

## REMOTE MEETING NOTICE/ AGENDA

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

Name of Board, Committee or Commission:	<b>Planning Board</b>
Date & Time of Meeting:	<b>Thursday, August 13, 2020 at 7:00 p.m.</b>
Location of Meeting:	<b>REMOTE MEETING</b>
Clerk/Board Member posting notice	<b>Cathy Murray</b>

### 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 August 13, 2020, 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. **PUBLIC HEARING-Continued (7:00)**  
**Bella Way -39 Cross Street and part of 5 Harding Street** upon the application for Approval of a Definitive Plan submitted by 39 Cross Street Realty Trust for a three (3) lot subdivision, Assessors Map 022, Block 002, Lots 008 and 009.
3. **Meet with Board of Selectmen to discuss the following items:**
  - a. Review and vote to approve a new Planning Board member
  - b. Discuss part time Planner option
  - c. Discuss support for the Lakeville Hospital project
  - d. Discuss SRPEDD proposal to provide these services
4. **ANR plan – 73 Howland Road** – Meet with Mr. Jamie Bissonnette from Zenith Consulting Engineers regarding ANR submittal for 73 Howland Road.
5. **Meet with Mr. Jamie Bissonnette regarding Colpat Drive subdivision**
6. **Meet with Mr. Jamie Bissonnette regarding GIS System**
7. **Review the following Zoning Board of Appeals petition:**
  - a. Bugginga – 33 Shore Avenue
  - b. Iafrate/Johnson – Betty's Neck Road – M065-B004-L025
  - c. Fuller – 32 Fuller Shore Road
8. **Approve Meeting Minutes for July 23, 2020, and January 23, 2020.**
9. **Discuss Master Plan Implementation**
10. **New Business**
11. **Old Business**
12. **Next meeting. . . September 10, 2020 at 7:00 p.m.**
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 August 13, 2020, 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/>**



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

OFFICE OF  
SELECTMEN  
TELEPHONE 508-946-8803  
FAX 508-946-0112

TO: Mark Knox, Chairman  
Planning Board

FROM: Maureen Candito, Town Administrator *mc*

RE: Definitive Subdivision Review  
Bella Way

DATE: July 30, 2020

At their meeting on July 6, 2020, the Board of Selectmen received the Definitive Subdivision Plan for Pauline's Path located off of Howland Road.

The memo from the Planning Board indicated that they would be discussing this subdivision plan on July 9, 2020. The Selectmen were concerned that as these plans are sent to the Board of Health, Conservation Commission and Open Space Committee, there can be instances where they are not holding a meeting if the review period is too short to allow for them to meet.

The Board of Selectmen would like to thank the Planning Board for providing the plan for Bella Way for review, but the Selectmen were unable to properly review the plans by the date requested. The Board would respectfully suggest that any Town entity that is being asked for comments be given a 30 day time period after receipt of the plans/application by the Planning Board to submit their comments or questions. This will allow time for most Boards, Committees or Commissions to meet.

Property Address: Lot 1, Lot 2, Lot 3 and Parcel A located off Cross Street, Lakeville, MA

## DECLARATION OF PROPERTY RESTRICTIONS, EASEMENTS AND COVENANTS

DECLARATION made this \_\_\_\_ day of August, 2020 by **Robert Poillucci, Trustee of 39 Cross Street Realty Trust, and Lakeville Nursery Redevelopment, LLC**, Massachusetts limited liability company both of One Business Park Drive, Lakeville, Plymouth County, Massachusetts (hereinafter collectively the “Developer” or “Grantor”), for purposes of submitting certain property to common use in accordance with covenants, easements and restrictions hereinafter set forth.

### RECITALS

WHEREAS, Developer owns the real property shown as Lots 1 through 3 and a 40 foot wide right of way shown as Parcel A (hereinafter “Bella Way”) on a definitive subdivision plan of land entitled “Bella Way Definitive Plan for Residential Subdivision Off Cross Street Lakeville, Massachusetts”, dated: May 11, 2020 and revised through\_\_\_\_, Prepared by: Zenith Consulting Engineers, LLC, 3 Main Street, Lakeville, MA 02347 and record with Plymouth County Registry of Deeds in Plan Book \_\_, Pages \_\_\_\_ (hereinafter collectively the “Plans”); and

WHEREAS, Developer has created “Easement A”, “Easement B”, “Easement C”, and “Easement D” all as shown on the Plans for the purposes of installing stormwater management systems and a buffer area; and

WHEREAS, Developer is developing the said property into a residential subdivision. It is Developer’s desire to establish certain restrictions regarding the use and development of said property by all future owners thereof and to preserve for such owners the quality and character of said development; and

WHEREAS, Developer desires to assist its grantees in providing the necessary means and organization to enable them and their successors in title to enforce the restrictions and covenants hereinafter set forth.

NOW, THEREFORE, in consideration of the premises, Developer does hereby subject all the lots shown in the aforesaid Plans to the following property restrictions, covenants, charges and assessments, all of which shall run with and bind all such lots within the development and shall be binding upon said Developer and their grantees, heirs, executors, administrators, successors and assigns:

1. No lot within the subdivision shall be used for any purpose other than single family residential purposes. Structures appurtenant to residential uses, such as garages and/or storage buildings may be erected providing that such structures are finished on the exterior in a manner similar and harmonious to the exterior of the principal residential unit. No commercial uses whatsoever shall be permitted on any lot. Home Occupations shall be allowed as authorized by the Town of Lakeville Zoning Bylaw.

2. Bella Way shall remain a permanently private way and shall not be extended.

3. Bella Way shall not be connected to any other way except where it originates on Cross Street.

4. No mobile homes shall be placed or maintained, for any purposes, upon any lot.

5. No tents, camping or recreational type vehicles shall be placed or stored upon any lot other than for temporary periods of storage and no such structure or vehicle shall be utilized for occupation or habitation when temporarily stored upon any lot.

6. The exterior of all structures shall be completed within twelve (12) months from commencement of construction, which term for purposes herein shall be deemed to mean and include excavation.

7. No non-operable and/or unregistered motor vehicles shall be placed or stored upon any lot except when contained within an enclosed garage or structure.

8. All trash, rubbish, scrap or refuse shall be removed from the lot and disposed of on a regular periodic basis. No unusual accumulation of trash, rubbish, scrap or refuse shall be permitted.

9. No animals other than common household pets shall be kept or maintained upon any lot.

10. Anything to the contrary herein notwithstanding, no structure shall be erected nearer to any boundary line than may be permitted by any applicable Town, State and/or Federal rule, regulation, law and/or ordinance.

