



Received & posted: Paul Berry, etc
Town Clerk RECEIVED
LAKEVILLE TOWN CLERK
2021 FEB -9 AM 11:16

REMOTE MEETING NOTICE/ AGENDA

Posted in accordance with the provisions of MGL Chapter 30A, §. 18-25

Name of Board, Committee or Commission:	Planning Board
Date & Time of Meeting:	Thursday, February 11, 2021 at 7:00 p.m.
Location of Meeting:	REMOTE MEETING
Clerk/Board Member posting notice	Cathy Murray

AGENDA

1. In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G.L. c.30A, §20, relating to the 2020 novel Coronavirus outbreak emergency, the February 11, 2021, public meeting of the **Planning Board** shall be physically closed to the public to avoid group congregation. **However, to view this meeting in progress, please go to facebook.com/LakeCAM/ (you do not need a Facebook account to view the meeting). This meeting will be recorded and available to be viewed at a later date at <http://www.lakecam.tv/>**
2. **Site Plan Review – 475 Kenneth W. Welch Drive - Meet with Hayes Engineering regarding Site Plan Review.**
 - a. **Review related Zoning Board of Appeals petition for Boston Botanical, Inc.**
3. **Floodplain Bylaw – Review and discuss revisions for public hearing.**
4. **Site Plan Review Bylaw – Review and discuss revisions for public hearing.**
5. **Recodification of the Zoning Bylaws – Review and discuss adding Planning Board Rules and Regulations.**
6. **Master Plan Implementation – Update**
7. **Development Opportunities District – Update**
8. **Review the following Zoning Board of Appeals petitions:**
 - a. **Cornell-15 Morrison Way**
 - b. **Hoffman-5 Merigold Lane**
9. **Approve Meeting Minutes for December 3, 2020 and December 17, 2020**
10. **Old Business**
11. **New Business**
12. **Next meeting. . . February 25, 2021**
13. **Any other business that may properly come before the Planning Board.**
14. **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.

Read the following into the record:

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G.L. c.30A, §20, relating to the 2020 novel Coronavirus outbreak emergency, the February 11, 2021, public meeting of the **Planning Board** shall be physically closed to the public to avoid group congregation. **However, to view this meeting in progress, please go to [facebook.com/lakecam](https://www.facebook.com/lakecam) (you do not need a Facebook account to view the meeting). This meeting will be recorded and available to be viewed at a later date at <http://www.lakecam.tv/>**



MICHAEL O'BRIEN
FIRE CHIEF
mobrien@lakevillema.org

Lakeville Fire Department

246 Bedford Street
Lakeville, Massachusetts 02347

TEL 508-947-4121 FAX 508-946-3436

WILLIAM PURCELL
DEPUTY CHIEF
wpurcell@lakevillema.org

To: Planning Board
From: Michael P. O'Brien, Fire Chief
RE: 475 Kenneth Welch Drive
Date: January 29, 2021

Memorandum

This document has been written to communicate concerns about the site plan submission for 475 Kenneth Welch Drive. The existing / submitted layout appears to not meet the requirements of 527 CMR 1.00: Massachusetts Comprehensive Fire Safety Code. The cited code requires that fire department access roads be configured to provide firefighters with the ability to stretch hose lines around the building.

18.2.3.2.2 Fire department access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building is located not more than 150 ft (46 m) from fire department access roads as measured by an approved route around the exterior of the building or facility.

This building provides a single means of access on only one side of the building. The correction of this condition would improve the Fire Department's ability to provide fire protection to the facility.

This office would be available to consult on the feasibility of potential improvements.



*Town of Lakeville
Conservation Commission
346 Bedford St.
Lakeville, MA 02347*

Phone: (508) 946-8823 FAX: (508) 946-0112

To: Planning Board

Date: February 8, 2021

From: Conservation Commission

RE: Site Plan Review – 475 Kenneth Welch Drive

The Conservation Commission has reviewed several plans for this property in the past. Additionally, the site has been inspected for compliance issues. There are no outstanding requirements for this site.

The current site plan notes that the only work proposed within the approximate buffer zone to the Bordering Vegetated Wetland is installation of fencing and pavement stripping. More detail is required for these two activities in order to determine if a Request for Determination or Notice of Intent are warranted. Details include:

- Type of fence
- Length and location
- Excavation for post holes – methods, materials
- Alteration to pavement
- Signage

Please contact the Conservation office with any information or questions relative to this project.

Robert J. Bouchard
Conservation Agent



Town of Lakeville
Planning Board
346 Bedford Street
Lakeville, MA 02347
508-946-3473

APPLICATION FOR SITE PLAN REVIEW

Name of Applicant: Boston Botanical, Inc.

Street: 324 Reedsdale Rd.

City/Town: Milton State: MA Zip: 02186

Telephone: 617-827-9834 Email: ephipps@casco botanical.com

Property Owner Name: Louis ~~Senior~~ OUTOR

Street: PO BOX 114

City/Town: Rochester State: MA Zip: 02770

Telephone: _____ Email: _____

Contact Person's Name: Edward Phipps

Telephone: 617-827-9834 Email: ephipps@casco botanical.com

SITE INFORMATION

Street and number: 475 Kenneth Welch Drive

Zoning District: 1 Map 024 Block 006 Lot 008

Lot size: 3.4 Acres Frontage: 463

Current use: Vacant

PLAN INFORMATION

Plan Title: Boston Botanical - Proposed Site Layout C-100

Prepared by: Hayes Engineering, Inc.

Date prepared: 1/18/20 Revision date (s): _____

Detailed Description of proposed work:

Please see the attached for a detailed description of proposed work and operations.

TO THE LAKEVILLE PLANNING BOARD:

The undersigned, being the APPLICANT named above, hereby applies for review of the above SITE PLAN by the Planning Board and certifies that, to the best of the APPLICANT'S knowledge and belief, the information contained herein is correct and complete and that said PLAN conforms with the requirements of the Rules and Regulations of the Lakeville Planning Board and the Zoning By-Law of the Town of Lakeville.

Applicant's Signature: *Edward Phipps* Date: 12/29/2020

Property Owner's Signature: *Phil Silverman* Date: 12/30/2020
(if not Applicant)

Will you have a representative other than yourself? Yes No

Name: Phil Silverman, Vincente Sederberg, LLP

Telephone: 508-353-8570 Email philsilverman@vicentesederberg.com

To be completed by Planning Board staff:

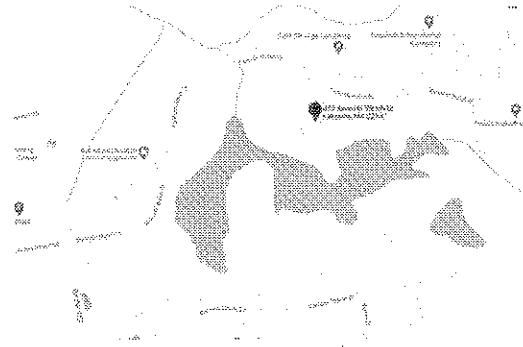
Distributed to: Board of Health, Board of Selectmen, Building Department, Conservation Commission, Fire Chief, and Open Space Committee

Date/initials: _____

Boston Botanical, Inc. (“**Boston Botanical**”), seeks a Special Permit from the Lakeville Zoning Board of Appeals to operate an Adult Use Marijuana Cultivation and Product Manufacturing Facility (the “**ME**”) at 475 Kenneth Welch Drive in Lakeville (the “**Property**”). The Property is located within the Industrial Zoning District within the Marijuana Zoning Overlay. Pursuant to the Town of Lakeville Zoning Bylaw Section 7.4.6, such a use is permissible subject to a Special Permit from the Zoning Board of Appeals.

I. Project Context

The Property is currently a 20,000 square foot industrial building that is located along Kenneth Welch Drive in close proximity to its intersection with Bedford Street. Please see the enclosed Site Plans and Floor Plans, attached hereto as **Exhibit A**, which were designed in full compliance with the standards set forth by the Lakeville Zoning Bylaw.



1 Map View of Property and Surroundings

II. Project Narrative

With a focus on safe and efficient operations, Boston Botanical has identified the Property as an ideal location at which to operate an ME. The Property is located in an area designated by local zoning for the aforementioned use, allows for easy access employees off of a main road, and is located proximate to a number of other industrial parcels with similar use classifications.

A. Project Exterior

Parking & Loading: Access to the Property may be obtained by a curb cut off of Kenneth Welch Drive towards the southern property line. A total of 34 parking spaces are available on site.

Marijuana and marijuana products will be securely transported to other Marijuana utilizing a secured shipping and receiving area as well as standard operating procedures consistent with Cannabis Control Commission’s regulations and in a manner approved by the Commission following review of such procedures and an on-site inspection to ensure site security. Similarly to other area retail uses, the ME will utilized armored cash transport to securely transport money to financial institutions.

Signage and Lighting: Facility signage will be discrete and utilized for employee and vendor wayfinding only. Boston Botanical will not utilize signs or printed materials advertising marijuana products or any logo or symbols with images of marijuana.

The applicant intends to utilize the existing lighting that affixed to the building and intended to illuminate the parking lot to ensure the safety of employees leaving the facility during evening hours. The lights are downward cast and do not result in light pollution to abutting properties. The

exterior security cameras utilize infrared capabilities and do not require external sources of light to operate effectively.

B. Project Interior

No members of the public will be granted access to Boston Botanical's ME. Employees, vendors, and visitors will be required to check in with security upon entry to the establishment. Employees will be required to provide their Agent ID card and other access badges which will grant them the ability to traverse only such portions of the facility that are necessary for their job function. Visitors such as contractors or vendors may only visit the facility for legitimate reasons and must obtain temporary badging and be escorted by a registered agent at all times.

C. Facility Operations

Please see the enclosed operational narratives, attached hereto as **Exhibit B**.

III. Property Operations

A. Trash

Marijuana Waste: Absolutely no marijuana waste will be stored in the exterior of the site. All recyclables and waste, including organic waste composed of or containing finished marijuana and marijuana products, will be stored, secured, and managed in accordance with applicable state and local statutes, ordinances, and regulations.

Liquid waste containing marijuana or by-products of marijuana processing will be disposed of in compliance with all applicable state and federal requirements, including but not limited to, for discharge of pollutants into surface water or groundwater (Massachusetts Clean Waters Act, M.G.L. c. 21 §§ 26 through 53; 314 CMR 3.00: *Surface Water Discharge Permit Program*; 314 CMR 5.00: *Groundwater Discharge Program*; 314 CMR 12.00: *Operation Maintenance and Pretreatment Standards for Wastewater Treatment Works and Indirect Dischargers*; the Federal Clean Water Act, 33 U.S.C. 1251 *et seq.*, the National Pollutant Discharge Elimination System Permit Regulations at 40 CFR Part 122, 314 CMR 7.00: *Sewer System Extension and Connection Permit Program*), or stored pending disposal in an industrial wastewater holding tank in accordance with 314 CMR 18.00: *Industrial Wastewater Holding Tanks and Containers Construction, Operation, and Record Keeping Requirements*.

Organic material and recyclable material will be redirected from disposal in accordance with the waste disposal bans described at 310 CMR 19.017: *Waste Bans*. To the greatest extent feasible, any recyclable material as defined in 310 CMR 16.02: *Definitions* will be recycled in a manner approved by the Commission and any remaining marijuana waste will be ground and mixed with other organic material as defined in 310 CMR 16.02: *Definitions* such that the resulting mixture renders the marijuana unusable for its original purpose. Once such marijuana waste has been rendered unusable, the mixture may be composted or digested at an aerobic or anaerobic digester at an operation that is in compliance with the requirements of 310 CMR 16.00: *Site Assignment Regulations for Solid Waste Facilities*.

Solid waste containing marijuana may be ground up and mixed with other solid waste such that the resulting mixture renders any marijuana unusable for its original purpose. Once such marijuana has been rendered unusable, the resulting solid waste may be brought to a solid waste transfer facility or a solid waste disposal facility (e.g., landfill or incinerator) that holds a valid permit issued by the Department of Environmental Protection or by the appropriate state agency in the state in which the facility is located; or

No fewer than two agents will witness and document how the solid waste or organic material containing marijuana is handled on-site, including, but not limited to, the grinding up, mixing, storage and removal from the facility in accordance with 935 CMR 500.105(12). When marijuana products or waste is disposed or handled, the company will create and maintain a written or electronic record of the date, the type and quantity disposed or handled, the manner of disposal or other handling, the location of disposal or other handling, and the names of the two agents present during the disposal or other handling, with their signatures. Boston Botanical will keep these records for at least three years.

Non Marijuana Waste: Waste that does not contain marijuana will be stored in an exterior dumpster and picked up weekly by a commercial trash vendor. Although no marijuana will be present in this dumpster, it will remain locked until such time that the commercial trash pick up occurs.

B. Snow Removal

Snow removal will follow existing practices utilized by the property owner.

C. Loading

Product deliveries will leave from the facility on a regular basis in unmarked transport vans. Pursuant to 935 CMR 500.105, there will be no advertising, markings, or branding indicating that the vehicle is being used to transport marijuana. Routes and times used for the transportation of marijuana and marijuana products are randomized. Marijuana and marijuana products will be transported in secure, locked storage compartments that are a part of the vehicle transporting the marijuana products and cannot be easily removed. At least two agents will staff vehicles transporting marijuana. One agent will remain in the vehicle at all times, and the other will be accompanied by a staff member into the facility and through the receiving area.

An armored car service will pick up monetary instruments as needed each week.

D. Traffic and Parking

With 26 dedicated parking spaces located on site, Boston Botanical respectfully submits that there is ample parking to accommodate its employees and delivery vehicles. Boston Botanical anticipates hiring 30 employees, with a maximum of 25 on site at any given time. The company will take great care to develop, implement, and refine operational procedures that ensure that shifts overlap and will not result in congestion within the parking lot or the store. Operational procedures will be continually evaluated and adjusted as necessary to ensure optimal function of the facility.

The company respectfully submits that its proposed use of the Property will not disturb the existing right of way, pedestrian access, and will not cause a hazard to vehicle or pedestrian traffic. Traffic generated and patterns of access and egress will not cause congestion, hazard, or a substantial change to the neighborhood character.

E. Odor

Please see the enclosed Odor Control Plan, attached hereto as **Exhibit C**.

IV. **Compliance with Town of Lakeville Zoning Bylaw Section 7.4.6**

- A. **Section 7.4.6(B): Marijuana Uses shall not be located within 500 feet of a public or private school providing education in kindergarten or grades 1 through 12.**

The proposed ME is not located within 500 feet of a public or private school providing education in kindergarten or grades 1 through 12.

- B. **Section 7.4.6(D): Marijuana Uses shall be located only in a permanent building and not within any mobile facility, with the exception of the transporting of marijuana and marijuana products under a Marijuana Transporter license.**

The proposed ME is located within a permanent facility.

C. **Section 7.4.(E): Required Application Materials for Marijuana Use Special Permits**

1. **A detailed floor plan of the proposed Marijuana Use that identifies the square footage available and describes the functional areas of the facility.**

Please see the floor plan included as part of **Exhibit A**, which identifies the square footage available and describes the functional areas of the facility.

2. **Detailed Site Plans that include the following information:**

- a. **Compliance with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, signage and all other provisions of this By-Law;**

Please see the site plan included as part of **Exhibit A**, which includes a compliance table outlining requirements as outlined above for the existing structure.

- b. **Convenience and safety of vehicular and pedestrian movement on the site to provide secure and safe access and egress to and from the site;**

Please see the site plan included as part of **Exhibit A**, which demonstrates the existing parking development which was previously designed to ensure convenience and safety of vehicular and pedestrian movement to the site to provide secure and safe access and egress to and from the site.

- c. Convenience and safety of vehicular and pedestrian movement off the site, if vehicular and pedestrian traffic off-site can reasonably be expected be substantially affected by on-site changes;**

Please see the site plan included as part of **Exhibit A**, which demonstrates the existing parking development which was previously designed to ensure convenience and safety of vehicular and pedestrian movement when accessing the site through multiple points of entry to the parking lot.

- d. Adequacy as to the arrangement and the number of parking and loading spaces in relation to the proposed use of the premises;**

Please see the site plan included as part of **Exhibit A**, which provides a parking table demonstrating satisfaction with parking requirements as outlined in the Lakeville Zoning Bylaws. Additionally, there is additional unused paved area that can facilitate additional parking spaces if needed.

- e. Site design such that it provides convenient, secure and safe access and egress for clients and employees arriving to and from the site.**

Please see the site plan included as part of **Exhibit A**, which was previously designed to provide convenient, secure and safe access and egress for clients and employees arriving to and from the site.

- f. Design and appearance of proposed buildings, structures, freestanding signs, screening and landscaping; and**

The applicant proposes minor wayfinding and parking signage in full compliance with all requirements set forth by the Town of Lakeville. No other exterior changes are proposed to the exterior of the structure or any nearby landscaping.

- g. Adequacy of water supply, surface and subsurface drainage and light.**

The changes proposed as part of this permit application would not necessitate modifications to the existing utilities provided as part of the building structure.

- 3. A copy of the Written Operating Procedures as required by 935 CMR 500.105 and/or 935 CMR 501.105, which shall include, at a minimum, the following:**

- a. **Security measures in compliance with 935 CMR 500.110 and/or 935 CMR 501.110, to the extent such information may be made publicly available;**
Please see **Exhibit B** which provides a security narrative outlining compliance with 935 CMR 500.110. Facility specific security materials can be made available upon request.
- b. **Employee security policies;**
Please see **Exhibit C** which outlines employee security policies.
- c. **Proposed hours of operation and after- hours contact information; Boston Botanical proposes the following hours of operation:**
Monday – Friday: 8:00 am – 6:00 pm
Saturday - Sunday: 8:00 am – 6:00 pm
After hours contact: Edward Phipps, Chief Executive Officer, 617-827-9834
- d. **Proposal for storage of marijuana;**
Please see **Exhibit D** which outlines marijuana storage procedures.
- e. **Emergency procedures, including a disaster plan in case of fire or other emergencies;**
Please see **Exhibit E** which outlines emergency procedures, including a disaster plan in case of fire and other emergencies.
- f. **Policies and procedures for preventing the diversion of marijuana to individuals younger than 21 years old;**
Please see **Exhibit F** which outlines policies and procedures to prevent the diversion of marijuana to individuals under the age of 21.
- g. **Policies and procedures for energy efficiency and conservation in accordance with 935 CMR 500.105, and a plan for implementation of such policies;**
Boston Botanical has developed the following Energy Compliance Plan to ensure that its Cultivation and Manufacturing facility facility remains in compliance with the energy efficiency and conservation regulations codified in 935 CMR 500.103(1)(b), 500.105(1)(q), 500.105(15) and 500.120(11).
Energy Efficiency and Equipment Standards

Boston Botanical will maintain compliance at all times with the Commission's minimum energy efficiency and equipment standards and meet all applicable environmental laws, regulations, permits and other applicable approvals including, but not limited to, those related to water quality and quantity, wastewater, solid and hazardous waste management, and air pollution control, including prevention of odor and noise pursuant to 310 CMR 7.00: Air Pollution Control. Boston Botanical will adopt and use additional best management practices as determined by the Commission to reduce energy.

Building Envelope

The building envelope for Boston Botanical's indoor cultivation and manufacturing facility, to the extent applicable, meets minimum Massachusetts Building Code requirements and all Massachusetts amendments (780 CMR: State Building Code), International Energy Conservation Code (IECC) Section C402 or The American Society of Heating, Refrigerating and Air-conditioning Engineers (ASHRAE) Chapters 5.4 and 5.5 as applied or incorporated by reference in 780 CMR: State Building Code.

Lighting

Boston Botanical's lighting meets the compliance requirements for Horticulture Lighting Power Density will not exceed 50 watts per square foot.

In the event that Boston Botanical seeks to use horticultural lighting not included on the Horticultural QPL or other similar list approved by the Commission, Boston Botanical will seek a waiver pursuant to 935 CMR 500.850 and provide documentation of third-party certification of the energy efficiency features of the proposed lighting.

Regardless of compliance path, Boston Botanical will provide third-party safety certification by an OSHA NRTL or SCC-recognized body, which will certify that products meet a set of safety requirements and standards deemed applicable to horticultural lighting products by that safety organization.

Boston Botanical has established and documented safety protocols to protect workers (e.g., eye protection near operating Horticultural Lighting Equipment).

Strategies to Reduce Electric Demand

Boston Botanical is considering the following strategies to reduce electric demand.

1. LED lighting
2. Lighting schedule implementation
3. Active load management and energy storage programs

4. Vegetation rooms will use half of the lighting compared to traditional layouts to achieve maximum efficiency.

As the need and opportunity for facility upgrades and maintenance arise in the future, Boston Botanical will continue to evaluate strategies to reduce electric demand.

Opportunities for Engagement with Energy Efficiency Programs

Boston Botanical plans on engaging with the energy efficiency program offered by Mass Save and will coordinate with Lakeville officials to identify other potential energy saving programs and initiatives.

