the front, it will block out other septics. He showed a drawing of an OSRD subdivision with well radius'. If there just a couple of people that move their wells, some of the lots won't be able to put in septics anymore. If there was town water, there would be no problem. In some of the town OSRD bylaws he reviewed, they state a public water supply could be put in the open space. Common septic systems could also be used. One potential problem is, some places that have treatment plants, are billing people exorbitant amounts of money. When a common septic or public water supply fail, if everyone has to kick in \$15,000 and some people don't have the money, they are putting the other residents in a bad place because they don't have the money to fix it. The only way the government has gotten around that is with a super lien. If someone doesn't pay their fees or betterment, the bank pays it because they don't want the house to go to foreclosure. The bank pays it and works out an agreement with the homeowner. If these developments are put in a proprietorship, a super lien can be placed on the property. Chairman Spratt said he thinks some of these properties that people would look at doing something like this, may be difficult to begin with going in. He thought of one property that has a ton of ledge. Some of the earlier discussion was about nitrogen loading and keeping agriculture out of the open space because that affects the nitrogen loading. Member Maxim agreed with Member Poillucci. He didn't know how you would do this on a 30,000sf lot without public water or common septic. Some of these subdivisions have underground drainage for the roof drains, which would have to go on the lot, and the separation from that to the septic system, to the house. Some houses might want a swimming pool and they're not going

to have the room with a septic and a reserve and drainage on this size lot. Also, anything over a three-bedroom would have to go to DEP for approval because of nitrogen loading, they don't meet it on a 30,000sf lot. Chairman Knox (Planning Board) said that had been crafted in there, that a four-bedroom would be 40,000. He said that Town Planner Marc Resnick said at their last meeting that some of the efforts actually create a few conflicts within the bylaw. Mr. Resnick said he had discussed septic designs with Health Agent Ed Cullen. If they did 10,000sf per bedroom (the smallest house being a three-bedroom) and you would be restricted on the number of bedrooms, 3 for 30,000 and 4 for 40,000. They also had written in that the locations of wells and septic on the definitive plan for the cluster, would have to be approved by the Board of Health so that the right distances are maintained. He said not all the lots are going to be configured perfectly, but not all the lots are going to be 30,000sf minimum, and they'll be odd shapes and they'll be configured partially based on soil conditions. A developer will need to perc all those lots before he gets final approval. If a lot doesn't perc and there's ledge 3' under, he's going to keep going until he finds a place where he can site a system. If a lot isn't good, he'll have to combine it with the next two, split it and get one less on the cluster. Member Poillucci said the first run through, you'd have to have all the wells and all the septic designed so you know it's going to fit. He said there is one town where they have to prove every lot. They put the wells in, prove they have a good well and a septic design. The septic doesn't have to be in, but they have to have a design. That town was allowing a percentage of lots to be done at a time. One town has a 100-foot buffer around all the lots, which gives you a little more room. You couldn't put the septic or well on it, but you could use that land as your radius, as setbacks. If any of those solutions could work, either proving a lot with a well and a septic design, public water supply or shared septic, he would be fine with it. Chairman Spratt said when this originally went before town meeting, it seemed a little rushed and the Board had some questions. He understood the interest in wanting to have something simple, that's understandable, but they don't want to be fixing stuff after the fact. They deal with enough tight stuff, there are certain neighborhoods with 5,000sf lots and 10,000sf lots and it's a nightmare for the Board. Member Yeatts (Conservation Commission) asked if Chairman Spratt could elaborate a little more about the agriculture part, the nitrogen loading. Chairman Spratt said for example, we have a lot of cranberry bogs in town. Someone may look to do a development next to this. There is already way too much nitrogen sitting in the bog. You're going to add that to all the nitrogen from the houses you're putting in. It doesn't work as far as nitrogen loading. Other agriculture land, if it remains agriculture land, they're going to be adding fertilizer to that too. It doesn't help with the nitrogen loading problems. Pulling agriculture out of that open space part, makes it easier. Chairman Knox (Planning Board) asked if when they speak of nitrogen loading, they're referring to a leaching field and people fertilizing their lawn, all combined. Chairman Spratt said yes, and most of us know that not all that fertilizer is going to stay on the lawn, it's going to the street and running down. Member MacEachern (Planning Board) said when she met with Chairman Spratt, Member Yeatts, and Agent Ed Cullen, they discussed adding some language into the bylaw. They discussed deed restrictions with the 30,000sf lot, State approval and compliance with State code. They added three-bedroom with 30,000sf and four-bedroom with minimum 40,000sf. They also added wording that formal percolation depth to groundwater test shall be conducted on all lots shown on the conventional plan and on the OSRD development area. Member Poillucci said the only way he thought this could work is with town water or shared septic. Chairman Knox (Planning Board) said he believed there were stringent requirements for a public water supply. On top of a 200' radius, it needs to be fenced in so it would rob some of the open space. Agent Cullen said it depends on how much yield. If you had a ten-lot subdivision the fenced area would be Zone-One. It would be pretty small, but if you get a larger 40 or 50 lot, you're going to get a much larger area. The Zone-One does have to be fenced in, but it's also the outer radius which is the interim well head protection area that's even more nitrogen sensitive. It would be great to put in the