11. All house services cables for electricity, telephone, ~~cable television~~ and internet shall be installed underground.

12. No ~~noxious~~ or offensive activity shall be carried out upon any property, nor shall be done thereon which may be or become an annoyance or nuisance to the neighborhood.

13. The owners of Lot 1, 2 and 3 shall have equal rights of ingress and egress over Bella Way as shown on the Plans and shall take no action to prevent the other party's enjoyment of such rights.

14. The owners of Lot 1, 2 and 3 shall have the right of access within those areas shown on the Plans as "Parcel A", "Easement A", "Easement B" and "Easement C" for the purposes of constructing, repairing, and maintaining the stormwater management systems located within these easement areas.

15. The owners of Lot 1, 2 and 3 shall have the right of access within that area shown on the Plans as "Easement D" for the purposes of maintaining plantings or installing new plantings. The cutting of trees and/or other growth within "Easement D" as shown on the Plans is prohibited except as the same may be necessary for the prevention of fire hazards and/or other safety reasons or for utility easement purposes.

16. The owners of Lot 1, 2 and 3 and their heirs, successors and assigns, agree to hold each other harmless from and against any and all liability for injury or damage to persons or property resulting from the construction, repair, maintenance and use of the Bella Way, the stormwater management systems and the buffer area within Easement D created by this agreement.

17. The owners of Lot 1, 2 and 3 shall maintain Bella Way, the stormwater management systems located within Bella Way and within "Easement A", "Easement B", "Easement C" and the maintenance and replacement of plantings within the buffer area located within "Easement D" in the condition to which they have been constructed and improved from time to time, free and clear of obstruction, shall repair the same as necessary, shall keep the same reasonably free and clear of ice and snow, and shall keep the easement areas and roadway insured with respect to liability.

18. Each person or entity that takes title to any lot within the subdivision shall upon acceptance of a deed, or upon the vesting of title by descent or devise, agree to be jointly responsible for the management, repair, maintenance and reconstruction of the roadway, the stormwater management systems located within Bella Way and within "Easement A", "Easement B", "Easement C" and the maintenance and replacement of plantings within the buffer area located within "Easement D". The location of the aforementioned easement areas is all shown on the Plans.

19. The owners of Lot 1, 2 and 3 and their heirs, successors and assigns, agree to construct, repair, improve and maintain Bella Way as may be necessary to ensure safe and adequate passage to and from the respective properties. Each party agrees to assume one third (1/3) of the costs and responsibilities associated with the maintenance, repairs and improvements to Bella Way, the stormwater management systems located within Bella Way and within "Easement A", "Easement B", "Easement C" and the maintenance and replacement of plantings within the buffer area located within "Easement D".

20. The cost for repairing, replacing, maintaining or improving Bella Way, the stormwater management systems located within Bella Way and within "Easement A", "Easement B", "Easement C" and the maintenance and replacement of plantings within the buffer area located within "Easement D", pursuant to this Agreement, shall be shared as set forth above. Except as herein provided, no costs of any kind shall be charged to any owner, unless that owner has agreed in writing to pay said costs.

21. In the event that the owner of Lot 1, Lot 2 or Lot 3 does not agree in writing to pay their required share, then the owner(s) proposing said activity and may undertake said activity solely at their own cost and expense. In that event, after the work is completed, the owner(s) performing the work may institute legal action against the other owner(s) who did not contribute to the cost of such activity. In the event that a court should issue a ruling that the work was necessary to maintain the easement areas and roadway to the standards required hereunder, and if the work was done to the quality required, then the owner(s) who should have shared said cost shall be responsible for their required share of the cost, and the owner(s) who performed the work shall be entitled to be reimbursed by the other owner(s) not only for their required share, but also for the expenses incurred in said collection including a reasonable attorney's fee, if a court action is instituted.

22. All repairs, replacement, maintenance or improvements made to Bella Way, the stormwater management systems and the 20 foot buffer area shall be made to a quality suitable to accomplish the purposes for which the easement area has been created.

23. Disputes, claims or grievances arising out of or relating to the interpretation or application of this document or the administration, if any, of all disputes among the owners or between the owners may, upon the election and written consent of the parties to such dispute, claim or grievance, and written notice, be submitted to arbitration, and the parties thereto shall accept the arbitrators' decision as final and binding, provided, that no question affecting the title or claim of title in the real estate is involved.



24. All of the terms and conditions in this Declaration, including the benefits and burdens, shall run with the land and shall be binding upon, inure to the benefit of, and be enforceable by the Developer and its successors and assigns.

25. Non-use or limited use of the easement rights granted in this Agreement shall not prevent any party and their respective successors and assigns from later use of the easement rights to the fullest extent authorized in this Declaration.

26. The covenants, agreements and restrictions contained herein shall be covenants running with and for the benefit of and burden upon the easement properties and shall be binding upon and inure to the benefit of the owners thereof, and their respective heirs, successors and assigns. The rights granted herein shall be considered to create permanent easements

27. Bella Way does not meet the standards of the Town for acceptance for new ways and shall not be proposed for such acceptance.

28. The Town of Lakeville is granted the right, but not the obligation, to enter onto Parcel A, "Easement A", "Easement B", "Easement C" for the purposes of maintaining, repairing or replacing the roadway and stormwater management systems in the event the lot owners fail to do so or as a matter of public safety. Should the Town of Lakeville undertake the maintenance and repairs the owners of Lot 1, Lot 2 and Lot 3 shall reimburse the Town of Lakeville for its reasonable costs.

29. A breach of any of these restrictions shall give to the Developer, its successors or assigns, and the owners of Lot 1, Lot 2 and Lot 3, the usual legal and equitable remedies to recover damages and the right to enter upon any lot and abate and remove, at the expense of the party at fault, any activity or erection of work that may be thereon contrary to the interest of these restrictions, without being deemed guilty of any manner of trespass therefore.

30. The covenants and restrictions of this Declaration shall run with and bind the land and shall inure to the benefit of and be enforceable by the owners of Lot 1, Lot 2 and Lot 3 for a term of years from the date of recording of the Declaration, after which time said covenants and restrictions may be extended upon vote of all of the lot owners.

31. Any notice required to be sent to any member or owner under the provisions of this Declaration shall be deemed to have been properly sent when mailed certified mail, postpaid, to the last-known address of the owners of Lot 1, Lot 2 and Lot 3.