HVAC and Dehumidification

Boston Botanical's Heating Ventilation and Air Condition (HVAC) and dehumidification systems will meet Massachusetts Building Code requirements and all Massachusetts amendments (780 CMR State Building Code), IECC Section C403 or ASHRAE Chapter 6 as applied or incorporated by reference in (780 CMR: State Building Code). As part of the documentation required under 935 CMR5 00.120(11)(b), Boston Botanical will provide a certification from a Massachusetts Licensed Mechanical Engineer that the HVAC and dehumidification systems meet Massachusetts building code as specified in 935 CMR 500.120(11)(c) and that such systems have been evaluated and sized for the anticipated loads of the facility.

h. A copy of proposed waste disposal procedures.

Please see the above narrative which outlines waste disposal procedures.

IV. Compliance with Town of Lakeville Zoning Bylaw Section 7.4.1

1. The use is not noxious, harmful or hazardous, is socially and economically desirable and will meet an existing or potential need.

Boston Botanical has demonstrated that it has taken great care to minimize any adverse impacts on abutters and parties of interest through thoughtful site design and the implementation of comprehensive standard operating procedures, including:

- The selection of a Property within the Marijuana Zoning Overlay which has been identified as an appropriate zone for ME uses and is not within 500 feet of any offending buffer uses;
- The design of a state-of-the-art facility that has been specifically developed to accommodate best practices for ME uses;

- On site to protect against congestion at the site;
- An odor control plan to protect against odor escape from the vault;
- Nuanced signage, exterior design, and screening to maintain a respectful streetscape façade; and
- A thoughtful operational plan for all facets of its operations.

2. The advantages of the proposed use outweigh any detrimental effects, and such detrimental effects on the neighborhood and the environment will not be greater than could be expected from development which could occur if the special permit were denied.

Boston Botanical has demonstrated that it has taken great care to minimize any adverse impacts on abutters and parties of interest through thoughtful site design and the implementation of comprehensive standard operating procedures, including:

- The selection of a Property within the Marijuana Zoning Overlay which has been identified as an appropriate zone for ME uses and is not within 500 feet of any offending buffer uses;
- The design of a state-of-the-art facility that has been specifically developed to accommodate best practices for ME uses;
- On site to protect against congestion at the site;
- An odor control plan to protect against odor escape from the vault;
- Nuanced signage, exterior design, and screening to maintain a respectful streetscape façade; and
- A thoughtful operational plan for all facets of its operations.

3. The applicant has no reasonable alternative available to accomplish this purpose in a manner more compatible with the character of the immediate neighborhood.

Boston Botanical selected a parcel appropriately located within the Marijuana Overlay District, which was designed to be compatible with the surrounding neighborhood.

Exhibit A

Site Plan in LAKEVILLE, MASS.

Hayes Engineering, Inc.
Civil Engineers & Land Surveyors
603 Salem Street
Wakefield, MA 01880

Telephone: 781.246.2800
Facsimile: 781.246.7596
www.hayeseng.com

Scale: 1" = 40'



January 18, 2021

No. 475 Kenneth W. Welch Drive Proposed Adult Use Marijuana Establishment

OWNER:

LOUIS S. OUTOR & VIRGINIA OUTOR
PO BOX 114
ROCHESTER, MASSACHUSETTS 02770

APPLICANT:

BOSTON BOTANICAL INC.
324 REEDSDALE ROAD
MILTON, MASSACHUSETTS 02186

ASSESSOR'S REFERENCE:

475 KENNETH W. WELCH DRIVE
MAP 024 BLOCK 006 LOT 008

DEED REFERENCE:

PLYMOUTH COUNTY REGISTRY OF DEEDS BOOK 9460 PAGE 18

PLAN REFERENCE:

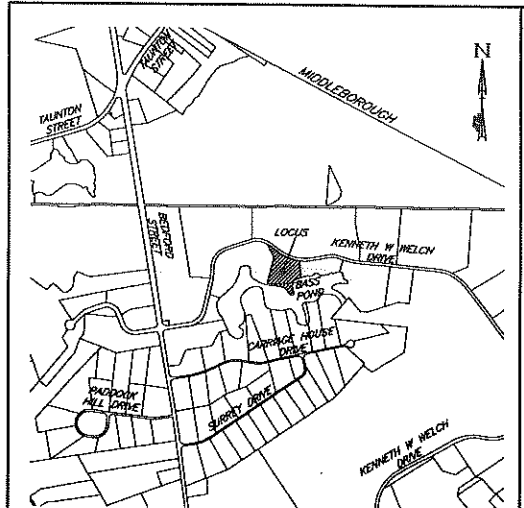
PLYMOUTH COUNTY REGISTRY OF DEEDS PLAN No. 1102 of 1987
PLAN OF LOTS - KENNETH W. WELCH DRIVE,
LAKEVILLE, MASSACHUSETTS DATED SEPTEMBER 4, 1987
WILLIAM L. PHINNEY, PLS

GENERAL NOTES:

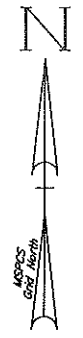
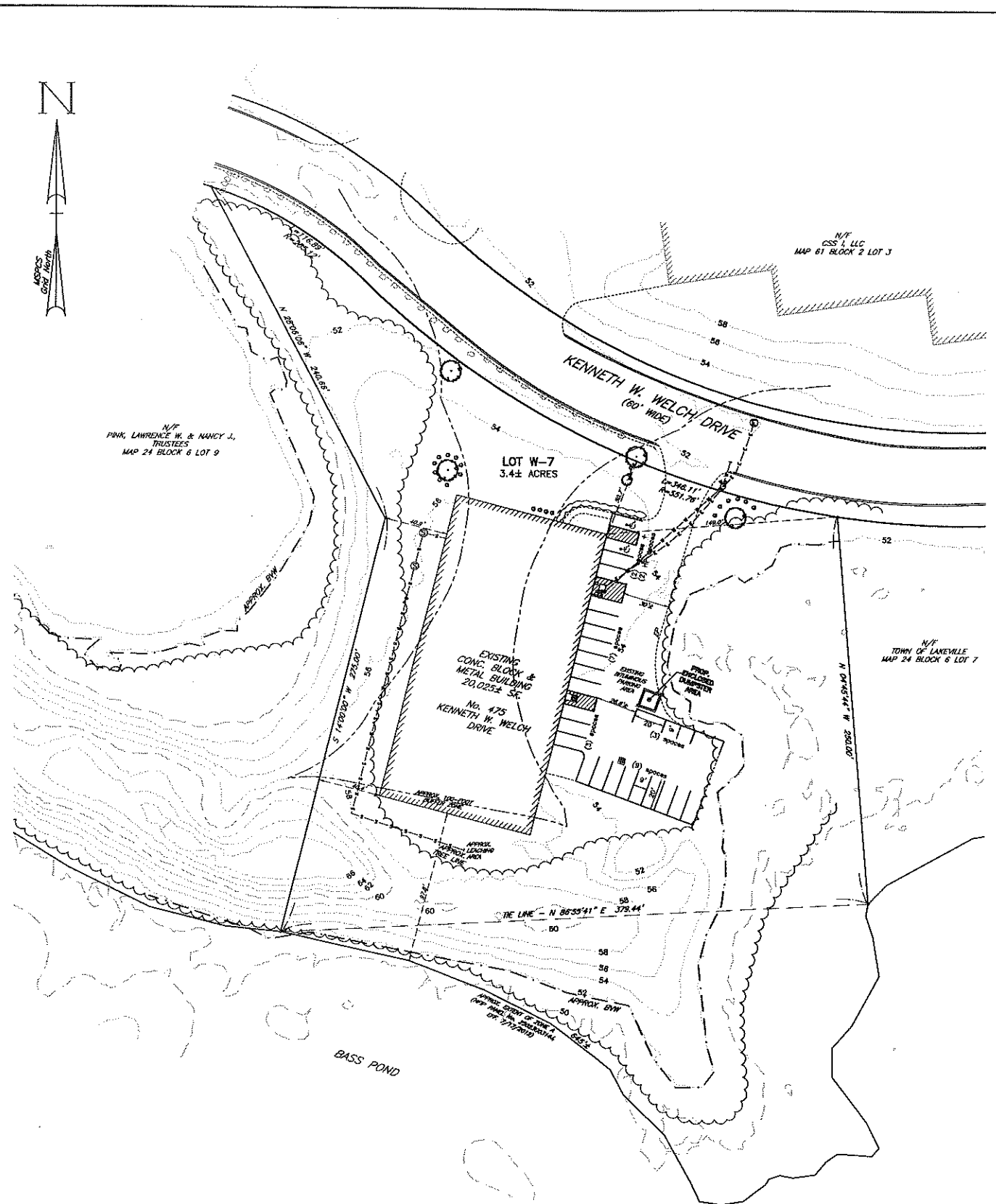
- BOUNDARY INFORMATION AND BUILDING LOCATION DEPICTED HEREON ARE THE RESULT OF AN ACTUAL FIELD SURVEY BY HAYES ENGINEERING, INC. ON JANUARY 16, 2021. THE HORIZONTAL DATUM IS THE MASSACHUSETTS STATE PLAN COORDINATE SYSTEM.
- TOPOGRAPHIC INFORMATION DEPICTED HEREON TAKEN FROM FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) LIDAR TOPOGRAPHY AS PROVIDED BY MASSGIS. THE VERTICAL DATUM IS THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
- THE UNDERGROUND UTILITIES SHOWN HAVE BEEN COMPILED FROM FIELD SURVEY INFORMATION AND AVAILABLE EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. FURTHER, THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES AND DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR CHECKING AND VERIFYING THE LOCATIONS, SIZES, AND ELEVATIONS OF ALL EXISTING UTILITIES SHOWN OR NOT SHOWN ON THESE PLANS AND SHALL NOTIFY THE ENGINEER IN WRITING OF ANY UTILITIES INTERFERING WITH THE PROPOSED DESIGN AND THE APPROPRIATE REMEDIAL ACTION PRIOR TO PROCEEDING WITH THE WORK.
- THE CONTRACTORS ARE RESPONSIBLE FOR CONTACTING DIG SAFE AT (800) 322-4844 PRIOR TO THE START OF ANY CONSTRUCTION.
- THIS PLAN WAS PREPARED FOR REVIEW BY AND TO OBTAIN APPROVAL FROM PUBLIC AGENCIES AND IS NOT INTENDED AS CONSTRUCTION DOCUMENTS.

RESOURCE AREA NOTES:

- THE SITE IS NOT LOCATED IN FLOOD ZONE A AS INDICATED ON FEMA NFIP FLOOD INSURANCE RATE MAP NUMBER 25023C0314J, DATED JULY 17, 2012.
- THE EXTENT OF THE BORDERING VEGETATED WETLAND DEPICTED HEREON IS APPROXIMATE ONLY AND WAS NOT FLAGGED IN THE FIELD BY HAYES ENGINEERING, INC. THE ONLY WORK PROPOSED WITHIN THE APPROXIMATE BUFFER ZONE TO THE BWV IS INSTALLATION OF FENCING AND PAVEMENT STRIPING.



VICINITY MAP
SCALE: 1"=1,000'±



N/T
FRK, LAWRENCE W. & NANCY J.
TRUSTEES
MAP 24 BLOCK 6 LOT 9

N/T
TOWN OF LAKEVILLE
MAP 24 BLOCK 6 LOT 7

**PROGRESS PRINT
NOT FOR CONSTRUCTION**

ZONING TABLE		
ZONE	I (INDUSTRIAL DISTRICT)	
DIMENSIONAL CONTROLS	REQUIRED/ALLOWED	PROPOSED
FRONT YARD SETBACK	40 ft.	50.7 ft.
SIDE YARD SETBACK	40 ft.	40.4 ft.
REAR YARD SETBACK	40 ft.	97.8 ft.
MIN. FRONTAGE	175 ft.	463 ft.
MIN. LOT AREA	70,000 s.f.	148,105± s.f.
MAX. BUILDING HEIGHT	3 stories	1.5 stories
MAX. LOT COVERAGE (bldgs./paving)	50 %	22.3%
PARKING (see calculations)	25 spaces	26 spaces
PARKING CALCULATIONS		
REQUIRED INDUSTRIAL: 1 space per employee on maximum shift		
REQUIRED REGULAR: 25 employees x 1/employee = 25 spaces		
REQUIRED HANDICAPPED: for 26-50 Total Spaces = 2 Handicapped		
TOTAL SPACES PROVIDED: 24 (9'x20') + 2 (12'x20') = 26 spaces		
TOTAL HANDICAPPED PROVIDED: 2 spaces		

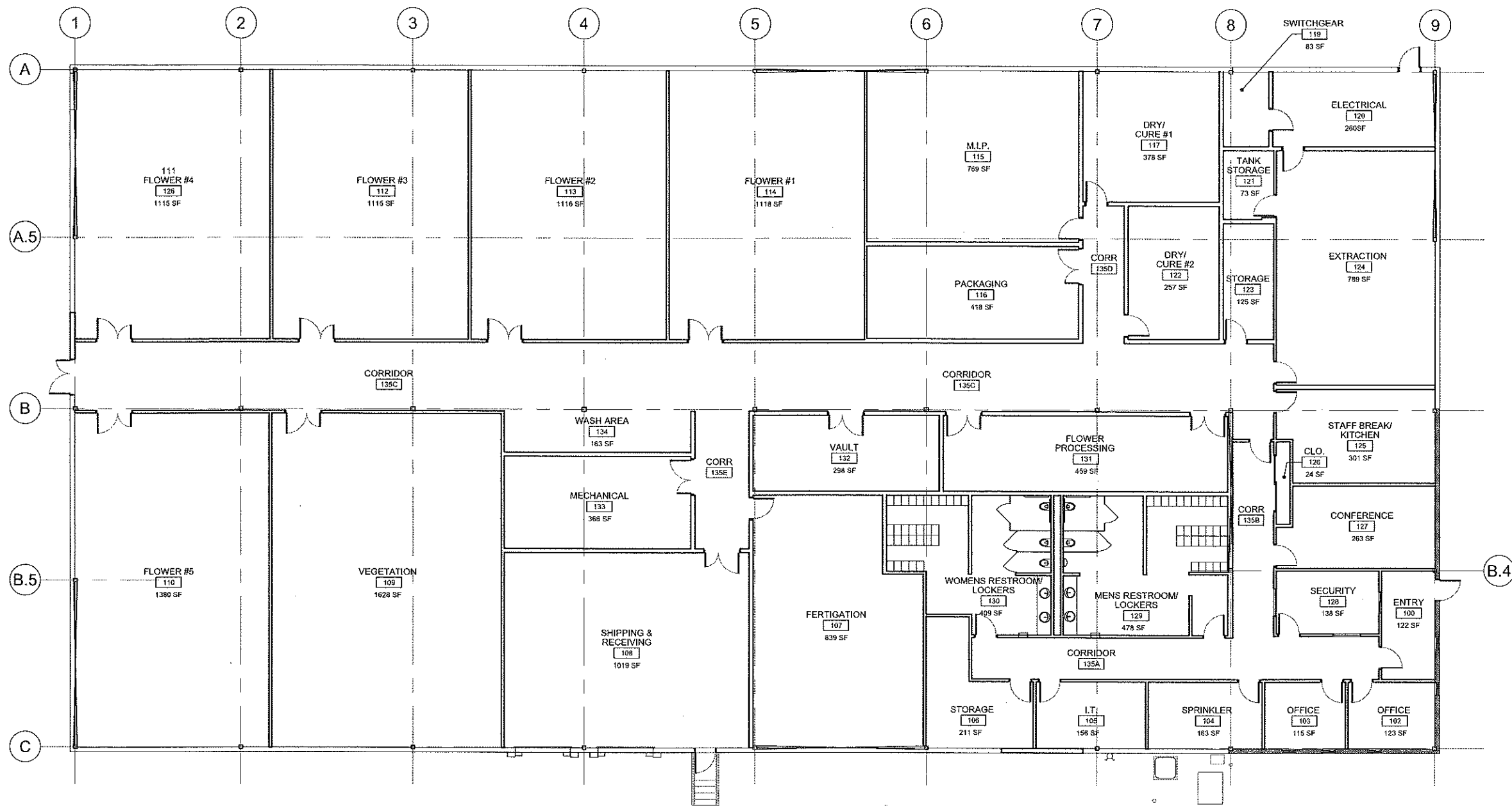


Exhibit C: Employee Security

Boston Botanical will securely maintain personnel records, including registration status and background check records. Boston Botanical will keep, at a minimum, the following personnel records:

- Job descriptions for each employee and volunteer position, as well as organizational charts consistent with the job descriptions;
- A personnel record for each marijuana establishment agent;
- A staffing plan that will demonstrate accessible business hours and safe cultivation conditions;
- Personnel policies and procedures; and
- All background check reports obtained in accordance with 935 CMR 500.030.

Agent Personnel Records

In compliance with 935 CMR 500.105(9), personnel records for each agent will be maintained for at least twelve (12) months after termination of the agent's affiliation with Boston Botanical and will include, at a minimum, the following:

- All materials submitted to the Commission pursuant to 935 CMR 500.030(2);
- Documentation of verification of references;
- The job description or employment contract that includes duties, authority, responsibilities, qualifications, and supervision;
- Documentation of all required training, including training regarding privacy and confidentiality requirements, and the signed statement of the individual indicating the date, time, and place he or she received said training and the topics discussed, including the name and title of presenters;
- Documentation of periodic performance evaluations;
- A record of any disciplinary action taken;
- Notice of completed responsible vendor and eight-hour related duty training; and
- Results of initial background investigation, including CORI reports.

Personnel records will be kept in a secure location to maintain confidentiality and be only accessible to the agent's manager or members of the executive management team.

Agent Background Checks

- In addition to completing the Commission's agent registration process, all agents hired to work for Boston Botanical will undergo a detailed background investigation prior to being granted access to a Boston Botanical facility or beginning work duties.
- Background checks will be conducted on all agents in their capacity as employees or volunteers for Boston Botanical pursuant to 935 CMR 500.030 and will be used by the Director of Security, who will be registered with the Department of Criminal Justice Information Systems pursuant to 803 CMR 2.04: iCORI Registration and the Commission for purposes of determining the suitability of individuals for registration as a marijuana establishment agent with the licensee.

- For purposes of determining suitability based on background checks performed in accordance with 935 CMR 500.030, Boston Botanical will consider:
 - a. All conditions, offenses, and violations are construed to include Massachusetts law or like or similar law(s) of another state, the United States or foreign jurisdiction, a military, territorial or Native American tribal authority, or any other jurisdiction.
 - b. All criminal disqualifying conditions, offenses, and violations include the crimes of attempt, accessory, conspiracy, and solicitation. Juvenile dispositions will not be considered as a factor for determining suitability.
 - c. Where applicable, all look-back periods for criminal conditions, offenses, and violations included in 935 CMR 500.802 commence upon the date of disposition; provided, however, that if disposition results in incarceration in any institution, the look-back period will commence upon release from incarceration.
- Suitability determinations will be made in accordance with the procedures set forth in 935 CMR 500.800. In addition to the requirements established in 935 CMR 500.800, Boston Botanical will:
 - a. Comply with all guidance provided by the Commission and 935 CMR 500.802: Tables B through D to determine if the results of the background are grounds for Mandatory Disqualification or Presumptive Negative Suitability Determination.
 - b. Consider whether offense(s) or information that would result in a Presumptive Negative Suitability Determination under 935 CMR 500.802. In the event a Presumptive Negative Suitability Determination is made, Boston Botanical will consider the following factors:
 - i. Time since the offense or incident;
 - ii. Age of the subject at the time of the offense or incident;
 - iii. Nature and specific circumstances of the offense or incident;
 - iv. Sentence imposed and length, if any, of incarceration, if criminal;
 - v. Penalty or discipline imposed, including damages awarded, if civil or administrative;
 - vi. Relationship of offense or incident to nature of work to be performed;
 - vii. Number of offenses or incidents;
 - viii. Whether offenses or incidents were committed in association with dependence on drugs or alcohol from which the subject has since recovered;
 - ix. If criminal, any relevant evidence of rehabilitation or lack thereof, such as information about compliance with conditions of parole or probation, including orders of no contact with victims and witnesses, and the subject's conduct and experience since the time of the offense including, but not limited to, professional or educational certifications obtained; and
 - x. Any other relevant information, including information submitted by the subject.
 - c. Consider appeals of determinations of unsuitability based on claims of erroneous information received as part of the background check during the application process in accordance with 803 CMR 2.17: Requirement to Maintain a Secondary Dissemination Log and 2.18: Adverse Employment Decision Based on CORI or

Other Types of Criminal History Information Received from a Source Other than the DCJIS.