open space, but it's a radius, so it's tough. You would actually have to go into the open space, put it in the middle and fence it off. You couldn't just put it on the edge because half of that would be in the subdivision. Public water supplies also require a licensed operator. Chairman Knox (Planning Board) said that would require frequent monitoring and testing which would be a perpetual cost to the residents. Member Poillucci said it would be nowhere near the cost of a treatment plant. There was a discussion about potential options to prove lots with public water or shared septic. Member Poillucci explained that the Middleboro bylaw that leaves 100' around the edge, and the Sherborn bylaw allows for a public water supply to be placed in the open space. Mr. Resnick (Town Planner) said that this is something they should continue to work on. Public water solves a lot of the issues. Member Poillucci said he liked the Middleboro bylaw with an area of the 100' all the way around because you're going to have a ball field with 30,000sf lots. There's not going to be a tree left. Leaving the 100' around the edges is going to help if your wells are in the back, it gives you half the radius. The radius goes from 200' to 100' because you can use the open space. Member Poillucci stressed the fact that without putting in the wells and doing the perc tests, you don't know if it works. So, someone is going to go through the whole process of doing a subdivision and going through all the meetings and start, and then realize it doesn't work. Member Frodyma (Open Space) said he thought they would have to, in order to get approval for this OSRD. Member Poillucci stated that they would need to put in the wells and septic before it gets approved, to prove that it can work. Mr. Resnick (Town Planner) asked if the Board would feel more comfortable if the language were strengthened, beside working on the technical issues that have been discussed in this meeting. Member Poillucci then added that there would need to be a deed restriction that it has to go there. If someone buys a lot and decides they want to build a different house and they want to move things, its no, that's where it's going unless you can come back again and prove. Nate Darling (Building Commissioner) stated that in the past with the Zoning Bylaw Review Committee, this is how they've gotten things done. This is how we do what's right for the Town of Lakeville, we have a discussion and we hash it out. No good idea is going to be one person's idea. It's going to be a group of people's ideas. He wondered if this could be treated like a definitive subdivision where they can put a covenant on all of the lots; if they didn't release the lots until the Board of Health has approved the lots. There might be a scenario that you don't have to do all of the wells and have them tested and do all the septic and have the designs. In a preliminary plan, when you're figuring out how many are going to fit, you have to put the percs on the lots and come up with a number. They do the open space design and you only release those lots once the well is in and tested and the septic system is designed and approved by the Board of Health. He thought it would be incumbent upon the developer to make them work and not on a resident. Do you make a provision to have vacant lots on purpose by design? You could make a utility easement on those lots. If there was an emergency need from a public health perspective, if someone's reserve area didn't work for some reason, you could put a well on that vacant lot. Member Poillucci reiterated that until the wells go in, you don't know if the plan will work. Mr. Resnick said that's why Member Poillucci's point, about the town that did require them to install wells in each section, you know that you're not going to have an issue. Chairman Knox (Planning Board) said they could release five of the lots, don't release the one adjacent to the next grouping of lots. Member Poillucci added, or because those weren't locked in yet and recorded, those other lots, if they had to be bigger to make it work, you still have that ability. Nate Darling (Building Commissioner) asked if in a project like this would you typically see a plan approval and then lots held independently, or would the developer actually be building them to suit? That's the other piece, if you sold a vacant lot, now the buyer has to get a well and septic, and that's a problem. Member Maxim said no developer is going to carry all these lots. There's a different owner and a different developer every third lot. No one talks to each other and everyone's doing their own thing. Member Poillucci didn't think it would be a hardship asking the developer to put in the wells. If anything, it makes them more