32. If any easement, covenant, restriction, agreement, or charge herein contained should be held invalid by any court, such invalidity shall in no way affect any other easement, covenants, restrictions, agreement or charge herein.



33. Developer shall convey the fee in Parcel A, without further consideration to the Association within sixty (60) days after Developer's sale of all lots in the subdivision.

34. The Developer herein specifically reserves the right to (a) grant easements to others, including owners of lots in the subdivision to use all of the ways shown on the plans referred to in the above in common with others entitled thereto for all purposes for which public ways may be used in the Town of Lakeville; (b) grant easements in, over or under such ways for the installation and maintenance of gas, electric, telephone and waterlines, and associated equipment, and to install on land adjacent thereto anchors and guys to support said line, including the right to grant easements to public service corporations for the installation and maintenance of necessary equipment in, under and upon an area five (5) feet in width and ten (10) feet in depth at the sidelines of each lot adjoining said ways for the distribution of electricity.

35. Developer reserves the right to revise or amend this Declaration for any purpose that the Developer may deem necessary without the consent of the owners of Lot 1, Lot 2 or Lot 3.

36. Invalidation of any one of these covenants and restrictions by judgment or court order shall in no way effect any other provisions which shall remain in full force and effect.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

39 Cross Street Realty Trust

By: \_\_\_\_\_  
Robert Poillucci, Trustee

Lakeville Nursery Redevelopment, LLC

By: \_\_\_\_\_  
Robert Poillucci, Manager

COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss

\_\_\_\_, 2020

On this day before me, the undersigned Notary Public, personally appeared Robert Poillucci, proved to me through satisfactory evidence of identification, which was based on [ ] personal knowledge [ ] a Massachusetts driver's license, to be the person whose name is signed on the preceding or attached document, and who acknowledged to me that he/she signed it voluntarily for its stated purpose, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his/her knowledge and belief as Trustee of 39 Cross Street Realty Trust and as manager of Lakeville Nursery Redevelopment, LLC.

Notary Public: \_\_\_\_\_

Printed Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Date Submitted: \_\_\_\_\_



**Town of Lakeville**  
PLANNING BOARD  
346 Bedford Street  
Lakeville, MA 02347  
508-946-8803

RECEIVED  
AUG 3 2020  
PLANNING BOARD

**FORM A**

**APPLICATION FOR ENDORSEMENT OF PLAN  
BELIEVED NOT TO REQUIRE APPROVAL (ANR)**

To the Planning Board:

The undersigned believing that the accompanying plan of this property in the Town of Lakeville does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits said plan for determination and endorsement that Planning Board approval under this Subdivision Control Law is not required.

PLAN TITLE: Approval Not Required Plan Date: July 28, 2020

1. Owner's Signature: Pauline Ashley Date: \_\_\_\_\_

2. Owner's Name (Please Print): Pauline A. Ashley

Owner's Address: 73 Howland Road Lakeville, MA 02347

3. Name of Land Surveyor: Zenith Land Surveyors, LLC. (Jon Pink, PLS)

Surveyor's Address: 1162 Rockdale Ave New Bedford, MA 02740

Surveyor's Telephone: 508-995-0100

4. Deed of property recorded in Plymouth County Registry,

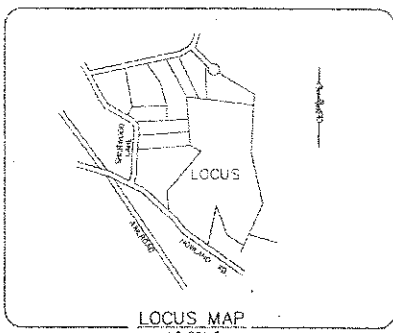
Book 48050 Page 317

5. Assessors' Map, Block and Lot (MBL) 013/001/001

6. Location and Description of Property: The property located on the north side of Howland Rd and east of Sherwood Lane

7. Plan Contact Name and Telephone Number:

Contact Name: Jamie Bissonnette Telephone: 508-947-4208



N/F MASSACHUSETTS AUDUBON  
MAP 013 BLK 001 LOT 009

N/F PREDIOSA M. CARDOSO  
& STEVEN MONTY  
81 HOWLAND RD.  
MAP 013 BLK 001 LOT 058

FOR REGISTRY USE ONLY

N/F ACOSTINO & DANA T. PARESE  
& LARIERNI LANE  
MAP 009 BLK 004 LOT 03Y

N/F SCOTT & LISA MARIE WEDDE  
2 LAHVERN LANE  
MAP 009 BLK 004 LOT 03W

N/F DANIEL J. & GRACE LOVERING  
20 SHERWOOD LANE  
MAP 009 BLK 004 LOT 03X

N/F JOHN J. JR. & JOAN M. CONNOR  
18 SHERWOOD LANE  
MAP 009 BLK 004 LOT 03Y

N/F STEVEN A. & KATHLEEN R. HUTCHINSON  
10 SHERWOOD LANE  
MAP 009 BLK 004 LOT 04C

N/F STEPHEN E. II & MELISSA L. NAVEGA  
8 SHERWOOD LANE  
MAP 009 BLK 004 LOT 04D

N/F FRANCIS ASHLEY  
71 HOWLAND RD.  
MAP 009 BLK 004 LOT 002

LOT B  
859,250 SF  
19.73 AC.  
> 52,500 SF UPLAND

N/F JOSEPH E. BROUTIN  
& SUSAN B. ALBIN  
79 HOWLAND RD.  
MAP 013 BLK 001 LOT 04A

ZONING INFORMATION  
RESIDENTIAL DISTRICT

LOT AREA	REQUIRED
LOT AREA	70,000 SF
CONTOURIOUS UPLAND AREA	52,500 SF
LOT FRONTAGE	175 FT.
MIN. FRONT YARD SETBACK	40 FT.
MIN. SIDE YARD SETBACK	20 FT.
MIN. REAR YARD SETBACK	20 FT.

OWNER  
Pauline A. Ashley  
73 Howland Rd.  
Lakeville, MA  
Deed 48050, Book 317  
Assessor's Parcel: 013/001/001

LAKEVILLE PLANNING BOARD

APPROVAL NOT REQUIRED UNDER  
SUBDIVISION CONTROL LAW

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
DATE: \_\_\_\_\_

THE LAKEVILLE PLANNING BOARD'S  
ENDORSEMENT MAKES NO DETERMINATION  
AS TO COMPLIANCE WITH ZONING.