- All suitability determinations will be documented in compliance with all requirements set forth in 935 CMR 500 et seq. and guidance provided by the Commission.
- Background screening will be conducted by an investigative firm holding the National Association of Professional Background Screeners (NAPBS®) Background Screening Credentialing Council (BSCC) accreditation and capable of performing the searches required by the regulations and guidance provided by the Commission.
- References provided by the agent will be verified at the time of hire.
- As a condition of their continued employment, agents, volunteers, contractors, and subcontractors are required to renew their Program ID cards annually and submit to other background screening as may be required by Boston Botanical or the Commission.

Personnel Policies and Training

As outlined in Boston Botanical's Record Keeping Procedures, a staffing plan and staffing records will be maintained in compliance with 935 CMR 500.105(9) and will be made available to the Commission, upon request. All Boston Botanical agents are required to complete training as detailed in Boston Botanical's Qualifications and Training plan which includes but is not limited to Boston Botanical's strict alcohol, smoke and drug-free workplace policy, job specific training, Responsible Vendor Training Program, confidentiality training including how confidential information is maintained at the marijuana establishment and a comprehensive discussion regarding the marijuana establishment's policy for immediate dismissal. All training will be documented in accordance with 935 CMR 105(9)(d)(2)(d).

Boston Botanical will have a policy for the immediate dismissal of any dispensary agent who has:

- Diverted marijuana, which will be reported the Police Department and to the Commission;
- Engaged in unsafe practices with regard to Boston Botanical operations, which will be reported to the Commission; or
- Been convicted or entered a guilty plea, plea of *nolo contendere*, or admission to sufficient facts of a felony drug offense involving distribution to a minor in the Commonwealth, or a like violation of the laws of another state, the United States or a foreign jurisdiction, or a military, territorial, or Native American tribal authority.

Exhibit D: Storage

Boston Botanical will ensure that all marijuana and marijuana products are stored in compliance with 935 CMR 500.105(11). Specifically, Boston Botanical will ensure the following:

- The facility will have adequate lighting, ventilation, temperature, humidity, space, and equipment, in accordance with applicable provisions of 935 CMR 500.105: *General Operational Requirements for Marijuana Establishments* and 500.110: *Security Requirements for Marijuana Establishments*;
- The facility will have separate areas for storage of marijuana that is outdated, damaged, deteriorated, mislabeled, or contaminated, or whose containers or packaging have been opened or breached, until such products are destroyed,
- All storage areas will be maintained in a clean and orderly condition;
- All storage areas will be free from infestation by insects, rodents, birds, and pests of any kind; and
- All storage areas will be maintained in accordance with the security requirements of 935 CMR 500.110 *Security Requirements for Marijuana Establishments*.

Per the requirements of 935 CMR 500.110, all finished marijuana products will be stored in a secure, locked safe or vault in such a manner as to prevent diversion, theft, and loss.

Furthermore, all safes, vaults, and any other equipment or areas used for the storage of marijuana or marijuana products, including prior to disposal, will be securely locked and protected from entry, except for the actual time required to remove or replace marijuana.

The storage of finished products will be under conditions that will protect them against physical, chemical, and microbial contamination as well as against deterioration of finished products or their containers, per the requirements of 935 CMR 500.105(3)(b)(15).

In accordance with 935 CMR 500.105(3)(c), Boston Botanical will comply with sanitary requirements. All edible products will be prepared, handled and stored in compliance with the sanitation requirements in 105 CMR 590.000: *State sanitary code chapter X: Minimum Sanitation Standards for Food Establishments*.

Exhibit E: Emergency Protocol

Boston Botanical promotes workplace safety consistent with applicable standards set by the Occupational Safety and Health Administration, including plans to identify and address any biological, chemical or physical hazards. Policies and procedures include, at a minimum, a hazard communication plan, personal protective equipment assessment, a fire protection plan, and an emergency action plan. In accordance with 935 CMR 500.105(3)(c), Boston Botanical will ensure that all edible products will be prepared, handled and stored in compliance with the sanitation requirements in 105 CMR 590.000: *State sanitary code chapter X: Minimum Sanitation Standards for Food Establishments*.

Agent Health and Safety Program

Eight basic components have been identified to help prevent accidents and injuries from occurring within the Facility, as well as to help deal effectively with any incidents that do occur. These components are:

- Hazard Identification & Risk Control—determine which hazards are present in the workplace and take steps to eliminate or minimize such hazard.
- Safe Work Procedures:
 - Dealing with wet surfaces;
 - Wearing proper personal protective equipment and clothing;
 - Handling solvents with use of protective gloves and proper ventilation; and
 - Using proper body mechanics when lifting heavy objects.
- Orientation, Education, Training & Supervision—properly prepare agents for job duties and ensure policies and procedures are consistently followed.
- Safety Inspections—regular safety inspections throughout the Facility, which will help identify workplace hazards so that Agents can be eliminated or controlled.
- Incident Investigation—determine cause of accident or injury and implement preventive measures.
- Health and Safety Meetings—regular meetings to provide an opportunity for agents and managers to communicate any concerns about health and safety.
- First Aid—determine what level of first aid is necessary on-site.
- Records & Statistics—maintain documentation to help identify recurring problems and ensure that hazardous conditions are corrected.

An annual Health and Safety Program review will be carried out to address current concerns.

Health and Safety Responsibilities

All agents will complete mandatory safety training sessions. Boston Botanical agents and Boston Botanical management will have specific responsibilities to ensure health and safety at the Boston Botanical facility:

Health and Safety Responsibilities for Boston Botanical Management:

- Ensure the health and safety of all agents;
- Correct any workplace conditions that are hazardous to the health and safety of agents;
- Inform Cultivation Technicians about any remaining hazards;

- Make copies of the *Workers Compensation Act* and OSHA Regulations available by posting throughout the Facility;
- Ensure agents know their rights and responsibilities under OSHA Regulations and the Act and that Agents comply with them;
- Provide and maintain protective devices, equipment, and clothing, and ensure that agents use them;
- Provide agents with education, supervision, and training specific to the Facility and equipment used to cultivate, process and manufacture marijuana and marijuana products; and
- Perform ongoing reviews of policies and procedures and update as needed.

Health and Safety Responsibilities for Boston Botanical Agents:

- Take care to protect individual health and safety and the health and safety of others who may be affected by individual's actions;
- Comply with all regulations and other legal requirements;
- Follow established safe work procedures;
- Use the required personal protective equipment;
- Refrain from horseplay or similar conduct that may endanger others;
- Ensure individual ability to work safely is not impaired by drugs or alcohol;
- Report accidents and other incidents (including near misses) to management; and
- Report the following to their supervisor:
 - A hazard that might endanger Boston Botanical agents;
 - A problem with personal protective equipment or clothing; and
 - Any suggestions to improve workplace safety.

Cleanliness & Sanitation Training

Boston Botanical will combine its existing successful agent training program, supplemented with Commission rules and cannabis specific training to provide exhaustive training curricula to all agents. Boston Botanical' training will include USDA Good Handling Practices and Quality Systems, FDA Current Good Manufacturing Practices, and sickness or illness policies. Agents who handle cannabis will receive hygiene training with specific attention to preventing microbial contamination. All employees will receive, at a minimum, the following quality assurance and contamination prevention training:

- USDA Good Handling Practices and Quality Systems, including but not limited to 21 CFR part 110.
- Product care, inspection, and maintenance techniques.
- Company policies which prohibit employees showing signs of illness, open wounds, sores, or skin infections from handling cannabis or materials that come into contact with cannabis.
- Hygiene training for employees who handle cannabis with specific attention to preventing microbial contamination.
- Handwashing requirements, including washing hands with soap and hot water before beginning work, after using the bathroom, and after meal breaks.

- Quality assurance procedures and consequences of failing to follow the company's established processes.

Agent Hygiene Practices

Boston Botanical's agents will follow thorough hygienic practices and will maintain adequate personal cleanliness. All Boston Botanical agents will wash their hands thoroughly before starting work, and at any other time when hands may have become soiled or contaminated. Hand-washing facilities will be placed conveniently within the Boston Botanical facility and will be equipped with running water, effective hand-cleaning and sanitizing preparations, suitable drying devices, and sufficient storage for all cleaning and sanitation materials. All Boston Botanical agents will also wear food grade disposable gloves when handling marijuana and in the creation of marijuana products.

Any agent who, by medical examination or supervisory observation, is shown to have, or appears to have, an illness, open lesion (e.g., boils, sores, infected wounds), or any other abnormal source of microbial contamination for which there is a reasonable possibility of contact with cannabis shall be excluded from any operations that may be expected to result in microbial contamination until the condition is corrected.

Biological, Chemical and Physical Hazards

Boston Botanical will conduct a comprehensive hazard assessment to identify any physical and health hazards within the facility or on premises. The hazard assessment will evaluate all work areas or work situations, finding all potential hazards an employee may encounter while performing the job. The entire layout of the facility will be inspected and a summary recorded identifying any issues. The assessment will follow U.S. Department of Labor's OSHA Job Hazard Analysis guidelines (OSHA 3071). The Chief Operating Officer, in coordination with managers and the safety committee, will conduct the hazard assessment. The assessment will include, at minimum, identification of the following hazard sources:

- High temperatures that could result in injury, including burns, eye injury, ignition of equipment, or heat stress.
- Cold temperatures that could result in injury, including frostbite, lack of coordination, or cold stress.
- Harmful dust or particulates.
- Light radiation.
- Sources of falling objects, potential for dropping objects, rolling objects that could crush or pinch the feet.
- Sharp objects that may pierce the feet or cut the hands.
- Electrical hazards.
- Chemical exposure, including airborne or skin contact that would have the potential for splash on the skin or eyes, or the potential to breathe vapors or mists.
- Layout of the workplace and the location of employees to avoid collision with other employees or objects.
- Equipment that is malfunctioning, in poor condition, or in need of maintenance.

- Any other identified potential hazard.

The safety committee chair or a manager will complete and sign the PPE Hazard Assessment Certification. This certification will be kept with the Job Hazard Analysis log.

Any hazards identified as not properly controlled will be documented in the Job Hazard Analysis Log. The hazard will be abated immediately or as soon as possible by the appropriate personnel. Once abatement is complete, it will be documented in the Job Hazard Analysis Log.

Hazard Communication Plan

Boston Botanical' Hazard Communication policies and procedures shall ensure Boston Botanical is compliant with applicable Occupational Safety and Health Administration (OSHA) requirements and all applicable state and local laws, regulations, ordinances, and other requirements. All levels of supervision shall be held accountable for the safety of those employees under their direction. Copies of the Boston Botanical' Hazard Communication policies and procedures shall be given to all employees and be available for all to review, upon request.

Boston Botanical' Hazard Communication policies and procedures shall, at a minimum, address the following:

- Informing employees of hazardous chemicals used at Boston Botanical.
- Use of labels and other forms of warning.
- Use of Material Safety Data Sheets (MSDS).
- Procedure with respect to hazardous non-routine tasks.
- Maintaining a list of known hazardous chemicals used by employees and independent contractors.
- Communication of hazards.
- Training of employees and independent contractors.

Boston Botanical Facility Manager and the Chief Executive Officer shall maintain, review, and update the Hazard Communication policies and procedures and be responsible for:

- Implementation of the Boston Botanical' Hazard Communication policies and procedures.
- Ensure that OSHA records are maintained at all times.
- Train all Boston Botanical employees and visiting independent contractors.
- Provide documentation of all training and communications to the Human Resources Manager.

Personal Protective Equipment ("PPE")

Boston Botanical' personal protective equipment (PPE) policies and procedures have been developed to identify work situations that require the use of PPE and to determine the proper selection and use of PPE. PPE will be selected and used to protect employees from the hazards and potential hazards that they are likely to encounter. Employees will wear appropriate PPE at all times.

All managers, will implement all aspects of Boston Botanical' PPE policies and procedures, including:

- Understanding of the applicable federal, state and local laws, regulations, ordinances, and other requirements, as well as best practice safety standards.
- Reviewing hazard assessments to determine the need for PPE.
- Acquiring the correct PPE.
- Training employees on the use of PPE.
- In coordination with the Human Resources Manager, documenting and maintaining employee PPE training.
- Ensuring PPE is available, provided and documented.
- Conducting hazard specific training for the use of PPE.
- Establishing inspections, maintenance and replacement procedures to make sure damaged PPE is not used.

All Managers will:

- Ensure all employees wear the appropriate PPE.
- Ensure that all employees have completed PPE training.
- Contact the Chief Operating Officer when a hazard or process has changed which may render previously used PPE ineffective.
- Comply with PPE policies as required and support the PPE program as necessary.
- Participate in quarterly training for the use and maintenance of PPE.
- Replace all damaged PPE.

Employees will:

- Inspect PPE before use, and ensure proper maintenance.
- Wear all assigned PPE and conduct assigned tasks in a safe manner.
- Notify a manager when PPE is damaged and needs to be replaced.
- Participate in quarterly training for the use and maintenance of PPE.
- Comply with PPE policies as required and support the PPE program as necessary.

Assessment

For each hazard identified during the hazard assessment, PPE will be selected to protect the employee by creating a barrier against the workplace hazard. PPE will be selected to protect against any hazard that is present or likely to be present. PPE selections will be compliant with all applicable federal (excepting federal laws related to marijuana), state and local laws, regulations, ordinances, and other requirements.

All managers will choose PPE based on characteristics such as design, reliability, and suitability for the hazardous task. Managers will ensure the PPE selected offers a level of protection greater than the minimum required to protect employees from the identified hazards.

Upgraded PPE will be immediately provided if any change in facility status results in dangerous exposures to employees.

Fire Protection Plan

All Boston Botanical employees, supervisors, and managers are expected to follow the procedures outlined in this plan to ensure that employees and consumers are protected. The Facility Manager

and the Chief Executive Officer are responsible for the control of accumulation of flammable or combustible waste materials. In addition, the Facility Manager is responsible for maintenance of equipment and systems installed to prevent or control ignitions of fires (ex. Fire Extinguishers, fire hoses, etc.)

All Boston Botanical will be trained on and are responsible for understanding the following Safe Code of Work Practices:

- Flammables, including data sheets, books, rags, clothing, flammable liquids or trash shall not be placed or stored near heaters or their vents, any electrical appliance, or other potential sources of ignition.
- Sources of actual or potential heat such as hot plates or electric coffee pots shall not be placed near flammable materials. Portable space heaters and candles are prohibited.
- Care must be taken not to block potential escape routes, particularly with flammable materials.
- Each individual is personally responsible for assuring that extension cords and multiple plugs are in good condition. Cords that are missing the grounding prong, are spliced together, or that are missing their protective sheath shall not be used.

Additionally, fire control measures installed or available in work areas include installed and monitored sprinkler systems, fire extinguishers and fire alarms systems. The Facility has numerous Fire Extinguishers throughout the facility.

Emergency Action Plan

The Boston Botanical emergency action plan serves to outline procedures for handling of emergency situations. This SOP shall apply to all employees. These protocols ensure the safety of all personnel in an emergency situation. The Compliance Officer will oversee policy compliance for personnel under his or her supervision. Facility managers are responsible for oversight of all the employees and all emergency procedures. All Boston Botanical employees will adhere to the policies and SOPs in this manual. All employees will have proper training in emergency preparedness as a condition of employment.

Response to a Medical Emergency

Medical problems may range from minor, isolated events such as a fall down the stairs to the significant events involving many people. All employees will be trained in the following responses to medical emergencies:

- They should assess the situation.
- If the person is conscious, Agents should ask him or her to tell them if anything hurts. If unconscious, Agents should gently inspect the person for obvious signs of injury.
- Agents should not move the person (especially if he or she indicates any pain) unless Agents are in imminent danger of further injury, e.g., an approaching fire.
- Agents should ask someone else to call 911 if Agents are helping an injured person.

- Agents should also call the manager if he or she is not present and inform them of the situation, the location, etc.
- Agents may render first aid if Agents are knowledgeable and willing, but if possible should wait for qualified personnel to deliver medical attention.
- Agents should ask someone else to recover the first aid kit to utilize during the emergency and avoid coming in contact with blood, vomit, or other bodily fluids without the use of rubber gloves.
- Agents should not provide or administer any medicines and defer to emergency personnel once Agents arrive.
- Agents should limit their conversation with the person to reassurances and not discuss their injury, the accident, or what circumstances might have contributed to its cause, if possible.
- After the person has been given first aid and the incident is over, Agents should provide police or other emergency personnel with any details that Agents know.
- After the medical emergency is over, the injured person, witness, and/or supervisor should formally document the incident and maintain a record of it.

Response to a Fire Emergency

- Activate nearest fire alarm (if installed)
- Notify the local fire department by calling 911
- If no fire alarm is available notify on-site personnel via:
 - Voice communication
 - Phone paging
 - Radio
- Fight the fire ONLY if:
 - The fire department has been notified
 - The fire is small and not spreading to other areas
 - Escaping the area is possible by backing up to the nearest exit
 - The fire extinguisher is in working condition and personnel are trained to use it
- Upon being notified of a fire emergency, occupants must:
 - Leave the building using designated escape routes
 - Assemble in the designated area
 - Remain outside until the competent authority (Designated Official or designee) announces that it is safe to re-enter.
- The Compliance Officer shall designate employees as emergency responders who shall:
 - Disconnect utilities and equipment unless doing so jeopardizes his/her safety
 - Coordinate an orderly evacuation of personnel
 - Perform an accurate headcount of personnel reported to the designated area
 - Determine a rescue method to locate missing personnel
 - Provide fire department personnel with the necessary information about the facility

Extended Power Loss

In the event of an extended power loss to this facility, precautionary measures should be taken including but not limited to:

- Unnecessary electrical equipment and instruments should be turned off if power restoration causes a surge that could damage electronics and sensitive equipment.

If the power loss causes freezing temperatures within the building the following measures should be taken:

- Emergency eyewash station should be drained of water to avoid freezing and cracking of pipes.
- Equipment that contains fluids that can freeze due to long-term exposure should be drained of all such fluids.
- Propylene-glycol may be added to drains to prevent traps from freezing.

Upon restoration of power (and heat):

- Electronic equipment should be brought up to ambient temperatures before energizing to prevent condensate from forming in circuitry.
- Water pipes should be checked for leaks after heat has been restored to prevent flooding.

Chemical Spill

Spill containment and equipment to secure the area is located in the spill containment kit. Personal Protective Equipment (PPE) is located on supply shelves. Safety Data Sheets (SDS) are available online and printed versions are located in the Fertigation department, the Lab, and the Trim hallway.

When a large chemical spill (>4L) has occurred:

- Immediately notify the designated official and the emergency coordinator.
- Wear proper PPE such as gloves and eye protection.
- Contain the spill with available equipment (e.g. pads, brooms, absorbent powder, etc.)
- Secure the area and alert other personnel on site.
- Do not attempt to clean the spill up unless otherwise trained to do so.
- If anyone is injured, alert medically trained staff and call 911, if necessary.
- Call local spill cleanup company or fire department to perform cleanup on spill or for hazardous chemicals such as mercury.
- Evacuate building as necessary.
- In the event the spill is greater than 4L, the fire department or local spill cleanup company should be notified immediately.
- Dispose of all marijuana waste in a manner that is in accordance with the SDS and Disposal SOPs.

When a small chemical spill has occurred (<4L):

- Notify the emergency coordinator and/or supervisor.
- If toxic fumes are present secure the area to prevent other personnel from entering.
- Deal with spill in accordance with instruction in SDS.
- Wear proper PPE such as gloves and eye protection.
- Dispose of all waste in a manner that is in accordance with the SDS and Disposal SOPs.

Bomb Threat

In the event of a bomb threat made in person or over the phone:

- Be calm and listen,
- Do not interrupt the caller,
- Record your name, time, and date,
- Record the following about the caller's identity:
 - Sex (Male or female)
 - Adult or juvenile
 - Origin of call (local, long distance, telephone booth):
 - Voice characteristics: loud/soft, high pitch/deep, raspy/pleasant, intoxicated, other
 - Accent: local/not local, foreign/regional, race
 - Speech: fast/slow, distinct/distorted, stutter/slurred/nasal
 - Manner: calm/angry, rational/irrational, coherent/incoherent
deliberate/emotional, righteous/laughing
 - Language: excellent, good, fair, poor, foul
 - Background noises: factory, trains, machines, animals, music, quiet, office, voices, airplanes, street, party, traffic, atmosphere
- If told, record all the following facts:
 - When will it go off
 - Where is it located
 - What kind of bomb
 - What kind of package
- While on the phone or handling the person deploy the silent alarm button nearest your position.
- If the threat is made by phone, signal personnel to evacuate the facility immediately.
- As soon as possible call 911 and all company emergency contacts.

Flood

- Stay calm and await instructions from designate emergency personnel or first responders.
- Shut down all utilities and equipment if it is safe to do so.
- Follow the recommended primary or secondary evacuation routes.

Blizzard

- Stay calm and await instructions from designate emergency personnel or first responders.
- Stay indoors.
- If there is no heat:
 - Close off unneeded rooms or areas
 - Stuff towels or rags in cracks under doors
 - Cover windows
 - Eat and drink. Food provides the body with energy and heat. Fluids prevent dehydration.
 - Wear layers of loose-fitting, lightweight warm clothing, if available.