marketable. If a lot has a well and a septic, or at least a perc, they can sell the lot comfortably and don't have to worry about moving anymore lot lines down the road. Chairman Knox (Planning Board) said that Mr. Resnick (Town Planner) would work on amending the language and circulate the document. It will come back to the Planning Board and if they're satisfied they will send it to the Board of Health for comment. They would like to get it on fall town meeting. Member Yeatts (Conservation Commission) said she would like to discuss the bylaw with her board. She's still not sure how the open space is going to be held. She thought they might need some legal advice on that. She wants to make sure the open space stays open space. It needs to be in perpetuity and there are still some questions surrounding that. Chairman Spratt said they could look into options besides the town or the abutters owning the land. There are some options for outside agencies that maintain stewardship of it. Member Maxim asked Agent Cullen if with all the Zone-A's in town, did he feel the cluster zoning could affect a Zone-A. You need to just be 400' off the pond to get outside the Zone-A. Just beyond that 400', outside the Zone-A, if they put in 30 lots in a small area, would the nitrogen loading affect it? Agent Cullen said yes it would affect it, but it would be legal. You can't build in a Zone-A, but at 401' it's outside the Zone-A. Member Maxim asked if that should be a concern for the Board of Health as far as approving something like this? Agent Cullen answered that it would be a concern, but they could question it during the review. Nate Darling (Building Commissioner) asked if it could be written into the bylaw that it would require advanced treatment for denitrification because of the density. Agent Cullen thought it could be on a case by case basis.

Member Knox (Conservation Commission) closed the Conservation Commission hearing.

Upon a motion made by Member Knox (Conservation Commission), seconded by Member Yeatts (Conservation), it was:

Voted: to adjourn

Unanimous approval. (7:15pm)

Chairman Knox (Planning Board) closed the Planning Board hearing.

Chairman Knox (Planning Board) stepped down to make a motion, seconded by Member Conroy, it was:

Voted: to adjourn

Unanimous approval (7:15pm)

The adjournment was for the Conservation Commission and Planning Board only. The Board of Health continued their meeting.

**Planning Board
Lakeville, Massachusetts
Minutes of Meeting
Thursday, August 25, 2022**

On August 25, 2022, the Planning Board held a meeting at the Lakeville Police Station. The meeting was called to order by Chairman Knox at 7:00 p.m. LakeCam was making a video recording of the meeting.

Members present:

Mark Knox, Chair; Peter Conroy, Vice-Chair; Nora Cline, Jack Lynch, Michele MacEachern

Site Plan Review – TAC VEGA MA Owner, LLC, continued – 310 Kenneth W. Welch Drive

Mr. Terrence Russell from Epstein Global was present. Mr. Ricardo De Rojas and Mr. George Adams owners of the site were also present. Mr. Russell advised a number of comments had been made at the last meeting they attended he wanted to address. There was some misinformation discussed regarding the number of required parking places for each of the tenants. They are looking at between 100 and 125 employees per tenant so that would be a maximum of 250 spots and a minimum of 200 to 210. They did figure out a way to get 250 spots on the Plan. It involves more wetland remediation work, and it increases the site coverage from the 73% they had originally been looking at to just under 77%.

Mr. Russell said another thing that came up was the parking along Kenneth Welch Drive, and the Board's displeasure with the tenants parking there. He contacted the owners who then sent out notices to each tenant telling them it was not allowed by the Town. Mr. De Rojas confirmed through their property management team, notifications were sent to the tenants that they were not allowed to park in these areas. They believe the new Site Plan will help to alleviate, if not eliminate, this all together.