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

*Jonathan J. Pina*  
PROFESSIONAL LAND SURVEYOR DATE: 7-30-2020



APPROVAL NOT REQUIRED PLAN

73 HOWLAND RD.  
IN  
LAKEVILLE, MA

SCALE: 1" = 50' DATE: JULY 28, 2020

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

Drawn By: JJP Checked By: JMR  
FIS NUMBER: 73 HOWLAND AND 070



**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:** July 27, 2020

**RE:** Attached Petitions for Hearing  
Buginga-33 Shore Drive  
Iafrate/Johnson-Betty's Neck Road-M06-B004-L025  
Fuller-32 Fuller Shores Road

Attached please find copies of three Petitions for Hearing, which have been submitted to the Board of Appeals. The hearings for these petitions will be held on August 20, 2020.

Please review and forward any concerns your Board may have regarding these petitions to the Board of Appeals, if possible, no later than Monday, August 17, 2020.

Thank you.

RECEIVED  
JUL 27 2020  
PLANNING BOARD

Petition to be  
filed with Town Clerk

EXHIBIT "A"

TOWN OF LAKEVILLE  
MASSACHUSETTS  
ZONING BOARD OF APPEALS  
PETITION FOR HEARING

RECEIVED  
JUL 16 2020  
BOARD OF APPEALS

Name of Petitioner: Jennifer L. Buginga

Mailing Address: 135 Sharon Court, Bridgewater, MA 02324

Name of Property Owner: Jennifer L. Buginga

Location of Property: 33 Shore Drive, Lakeville, MA 02347

Property is located in a  residential  business  industrial (zone)

Registry of Deeds: Book No. 46065 Page No. 209

Map 41 Block 9 Lot 11

Petitioner is:  owner  tenant  licensee  prospective purchaser

Nature of Relief Sought:

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

Petitioner makes reference to the attachment hereto,  
which is incorporated herein, in its entirety, by  
reference.

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: Jennifer Buginga Date: 7/15/20

Signed: Jennifer Buginga Telephone: 508-958-0968

Owner Signature: Owner/Petitioner Same 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

Attorney Peter A. Saulino  
(Name and Title)

**ATTACHMENT TO PETITION FOR SPECIAL PERMIT**

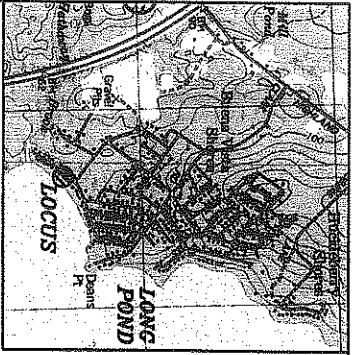
**APPLICANT/OWNER: JENNIFER L. BUGINGA**

**PROPERTY ADDRESS: 33 SHORE DRIVE, LAKEVILLE, MA 02347 ("Property")**

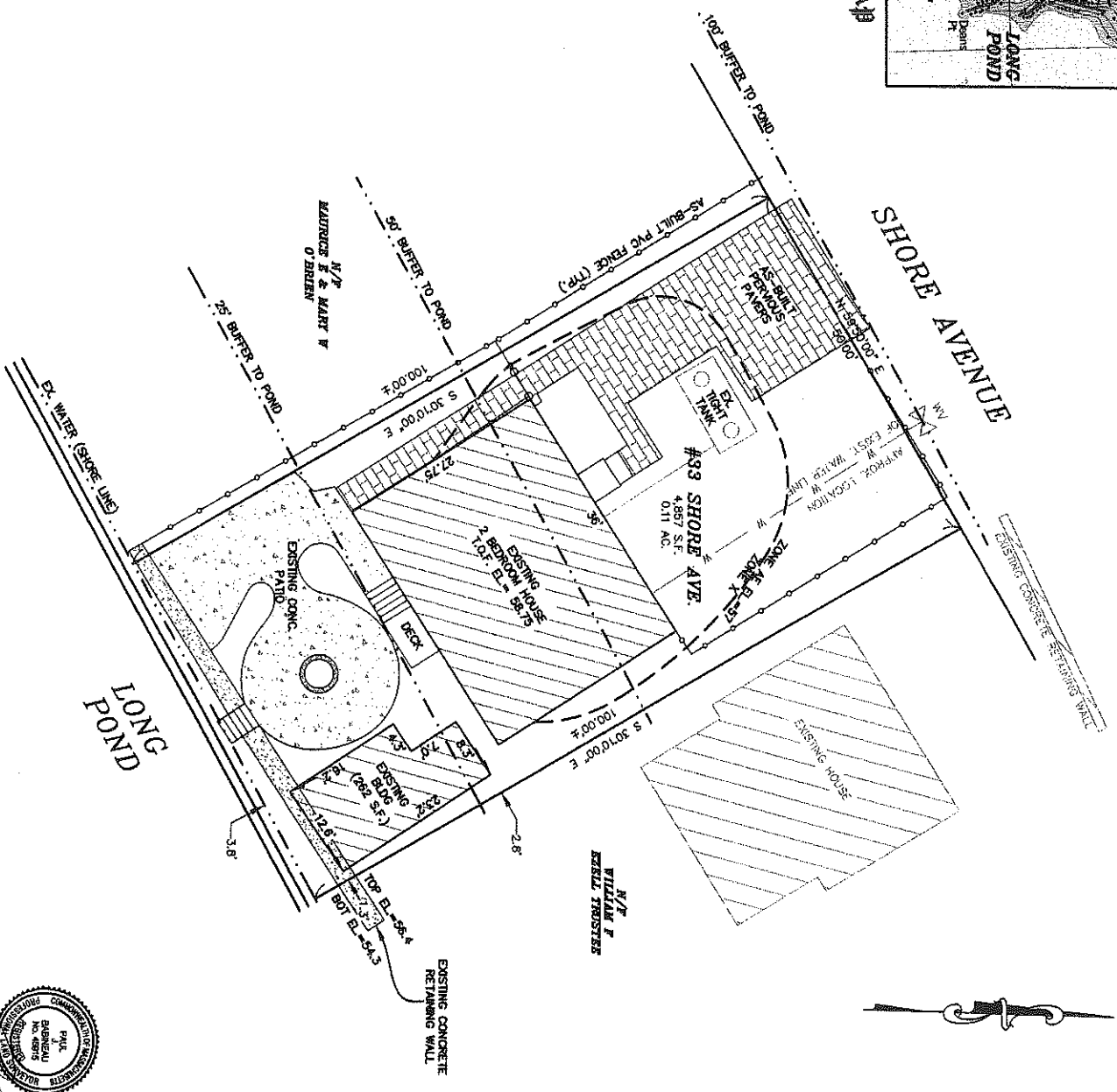
1. Pursuant to Section 2.0 (Definitions), of the Lakeville Zoning By-Law (hereinafter "By-Law"), the existing building/shed would be construed as an accessory building, because it is a "building" incidental to or subordinate to and located on the same lot with the principal building.
2. Pursuant to section 6.3.2 of the By-Law, an accessory building shall not be located within the required front, side, or rear setback unless a Special Permit, for an accessory building or structure is granted.
3. Pursuant to Section 7.4 of the By-Law, the elements of finding for the issuance of a Special Permits are: a.) that the proposed use must be in harmony with the general purpose and intent of the By-Law, and b.) a finding that it is not noxious, harmful, or hazardous and is socially and economically desirable, the advantages outweigh the detrimental effects, the Applicant has no way to accomplish its purpose more in conformity with the By-Law.
4. The shed/building located at the Property was put up without a permit in error, but not maliciously. To the contrary, the Property went before the Conservation Commission in the Town of Lakeville on a Notice of Intent. The structure was shown on the Plan submitted at that time, but the Petitioner had no actual knowledge that needed a Special Permit too.
5. Therefore, the Petitioner is before the Zoning Board of Appeals for an after the fact Special Permit. It is submitted that the requested Special Permit should be granted because:
  - a.) The proposal is certainly not noxious or harmful, and is presently situated on the Property without issue.
  - b.) It is consistent with residential seasonal use on a beautiful section of the pond. However, there is no way to locate it on the site in a manner that will conform to current setbacks, because of the pre-existing nature of the lot, and how small it is.
  - c.) The shed/building generally conforms to the principals of good engineering and correct land use, because it is used incident to the primary use. It is not a commercial use, or some sort of rental. Rather, it is used by the owners to enjoy the sights and sounds of the pond