Armed Robbery

All employees will be trained on how to respond to an armed robbery. Agents will receive initial training as a component of onboarding, re-fresher training annually and as needed throughout the year:

- 1) If a firearm is displayed, Agents should assume it is real and loaded.
- 2) Agents should not do anything that would jeopardize their safety or the safety of others.
- 3) Agents should remain calm and not make any sudden moves. If Agents must put their hands into a pocket or make any other moves, explain the action before doing it. If the robber(s) have a weapon, they will likely use it if provoked.
- 4) Agents should activate alarms ONLY if Agents can do so safely and without detection.
- 5) Agents should follow the directions of the robber(s), but not volunteer to anything more than asked.
- 6) If the robber hands them a note, Agents should drop it on the floor or place it out of sight to retain as evidence.
- 7) Agents should study the robber(s) as carefully as possible without being obvious, noting height, weight, race, age, clothing, jewelry, sex, speech characteristics, scars, tattoos, physical characteristics, gait, and method of operation.
- 8) Agents should note the number of accomplices and where they stood, paying special attention to the way the robbers address each other because under stress, they may use real names.
- 9) Agents should note the type of weapon used by the robber and where he or she carried it.
- 10) Agents should note the direction in which the robber(s) departed and how they carried the money or cannabis away (sack, bank bag, etc.).
- 11) Agents should try to remember exactly what the robber(s) said.
- 12) Agents should prioritize their safety and the safety of others because money or cannabis can be recovered or replaced but a life cannot.

After an armed robbery, any employee can call 911 to report the robbery and provide their name and location. Agents should not leave the phone until they have answered all of the operator's questions. If injury occurred, Agents should advise the police if an ambulance is needed. The person who actually dealt with the robber(s) should be near the person designated to telephone the police to assist in answering any questions.

As soon as the robbery has been reported to the police, the employees should lock all doors, ask all witnesses to remain, and allow no one to enter until officers arrive. Agents should not touch anything. All persons who dealt with the robber or were present during the robbery should immediately begin writing all they can remember of the incident but not discuss the robbery with anyone until after Agents have given their information to the police.

Active Shooter

The U.S. Department of Homeland Security defines an active shooter as "an individual actively engaged in shooting or attempting to shoot people in a confined and populated area." Boston Botanical will teach all employees the DHS-recommended procedures of Run.Hide.Fight. if they find themselves in an area with an active shooter:

- 1) **Evacuate (RUN):** If employees are in the building where an active shooter is present, they should look and listen for indications of where the threat is. If they see people fleeing from a particular area, they know that the threat is in that area and could be coming toward them. They can try to evacuate the building if the nearest route is away from the active shooter or move to a room that can be locked (safe room). If they cannot evacuate or move to a safe room, they should move away from the threat and away from the noise and commotion.
- 2) **Lockdown and Shelter-in-Place (HIDE):** If they cannot safely evacuate the area, the best option is for the employees to find a room with a door that locks from the inside. If the door does not lock, they should barricade it with large heavy objects such as desks, tables, file cabinets, furniture, and books to make entry as difficult as possible. They should locate an area with ballistic cover, not just visual concealment, because cover stops and slows bullets while concealment does not. If for some reason the employees are caught in an open area such as a hallway or reception area, they can try to hide, remain as quiet and calm as possible, or “play dead” to avoid detection.

Employees should also:

- Cover windows and draw blinds
- Turn off radios and computer monitors
- Keep out of sight
- Silence cell phones and remain as quiet as possible

Confront the Shooter (FIGHT): If the employees come face to face with the assailant, as a last resort and because no single procedure can be recommended in this situation, they should attempt to quickly overpower the individual with force in the most violent manner possible. If the employees are with other people they should work as a collective group to overcome the shooter by yelling “Gun!”, throwing items at the shooter’s head to distract him or her, grabbing the weapon, or holding the shooter for police. They should remember that in most cases, the attacker will continue to shoot victims unless he or she is stopped.

Emergency Training

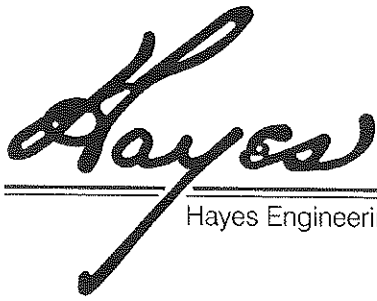
Boston Botanical will prioritize frequent training so all employees are familiar with the contents of the emergency management plan. Boston Botanical will plan and schedule the emergency exercises to minimize disruption of normal business operations and maximize participation of employees and management. Due to the severity of many emergencies, Boston Botanical will conduct semiannual emergency training exercises including bomb threat, fire, active shooter, armed robbery, and medical emergency drills and maintain a record of all training, noting any issues during these drills, so that solutions will be implemented before the next drill. Training will include the emergency evacuation plan, including regular evacuation drills that practice varying escape routes in the event the designated evacuation route is not available.

Exhibit F: Prevention of Diversion

Boston Botanical's operating policies and procedures ensure prevention of diversion, theft, and illegal or unauthorized conduct pursuant to the Commission's Adult Use of Marijuana regulations codified in 935 CMR 500.000. Considerations regarding diversion prevention measures include, but are not limited to, marijuana establishment agent and consumer accountability, and identifying, recording, and reporting diversion, theft, or loss. Marijuana in the process of transport, analysis, or retail sale is to be stored and tracked in a manner that prevents diversion, theft, or loss.

More specifically, diversion measures include policies and procedures requiring that:

- Employees are made aware of crime prevention techniques pursuant to 935 CMR 500.105(1)(b).
- Any marijuana establishment agent who has diverted marijuana will be immediately dismissed, which will be reported to law enforcement and to the Commission pursuant to 935 CMR 500.105(1)(m).
- All employees involved in the handling and sale of marijuana for adult use will complete a responsible vendor training program with a curriculum covering diversion prevention and prevention of sales to minors and will comply with all other marijuana establishment agent training requirements under 935 CMR 500.105(2).
- Boston Botanical will only engage in reasonable marketing, advertising, and branding practices that do not promote the diversion of marijuana and that comply with all other marketing and advertising requirements under 935 CMR 500.105(4).
- Warning statements required by the Commission's regulations will be affixed to all applicable products, and Boston Botanical's labels will comply with all other labeling of marijuana and marijuana products requirements under 935 CMR 500.105(5).
- Tamper or child-resistant packaging will be used for applicable marijuana products, and Boston Botanical's products will comply with all other packaging of marijuana and marijuana products requirements under 935 CMR 500.105(6).
- Boston Botanical will maintain real-time inventory and will track and tag all marijuana seeds, clones, plants, and marijuana products, using Metrc as the seed-to-sale methodology in a form and manner to be approved by the Commission.
- Records will be kept for inventory, seed-to-sale tracking for all marijuana products, personnel (including documentation of the completion of required training), and waste disposal, and Boston Botanical will comply with all other record keeping requirements under 935 CMR 500.105(9).
- Marijuana that is outdated, damaged, deteriorated, mislabeled, or contaminated, or whose containers or packaging have been opened or breached, will be stored in a separate area, until such products are destroyed; and Boston Botanical will comply with all other storage requirements under 935 CMR 500.105(11).
- Two or more marijuana establishment agents will witness and document how the marijuana waste is disposed or otherwise handled, and Boston Botanical will comply with all other waste disposal requirements under 935 CMR 500.105(12).
- All transported marijuana products will be linked to Metrc; all vehicles transporting marijuana will be staffed with a minimum of two marijuana establishment agents; and any



Hayes Engineering, Inc

603 Salem Street
Wakefield, MA 01880
Tel: (781) 246-2800
Fax: (781) 246-7596

Traffic Impact Statement

Nantucket, MA 02554
Tel: (508) 228-7909

Refer to File No. LAK-0002

TO: Town of Lakeville Zoning Board of Appeals
FROM: Tony Capachietti, *Project Manager*
DATE: January 18, 2021
SUBJECT: Boston Botanicals, Inc.
Proposed Adult Use Marijuana Establishment
Marijuana Cultivator and Product Manufacturer
475 Kenneth W. Welch Drive

Hayes Engineering, Inc. (HEI) has prepared this Traffic Impact Statement in support of the proposed "Boston Botanical, Inc" (BBI) marijuana establishment (cultivation and processing) at 475 Kenneth W. Welch Drive in Lakeville, Massachusetts. The purpose of this Impact Statement is to estimate the trip generation rates for the existing and proposed use and to evaluate the site access and egress.

Site Context

The Property is located on the southerly side of Kenneth W. Welch Drive. The Property is served by a single, two-way access and egress curb cut on Kenneth W. Welch Drive. The Property is currently occupied by an existing 20,025± square foot (sf.) industrial building. The Applicant seeks to occupy approximately the building for use as a marijuana establishment for the cultivation, manufacture and processing of marijuana products. This building was previously occupied by a Tracey Imports, Inc. a florist supply and nursery product importer. The facility will provide twenty-six (26) spaces of off-street parking for the use in compliance with local zoning requirements.

Trip Generation

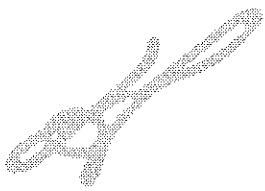
Average Daily Vehicle Trips and Peak Hour Trips for the project are calculated using data published by the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition.

Previous uses at the facility are best classified as Institute of Transportation Engineers (ITE) Land Use Code (LUC) 130 – Industrial Park, defined in the ITE Trip Generation Manual, 10th Edition as follows:

An industrial park contains a number of industrial or related facilities. It is characterized by a mix of manufacturing, service, and warehouse facilities with a wide variation in the proportion of each type of use from one location to another. Many industrial parks contain highly diversified facilities—some with a large number of small businesses and others with one or two dominant industries.

vehicle accidents, diversions, or other reportable incidents that occur during transport will be reported to the Commission and law enforcement within 24 hours. Boston Botanical will comply with all other transportation requirements under 935 CMR 500.105(13).

- All security requirements under 935 CMR 500.110 will be followed, including:
 - Implementing sufficient safety measures to deter theft of marijuana and marijuana products and prevent unauthorized entrance into areas containing marijuana and marijuana products at Boston Botanical' adult-use marijuana establishment location to protect the premises, employees, Boston Botanical' agents, consumers, and the general public;
 - Adopting procedures to prevent loitering and to ensure that only individuals engaging in activity expressly or by necessary implication permitted by the Commission's regulations and its enabling statute are allowed to remain on the premises;
 - Storing all finished marijuana products in a secure, locked safe or vault in such a manner as to prevent diversion, theft, and loss;
 - Restricting access to employees, agents or volunteers specifically permitted by Boston Botanical, agents of the Commission, state and local law enforcement and emergency personnel, and all other limited access areas requirements under 935 CMR 500.110(4);
 - Implementing an adequate security system to prevent and detect diversion, theft or loss of marijuana, notifying law enforcement and the Commission within 24 hours of a diversion, theft or loss of any marijuana product, and all other security and alarm requirements under 935 CMR 500.110(5); and
 - Obtaining, at Boston Botanical' own expense, a security system audit by a vendor approved by the Commission, and all other security audits requirements under 935 CMR 500.110(10).



Traffic Impact Statement
 Boston Botanicals, Inc.
 475 Kenneth W. Welch Drive
 Lakeville, MA

The proposed use of cultivation, processing and manufacturing marijuana products would also be similarly classified. As such, no net increase in vehicular traffic is projected from the proposed use. Table 1 summarizes the projected vehicle trip ends to the facility:

TABLE 1
 Trip Generation, *Industrial*

<u>Time Period</u>	<u>LUC 130 – Industrial Park Average Trip Ends per 1,000 sf. GFA</u>	<u>LUC 130 – Industrial Park Vehicle Trip Ends⁽¹⁾</u>
Weekday Daily	3.37	67
Weekday AM Peak Hour	0.41	8
Weekday PM Peak Hour	0.40	8
Saturday Daily	2.54	51 ⁽²⁾
Saturday Peak Hour	0.44	9 ⁽²⁾

⁽¹⁾ Based on 20,025± -sf. of floor area
⁽²⁾ ITE cautions use due to small sample size

Sight Distance

Sight distance considerations are divided into two criteria:

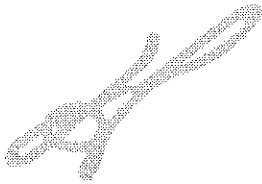
1. Stopping Sight Distance (SSD); and
2. Intersection Sight Distance (ISD).

Approach SSD is the distance required for an approaching vehicle to perceive and react accordingly to a driveway exiting vehicle or object. Stopping sight distances used for design is the sum of two distances:

- a. the distance a vehicle travels after the driver sees an object and begins breaking; and
- b. the distance it travels during breaking, as calculated for wet level pavement. When the main roadway is either on an upgrade or downgrade, grade correction factors are applied.

ISD is based upon a perception and reaction time, and time required to complete the desired exiting maneuver after the decision to do so have been made. Values for exiting ISD represent time required to turn left or right from a stop condition, to accelerate to the operating speed of the street without causing approaching vehicles to reduce speed by more than 70% of their initial/design speed and, upon turning left, to clear the near half of the street without conflicting with vehicles approaching from the left having to reduce their speed by more than 70% of their initial/design speed. The ISD, therefore, is considered to enhance the operation of the adjacent street traffic over and above the actual needs of the stopping sight distance that is needed for the safe operation of the intersection.

Approach SSD is far more important, as it represents the minimum distance required for safe stopping, while exiting ISD criteria is based only upon acceptable speed reductions to the approaching traffic streams. As noted in ASSHTO, "If the available sight distance for an entering or crossing vehicle is at least equal to the appropriate stopping sight distance for the major road,



Traffic Impact Statement
 Boston Botanicals, Inc.
 475 Kenneth W. Welch Drive
 Lakeville, MA

then drivers have sufficient sight distance to anticipate and avoid collisions". This would be, basically, the minimum criteria for the safe operation of an unsignalized intersection.

The required approach SSD for the exit movements was calculated using the following formula (AASHTO, p.3-5):

$$SSD = 1.47(V)(t) + 1.075 \left(\frac{V^2}{a} \right)$$

Where: V = 85th percentile Speed
 t = 2.5 seconds
 a = 11.2 feet/second²

Required and provided SSD for both approach directions are presented in the table below. As no speed limit is posted nor was a speed study performed the 85th percentile speed was estimated to be 45 mph for Kenneth W. Welch Drive.

Table 3: Approach Stopping Sight Distance, Proposed Site Drive at Kenneth Welch Drive

<u>Location</u>	<u>Posted Speed</u>	<u>85th Percentile Speed</u>	<u>Calculated SSD for 85th Percentile Speed</u>	<u>Approximate Provided SSD</u>
Traveling Easterly on Kenneth W. Welch Drive	Not Posted (35 mph)	45 mph	360 feet	440± feet
Traveling Westerly on Kenneth W. Welch Drive	Not Posted (35 mph)	45 mph	360 feet	617± feet

There is an area of potential vegetation overgrowth at the northwestern-most portion of the property and indicated on the accompanying site plan that should be regularly mowed and maintained to stop vegetation from impeding sight lines to vehicles travelling easterly toward the site.

Parking Analysis

BBI will use the existing parking lot, restriping it to provide 26 spaces inclusive of 2 accessible spaces. It is anticipated BBI will employ 25 employees during its largest shift. BBI will encourage its employees to use ridesharing, car-pooling and alternative modes of transportation to limit their parking demand. The Town of Lakeville Zoning By-Laws require 1 space per employee on the maximum shift or 25 spaces.



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

OFFICE OF
ZONING BOARD OF APPEALS
Secretary: Cathy Murray

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

FROM: Board of Appeals

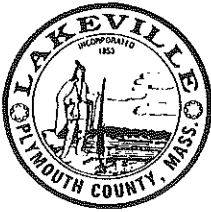
DATE: January 25, 2021

RE: Attached Petitions for Hearing
Boston Botanical - 475 Kenneth W. Welch Drive

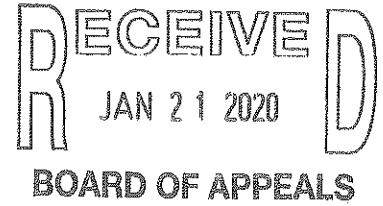
Attached please find a copy of one (1) Petition for Hearing, which has been submitted to the Board of Appeals. The hearing for this petition will be held on February 23, 2021.

Please review and forward any concerns your Board may have regarding this petition to the Board of Appeals, if possible, no later than Wednesday, February 17, 2021.

Thank you.



Town of Lakeville
Zoning Board of Appeals
346 Bedford Street
Lakeville, MA 02347
508-946-3473



**Special Permit Application
Petition for hearing
Marijuana Uses only**

Name of Petitioner: Boston Botanical, Inc.

Mailing Address: 324 Reedsdale Road, Milton, MA 02186

Name of Property Owner: Louis Outor

Location of Property: 475 Kenneth Welch Drive, Lakeville, MA 02347

Registry of Deeds: Book No. 9460 Page No. 18

Map 24 Block 006 Lot 008

Petitioner is: _____ owner _____ tenant _____ licensee X prospective purchaser

Marijuana Use(s) applying for:

- Marijuana Retailer
 - Marijuana Research Facility
 - Independent Testing Laboratory
 - Marijuana Cultivator
 - Registered Marijuana Dispensary (RMD)
 - Craft Marijuana Cooperative
 - Marijuana Product Manufacturer
 - Craft Marijuana Cooperative
 - Marijuana Transporter
 - Microbusiness
- *(Must also complete Tiers of Marijuana Cultivator)

Tiers of Marijuana Cultivator

Each licensee (except a Craft Marijuana Cooperative) may have three licenses, but the total canopy authorized by the licenses added together may not exceed 100,000 square feet.

Please indicate all Tiers that are licensed (L) or are in process (✓) from the Cannabis Control Commission.

- Tier 1-up to 5,000 square feet
- Tier 2-5,001 to 10,000 sq. ft.
- Tier 3-10,001 to 20,000 sq. ft.
- Tier 4-20,001 to 30,000 sq. ft.
- Tier 5-30,001 to 40,000 sq. ft.
- Tier 6-40,001 to 50,000 sq. ft.
- Tier 7-50,001 to 60,000 sq. ft.
- Tier 8-60,001 to 70,000 sq. ft.
- Tier 9-70,001 to 80,000 sq. ft.
- Tier 10-80,001 to 90,000 sq. ft.
- Tier 11-90,001 to 100,000 sq. ft.

Please include a brief to the Board along with all documents required from the attached Special Permit Checklist with your application. Use additional paper if necessary.

Boston Botanical, Inc. is applying for a or a Marijuana Establishment Special Permit with the intention to operating an Adult Use Marijuana Cultivation & Manufacturing facility in the Industrial Zoning District. Please see the attached narrative, supporting documents, and Exhibits for additional information.

I HEREBY REQUEST A HEARING BEFORE THE ZONING BOARD OF APPEALS WITH REFERENCE TO THE ABOVE PETITION. ALL OF THE INFORMATION ON THIS PETITION, TO THE BEST OF MY KNOWLEDGE, IS COMPLETE AND ACCURATE AND CONFORMS TO THE REQUIREMENTS OF THE MARIJUANA USES SUBMITTAL CHECKLIST AND THE TOWN OF LAKEVILLE ZONING BY-LAW.

Petitioner: Boston Botanical, Inc.

Date: 1/19/21

Signed: *Edward Phipps*

Telephone: 617-827-9834

Email: ephipps@casco botanical.com

Owner Signature: _____
(If not petitioner)

Owner Telephone: 508-951-0373

WILL YOU HAVE A REPRESENTATIVE OTHER THAN YOURSELF?

Yes No

Phil Silverman, Counsel, Vicente Sederberg LLP
Name and Title

508-353-8570
Telephone

ephipps@casco botanical.com
Email

Massachusetts 2020 Model Floodplain Bylaws

Table of Contents

Section 1.	Introduction
Section 2.	Local Required Bylaws
Section 3.	Required Definitions
Section 4.	Explanations

Section 1. Introduction

After years of devastation from flooding across the nation, Congress created the National Flood Insurance Act of 1968 in an attempt to offer flood disaster relief in the form of insurance. This insurance would be available to residents of communities that voluntarily adopt and enforce floodplain management ordinances that meet at least minimum National Flood Insurance Program (NFIP or the Program) requirements.

According to FEMA's Community Status Book, the first Massachusetts community to officially participate in the NFIP was the Town of Wareham, who joined the NFIP on May 28, 1971. Most other MA communities quickly followed suit in the 1970s and early 1980s. The State NFIP Coordinating Office was created by Executive Order of the Governor in 1978 and is housed under the Water Resources Commission in the Department of Conservation & Recreation's Flood Hazard Management Program.