Mr. Russell said another thing that had come up was how would the building owner respond to future growth in employee count, and what will they do to mitigate the parking issue. Mr. Russell said that he had been sent parts of the tenant leases where it stipulates the amount of parking that each tenant is allowed on site. Anything that is above that amount, tenants are required to find off-site parking or some other means to deal with it on their own. However, they still wanted to make a good faith effort to see how they could maximize parking.

The plan was then displayed as Mr. Russell explained where the additional spots had been added. On the Northeast Alternatives side if they increase the site coverage, they can pick up an additional 40 spots without intruding into the 100-year Flood Plain. They were looking at a total of 250 spaces. Jushi would have 109 and Northeast Alternatives would have 141. He thought it would be up to the landowner to divide these between the tenants. Mr. Russell said the objective tonight would be to get the go ahead from the Board to pursue this. They have other consultants on board

and had the wetlands re-delineated as they had been directed. They are also currently working on the stormwater issues, but because the regulations are so involved in the State, they want to know if they are on the right track with this design.

Mr. Conroy said he was in favor of the Plan, but if they do this, there can be nobody parked on the road. It was not designed for that. Mr. Knox asked if they had filed with the Conservation Commission yet. Mr. Russell replied Goddard, their consulting firm, would be taking care of that. They were also the ones that did the original delineation approximately 30 years ago. Mr. Conroy noted that there has to be some kind of a push to get the employees that need to get on the right side, to walk down to the other side to these other spots. Mr. Lynch also had the same concern that if employees couldn't find a spot, they would continue to park out in front. Somehow there has to be some type of enforcement.

Ms. Cline asked if the Fire Department had seen this plan yet. Mr. Russell replied they have not yet presented it. Mr. Russell said if they got the Board's blessing, he would review it with the Fire Department. Ms. MacEachern said it had been discussed at their last meeting that the water allocation plan submitted to them by their Select Board showed 300 employees and not 250. She would like to see some type of documentation that will show them that there are in actuality 250 employees on the largest shift. She noted there had been 40 cars parked on both sides of the street this morning and there appears to be a disregard for safety. Will these employees think its justified or worth it to walk to these additional spaces?

Ms. MacEachern asked if they had a location where they could replicate the wetlands. Mr. Russell indicated on the plan where they thought they had enough room to do that, which was not part of the delineation. It is replaced at a two to one ratio. He also said there had been a concern about accessibility for the tenant that is on the west side of the building, Northeast Alternatives. He has been working with the landlord, and they have been working with the tenant's architect who is doing the buildout. The existing entrance that has a set of stairs and landing will become the main entrance. The area where the stair is in the landing may need to be increased to meet ADA standards, and they will have to look at the swing of the door. As there are a number of other issues associated with it, a mechanical lift would probably be the least expensive option. They will continue to work with the building owner and Northeast Alternatives to get that issue resolved.

Mr. Knox said for him personally, the changes presented seem to generally resolve the issue, depending if it is 300 employees or 250. He thought at some point it would become an enforcement issue. If they continue to grow then it will become their problem, and they would have to find a satellite parking lot. His recommendation for what they presented tonight is that it satisfies what they have asked for. They will vote to make a recommendation to the Zoning Board of Appeals. and continue their hearing so the applicant can get through the Conservation Commission and ZBA process. They can then return to the Board with a finalized plan.

Mr. De Rojas added that they have looked at this issue multiple times, and they have squeezed out as much space as they can. The challenge is when they go to construction to not lose a single one of those spots. They don't have a final stormwater detention plan which might reduce their volume of space and cause the loss of a space here and there. Mr. Knox said that it was possible when they do all the stormwater calculations, the need for a retention pond might be created or something else that is not on this plan. This is just something they will have to talk about at the next couple

of meetings. Mr. De Rojas said they will also do their best to instruct and let their tenants know and enforce the parking around the perimeter the best they can.

Mr. Knox then made a motion, seconded by Mr. Conroy, to send a recommendation to the Zoning Board of Appeals that the current plan still requires stormwater management oversight, but it generally satisfies the parking needs currently.