Conclusion/Relief Sought: A finding that the proposal is not detrimental to the neighborhood, and that a Special Permit allowing the same to exist be issued.



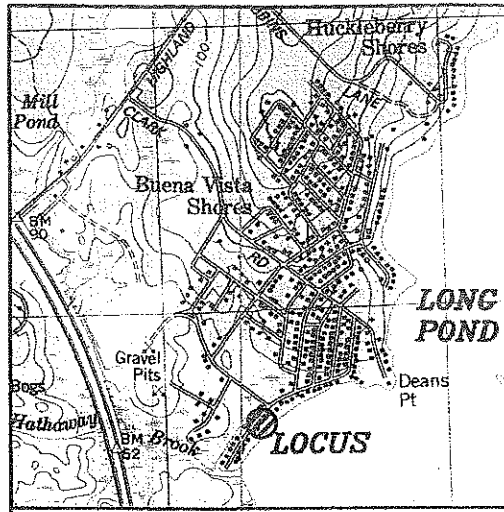


PROJECT MAP  
N.T.S.

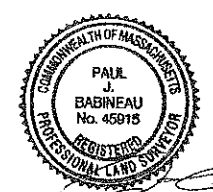
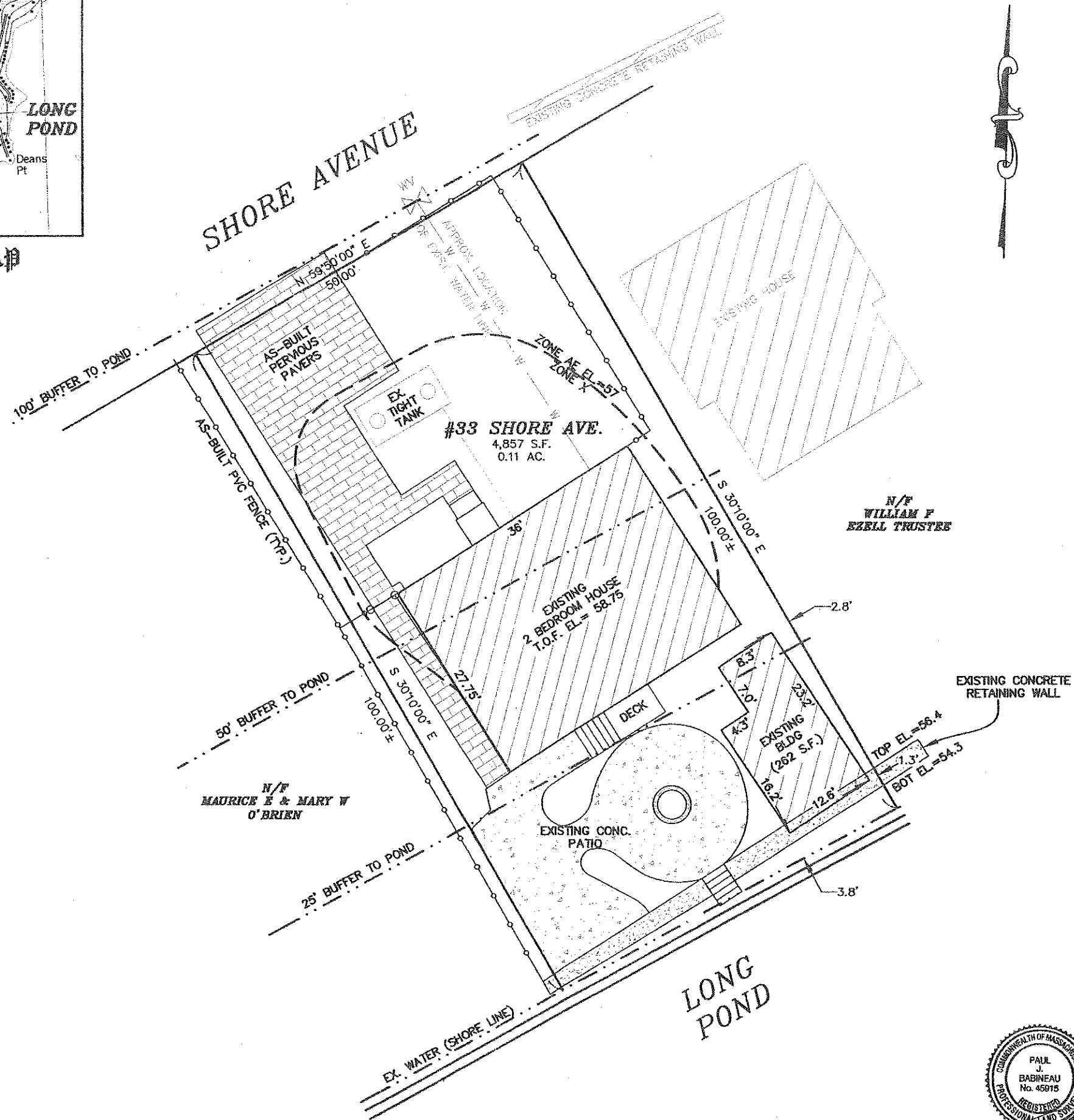