This document has been prepared in order to assist NFIP communities in Massachusetts to understand the minimum requirements of the NFIP, and to assure that their local bylaws or ordinances contain the necessary and proper language for compliance with the Program.

The local floodplain overlay district is established as an overlay to all other districts. In Massachusetts, the floodplain overlay district bylaw or ordinance is part of a federal requirement for communities that choose to participate in the NFIP. However, the state already administers regulations that take care of many floodplain management requirements and concerns. Referencing existing regulations is important to ensure that projects have been reviewed under the appropriate state regulations and that variances to the conditions of the bylaw do not erroneously allow variances to state requirements.

All development in the floodplain overlay district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with the following:

- 780 CMR- Massachusetts Statewide Building Code
- 310 CMR- Department of Environmental Protection Regulations

For those NFIP requirements that are not found in the above state regulations, the community must adopt these requirements in their bylaws (towns) or ordinances (cities.) The following section contains all NFIP requirements that must be adopted as local regulations, since they are not found in the above listed regulations.

Section 3 contains floodplain management definitions that FEMA Region I feels are critical for inclusion in local codes.

Section 4 of this document offers explanations to support local understanding of these requirements.

Section 2. Required Local Bylaws

For those National Flood Insurance Program minimum requirements that are not found in existing state law, the following articles must be adopted by the community as a part of their local bylaws or ordinances, if these are not already adopted. The suggested language in this section is compliant with the federal requirements.

1. Stated local purpose for flood resistant standards

The purpose of the Floodplain Overlay District is to:

- 1) Ensure public safety through reducing the threats to life and personal injury
- 2) Eliminate new hazards to emergency response officials
- 3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding
- 4) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding
- 5) Eliminate costs associated with the response and cleanup of flooding conditions
- 6) Reduce damage to public and private property resulting from flooding waters

2. Use of FEMA maps and supporting studies

A community must select the appropriate option as follows:

A. Bylaw text for communities with “Community-Based” FIRMs, FBFM and FIS

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas designated on the [Town or City]’s Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency for the administration of the National Flood Insurance Program, dated [effective map dates on FIRM] and on the Flood Boundary & Floodway Map (if applicable) dated [FBFM effective date.] These maps indicate the 1%-chance regulatory floodplain. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Flood Insurance Study (FIS) report dated [FIS date.] The effective FIRM, FBFM, and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, Conservation Commission and [other.]

OR

B. Bylaw text for communities with “Countywide” FIRMs and FIS

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within [Community Name] designated as Zone A, AE, AH, AO, A99, V, or VE on the [County Name] Flood Insurance Rate Map (FIRM) dated [FIRM date] issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the [County Name] Flood Insurance Study (FIS) report dated [FIS date]. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, Conservation Commission and [other].

3. Abrogation and greater restriction section

The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

4. Disclaimer of liability

The degree of flood protection required by this bylaw [ordinance] is considered reasonable but does not imply total flood protection.

5. Severability section

If any section, provision or portion of this bylaw [ordinance] is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

6. Designation of community Floodplain Administrator

The Town/City of _____ hereby designates the position of _____ to be the official floodplain administrator for the Town/City.

7. Requirement to submit new technical data

If the Town/City acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town/City will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:

FEMA Region I Risk Analysis Branch Chief
99 High St., 6th floor, Boston, MA 02110

And copy of notification to:

Massachusetts NFIP State Coordinator
MA Dept. of Conservation & Recreation, 251 Causeway Street, Boston, MA 02114

8. Variances to building code floodplain standards

CHOOSE THE APPROPRIATE OPTION:

A. If the State issues variances to the flood-resistant standards as found in the state building code, the community will use this text for local adoption:

The Town/City will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.

The Town/City shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

B. Certain communities have the authority to issue variances to the state building code. If your community has this authority from the BBRS, you will use this text for local adoption:

Variations to floodplain development regulations shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

A written justification for the variance will be maintained in the Town's/City's building permit files, delineating the technical reason for the variance, and stating that the variance is the minimum necessary (considering the flood hazard) to afford relief.

The Town/City shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

9. Variations to local Zoning Bylaws related to community compliance with the National Flood Insurance Program (NFIP)

A variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

10. Permits are required for all proposed development in the Floodplain Overlay District

The Town/City of _____ requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and

any other development that might increase flooding or adversely impact flood risks to other properties.

11. Assure that all necessary permits are obtained

(Town/City)_____’s permit review process includes the use of a checklist of all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits, and must submit the completed checklist demonstrating that all necessary permits have been acquired.

12. Subdivision proposals

All subdivision proposals and development proposals in the floodplain overlay district shall be reviewed to assure that:

- (a) Such proposals minimize flood damage.
- (b) Public utilities and facilities are located & constructed so as to minimize flood damage.
- (c) Adequate drainage is provided.

13. Base flood elevation data for subdivision proposals

When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.

14. Unnumbered A Zones

In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

15. Floodway encroachment

In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town's/City's FIRM or Flood Boundary & Floodway Map (choose map which delineates floodways for your community) encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

16. Watercourse alterations or relocations in riverine areas

In a riverine situation, the _____ (appropriate official in community) shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities, especially upstream and downstream
- Bordering States, if affected
- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, 8th floor
Boston, MA 02114
- NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

17. AO and AH zones drainage requirements

Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

18. Recreational vehicles

In A1-30, AH, AE Zones, V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for

foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

19. Protection of dunes

Alteration of sand dunes is prohibited when the alteration would increase potential flood damage.

20. Local Enforcement

This is not sample bylaw text, but rather an instruction:

Please read the explanation in Section 4 about the importance of being able to point to specific local enforcement procedures for non-compliant floodplain development.

Section 3. Definitions not found in the State Building Code

National Flood Insurance Program (NFIP) definitions are found in Title 44 of the Code of Federal Regulations, section 59.1. The definitions below refer to their source; if the definition is from the MA building code, it is from the 9th Edition, which meets the minimum standards of the NFIP.

In order for the bylaw or ordinance to be clearly understood, it is necessary to define technical terms or key words. An understanding of these terms is a prerequisite to effective administration of the floodplain management bylaw or ordinance.

Per FEMA Region I, these additional definitions must be included in local bylaws or ordinances.

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

FLOOD BOUNDARY AND FLOODWAY MAP means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.)

FLOOD HAZARD BOUNDARY MAP (FHBM.) An official map of a community issued by the Federal Insurance Administrator, where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E. [US Code of Federal Regulations, Title 44, Part 59]

FLOODWAY. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

- (1) By an approved state program as determined by the Secretary of the Interior or

- (2) Directly by the Secretary of the Interior in states without approved programs.

[US Code of Federal Regulations, Title 44, Part 59]

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. *New construction includes work determined to be substantial improvement.* [Referenced Standard ASCE 24-14]

RECREATIONAL VEHICLE means a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

[US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY - see FLOODWAY.

SPECIAL FLOOD HAZARD AREA. The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30. [Base Code, Chapter 2, Section 202]

START OF CONSTRUCTION. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling

units or not part of the main building. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

ZONES, FLOOD – *These definitions do not need to be included in local bylaws.*

Definitions of Flood Zones

The community shall use the pertinent definitions for flood zones delineated within the community. All of these terms are defined in the US Code of Federal Regulations, Title 44, Part 64.3.

ZONE A means an area of special flood hazard without water surface elevations determined

ZONE A1-30 and ZONE AE means area of special flood hazard with water surface elevations determined

ZONE AH means areas of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) feet, and with water surface elevations determined

ZONE AO means area of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) ft. (*Velocity flow may be evident; such flooding is characterized by ponding or sheet flow.*)

ZONE A99 means area of special flood hazard where enough progress has been made on a protective system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. (Flood elevations may not be determined.)

ZONES B, C, AND X means areas of minimal or moderate flood hazards or areas of future-conditions flood hazard. (*Zone X replaces Zones B and C on new and revised maps.*)

ZONE V means area of special flood hazards without water surface elevations determined, and with velocity, that is inundated by tidal floods (coastal high hazard area)

ZONE V1-30 and ZONE VE (*for new and revised maps*) means area of special flood hazards, with water surface elevations determined and with velocity, that is inundated by tidal floods (coastal high hazard area)

Section 4. Explanations

The requirements of the NFIP can be found in the US Code of Federal Regulations, Title 44 Emergency Management, generally in sections 59 through 75, although the requirements that most specifically address development in the floodplain are found in section 60.3. The highlighted bold italic type below states the requirement as found in the federal code and is followed by the code citation.

1. Stated local purpose for flood resistant standards

To justify the community's reasoning behind local floodplain overlay district zoning bylaws, the NFIP requires:

A purpose section citing health, safety, and welfare reasons for adoption [44 CFR 59.22(a)(1)]

The statement of purpose should set forth the goals and objectives to be achieved through the bylaw or ordinance. In other words, the statement of purpose enumerates what the community intends to accomplish by enacting regulations. The underlying purpose of the floodplain management regulations is to protect the public health, safety, and general welfare and to minimize the harmful impacts of flooding upon the community

These stated purposes will be ever more critical as community liabilities increase due to climate changes and increased flooding/ flood damages. The community is responsible to assure that all development is implemented in a safe, healthy, and socially/economically acceptable manner.

2. Use of FEMA maps and supporting studies

For local adoption of current effective FEMA flood maps and Flood Insurance Studies (FIS), the NFIP requirements state:

Adopt or reference correct Flood Insurance Rate Map (and where applicable, Flood Boundary Floodway Map) and date. [44CFR 60.2(h)]

and

Adopt or reference correct Flood Insurance Study and date. [44CFR 60.2(h)]

FEMA guidance (publication #495) states:

“The basis of your community’s floodplain management regulations is the flood hazard data FEMA provides. In support of the NFIP, FEMA identifies flood hazards nationwide and publishes and periodically updates flood hazard data. These data are provided to communities in the form of a Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report...”

and *“Each time FEMA provides your community with new or revised flood hazard data, you must either adopt new floodplain management regulations to incorporate the data into your ordinance or amend the existing ones to reference the new FIRM and FIS report.”*

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the 1973 Act as amended. (Text from actual FEMA Letter of Final Determination.)

3. Abrogation and greater restriction section

The community must provide that floodplain management regulations take precedence over any less restrictive conflicting local laws, ordinances or codes. [44CFR 60.1(b)]

This is a legal provision that specifies that the floodplain management bylaw, ordinance, regulations, and building codes take precedence over less restrictive requirements.

4. Disclaimer of liability

The community must state that the degree of flood protection required by the ordinance is considered reasonable but does not imply total flood protection.

5. Severability section

If any section, provision or portion of the ordinance is deemed unconstitutional or invalid by a court, the remainder of the ordinance shall still be effective.

6. Designation of community Floodplain Administrator

Designate the official responsible to submit a report to the Federal Insurance Administrator concerning the community participation in the Program, including, but not limited to the development and implementation of floodplain management regulations. [44CFR 59.22 (b)]

The community must designate by title one person to act as the community's floodplain administrator (sometimes referred to as the FPA.). This is so that FEMA can use this information in their local contacts database, and so that this person can act on behalf of the community when implementing certain tasks under the National Flood Insurance Program. For example, the local FPA would sign the Community Acknowledgement Form when a property owner wishes to file for a Letter of Map Revision (LOMR).

The designation refers to a local staff position and can be anyone with the local authority to assure that the community is meeting its obligations as a participant in the National Flood Insurance Program. The FPA does not need to be someone who is directly involved in local development, but it should be someone who has at least a general concept of NFIP requirements and of the community's obligations under the Program. Typically, across the nation the FPA can be a building commissioner, town manager, town engineer, director of planning, environmental planner, etc.

Typical duties of an FPA include but are not limited to:

- a) Understanding the regulations for development in the floodplain overlay district
- b) Ensuring that permits are applied for when development of any kind is proposed in the floodplain overlay district
- c) Involvement with the permit process and/or permit application review for development in the floodplain overlay district
- d) Coordinating with other local departments such as public works, stormwater/engineering, planning & zoning, conservation commission, or housing
- e) Notifying adjacent communities prior to alteration of a watercourse
- f) Dealing with compliance issues and enforcement actions such as correcting violations, or working with the appropriate local staff to correct violations
- g) Maintaining records of floodplain development, and keeping FEMA current and historic maps available for public inspection

7. Requirement to submit new technical data

Within 6 months, notify FEMA of changes in the base flood elevation by submitting technical or scientific data so insurance & floodplain management can be based on current data. [44CFR 65.3]

Many development changes to the floodplain will trigger the requirement to file a Letter of Map Revision or other type of Letter of Map Change. When the development does not trigger the LOMC requirement but impacts the heights or extents of the base flood (usually to lower the risk), FEMA should be notified that a change was made so that in future map studies/updates this can be adequately addressed.

8. Variances to building code floodplain standards

44CFR 60.6(a)(3-6):

(3) Variances shall only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;

(4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;

(5) A community shall notify the applicant in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions as required in paragraph (a)(6) of this section.

(6) A community shall (i) maintain a record of all variance actions, including justification for their issuance

Because a variance can lead to an increased risk to life and property, variances from flood elevation requirements or other floodplain management requirements should be granted only rarely. Variances for floodplain development regulations must show that:

- Good and sufficient cause and exceptional hardship exist;
- The variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and
- The variance is the minimum action necessary to afford relief.

In Massachusetts, typically the State Building Code Appeals Board issues a variance to the state building code, unless your community is one of those approved by BBRS for local variance authority. When a local building official's interpretation of the flood-resistant standards under the building code are contested through the appeal process, the community must keep written documentation of both:

- a. the justification for local decision to deny the permit, and
- b. the results of the state's appeal/variance hearing (either in agreement with the local community, or having granted the variance through appeal.)

The community must also send a letter to the property owner stating that the implications of this variance may adversely impact the cost of the flood insurance policy covering the structure.

A FEMA suggestion for language to be used in such a letter is as follows:

"The granting of this variance may result in increased flood insurance premium rates, up to \$25 per \$100 of coverage, and such construction below the base flood level increases risks to life and property."

The justification for the variance (or the denial of the variance) and the community letter must be maintained as documentation that these actions were taken.

9. Variances to local Zoning Bylaws related to community compliance with the National Flood Insurance Program (NFIP)

Please note: This section addresses local Zoning Board variances only, and applies only when other variance procedures (such as those under the state building code) do not cover the variance request.

§60.6 Variances and exceptions. Excerpts:

(a) The Federal Insurance Administrator does not set forth absolute criteria for granting variances from the criteria set forth in §§60.3, 60.4, and 60.5. The issuance of a variance is for flood plain management purposes only.

The community, after examining the applicant's hardships, shall approve or disapprove a request.

The Federal Insurance Administrator may review a community's findings justifying the granting of variances, and if that review indicates a pattern inconsistent with the objectives of sound flood plain management, the Federal Insurance Administrator may take appropriate action under §59.24(b) of this subchapter.

Procedures for the granting of variances by a community are as follows:

(1) Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result;

(3) Variances shall only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;

(4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;

(5) A community shall notify the applicant in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions as required in paragraph (a)(6) of this section; and

(6) A community shall (i) maintain a record of all variance actions, including justification for their issuance, and (ii) report such variances issued in its annual or biennial report submitted to the Federal Insurance Administrator.

(7) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria of paragraphs (a)(1) through (a)(4) of this section are met, and (ii) the structure or other development is protected by methods that minimize

flood damages during the base flood and create no additional threats to public safety.

For further information, see FEMA publication P-993, “Variances & the National Flood Insurance Program.”

From the State NFIP Coordinating Office: For all variances to floodplain development regulations, the community must maintain documentation that includes the variance request; determinations made by the entity granting the request that the three criterium listed above have been met; a copy of the letter to the property owner regarding possible insurance premium impacts; and that all appropriate flood protection and hazard mitigation measures were taken where applicable and possible, as specifically described in the variance file.

10. Permits are required for all proposed development in the Floodplain Overlay District

Require permits for all proposed construction and other developments including the placement of manufactured homes [44CFR 60.3(b)(1)]

NFIP requirements are focused on “development” in the floodplain. The NFIP definition of development is “*any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.*” [44CFR 59.1]

Most Massachusetts communities have long used building permits to review construction in their floodplain overlay district, and conservation commissions use several documents for review of other types of development, but the regulation of all development in a floodplain is essential so that flood risks are not increased either on the site or to adjacent or upstream/downstream properties.

Some communities use a ‘Floodplain Development Review Form’ in addition to the traditional building permit, so they can document the review of all activities in the floodplain such as filling and grading; excavation, mining and drilling, storage of materials or equipment, placement of recreational vehicles or temporary stream crossings, and the review of activities conducted by other agencies such as roads or bridges built by state or federal government.

In Massachusetts, the local conservation commission reviews many of the above-listed activities, but use of a floodplain development review form for all floodplain overlay district proposals ensures that nothing slips through the cracks. This NFIP permitting

requirement is not prescriptive, but the documentation of some kind of permit or review process is mandatory for all floodplain development.

An additional benefit of documenting all floodplain development is that when a violation is discovered, the community can demonstrate that they did not approve the development as constructed, or that the developer did not come in for a full review of the development activity.

11. Assure that all necessary permits are obtained

Assure that all other State and Federal permits are obtained [44CFR 60.3(a)(2)]

While the community does not have to participate in the acquisition or review of all necessary state and federal permits for floodplain development, the community is obligated to assure that all necessary permits have been obtained by the proponent. The use of a checklist facilitates awareness for the proponent of which other permits must be obtained, generally prior to beginning the development project.

12. Subdivision proposals

Review subdivision proposals and development proposals to assure that:

(a) Such proposals minimize flood damage.

(b) Public utilities and facilities are located & constructed so as to minimize flood damage.

(c) Adequate drainage is provided.

[44CFR 60.3(a)(4) (I thru iii)]

13. Base flood elevation data for subdivision proposals

Require base flood elevation data for subdivision proposals or other developments greater than 50 lots or 5 acres. [44CFR 60.3(b)(3)]

If a subdivision fitting this size description is proposed in the floodplain overlay district where there are not already base flood elevations (BFEs) for each parcel, then the developer must provide BFEs for each parcel so that flood-resistant standards can be appropriately applied. The developer is responsible for providing the necessary technical data to support the base flood elevations shown on his/her design drawings.

14. Unnumbered A Zones

In A Zones, in the absence of FEMA BFE data and floodway data, obtain, review and reasonably utilize base flood elevation and floodway data available from available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways. [44CFR 60.3(b)(4)]

If the community has the engineering resources required to determine the base flood elevation in an unnumbered A zone, these resources can be used to meet this requirement. For those communities that do not have these resources, and even in communities that do, the permitting office can require that the proponent pay for resources to determine the base flood elevation when a development is being proposed. Historical records can be used, as well as any other data that reasonably indicates the 1% chance flood event. Two notes about this requirement:

- a) FEMA does allow a “defacto” elevation of two (2) feet above the highest adjacent grade in cases where the BFE cannot be reasonably determined, but the 9th Edition of the Massachusetts building code requires an additional foot of freeboard. This means that the top of the lowest floor would have to be three (3) feet above the highest adjacent grade.
- b) The 9th Edition of the MA building code allows communities to use preliminary FEMA maps once the Letter of Final Determination has been issued. These maps may indicate a BFE where none existed before, by virtue of the map update process.

15. Floodway encroachment

310 CMR 10.57(4) General Performance Standards.

(a) Bordering Land Subject to Flooding.

1. Compensatory storage shall be provided for all flood storage volume that will be lost as the result of a proposed project within Bordering Land Subject to Flooding, when in the judgment of the issuing authority said loss will cause an increase or will contribute incrementally to an increase in the horizontal extent and level of flood waters during peak flows.

Compensatory storage shall mean a volume not previously used for flood storage and shall be incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Further, with respect to waterways, such compensatory volume shall be provided within the same reach of the river, stream or creek.

2. Work within Bordering Land Subject to Flooding, including that work required to provide the above-specified compensatory storage, shall not restrict flows so as to cause an increase in flood stage or velocity.

This standard is found in the Wetlands Protection Act (WPA), and essentially means that there is no rise allowed in the elevation of the base flood anywhere in the entire floodplain. While an official certification is not required in floodways that are not regulated (shown on the FEMA map), for the intent of the WPA to be fulfilled the community must be sure that there will be no rise in the base flood elevation. If the area is located in an unnumbered A zone, a BFE must be determined before the development is designed, so that the “no rise” standard can be demonstrated.

Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge. [44CFR 60.3(b)(6)]

Under federal NFIP requirements, the community must require certification from a registered professional that shows there will be no rise in the base flood elevation when development takes place in the regulated floodway. This cannot be accomplished by showing compensatory alone; the documentation must include a hydrologic and hydraulic (H&H) analysis.

16. Watercourse alterations or relocations in riverine areas

In riverine areas, notify neighboring communities of watercourse alterations or relocations. [44CFR 60.3(b)(6)]

Neighboring communities (and possibly a neighboring state) need to know in advance if the alteration or relocation of a watercourse might change their floodplain or flood risk. Send plans for this development to the CEOs of those communities, as well as to the Massachusetts NFIP State Coordinator and to the FEMA Regional Office.