Mr. Conroy, Mr. Lynch, Ms. Cline, Mr. Knox-**AYE**; Ms. MacEachern-**NAY**.

After discussion, Mr. Russell thought they would be ready to come back in a month and a half or the October 13th meeting. This will be confirmed the week of the meeting. Mr. Knox then made a motion, seconded by Ms. Cline, to continue the 310 Kenneth W. Welch Drive, Site Plan Review Plan until October 13, 2022, at 7:00 p.m. The **vote** was **unanimous for**.

Approve Housing Survey Questions for the Housing Production Plan

Members then reviewed the questions that had been previously distributed to them. Mr. Knox noted that although some of them may not seem appropriate to Lakeville, there is the option to say that you are opposed. Do they want to then strike those questions or leave them in with the option to oppose? Members discussed looking for sample questions from a Town that more resembled Lakeville demographically, geographically, and has recently done a Housing Production Plan. Ms. MacEachern said she would look. If she finds any, she will forward them out to the Board.

Discussion and action on possible Articles for fall Town Meeting – Modifying setbacks and lot coverage in the Business/Industrial Zone; Industrial District revisions

Mr. Knox advised they had discussed this at their last meeting, but they didn't want to take any action as they had just met a quorum. As Mr. Resnick was not present tonight, he would recommend they continue this and the Industrial District revisions until their next meeting. He then called that a motion, which was seconded by Mr. Lynch. The **vote** was **unanimous for**.

Review the following Zoning Board of Appeals petitions:

- a. LeBaron Residential LLC (continue discussion)

Mr. Lynch said that he had attended the Zoning Board of Appeals hearing. The residents are concerned about Phase 6. It is totally out of character to the rest of the whole complex, and these two buildings are directly across from the single-family homes. They want something that is within the character of what is there. His question, as well as several other people's, is why can't those buildings be made compatible with the others.

Ms. MacEachern said at that meeting it had been mentioned that sidewalks were supposed to be provided. There had been some discussion between the developer and the Town about receiving a \$300,000 payment in lieu of the sidewalks. She thought that before the Zoning Board made any more allowances for this developer, they should make good on the current standing permit they have, including those sidewalks. She had also sent out some information regarding other safe harbors. It lists a municipality which has between 2500 and 5000 housing units having a 200-unit cap on a large-scale project. She thought this information was worth sending out to ZBA.

Ms. MacEachern also noted that she had heard residents' concerns about promises like: tennis courts, swimming pools, as well as, plantings that have died, the storage of building materials in the open, and lack of screening between units. Those are issues that should be addressed. She knew that the ZBA was limited because this was a Comprehensive Permit, but she would recommend for any residents that are interested to look at the DHCD legal resources. There are certifications and criteria for the developer to meet so if there are issues, they should be reported to the proper department that permits this 40B. Mr. Lynch added that it is an overriding concern in LeBaron that nothing is ever finished, the landscaping, the irrigation system, which has never operated correctly for two years, etc.

Mr. Knox said they are veering off from the topic of Phase 5 and Phase 6. He understood that Mr. Lynch was talking about a track record, and that may be a valid point. However, that is not part of this recommendation. After further discussion, Mr. Knox made a motion, seconded by Ms. MacEachern, to recommend that the character and design of the Villages at LeBaron's Phase 6 should match the character and design of the rest of the LeBaron Residences; if the height of the buildings exceeds the allowable 35 feet that no Variance for the height be granted; the sidewalks that were part of the original Comprehensive Permit should be installed; and that additional mitigation be sought for Phase 5 and Phase 6, if possible. The **vote** was **unanimous for**.

Review the following Zoning Board of Appeals petitions:

- b. Scott – 9 Rush Pond Road

Mr. Knox made a motion, seconded by Mr. Lynch, to make no comment on the petition for Scott at 9 Rush Pond Road. The **vote** was **unanimous for**.

Next meeting

The next meeting is scheduled for September 8, 2022, at 7:00 p.m. at the Lakeville Police Station.

Adjourn

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

Meeting adjourned at 7:59.