6-29-20

<p><b>OWNER</b> JENNIFER L. BUGINGA 135 SHARON COURT BRIDGEWATER, MA 02324</p>
<p><b>APPLICANT</b> MANNY BUGINGA 135 SHARON COURT BRIDGEWATER, MA 02324</p>
<p><b>FINAL AS-BUILT</b> #33 SHORE AVE LAKEVILLE MASSACHUSETTS</p>
<p><b>DATE:</b> DECEMBER 19, 2019 <b>REVISIONS:</b> JUNE 29, 2020 <b>DRAWN BY:</b> J.E.T.    <b>CHECKED BY:</b> J.A.V. <b>SCALE:</b> 1"=10'    <b>SHEET 1 OF 1</b></p>
<p>165 EAST GROVE STREET MIDDLEBOROUGH, MA 02346 TEL: (508) 946-9231 FAX: (508) 947-8873 www.outback-eng.com</p> <p><b>Outback Engineering</b> Incorporated</p>
<p>OE-920A</p>



**LOCUS MAP**  
N.T.S.



6-29-20

**OWNER**  
JENNIFER L. BUGINGA  
135 SHARON COURT  
BRIDGEWATER, MA 02324

**APPLICANT**  
MANNY BUGINGA  
135 SHARON COURT  
BRIDGEWATER, MA 02324

**FINAL AS-BUILT**  
**#33 SHORE AVE**  
**IN**  
**LAKEVILLE**  
**MASSACHUSETTS**

**Outback Engineering**  
Incorporated  
165 EAST GROVE STREET  
MIDDLEBOROUGH, MA 02346  
TEL: (508)-946-9231  
FAX: (508)-947-8873  
www.outback-eng.com

DATE: DECEMBER 19, 2019  
REVISED: JUNE 29, 2020  
DRAWN BY: J.E.Y. CHECKED BY: J.A.Y.  
SCALE: 1"=10' SHEET 1 OF 1  
0' 10' 20' 30'

OE-920A

Petition to be filed with Town Clerk

EXHIBIT "A"

TOWN OF LAKEVILLE MASSACHUSETTS

RECEIVED JUL 16 2020

ZONING BOARD OF APPEALS PETITION FOR HEARING

BOARD OF APPEALS

Name of Petitioner: Nicholas Iafrate, Heartward Development

Mailing Address: 3 Trinity Circle, Bridgewater, MA 03324

Name of Property Owner: Elaine M. Johnson

Location of Property: 0 Betty's Neck Road

Property is located in a  residential  business  industrial (zone)

Registry of Deeds: Book No. 14096 Page No. 320

Map 065 Block 004 Lot 025

Petitioner is:  owner  tenant  licensee  prospective purchaser

Nature of Relief Sought

Special Permit under Section (s) 6.1.1 and 7.4 <sup>with attached</sup> 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.)

Require Special Permit to build a new single family dwelling on said lot. There was a house previously on this lot that had burnt down in the 1980s. The lot is non-conforming as it relates to the current By-law but was considered pre-existing.

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: Nicholas Iafrate

Date: 6-29-2020

Signed: Nicholas Iafrate

Telephone: 508 958 6876

Owner Signature: Elaine M. Johnson  
(If not petitioner)

Owner Telephone: 603-491-7238

(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)

## Lakeville Zoning By-Law

6.1.1 Abandonment/Non-Use-A non-conforming use, building or structure, other than single and two-family residential structures, which has been abandoned or not used for a period of two (2) years, shall lose its protected status and any future use shall conform with the By-Law, except in the case of land used for agriculture, horticulture, or floriculture, where such non-use shall have existed for a period of five (5) years; provided, however, that by the issuance of a Special Permit, the Zoning Board of Appeals may reestablish the protected nonconforming status of such use, building or structure.

A single or two-family residential structure, which has been abandoned for a period of two (2) years, shall lose its protected status and any future use shall conform with the By-Law; provided, however, that by the issuance of a Special Permit, the Zoning Board of Appeals may reestablish the protected non-conforming status of such use, building or structure. (Underlined- Adopted June 6, 2016; approved by Attorney General July 21, 2016)

### 7.4 Special Permits

7.4.1 Certain specific uses, buildings and structures identified in other sections of this By-Law shall be allowed to be located, relocated, altered or substantially expanded in specified districts only upon the issuance of a Special Permit by the Special Permit Granting Authority, as designated herein. Special Permits shall only be issued for uses, buildings and structures which are in harmony with the general purpose and intent of this By-Law and subject to its general or specific provisions and only if the Special Permit Granting Authority finds that the following conditions are met: *(Underlined-Adopted June 6, 2016; approved by Attorney General July 21, 2016.)*



Bettys Neck Rd

065-0

1.1

Bettys Neck Rd

225

065-004-025

1.1 AC.





Petition to be filed with Town Clerk

EXHIBIT "A"

TOWN OF LAKEVILLE MASSACHUSETTS

ZONING BOARD OF APPEALS PETITION FOR HEARING

RECEIVED JUL 16 2020 BOARD OF APPEALS

Name of Petitioner: KEVIN FULLER

Mailing Address: 60 BATHURICK RD WESTMINSTER MA 01773

Name of Property Owner: KEVIN FULLER

Location of Property: 32 Fuller Shores Road

Property is located in a residential business industrial (zone)

Registry of Deeds: Book No. 52596 Page No. 112

Map 044 Block 001 Lot 010

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.)

ADDING A 20' BY 11'6" STORAGE TO 2ND FLOOR AND STAIRWELL TO GET TO IT.