17. AO and AH zones drainage requirements

In Zones AO and AH, require drainage paths around structures on slopes to guide water away from structures. [44CFR 60.3(c)(11)]

Guiding water away from the structure must also consider adjacent properties, where drainage cannot impact those lots or structures.

18. Recreational vehicles

In A1-30, AH, and AE Zones, all recreational vehicles to be placed on a site must be elevated and anchored or be on the site for less than 180 consecutive days or be fully licensed and highway ready. [44CFR 60.3(c)(14)]

In V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored or be on the site for less than 180 consecutive days or be fully licensed & highway ready. [44CFR 60.3(e)(9)]

“Fully licensed and highway ready” means that wheels must be inflated; the vehicle must be self-propelled or towable by a light-duty truck; have no attached deck, porch or shed; and have quick-disconnect sewage, water and electrical connections. In other words, the vehicle must be ready to relocate immediately upon notification of the possibility of flooding in the area.

19. Protection of dunes

Prohibit alteration of sand dunes which would increase potential flood damage. [44CFR 60.3(e)(7)]

20. Local Enforcement

The NFIP requires that the floodplain management ordinance be legally enforceable and enforced uniformly throughout the community. [44 CFR 60.1(b)]

Sample bylaw language has not been offered regarding local enforcement of flood-resistant and flood reduction standards because enforcement is typically already addressed elsewhere in codes that are locally enforced.

As a part of implementing the NFIP in a local community, however, FEMA will need to know how the community enforces these regulations and standards. Each NFIP community should be prepared to answer the following questions:

1. How do you enforce the building code in your community? What specific actions are taken, and how are these actions documented? What penalties are specified? *[Definitions and regulations related to building code enforcement are found in CMR 780 Chapter 1 Sections 114 and 115, which refer to M.G.L. c. 143, c. 148, and M.G.L. c. 148A, and specifically M.G.L. c. 143, section 94(a.)]*
2. How do you enforce the Wetlands Protection Act? What actions and documentation exist to prove that enforcement was implemented? *[Enforcement regulations related to the Wetlands Protection Act are found in 310 CMR section 10.08.]*
3. How are other NFIP floodplain development requirements enforced, such as fencing that increases flood risk, the placement of recreational vehicles in the floodplain, re-grading of large commercial properties, construction of agricultural structures, placement of tanks, pools, temporary construction offices, etc.?

FEMA will expect to hear about a rigorous enforcement program that includes specific actions taken by the community for non-compliant floodplain development.

Enforcement provisions establish the responsibilities of persons, enforcement authority, what makes a violation, notice of violation, stop work and other orders, and citation and penalties for violations. These penalties may include fines and/or jail sentences.

Explanations for Definitions found in Section 3

Development. FEMA's minimum standards for the NFIP require review of, and possibly permitting for all activities defined as development within the Special Flood Hazard Area (SFHA.) Some of these activities might not normally require permitting under existing state or local regulations, and not all of these activities might be reviewed by the building department in a community.

Flood Boundary & Floodway Map. Some communities with older mapping (typically 1987 and prior) have two sets of flood maps, the familiar Flood Insurance Rate Map (FIRM) and the Flood Boundary & Floodway Map (FBFM). The floodway is delineated only on the FBFM. Communities with a FBFM must include it in the district definition in order to enforce floodway standards.

Flood Hazard Boundary Map. Communities with very old mapping (usually prior to 1980) might have a Flood Hazard Boundary Map (FHBM). This map must be referenced in the community's floodplain district definition. In most cases the FHBM has been converted to a FIRM by letter but the map will still say "Flood Hazard Boundary Map."

Floodway, Regulatory Floodway. The floodway, or regulatory floodway, is established by regulation and through hydraulic analysis. It is not a natural, physical feature of the watercourse. It is part of the 100-year floodplain but has specific requirements that exceed those in the floodplain fringe (the rest of the floodplain). The NFIP standards for floodway encroachments (for example including no-rise analysis) are not in state regulations.

Functionally dependent use. This term is used in the evaluation of variances to floodplain management standards. Sometimes variances can be issued for functionally dependent uses.

Highest adjacent grade. In an AO zone, the base flood elevation is determined by adding the depth indicated on the FIRM to the highest adjacent grade, or two feet if no depth is indicated (and if no alternative floodplain analysis is conducted and applied.)

Historic structure. NFIP standards for substantial improvement include an exception for structures that are identified as historic structures. Only those structures meeting this definition are eligible for this exception.

New construction. NFIP minimum standards apply to all new construction, which includes improvements to structures defined as new construction. as follows: (1) new

construction, including subsequent work to such structures, and (2) work classified as substantial improvement of an existing structure that is not an historic structure. [ASCE 24-14]

Recreational vehicle. NFIP elevation standards can sometimes apply to these vehicles when they are placed in the SFHA.

Special Flood Hazard Area (SFHA). The flood-prone areas on the FEMA maps (and subsequently adopted in a community's Floodplain Overlay District) where NFIP minimum standards apply. within special flood hazard areas.

Start of construction. Knowing the start of construction, as defined, can sometimes determine which version of a FIRM or regulation is used in situations where the FIRM or the regulation has been or is being updated.

Structure. NFIP minimum standards apply to all structures meeting this definition.

Substantial Repair of a Foundation. This is a Massachusetts unique definition included in the 9th Edition Building Code. It is important to be familiar with this definition as Building Code standards will apply.

Variance. It is important to understand the term in order to properly administer, consider and potentially issue variances. Note that variances are not the same as (and shouldn't be confused with) similar terms and/or processes such as special permits, exceptions or exemptions. Variances to standards enforced under state regulations must be administered through the proper state authority.

Violation. Violations can affect the community's standing in the NFIP and will likely result in higher flood insurance premiums. Violations can also prevent a community from entering participating in the Community Rating System.



A Member of the ICC Family of Solutions

CHANGE ORDER No. 1.2021

Date: February 5, 2021
Client: Town of Lakeville, Massachusetts
Contact: Michele MacEachern, Town Planning Board
Project: Codification
Contract Date: January 6, 2020

The contract is updated as follows:

	Description	Price
1	<p>Change in Scope: Addition of Rules and Regulations of the Planning Board.</p> <p>The Town has requested that the Rules and Regulations of the Planning Board be added to the codification project.</p> <p>A copy of the Rules and Regulations of the Planning Board, as posted on the Town's website and reviewed on February 5, 2021, was assessed for inclusion in the project.</p> <p>Project steps shall include the following:</p> <p>The Rules and Regulations shall be incorporated into the project at the next project stage:</p> <ul style="list-style-type: none"> • They shall be included in the Manuscript and reviewed as part of the Editorial and Legal Analysis. • Upon completion of the Editorial and Legal Analysis review by the Town, the Rules and Regulations shall be edited with the rest of the Code content and included in the Drafts submitted to the Town. • The Rules and Regulations shall be included in the final outputs at final publication (print and eCode360). 	\$1,173
	Total	\$1,173

Additional Terms:

- A. The pricing in this Change Order shall be valid for 60 days.
- B. Performance Schedule: *(reflects business days excluding legal holidays)*
 - The timeframe for submission of the Manuscript and Editorial and Legal Analysis shall be according to the terms of the original contract.
 - The timeframe for submission of the Preliminary Draft shall be according to the terms of the original contract.
 - Subsequent project deliverables shall be according to the terms of the original contract.
- C. Payment Schedule:
 - 50% of the total above shall be invoiced upon submission of the Manuscript and Editorial and Legal Analysis.
 - 50% of the total above shall be invoiced upon submission of the Preliminary Draft.



A Member of the ICC Family of Solutions

Accepted by:

The Town of Lakeville, Massachusetts, hereby agrees to the procedures outlined above, and to General Code's Codification Terms and Conditions, which are available at <http://www.generalcode.com/terms-and-conditions-documents/>.

TOWN OF LAKEVILLE, PLYMOUTH COUNTY, MASSACHUSETTS

Signature:

Print Name:

Title

Date:



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

OFFICE OF
ZONING BOARD OF APPEALS
Secretary: Cathy Murray

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

FROM: Board of Appeals

DATE: January 28, 2021

RE: Attached Petitions for Hearing
Cornell – 15 Morrison Way
Hoffman - 5 Merigold Lane

Attached please find copies of two (2) Petitions for Hearing, which have been submitted to the Board of Appeals. These petitions have been added to the hearings scheduled for February 23, 2021.

Please review and forward any concerns your Board may have regarding these petitions to the Board of Appeals, if possible, no later than Wednesday, February 17, 2021.

Thank you.

Petition to be
filed with Town Clerk

EXHIBIT "A"

TOWN OF LAKEVILLE
MASSACHUSETTS

ZONING BOARD OF APPEALS
PETITION FOR HEARING

RECEIVED
JAN 26 2020
BOARD OF APPEALS

Name of Petitioner: Jeffrey C. Cornell and Mellissa S. Cornell

Mailing Address: 15 Morrison Way, Lakeville, MA 02347

Name of Property Owner: Jeffrey C. Cornell and Mellissa S. Cornell

Location of Property: 15 Morrison Way, Lakeville, MA 02347

Property is located in a residential business industrial (zone)

Registry of Deeds: Book No. 45183 Page No. 41

Map 040 Block 003 Lot 005

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 _____

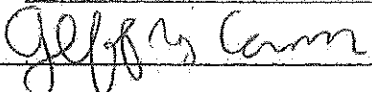
Brief to the Board: (See instructions on reverse side -- use additional paper if necessary.)

We respectfully request a Special Permit under 6.1.3 and 7.4 of the Lakeville Zoning By-Law to close in an existing 12' X 20' deck for use as a three season room.

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: Jeffrey C. Cornell and Mellissa S. Cornell

Date: January 26, 2021

Signed: 

Telephone: 774-419-2782

Owner Signature: _____

Owner Telephone: _____

(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

(Name and Title)

MASSACHUSETTS EXCISE TAX
Plymouth District ROD #11 001
Date: 01/29/2015 01:57 PM
Cntl# 079155 04497 Doc# 00006092
Fee: \$752.40 Cons: \$165,000.00

CANCELLED

QUITCLAIM DEED



2015 00006092
Bk: 45183 Pg: 41 Page: 1 of 2
Recorded: 01/29/2015 01:57 PM
ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

Alan M. Hoffman and Kathy-Anne Hoffman, of 168 Pond Street, Avon, MA 02322

IN CONSIDERATION OF: **One Hundred and Sixty Five Thousand Dollars
(\$165,000.00)**

GRANTS TO: **Jeffrey C. Cornell and Mellissa S. Cornell husband and
wife tenants by the entirety**

OF: **118 East Bacon Street, Plainville, MA 02762**

WITH QUITCLAIM COVENANTS

The land with the buildings thereon situated in Lakeville, Plymouth County, Massachusetts on the Southwesterly corner of Pilgrim Road and Holly Road, at a place known as Churchill Shores, bounded and described as follows:

Being Lot 75 as shown on a plan of R. Loring Hayward, Civil Engineer dated June 15, 1940 entitled "Land of Pierce, Churchill Shores, Long Pond, Lakeville, Mass." Duly recorded with the Plymouth County Registry of Deeds in Plan Book 6, Page 715.

Beginning at the Northeasterly corner of the described premises at the intersection of the southerly line of Pilgrim Road with the westerly line of Holly Road and running thence by the westerly line of Holly Road, South 32 degrees, 13' East, 114.84 feet;

Thence by Lot 76, South 57 degrees 47' West, 65 feet;

Thence by Lot 74, North 32 degrees 13' West 108.07 feet to the southerly line of Pilgrim Road;

Thence by the southerly line of Pilgrim Road, North 51 degrees, 50' east 65.35 feet to the point of beginning.

Said premises are conveyed subject to and together with the benefit of all rights, restrictions and easements of record, insofar as same may now be in force and applicable including the following restriction:

The property shall remain a year round (1) bedroom dwelling with no further expansion and no increase in flow to the septic system.

LOCUS: 15 Morrison Way f/k/a 15 Holly Road, Lakeville, MA 02347

The Grantors hereby release any Homestead rights in the subject property, and state that no other person(s) is / are entitled to claim the benefit of an existing estate of homestead in same.

For Title see Deed recorded at the Plymouth County (ND) Registry of Deeds in Book 25307, Page 215.

EXECUTED as a sealed instrument this ^{13th} day of January, 2015.

Alan M. Hoffman

Alan M. Hoffman

Kathy-Anne Hoffman

KathyAnne Hoffman

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

On this ^{13th} day of January, 2015 before me, the undersigned notary public personally appeared, Alan M. Hoffman and Kathy-Anne Hoffman proved to me through satisfactory evidence of identification, being

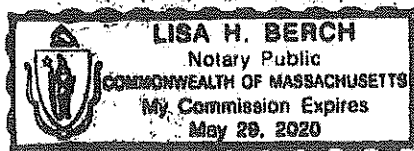
- driver's license or other state or federal government document bearing a photographic image,
- oath or affirmation of a credible witness known to me who knows the above signatory,
- my own personal knowledge of the identity of the signatory.

to be the person(s) whose name is /are signed on the preceding or attached document, and acknowledged to me that he/she /they signed it voluntarily for its stated purpose.

Lisa H. Berch

Notary Public

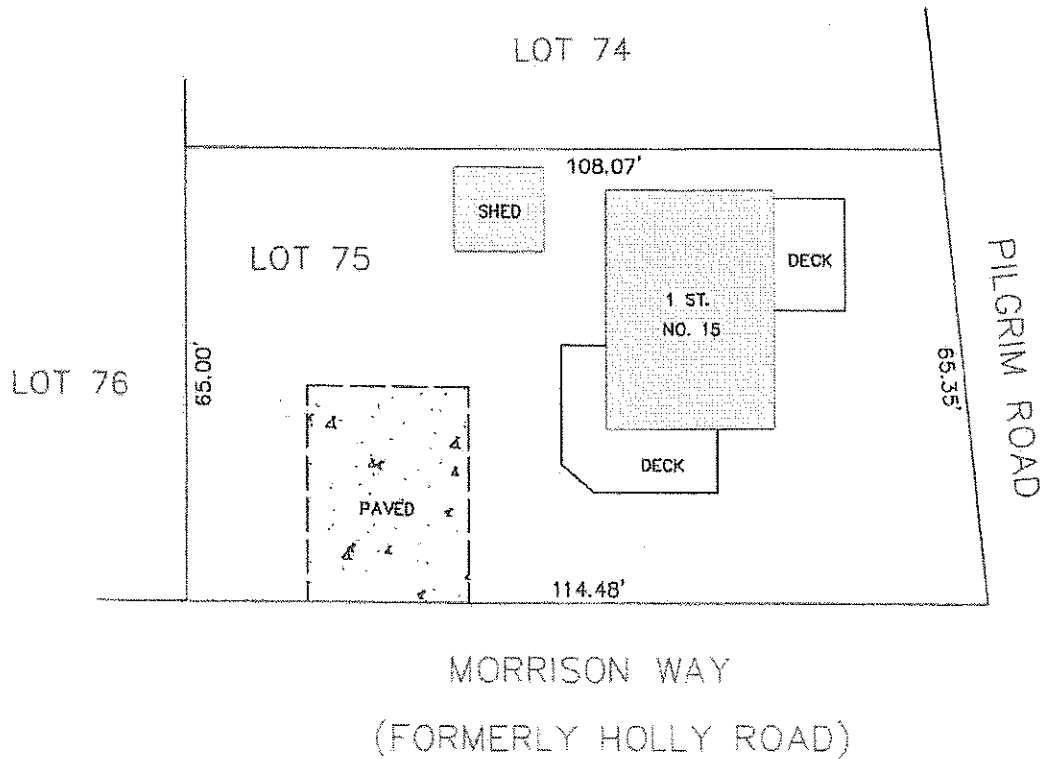
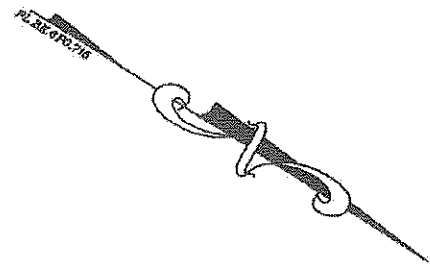
My Commission expires: 5/29/20



<i>File number:</i> 141218-6	UNREGISTERED LAND		
<i>Attorney:</i> LEPIZZERA & LAPROCINA	<i>Deed Book</i> 25307	<i>Page</i> 215	
<i>Lender:</i> RANDOLPH SAVINGS BANK	<i>Plan Book</i> 6	<i>Page</i> 715	<i>Lot(s)</i> 75
<i>Owner:</i> ALAN & KATHY-ANNE HOFFMAN	REGISTERED LAND		
	<i>Reg. Book</i>	<i>Sheet</i>	<i>Lot(s):</i>
<i>Date:</i> 12/22/2014	<i>Certificate of Title</i>		
<i>Assessor's Map</i> 40	<i>Blk:</i> 3	<i>Lot</i> 5	<i>Census Tract</i>

MORTGAGE INSPECTION PLAN
15 MORRISON WAY, Lakeville, MA

Scale: 1"=25'

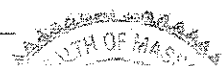


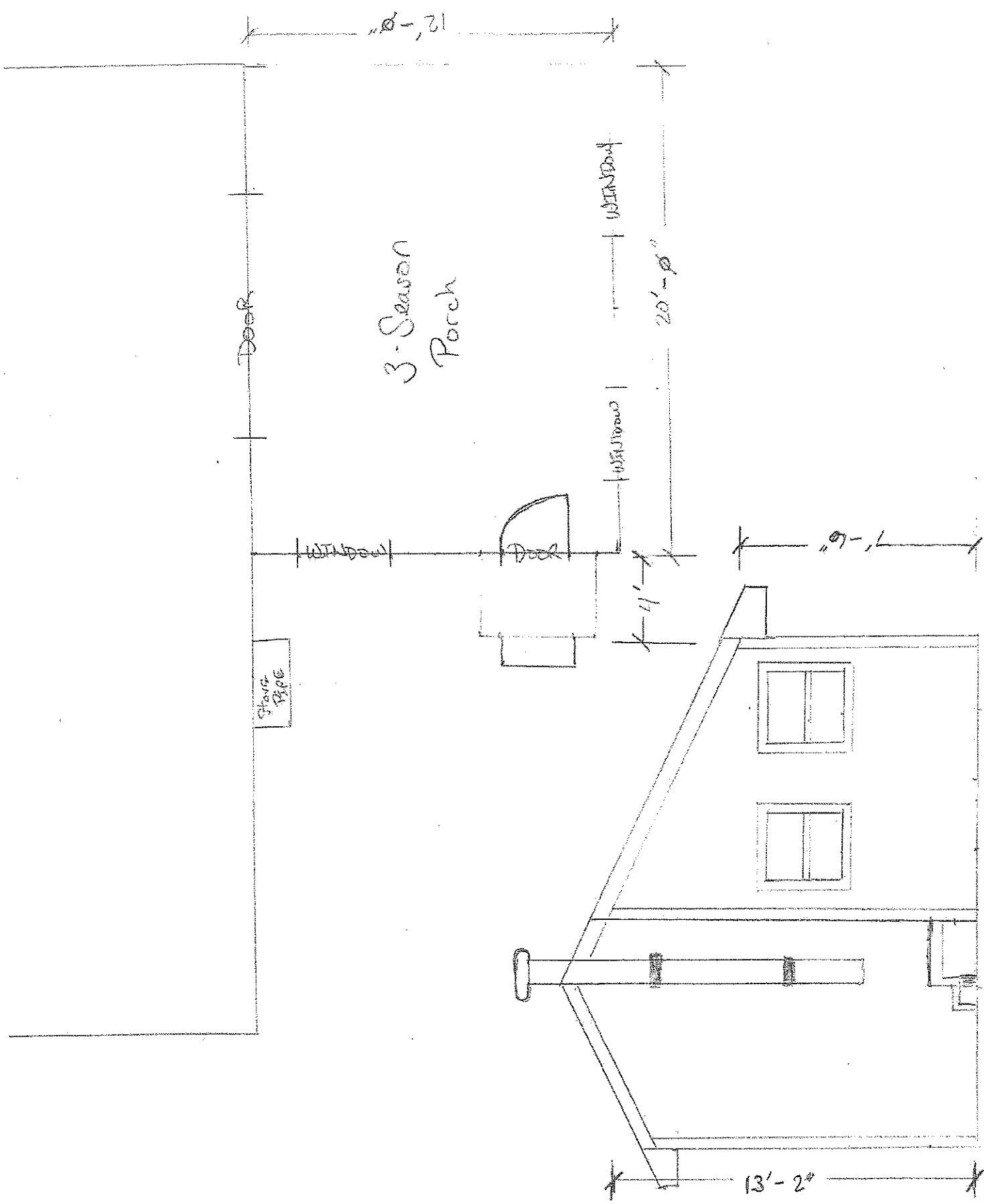
CERTIFICATION

I CERTIFY TO THE ABOVE ATTORNEY, BANK, AND THEIR TITLE INSURANCE COMPANY THAT THE MAIN BUILDING, FOUNDATION OR DWELLING WAS IN COMPLIANCE WITH THE LOCAL ZONING BYLAWS IN EFFECT WHEN CONSTRUCTED (WITH RESPECT TO STRUCTURAL SETBACK REQUIREMENTS ONLY) OR IS EXEMPT FROM VIOLATION ENFORCEMENT ACTION UNDER MASS. GENERAL LAW TITLE VII, CHAPTER 40A, SECTION 7.

FLOOD DETERMINATION

BY SCALE, THE DWELLING SHOWN HERE DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD ZONE AS DELINEATED ON A MAP OF COMMUNITY # 25023C0437J AS ZONE X DATED 7-17-2012 BY THE NATIONAL FLOOD INSURANCE PROGRAM.





Petition to be
filed with Town Clerk

EXHIBIT "A"

TOWN OF LAKEVILLE
MASSACHUSETTS

RECEIVED
JAN 26 2020

ZONING BOARD OF APPEALS
PETITION FOR HEARING

BOARD OF APPEALS

Name of Petitioner: Alan Hoffman and Kathy-Ann Hoffman

Mailing Address: 5 Merigold Lane, Lakeville, MA 02347

Name of Property Owner: Alan Hoffman and Kathy-Ann Hoffman

Location of Property: 5 Merigold Lane, Lakeville, MA 02347

Property is located in a residential business industrial (zone)

Registry of Deeds: Book No. 41326 Page No. 63

Map 041 Block 016 Lot 004

Petitioner is: owner tenant licensee prospective purchaser

Nature of Relief Sought:

Special Permit under Section (s) 6.3.2 & 7.4.6 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.)

We respectfully request a Special Permit to build a 10' X 16' Shed within the required setback as allowed under 6.3.2 and 7.4.6 of the Town of Lakeville Zoning By-Law. We propose to be no closer than 5' to the left (north) sideline.

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: Alan Hoffman and Kathy-Ann Hoffman Date: January 26, 2021

Signed:  Telephone: 508-243-8588

Owner Signature: _____ Owner Telephone: _____
(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

(Name and Title)

Doc#: 00039827
Bk: 41326 Pg: 63 Page: 1 of 2
Recorded: 05/04/2012 10:44 AM
ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

MASSACHUSETTS EXCISE TAX
Plymouth District ROD #11 001
Date: 05/04/2012 10:44 AM
Ctrl# 055967 14802 Doc# Plymouth County Regi
Fee: \$912.00 Cons: \$200,000.00

QUITCLAIM DEED

I, **DEREK S. SALTZMAN**, an individual

OF: Lakeville, Plymouth County, Massachusetts,

FOR CONSIDERATION OF: **TWO HUNDRED THOUSAND and 00/100
DOLLARS (\$200,000.00)**

GRANT TO: **ALAN HOFFMAN and KATHY-ANN HOFFMAN,**
husband and wife as tenants by the entirety

OF: 168 Pond Street, Avon, MA 02322

with QUITCLAIM COVENANTS

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

PARCEL ONE:

A certain parcel of land in said Lakeville, on Long Pond, being shown as "Parcel to be Conveyed" on a plan entitled "Plan of Land in Lakeville, Mass., Owned by Roger L. and Alice M. Hall, to be conveyed to Albert L. and Frances Andrews", by A.B. Wood, Surveyor, which plan is dated July, 1957 and is recorded at the Plymouth County Registry of Deeds in Book 2581, Page 445, and to which plan reference is hereby made for a more particular description of the subject premises.

Said premises are conveyed together with the right to use Dean Road, as shown on said plan, for all purposes for which streets and ways are commonly used in the Town of Lakeville, in common with others lawfully entitled thereto.

PARCEL TWO:

A certain parcel of land in Lakeville, on the shore of Long Pond, being a part of Dean's Point and bounded and described as follows:

BEGINNING at an iron pipe in a retaining wall on the edge of Long Pond;

thence NORTH 66° 30' WEST, One Hundred Forty Six and 03/100 (146.03) feet to an iron pipe;

LOCUS: 5 Merrigold Lane, Lakeville, MA 02346

thence NORTHEASTERLY, Twenty Two and 00/100 (22.00) feet to a corner;
thence NORTHWESTERLY, Sixty Two and 00/100 (62.00) feet to an iron pipe in
the center of Dean Road;
thence SOUTHERLY, Ten and 06/10 (10.6) feet along the middle of Dean Road
to an iron pipe;
thence SOUTHEASTERLY, Two Hundred Thirty Seven (237.00) feet, more or
less, to a retaining way at the edge of Long Pond;
thence NORTHERLY, Forty Four (44.00) feet more or less along the retaining
wall at the edge of Long Pond to the point of beginning.

BEING a portion of the premises shown on a plan of land entitled "Plan of Land
in Lakeville, Mass. surveyed for Roger L. Hall", by A.B. Wood, Surveyor, which
plan is dated October, 1957 and is recorded at the Plymouth County Registry of
Deeds in Book 2612, Page 288.

For title, see Deed recorded at the Plymouth Registry of Deeds in Book 17760,
Page 105.

Subject to all encumbrances of record, including easements, restrictions, and
rights of way, if any, insofar as the same may be in force and applicable.

WITNESS my hand and seal this ~~third~~ day of May, 2012.

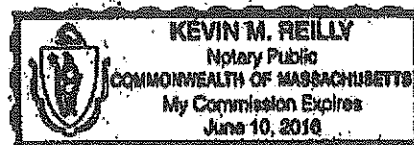

Derek Saltzman

COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss:

On this ~~third~~ day of May, 2012 before me personally appeared Derek
S. Saltzman, proved to me through satisfactory evidence of identification,
which was a driver's license, to be the person whose name appears on the
attached proceeding document and acknowledged to me that he signed it
voluntarily for its stated purpose.


Notary Public: Kevin M. Reilly
My Commission expires: 6/10/2016



5 MERIGOLD LN

Location 5 MERIGOLD LN

Mblu 041/ 016/ 004/ /

Acct# 2346

Owner HOFFMAN ALAN & KATHY-ANN

Assessment \$435,000

Appraisal \$435,000

PID 2833

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2020	\$184,000	\$251,000	\$435,000

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$184,000	\$251,000	\$435,000

Owner of Record

Owner HOFFMAN ALAN & KATHY-ANN
 Co-Owner
 Address 5 MERIGOLD LN
 LAKEVILLE, MA 02347

Sale Price \$200,000
 Certificate
 Book & Page 41326/ 63
 Sale Date 05/04/2012
 Instrument 1A

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
HOFFMAN ALAN & KATHY-ANN	\$200,000		41326/ 63	1A	05/04/2012
SALTZMAN DEREK S	\$167,000	1	17760/ 105	00	08/12/1999
DENIETOLIS JOHN	\$120,000	0	12323/ 78	1L	10/25/1993
FEDERAL NATIONAL MORTGAG	\$85,000	0	11594/ 180	00	01/21/1993
HORROCKS SANDRA G	\$0	0	10017/ 77	1F	11/01/1990

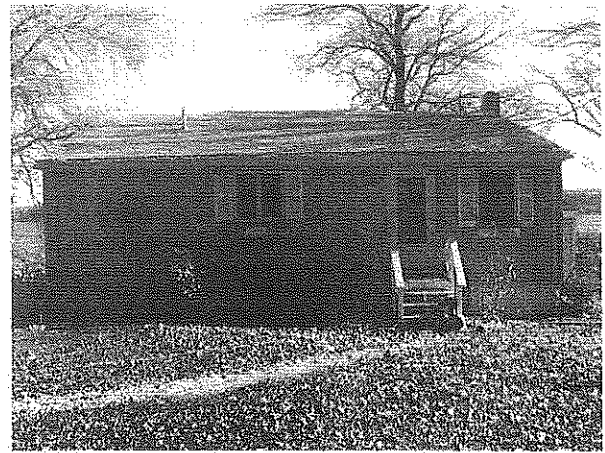
Building Information

Building 1 : Section 1

Year Built: 1988

Building Photo

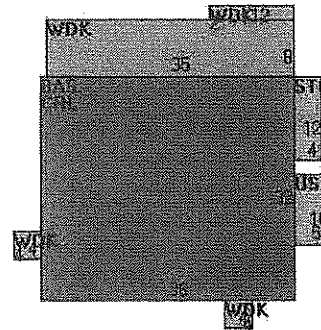
Living Area: 1,152
 Replacement Cost: \$209,031
 Building Percent Good: 88
 Replacement Cost
 Less Depreciation: \$183,900



(http://images.vgsi.com/photos/LakevilleMAPhotos/A00\00\21\86.JPG)

Building Attributes	
Field	Description
Style	Ranch
Model	Residential
Grade:	100
Stories:	1
Occupancy	1
Exterior Wall 1	Vinyl Siding
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	Carpet
Heat Fuel	Oil
Heat Type:	Hot Water
AC Type:	None
Total Bedrooms:	2 Bedrooms
Total Bthrms:	1
Total Half Baths:	1
Total Xtra Fixtrs:	0
Total Rooms:	4
Bath Style:	
Kitchen Style:	
Basement	Crawl

Building Layout



(http://images.vgsi.com/photos/LakevilleMAPhotos/Sketches/2833_2833.jj)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	1,152	1,152
CRL	Crawl Space	1,152	0
STG	STORAGE	48	0
UST	Utility, Storage, Unfinished	50	0
WDK	Deck	336	0
		2,738	1,152

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use

Land Line Valuation

Use Code	1013	Size (Acres)	0.33
Description	Sfr Water	Frontage	
Zone		Depth	
Neighborhood	342	Assessed Value	\$251,000
Alt Land Appr	No	Appraised Value	\$251,000
Category			

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
	SHED			1	\$100	1

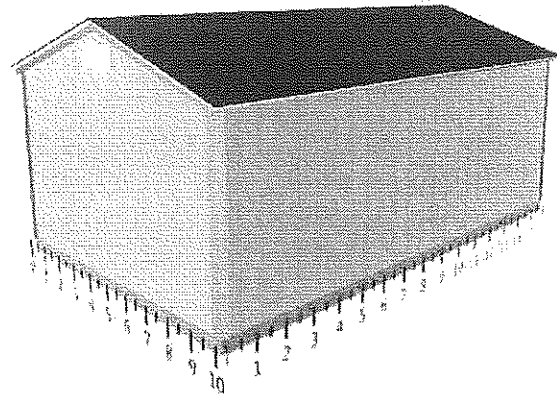
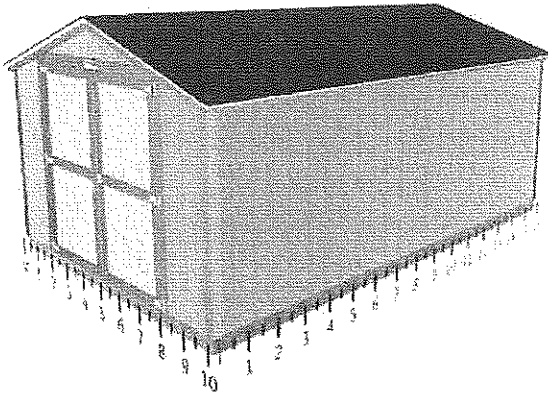
Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2021	\$184,000	\$251,000	\$435,000
2020	\$172,800	\$251,600	\$424,400
2019	\$160,100	\$204,200	\$364,300

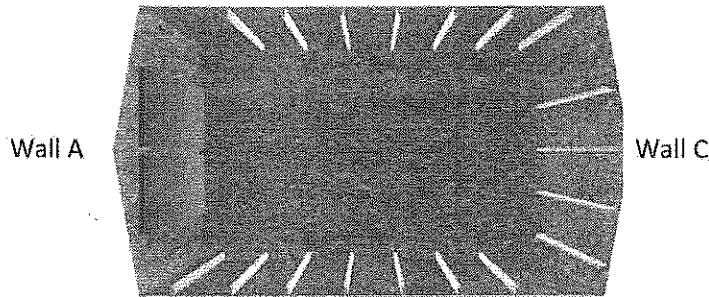
Assessment			
Valuation Year	Improvements	Land	Total
2021	\$184,000	\$251,000	\$435,000
2020	\$172,800	\$251,600	\$424,400
2019	\$160,100	\$204,200	\$364,300



Alan Hoffman
5 Merigold Lane
Lakeville MA 02347
Q2675364-2668370



Wall D



Wall A

Wall C

Wall B

Base Details

Building Size & Style
SR-600 - 10' wide by 16' long
Paint Selection
Base: No Paint, Trim: No Paint
Roof Selection
Nickel Gray 3 Tab
Drip Edge
White

Options Details

Doors
3' x 6'2" Double Door (6')
Vents
16"x8" Wall Vent - White

Jobsite/Installer Details

Do you plan to insulate this building after Tuff Shed installs it?
No
Is there a power outlet within 100 feet of installation location?
Yes
The building location must be level to properly install the building. How level is the install location?
Within 4" of level
Will there be 18" of unobstructed workspace around the perimeter of all four walls?
Yes
Can the installers park their pickup truck & trailer within approximately 200' of your installation site?
Yes
Substrate Shed will be installed on?
Dirt/Gravel

DocuSigned by:

Signature:

Alan Hoffman

Date: 11/16/2020

703E2EEA454B49E...

TOWN OF LAKEVILLE
43D Public Hearing – Rhino Capital Advisors, LLC – 43 Main Street
Joint Meeting with the Board of Selectmen, Planning Board, Conservation Commission,
Board of Health and Open Space Committee
Meeting Minutes
December 3, 2020 – 7:00 PM
REMOTE LOCATION

On December 3, 2020, the 43D Public Hearing was held at 7:00 PM remotely from various locations. The meeting was called to order at 7:00 PM by Richard LaCamera of the Board of Selectmen. LakeCAM was recording the meeting for broadcast.

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G.L. c.30A, §20, relating to the 2020 novel Coronavirus outbreak emergency, the May 4, 2020 public meeting of the **43D Rhino Development Application** shall be physically closed to the public to avoid group congregation. **However, to view this meeting in progress, please go to facebook.com/lakecam (you do not need a Facebook account to view the meeting). This meeting will be recorded and available to be viewed at a later date at <http://www.lakecam.tv/>**

Chairman LaCamera, Board of Selectmen, begins the meeting with a roll call vote of the members of the Board of Selectmen and then read an introduction regarding the need for a remote meeting and how a remote meeting will be conducted. Board of Selectmen present: Rich LaCamera and Leah Fabian. He turned the meeting over to the Planning Board Chairman.

Chairman Knox opened the Planning Board meeting with a roll call vote of the members of the Planning Board Members. Planning Board Members present: Mark Knox, Barbara Mancovsky, Peter Conroy and Michele MacEachern. It is noted that Jack Lynch was not in attendance but would be recognized if he comes in. Chairman Knox turned the meeting over to the Conservation Commission Chairman.

Chairman Bouchard opened the Conservation Commission meeting with a roll call vote of the Conservation Commission Members. Conservation Commission Members present: Bob Bouchard, Nancy Yeatts, Joe Chamberlain and Mark Knox. It is noted that Joshua Faherty and John Leblanc are not in attendance. Chairman Bouchard turned the meeting over to the Board of Health Chairman.

Chairman Maxim opened the Board of Health meeting with a roll call vote of the Board of Health Members. Board of Health Members present: Derek Maxim, Bob Poillucci and Chris Spratt. Chairman Maxim turned the meeting over to the Open Space Committee Chairman.

Chairman Medford opened the Open Space Committee meeting with a roll call vote of the Committee. Open Space Committee Members present: Jesse Medford, Mike Schroeder, Liz Nash, Donna Wabrek, Adam Young and Brian Reynolds.

Chairman LaCamera acknowledged others present as follows: Scott Turner – Environmental Partners, Amy Kwesell – KP Law, Tyler Murphy – Rep. Rhino Capital, Brittany Gessler – VHB Civil Engineer, Matt Kelley – VHB Traffic Engineer, Sarah French – VHB Wetland Scientist, Bill Madden – Lombardi Design Architect.

Brittany Gessler, Project Engineer, began the presentation of the proposed Lakeville Hospital Redevelopment project. She explained that this is a joint hearing and public process that each group will review concurrently. The first public hearing is to do a site overview, hazardous materials assessment, wetland delineation and a brief project overview outlining the future hearings.

Overview

This is a 49.5 acre site, located at 43 Main Street, nestled between Main Street and Rhode Island Road. An outline of the 49.5 acres is shown as what remains of the former hospital land, developed in 1910. There have been multiple buildings demolished and reconstructed over the years with the remains of seven buildings left behind. A total of 407,653 sf of building space, 1.12 acre solid waste disposable area, with a solid waste materials from the hospital activities of 1950-1974. There is an estimated 11,000 cubic yards of solid waste that was confirmed previously by other applicants interested in the site, as well as testing done by VHB. The property has been vacant and generally abandoned since 1993.

Hazardous Materials Assessment

Rhino Capital is committed to the assessment and cleanup of the site. They have done a detailed review of the fifteen previous environmental reports prepared for the site that were provided by the current owner as well as what was provided by MassDEP and DCAMM. They installed 15 new soil borings, 6 new monitoring wells and 9 test pits. Select existing wells were sampled in the 11 groundwater samples along with 25 soil samples. The notable areas of contamination are the solid waste disposal area, which contains clothing, ranges, appliances and construction debris from the mid 1900's. A new ASTM Phase I and Phase II Environmental Site Assessments Reports are being prepared. It is noted that the almost all of the existing 407,653 sf of the existing buildings will require asbestos abatement, prior to demolition and removal.

Wetland Delineation

Sarah French, VHB Wetland Scientist, spoke on the Notice of Intent and ANRAD that came before the Lakeville Conservation Commission back in 2007 for a project that did not end up being constructed. They did a re-delineation the area in April of 2020 focusing on the three onsite wetland areas. Wetland areas two and three are small isolated wetlands. Wetland one is a larger bordering vegetative wetland with the north middle of the site having a small swimming area, which has a decrepit doc associated with it. She referenced the certified vernal pool and the comments from the third party reviewer in regard to the offsite delineation to the west of the site and the associated wetlands of Rush Pond.

Project Overview

The proposal is for a 402,500 sf warehouse facility and the associated infrastructure. This is actually less sf than what is existing, however instead of using vertical space, the new project is

horizontal in nature. They are proposing a warehouse use with 128 loading docks spread out over both sides of the building. They are proposing 403 employee parking spaces along with 161 possible parking spots that will be “land banked” parking areas in the front and at the back side of the property for future additional parking. If it is not needed then those areas will be landscaped. It is explained that they have not yet identified or secured a tenant to occupy the building and that what they are proposing is based on the market. Vehicle access will be from the existing curb cuts, one in front of Lori Lane and the other just past Bridge Street. There will be no vehicle access on Rhode Island Road. They are proposing an undulating vegetative berm as a buffer from the existing residential subdivision.

A. Preview: Public Hearing #2

There is an overview of public hearing #2 Zoning & Use. This hearing will take place two weeks on December 17, 2020 at 7 PM and will explore in more detail the site layout, parking access and circulation. The site is located in several zoning districts. There is a DOD district overlay which allows for warehouse and wholesale distribution centers. The Planning Board is the special permit granting authority. The site is within a WRPD district which prohibits the solid waste disposal which they are mitigating. There is reference to the increased front, side and rear yard setbacks from the existing conditions. It is also noted that there will be a significant reduction in building height as well as an increase in the buffer between the property and the neighbors. The applicant is also committed to the waste disposal removal.

The vehicle access will be from the two existing curb cuts, which are owned by the State Highway. Both will be access by the trucks. There is an overview of the employee parking areas, the loading docks and truck storage.

B. Preview: Public Hearing #3

This hearing is set to take place on Thursday, January 7, 2021 at 7 PM. Tyler Murphy speaks about the rendering of the building and the view from Main Street. He explained that this is a concrete paneling system. There is a review of the south, north, east and wet elevations. There is a review of the loading docks and the three story windows.

Tyler Murphy speaks about what goes into the Noise consideration. He explained the Ambient Data Gathering for noise, which consists of multiple day monitoring, looking for the quietest hour, this excludes 90% of the loudest time monitored. Then the quietest six minutes of that hour to set a baseline is determined. They did ten day monitoring in September, including the loudest noise down to the quietest 10% in order to establish a baseline of 32-45 decibels. He notes that this is for a vacant site with raw land, and conservative considering the existing site has the vacant hospital. He explained the Sound Sources for the Facility, which works the opposite of the ADG and captures the loudest hour, which is added into the background ambient levels. This is modeled to the nearest receptors to determine dBA at the receptor. According to MassDEP CMR 310 7.10 there can be no more than 10 dBA above the ambient.