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: KEVIN FULLER

Date: July 16 2020

Signed: [Signature]

Telephone: 978-870-9121

Owner Signature: (If not petitioner)

Owner Telephone:

(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)





70-S

0200AC

-009

ROW

ROW

122

32

044-001-010

0.334AC

140

14

044-001-011

0.479AC

120

SHORES

RD

140

044-003-003

8.00

60-S

10S

044-004-004

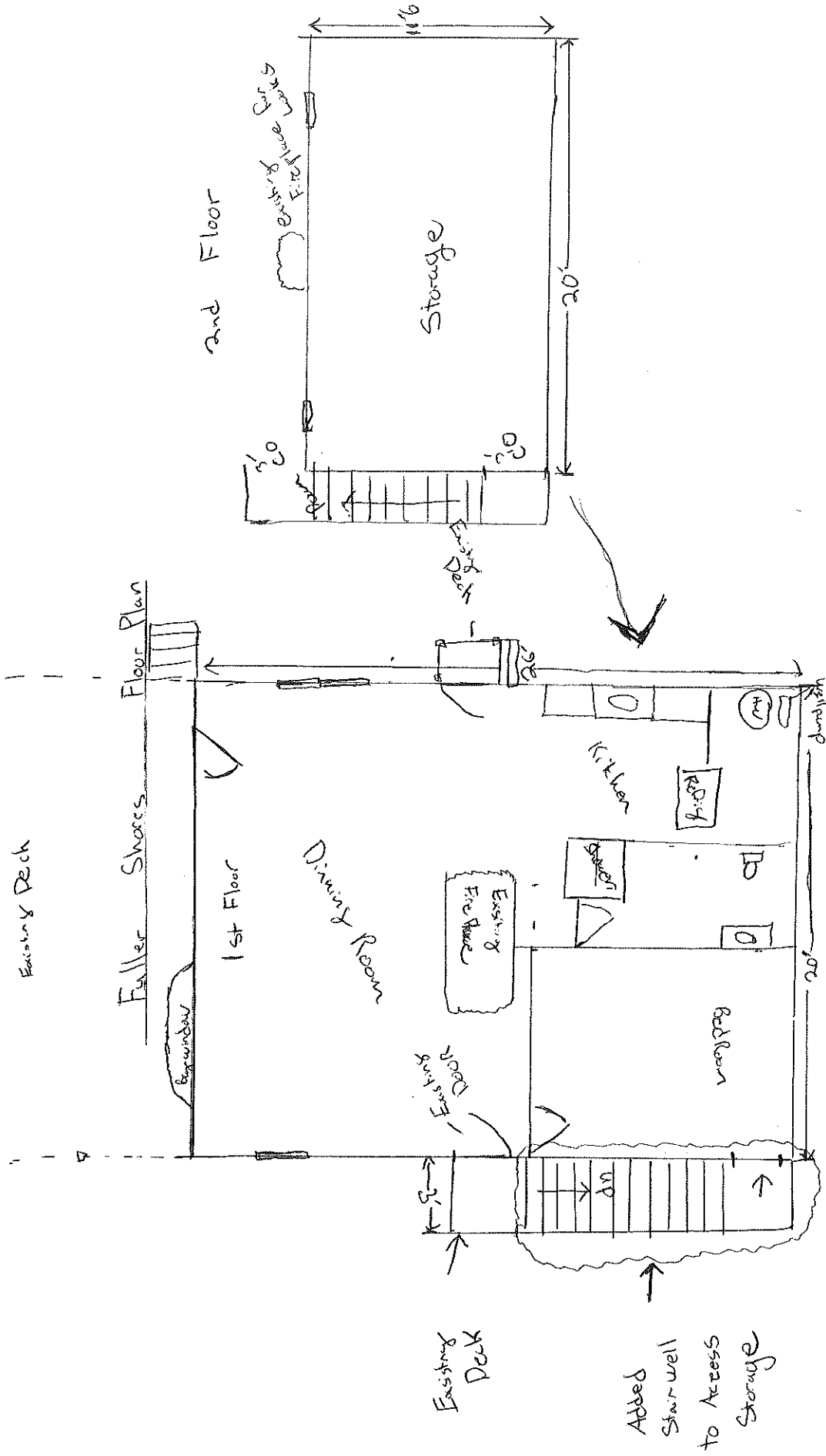
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120-S

160-S

044

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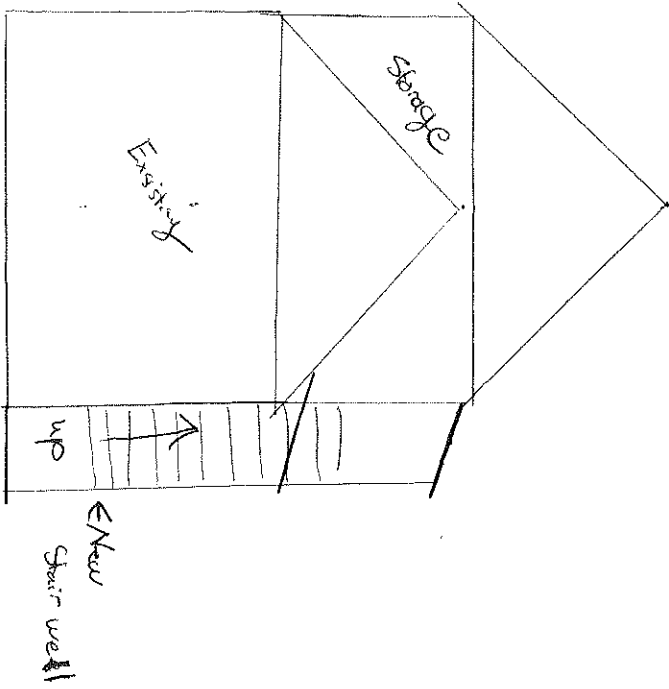


Scale 1/4" = 1'

sr  
6

Added Stairwell to Access Storage

Front Elevation



\_\_\_\_\_

**Planning Board  
Lakeville, Massachusetts  
Minutes of Meeting  
July 23, 2020  
Remote meeting**

On July 23, 2020, the Planning Board held a remote meeting. It was called to order by Chairman Knox at 7:00. Ms. Murray, recording secretary, was audio recording. LakeCam was recording, and it was streaming on Facebook Live.

**Members present:**

Mark Knox, Chair; Barbara Mancovsky, Vice-Chair; Peter Conroy, Michele MacEachern

**Also present:**

Mallory Reis, 35 Cross Street; Kevin Fredette, Dave Morrissey, 37 Cross Street

**Agenda item #1**

Mr. Knox read this item into the record. It was an explanation of the Governor's Order Suspending Certain Provisions of the Open Meeting Law related to the 2020 novel Coronavirus outbreak emergency which was why the Board was meeting remotely.

**PUBLIC HEARING: Bella Way-39 Cross Street and part of 5 Harding Street - continued**

Mr. Knox stated this Public Hearing had been continued from their last meeting. He advised the applicant has requested this hearing be continued until their next scheduled meeting which is August 13, 2020 at 7:00 p.m. He would entertain that motion.

Ms. Mancovsky made the motion, seconded by Mr. Conroy, to continue the Public Hearing for Bella Way-39 Cross Street and part of 5 Harding Street until August 13, 2020, at 7:00 p.m.

**Roll Call Vote:** Ms. Mancovsky-AYE, Mr. Conroy-Aye, Ms. MacEachern-Aye, Mr. Knox-Aye

Mr. Morrissey asked if the plans were currently under peer review and if Mr. Knox was able to disclose the engineer. Mr. Knox said they were being reviewed by HML Associates.

The hearing closed at 7:04.

Discuss and vote to designate a member to work with the Town Clerk, Town Administrator, and Building Commissioner on the codification of the Town's By-Law

Mr. Knox explained the Town Clerk has a contractor they have hired to help with this project. He believed that questions would be emailed among the parties involved. They would like a Planning Board member to take part in this. He did not believe this was an official committee with meetings but rather would be taken care of through email contact. Ms. Mancovsky said she had attended the meeting regarding this project today. She was happy for someone else to step in if they would like to. It sounds like a reasonable time commitment, not huge, but probably taking place over the next several months. The idea is to have a thorough review of their bylaws and make sure they are consistent with State law and bring to attention any inconsistencies.

Mr. Knox asked Ms. Mancovsky what her sense had been in regards to meetings. She replied they were in the beginning stages of an 18-month process. The documents they are going to be sending over next will probably be some of the most important ones they will see. After that, they will be working on the actual bylaws, and they will receive feedback both from an editorial and legal standpoint.

Ms. MacEachern said it sounded like Ms. Mancovsky would be a great option for this but she did not mind offering her time as well. Mr. Knox said it sounded like Ms. Mancovsky did not have the time available for this commitment. He noted that there is quite a bit of work being the Chair as well as the 43D Committee commitment so he would like to see either Ms. MacEachern or Mr. Conroy step in on this one. Mr. Conroy said if it was night meetings he would be happy to, but he would not be able to if it was during the day. He said that if Ms. MacEachern was willing to step in he did not mind being a backup. Ms. Mancovsky said she did not know what the routine would be but the consultant did work during business hours. She got the sense that most of the work would be done via email.

Mr. Knox asked Ms. MacEachern if she had interest in this. She replied that she did. Right now, she did have the time and flexibility but she could not say if that would change. Ms. Mancovsky said that if that did change, it could be passed on to her as this was an eighteen-month commitment. Mr. Conroy said if the meetings were at night or by email they could work on this as a team rather than as an individual. Ms. Mancovsky agreed. Mr. Knox suggested that updates be placed on the agenda periodically.

Mr. Knox then made a motion to appoint Ms. MacEachern to be the designated member to work on the re-codification process. Ms. Mancovsky amended the motion to include a written correspondence from the Planning Board to the Board of Selectmen to advise them of their appointment. Mr. Knox seconded the amended motion.

**Roll Call Vote:** Ms. Mancovsky-AYE, Mr. Conroy-Aye, Ms. MacEachern-Aye, Mr. Knox-Aye

**Approve meeting minutes**

Ms. Mancovsky made a motion, seconded by Mr. Knox, to approve the Meeting Minutes from July 9, 2020.

**Roll Call Vote:** Ms. Mancovsky-AYE, Mr. Conroy-Aye, Ms. MacEachern-Aye, Mr. Knox-Aye

**New Business-Approve SouthCoast Media bill**

Mr. Conroy made a motion, seconded by Ms. Mancovsky to approve the SouthCoast Media bill in the amount of \$175.52.

**Roll Call Vote:** Ms. Mancovsky-AYE, Mr. Conroy-Aye, Ms. MacEachern-Aye, Mr. Knox-Aye

**Old Business-Discuss and approve Master Plan**

Ms. Mancovsky noted that twenty years ago she served on the original Master Plan Committee, and she finds that much of it is a repeat of what was requested then. When talking about the implementation of the action items that are indicated on this report, she would really like to get serious and get some of these projects done. She felt some of these items really needed to be addressed. Mr. Conroy agreed and said the best way to get some of the items done would be to just add them to the agenda as a headline item. He recommended starting after the August break.

Ms. MacEachern also agreed. She advised she had put the information into a spread sheet if anyone had the chance to take a look at it. It was broken down by goal year with a column at the end for an agenda date. She would like to adopt it as a working document. Mr. Knox said he thought it was good but from a Town planning standpoint it is very difficult to implement a specific item where they were not the developer. He noted that some of the comments had been more affordable housing for 55+ but how could they act on that if they were not the developer? Ms. Mancovsky said that would have to be part of the Master Plan conversation. She noted the item that consistently comes up on Town surveys is the desire to maintain the Town's rural character.

Mr. Knox said that really sums it up. He thought they all like the Master Plan and want to approve it but the implementation of it needs to be on their agenda. He would recommend that be done on a monthly basis.

Mr. Knox made a motion, seconded by Ms. Mancovsky, to approve and endorse the Master Plan, dated July 2020 and entitled *Lakeville 2030 A Plan for the Future*.

**Roll Call Vote:** Ms. Mancovsky-AYE, Mr. Conroy-Aye, Ms. MacEachern-Aye, Mr. Knox-Aye

### Old Business-Additional

Ms. Murray advised the revised plans for Bella Way were available to be picked up. The Plan for Long Point had also been dropped off and edited so that it included a signature block so members could sign it at their convenience.

Regarding the PAA, there will be a brief meeting before their Planning Board meeting to ratify their vote.

Mr. Conroy asked when they were in getting a fifth member for the Board. Mr. Knox replied the Selectmen had received four letters of interest and to help in the process they had requested resumes from all four interested individuals. He had not heard if those had been received.

Ms. Mancovsky wanted to quickly update the members regarding SRPEDD. She advised there were funds available for businesses that were struggling. SRPEDD was allocated \$400,000 in grant money to help with economic development programs. She also noted they had a presentation from the Cannabis Control Commission (CCC). She believed the website was <https://cccmass.com> but she would check the minutes.

### Next meeting

Mr. Knox advised the next meeting is scheduled for August 13, 2020.

### Adjourn

Ms. Mancovsky made a motion, seconded by Mr. Conroy to adjourn the meeting.

**Roll Call Vote:** Ms. Mancovsky-AYE, Mr. Conroy-Aye, Ms. MacEachern-Aye, Mr. Knox-Aye

Meeting adjourned at 7:33.