Tyler Murphy explained that the sensitive receptors are the residents and the question of what is generating the noise and how the sound flows over the existing barrier.

Bill Madden, Landscape Architect, Gregory Lombardi Design, spoke about the undulating topography and the plant give this site more of a presence on Main Street from a planting standpoint. He speaks about the visual screening of the property and the year round landscaping that will bloom on it. Rhino Capital has committed to two years of watering for this project, which form a landscaping point of view will allow for a significant amount of time for the plants to get acclimated. There will be a variation of the elevation of the berm that will be detailed further. There is an overview of the parking lot lighting.

Chairman Knox noted that the Open Space Committee had submitted an addendum to their original letter, dated November 22, 2020. He reads into the record the following "In light of the extensive site plan documents shared for the Lakeville Hospital Redevelopment Project issued on October 28, 2020, we would like to modify our recent letter with a short summary to better reflect three unresolved issues." "First, out of concern for the significant visual impact of the large parking lot that will be built along Main Street (Route 105), we ask for the planting of large native canopy trees between main Street and the south parking lot in order to create an effective visual screen. Residents of Lakeville appreciate seeing trees instead of parking lots." "Second, we appreciate your selection of native shrubs and trees in the are of the gravel wetland, but ask that the planting design accommodate a greater diversity of native plants common to Lakeville at thee shrub layer, such as highbush blueberry, spicebush, winterberry, arrowwood, and bayberry; and the canopy tree layer, red maple with limited use of the fragile and short lived black willow." "Third, we ask that a plan for invasive plant control be shared and committed to in the perpetuity. Among these plants are Norway maple, which currently exists near the intended gravel wetland, and which we hope can be replaced with native hardwood canopy trees as listed in our original letter" "We thank you for your commitment to hearing our perspective and hope you will accommodate our wishes for the preservation of the rural character of our beautiful town."

Chairman Knox will provide the addendum to the landscape architect. Scott Turner, Environmental Partners – Peer Review, speaks about plants that keep their foliage year round, such as evergreen trees are the best for keeping noise levels down. There is discussion on the customized topography and raised berm of varying heights that will assist with the noise. There is a brief discussion on sound and refrigeration units operating at 100% 7 days a week.

Tyler Murphy explained that current there is no cold storage planned. There is a question asked of Town Counsel as to whether they applicant should be looking at a potential for an operation with refrigeration. Nate Darling noted that if the tenant is going to need that service then he would expect that they would come back before the Board for an amendment. Amy Kwesell, Town Counsel, agrees that the Town is acting on what is before them. Scott Turned noted that he wants to make sure there is consideration for back up alarms for the housing off Rhode Island Road as that sound can travel up to a 1/10th of a mile. Chairman Knox noted that discussion will be coming up at the January hearing.

C. Preview: Public Hearing #4: Traffic

It is noted that this hearing is set to take place on Thursday, January 21, 2021. Matt Kelley, VHB Traffic Engineer, provided an overview of the Transportation Impact Assessment. He explains that a compilation of existing conditions are put together with traffic volumes, crash history and capacity analysis along with the future conditions. Future conditions include historic traffic growth rates and other proposed development projects. “no build” traffic volumes, trip generation projections, trip distribution. There is the “build” traffic volumes to 2027 conditions. A capacity analysis of “no build” and “build” conditions as well as the identification of potential impacts to determine if mitigation is required. Mr. Kelley overviewed the study area and notes the analysis periods from 7 AM to 9 AM and 4 PM to 6 PM. There is a review of the Employee Trip Distribution Summary and the results of 77% of the traffic going toward the highway with 15% headed to the west and only 3% to Bridge Street. Mr. Kelley explained that they will be working with MassDOT, MEPA and the Peer Review as they continue to work toward the necessary permitting for the site.

D. Preview: Public Hearing #5: Wetlands, Grading, Stormwater Management & Erosion Control

It is noted that this hearing is set to take place on February 4, 2021. Sarah French spoke briefly about how the project will not have any direct wetland impact, aside from the removal in the waste disposal area, which is approximately 510 sf and after it is removed, the wetlands will be replaced with a seeded mix.

Brittany Gessler reviewed the site grading and the rolling topography. She reviewed some of the elevations and gave a quick overview of the soil and site work. She referenced the stormwater management system proposed which is in accordance with the standards that are part of the Wetlands Protection Act. The project is subject to the EPA NPDES Construction General Permit, so there is reference of the SWPPP, erosion control, requirements.

E. Preview: Public Hearing #6: Septic and Utilities

It is noted that this hearing will be held on February 18, 2021. Brittany Gessler spoke about the large sized septic system that is needed to support the size of the facility. This is a 6,045 gal per day flow which is per the Title V regulations. This is a pressurized system with duplex pumps. The test pits and perk tests have been witnessed by the Board of Health and they support this septic system. She explained that the project will have public water which is supplied through Main Street and the City of Taunton. The property owner will petition for a Water Allocation Permit and they are proposing three water hydrants. They will be working with the Fire Department on this. There will be private utilities, Gas, Electric and Telecom service for the facility. It is also noted there are onsite emergency generators.

F. Public Hearing #7: Conclusionary Hearing – Summary of Public Review & Peer Review Process. Boards/ Commission to Vote on Project

It is noted that this hearing will take place on March 4, 2021 with the hope that the Board’s and Commission will take their votes on the project.

Chairman Knox thanks Ms. Gessler. He then asked that VHB look at the traffic numbers at CVS Pharmacy, Seasons Gas Station and the traffic directed into Middleborough. They Town does not only want to see the numbers from Riverside Drive. He opens the hearing up for public comment.

Julia Dixon, 36 Main Street – Pet Recess Owner, expressed concern about the amount of increased traffic for her clients as they attempt to come in and out of her business with increased truck traffic. Her open hours are from 6:30 AM until 7 PM. Chairman Knox asked Ms. Dixon to attend the January 21, 2021 traffic discussion to raise that question.

There is no further public comment.

Chairman Knox recaps that the wetland delineation notes and responses from VHB should be provided to the Town by December 10th. Brittany Gessler noted that Sarah French has completed the delineation of wetland 4 as requested by Scott Turner and there will need to be some further discussion regarding the limits of the certified vernal pool. It is noted that the Board's will be continuing their hearings to the next date of December 17, 2020 at 7 PM.

Chairman Knox asks if there is any Planning Board comment. The Planning Board members have no comment at this time. Chairman Knox turns the meeting over to Chairman Maxim for the Board of Health.

Chairman Maxim asked the Board of Health members if they have any comment. The Board of Health members have no comment at this time. Chairman Maxim turns the meeting over to Chairman LaCamera for the Board of Selectmen.

Chairman LaCamera noted that he is all set. Chairman Fahey thanks everyone for their participation and thanks the abutters that attended the online zoom sessions. She acknowledged that this is a difficult situation to do virtually and she appreciates the effort being put in on this project.

Chairman Knox asked if the Open Space Committee has any comments or questions. Chairman J. Medford thanked Chairman Knox for reading their addendum into the record and they look forward to the January 7th discussion on the landscaping. They have no further comment.

Chairman Knox asked for a motion to continue the Lakeville Planning Board hearing.

Upon motion made and seconded the Lakeville Planning Board voted to continue the public hearing for the 43 Main Street Application with Rhino Capital Advisors LLC to Thursday, December 17, 2020 at 7 PM. Polled vote: Mark Knox - Aye, Barbara Mancovsky - Aye, Peter Conroy – Aye and Michele MacEachern – Aye.

Chairman Bouchard asked for a motion to continue the Lakeville Conservation Commission hearing.

Upon motion made and seconded the Lakeville Conservation Commission voted to continue the public hearing for the 43 Main Street Application with Rhino Capital Advisors LLC to Thursday, December 17, 2020 at 7 PM. Polled vote: Bob Bouchard - Aye, Nancy Yeatts - Aye, Joe Chamberlain - Aye and Mark Knox – Aye.

ADOURNMENT

Open Space Committee

Upon motion and seconded made at 8:37 PM to adjourn the Open Space Committee meeting. Polled vote: Jesse Medford - Aye, Mike Schroeder -Aye, Liz Nash - Aye, Donna Wabrek - Aye, Adam Young - Aye and Brian Reynolds - Aye.

Board of Health

Upon motion and seconded made at 8:37 PM to adjourn the Board of Health meeting. Polled vote: Derek Maxim - Aye, Bob Poillucci - Aye and Chris Spratt - Aye.

Planning Board

Upon motion and seconded made at 8:37 PM to adjourn the Planning Board meeting. Polled vote: Mark Knox - Aye, Barbara Mancovsky - Aye, Peter Conroy - Aye and Michele MacEachern – Aye.

Board of Selectmen

Upon motion and seconded made at 8:37 PM to adjourn the Board of Selectmen meeting. Polled vote: Rich LaCamera - Aye and Leah Fabian – Aye.

Conservation Commission

Upon motion and seconded made at 8:37 PM to adjourn the Conservation Commission meeting. Polled vote: Bob Bouchard - Aye, Nancy Yeatts - Aye, Joe Chamberlain - Aye and Mark Knox – Aye.

TOWN OF LAKEVILLE
43D Public Hearing – Rhino Capital Advisors, LLC – 43 Main Street
Joint Meeting with the Planning Board and Conservation Commission
Meeting Minutes
December 17, 2020 – 7:00 PM
REMOTE LOCATION

On December 17, 2020, the 43D Public Hearing was held at 7:00 PM remotely from various locations. The meeting was called to order at 7:00 PM by Mark Knox of the Planning Board. LakeCAM was recording the meeting for broadcast.

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G.L. c.30A, §20, relating to the 2020 novel Coronavirus outbreak emergency, the May 4, 2020 public meeting of the **43D Public Hearing – Rhino Capital Advisors, LLC – 43 Main Street** shall be physically closed to the public to avoid group congregation. **However, to view this meeting in progress, please go to facebook.com/lakecam (you do not need a Facebook account to view the meeting). This meeting will be recorded and available to be viewed at a later date at <http://www.lakecam.tv/>**

Chairman Knox opened the Planning Board meeting with a roll call vote of the members of the Planning Board Members. Planning Board Members present: Mark Knox, Barbara Mancovsky, Peter Conroy, Jack Lynch and Michele MacEachern. Chairman Knox turned the meeting over to the Conservation Commission Chairman.

Chairman Bouchard opened the Conservation Commission meeting with a roll call vote of the Conservation Commission Members. Conservation Commission Members present: Bob Bouchard, Nancy Yeatts, Joe Chamberlain, John LeBlanc, Josh Flaherty and Mark Knox. Chairman Bouchard turned the meeting back over to Chairman Knox.

Chairman Knox said that this is Public Hearing #2 where the wetland delineation determination has been continued to from the Conservation Commission. The topics will include the delineation, zoning, use, site layout, parking, access and circulation. Chairman Knox explained that at the direction of Town Counsel, the Planning Board has to adopt, at the January 7, 2021 meeting, the Development Opportunities (DO) District rules and regulations related to densities, land use, structures which already mirror our existing industrial zoned areas. The Town of Lakeville adopted the DO District Zoning Bylaw at the June 4, 2012 Town meeting and the 43 Main Street property was approved by the Mass Interagency Permitting Board to the Chapter 43D Program on October 10, 2012.

Chairman Knox acknowledged others present as follows: Scott Turner and Brad Holmes – Environmental Partners, Nate Darling – Building Commissioner, Amy Kwesell – KP Law, Tyler Murphy – Rep. Rhino Capital, Brittany Gessler – VHB Civil Engineer and Sarah French – VHB Wetland Scientist and Attorney Robert Mather

Brittany Gessler, Project Engineer, began the presentation of the proposed Lakeville Hospital Redevelopment project. She explained that this is the second public hearing and that they

are going to cover the continuation of the Wetland Delineation, Zoning, Use, Dimensional Provisions, Site Layout, Parking, Access and Circulation.

Wetland Delineation

Sarah French, VHB Wetland Scientist, explained that they are looking for approval of the wetland delineation for the property. They have been working with Environmental Partners and the Town to get an agreement on the four wetland lines that are out on the property. Wetland #1 – there is a review of the topography elevations and the slope down to the open flat area. She noted the high bush, blueberry, sweet pepper bush, red maple and the large open marsh area with the buffer of green briar and bittersweet to a swimming-hole area that stays flooded year round. There is a decrepit dock and further north the wetland goes off property and then back onto the property within the area of the solid waste disposal. Wetland # 2 and Wetland #3 – there is a review of the topography. It is noted that both are small isolated depressions or can be considered isolated wetlands. Wetland #4 – there is a review of the topography and it is noted that this is Rush Pond. A review of this was done at the request of the Environmental Partners. The findings are a bordered vegetated wetlands that include a variety of red maple, pepper bush, green briar and Japanese brier.

Chairman Knox asked about the vernal pool matter. Sarah French explained that she has reached out to Natural Heritage and received the details of the vernal pool based on the certification done in 1991. She noted that Rhode Island Road Extension was done in 2010 so the area has changed significantly and it is likely the vernal pool has grown. Sarah French proposed flagging the high water mark to take a conservative approach. It is noted that stormwater features are not allowed within 100ft of a vernal pool. They are still working on the high water line for the vernal pool. Chairman Knox asked Scott Turner, if the wetland lines are correct and for confirmation that the vernal pool is making progress. Scott Turner confirms this is correct.

Chairman Bouchard stated that it would be helpful in reviewing the plans if there was more detail given in the maps that show the potential impact areas and what the work in progress is so that the Commission has a working knowledge of what is going on and what is expected down the road. He agrees on the wetland line as flagged and that the vernal pool still needs to be worked on. There is clarification on the 100ft buffer.

Commissioner Yeats asked about the potential for fish in Wetland #1. Sarah French reported that while they were doing the delineation of the large ponded area they did not see any egg masses but she made the note as potential for fish because of the shallow large area of water. Commissioner Yeats agrees to the wetland line as flagged.

There are no further questions or comments.

Motion is made and seconded to approve the wetland line as it is flagged for the 43 Main Street property. Polled vote: Bob Bouchard - Aye, Nancy Yeatts - Aye, Joe Chamberlain - Aye, John LeBlanc - Aye, Josh Flaherty - Aye and Mark Knox - Aye

Chairman Bouchard, Conservation Commission, stated that there is no further business that involves the Commission, so he asks for a motion to continue the hearing to February 4, 2021.

Upon motion made and seconded, the Lakeville Conservation Commission voted to continue the public hearing for the 43 Main Street Application with Rhino Capital Advisors LLC to Thursday, January 7, 2020 at 7 PM. Polled vote: Bob Bouchard - Aye, Nancy Yeatts - Aye, Joe Chamberlain - Aye and Mark Knox - Aye.

Upon motion made and seconded the Conservation Commission adjourned at 7:30 PM. Polled vote: Bob Bouchard - Aye, Nancy Yeatts - Aye, Joe Chamberlain - Aye and Mark Knox - Aye.

Zoning – Development Opportunities (DO) District

Brittany Gessler provided the Development Opportunities (DO) District requirements and gave an overview of how the 43 Main Street application meets the requirements. Development Opportunities (DO) Districts allow the use of warehouses and wholesale distribution centers by special permit with the Planning Board as the Special Permit grant authority. No special permit shall be granted unless the total land area, including streets, of the subject property consist of twenty-five or more acres and the site presented is 49.4 acers. There is a review of the Intensity Regulation items which show an increase in the setbacks from existing conditions in the front, side and rear yard setbacks. The maximum building height will be reduced from seven stories tall to 45ft.

Site Layout, Parking, Access & Circulation

Brittany Gessler reviewed the 402,500 sft of warehouse and the 1000 sf per person that equates to the 403 parking spaces with 2/3rd of the parking in the front and 1/3rd of the parking the rear. There are two green grass areas that are shown on the plans, they can become additional parking if the tenant needs them. There is a review of the loading dock area. There is reference to the Environmental Partner's Peer Review letter.

Chairman Knox spoke about the discussion with the Fire Chief on the placement of hydrants on the site layout as well as the egress from the building. Brad Holmes, Environmental Partners, spoke about how the turning radius for the trucks and vehicle movements. There is a review of the ADA compliant parking areas. They are proposing 14 accessible parking spaces that will be split between the two parking areas. Out of the 14 total spaces, 11 will be standard and five will meet the van requirements. It is also noted that the applicant is proposing twenty electric vehicle charging stations and one of those charging stations will be handicap accessible also.

Brittany Gessler highlights the roadway traffic and flow to the loading docks for the trucks and a separate area for vehicles. There is a review of the two land banks to give the tenant options for additional parking and the two 30ft wide lanes entering and exiting to the roadway. Chairman Knox asked for a demonstration of a right turn in and a right turn out of both the curb cuts. Scott Turner, Environmental Partners, explained that he reviewed the turning radius plan at the entrances and they looked good. Scott Turner speaks about the need for additional signs to direct passenger vehicles on the west side.

Chairman Knox speaks about the proposed back parking lot and the earthen berm on the left hand side. It looks like those 60 spaces are going to be at an elevation higher than Rhode Island Road and there is no, buffer, privacy visual or sound mitigation on that side of the building. Brittany Gessler speaks about the significant amount of vegetation that is existing on the hill top that will provide screening both visually and separate the activity from the abutters. She explained that their limits of work and slopes are all in the existing vegetation so they will not be disturbed as part of the project. They feel it is one of the benefits that the mature vegetation will remain back there.

Chairman Knox requests better angles and renderings of the site lines. Brittany Gessler agrees that they will be providing some 3D rendering views of some of the areas for the next hearing. He also specifically requests a 3D Model Comparison of the existing hospital with the new project. The applicant agrees to make this part of the next presentation.

Barbara Mancovsky, Planning Board Member, has no questions.

Peter Conroy, Planning Board Members, asked about the right side of the building, loading dock area and the short maneuvering distance to turn around. Brittany Gessler responded that those loading docks are for box trucks and smaller vehicles.

Michele MacEachern, Planning Board, asked that in regard to the entry and exit, she would like to see the trucks head toward Rt. 495, rather than any other direction and asked if there has been consideration of that. It is noted that passenger vehicles will be going in either direction even though the trucks will have a dedicated route back to the highway.

Chairman Knox asks about signs. Brittany Gessler noted that she will add specific signs to the next hearing discussion.

Joe Chamberlain, Conservation Commission, asked about what the plan is going to be for snow removal. Brittany Gessler shows two areas on the presented plan where snow can potential be stored. These areas are outside of the future parking areas. There is discussion on the soils and it is confirmed that there are sandy soils out there, which have been very workable with the stormwater design and the recharge which meets the stormwater standards.

Scott Turner asked for renderings of the berms and the varying heights in relation to the building so you can see how the building will look. Scott Turner asked about the entrances and if they are precast concrete. Brittany Gessler confirms that all the curb cuts are granite. Scott referenced some of the questions still outstanding on the project, such as pavement thickness and maintenance. He noted that sign detail was submitted. There are additional questions on the buffer on the western side but those will be coming up.

Jack Lynch, Planning Board, asked how the site access is going to flow once the newly constructed funeral home is completed next door. There are two lanes coming from Rhode Island Road that drops down to one lane right in that area. Brittany Gessler noted that this can be discussed as part of the offsite access.

Member Leavy asked when the demolition of the project is going to be discussed. Chairman Knox explained that it is not part of the Planning Board process. Nate Darling suggested that if the Planning Board saw fit to condition the hours of operation, dust control measures, it might be appropriate rather than have Rhino Capital control that.

Chairman Knox encourages the residents to put their concerns and questions in writing and submit them to the Board so that they can review them and get answers.

An unidentified resident expressed his concern about the noise levels during the demolition. Attorney Kwesell explained that the demolition hours controlled by the hours of operation can be made a condition of the permit.

Aguiar Octavio, 23 Rush Pond Road, had no comments on this presentation.

Paul Turner had no comments on this presentation.

Brian Smith, 22 Rush Pond Road, had no comments on this presentation.

Janet Scott, 11 Rush Pond Road, had no comments on this presentation.

Chairman Knox thanks the residents for their participation. He asked if any Planning Board Members have any further questions. They do not. It is noted that at the next hearing there will be a lot of discussion on the noise and traffic.

Motion is made and seconded to continue the Planning Board hearing of the 43D Rhino Capital Advisors, LLC, 43 Main Street project to Thursday, January 7, 2021 at 7 PM with the topics of Architectural Design, Landscape, Lighting, Noise, Signs and a 3D rendering along with 2D sections in various locations. Polled Mancovsky - Aye, Peter Conroy - Aye, Jack Lynch - Aye and Michele MacEachern vote: Mark Knox - Aye, Barbara - Aye.

ADJOURNMENT

Upon motion and seconded made at 8:30 PM to adjourn the Planning Board meeting. Polled vote: Mark Knox - Aye, Barbara Mancovsky - Aye, Peter Conroy - Aye, Jack Lynch and Michele MacEachern - Aye.