



TOWN OF LAKEVILLE MEETING POSTING & AGENDA REMOTE MEETING

My copy

Town Clerk's Time Stamp
received & posted:

W. Prane
LAKEVILLE TOWN CLERK
RCUD 2021 SEP 21 PM4:46

48-hr notice effective
when time stamped

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

Name of Board or Committee:	Planning Board
Date & Time of Meeting:	Thursday, September 23, 2021 at 7:00 p.m.
Location of Meeting:	REMOTE MEETING
Clerk/Board Member posting notice:	Cathy Murray

Cancelled/Postponed to: _____ (circle one)

Clerk/Board Member Cancelling/Postponing: _____

A G E N D A

1. In accordance with the provisions allowed by Chapter 20 of the Acts of 2021, the **September 23, 2021**, public meeting of the **Planning Board** will be held remotely. 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. Request for endorsement of the Definitive Plan submitted by Bisio and Son Contracting, Inc. for a four (4) lot subdivision located at Rachel's Way including 3 Rachel's Way, M014-B004-L006-2 and 4 Rachel's Way, M014-B004-L005-03-Presented by Zenith Consulting Engineers
3. Housing Production Plan-update
4. Sign By-law - Discuss amending and related definitions-update
5. Design Standards - Discuss how to implement for business zoned development-update
6. Julia's Way - Release of Covenant-update
7. Master Plan Implementation - Fee Review Project-update-
8. Approve Meeting Minutes for September 9, 2021.
9. Old Business
 - a. Nature's Remedy Decision-informational
 - b. Correspondence from Harold Card-update
10. New Business
 - a. Appoint member to the Hazard Mitigation Plan Committee
 - b. Discuss meeting dates for November
11. Next meeting. . . October 14, 2021
12. Any other business that may properly come before the Planning Board.
13. 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.*

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Read the following into the record:

In accordance with the provisions allowed by Chapter 20 of the Acts of 2021, signed by the Governor on June 16, 2021, the September 23, 2021, public meeting of the **Planning Board** will be held remotely. **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/>**



SRPEDD
Southeastern Regional Planning
& Economic Development District



Price Proposal

Project: Housing Production Plan
Municipality:

Task	Tier 1 - Basic Requirements	Tier 2 - Intermediate	Tier 3 - Deep Dive
Comprehensive Housing Needs Assessment			
Population, Household Characteristics, & Growth Trends	✓	✓	✓
Economic & Education Trends	✓	✓	✓
Housing Stock Characteristics	✓	✓	✓
Housing Price & Sale Trends	✓	✓	✓
Housing Affordability & Trends	✓	✓	✓
Displacement & Foreclosure Analysis		✓	✓
Home Mortgage Analysis			✓
Identify Potential Development Constraints & Limitations			
Identify Potential Development Constraints & Limitations	✓	✓	✓
Public Participation & Community Conversation			
Conduct a Community Survey of Preferences	✓	✓	✓
Creation & Facilitation of a Stakeholder Committee		✓	✓
Distribution of Educational & Promotional Materials		✓	✓
Hosting & Facilitation of Two (2) Public Workshops			✓
Update Affordable Housing Goals & Strategies			
Creation of Housing Goals	✓	✓	✓
Creation of Housing Strategies	✓	✓	✓
Prepare & Present the Plan for Adoption			
A graphically designed and fully documented Housing Production Plan	✓	✓	✓
Presentation to Planning Board for Approval	✓	✓	✓
Presentation to the Selectboard for Approval	✓	✓	✓
Total Cost	\$15,000	\$21,750	\$26,625



SRPEDD
 Southeastern Regional Planning
 & Economic Development District

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Price Proposal

Project: Housing Production Plan
Municipality:

Task	Task Description	Cost
Conduct a Comprehensive Housing Needs Assessment	Demographic Analysis	-
	Population, Household Characteristics, & Growth Trends	\$1,125
	Economic & Education Trends	\$1,125
	Housing Market Analysis	-
	Housing Stock Characteristics	\$1,125
	Housing Price & Sale Trends	\$1,125
	Housing Affordability & Trends	\$1,125
		\$5,625
Identify Potential Development Constraints & Limitations	-	\$1,875
		\$1,875
Public Participation & Community Conversation	Conduct a Community Survey of Preferences	\$750
		\$750
Update Affordable Housing Goals & Strategies	Creation of Housing Goals	\$1,875
	Creation of Housing Strategies	\$1,875
		\$3,750
Prepare and Present the Plan for Adoption	A graphically designed and fully documented Housing Production Plan	\$2,250
	Presentation to Planning Board for Approval	\$375
	Presentation to the Selectboard for Approval	\$375
		\$3,000
Subtotal		\$15,000



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Price Proposal

Project: **Housing Production Plan**
 Municipality:

Task	Task Description	Cost
Conduct a Comprehensive Housing Needs Assessment	Demographic Analysis	-
	Population, Household Characteristics, & Growth Trends	\$1,125
	Economic & Education Trends	\$1,125
	Housing Market Analysis	-
	Housing Stock Characteristics	\$1,125
	Housing Price & Sale Trends	\$1,125
	Housing Affordability & Trends	\$1,500
	Displacement & Foreclosure Analysis	\$1,500
		\$7,500
Identify Potential Development Constraints & Limitations	-	\$1,875
		\$1,875
Public Participation & Community Conversation	Conduct a Community Survey of Preferences	\$750
	Creation & Facilitation of a Stakeholder Committee	\$2,250
	Distribution of Educational & Promotional Materials	\$2,625
		\$5,625
Update Affordable Housing Goals & Strategies	Creation of Housing Goals	\$1,875
	Creation of Housing Strategies	\$1,875
		\$3,750
Prepare and Present the Plan for Adoption	A graphically designed and fully documented Housing Production Plan	\$2,250
	Presentation to Planning Board for Approval	\$375
	Presentation to the Selectboard for Approval	\$375
		\$3,000
Subtotal		\$21,750



SRPEDD
 Southeastern Regional Planning
 & Economic Development District



Price Proposal

Project: Housing Production Plan
Municipality:

Task	Task Description	Cost
Conduct a Comprehensive Housing Needs Assessment	Demographic Analysis	-
	Population, Household Characteristics, & Growth Trends	\$1,125
	Economic & Education Trends	\$1,125
	Housing Market Analysis	-
	Housing Stock Characteristics	\$1,125
	Housing Price & Sale Trends	\$1,125
	Housing Affordability & Trends	\$1,500
	Displacement & Foreclosure Analysis	\$1,500
	Home Mortgage Analysis	\$1,125
		\$8,625
Identify Potential Development Constraints & Limitations	-	\$1,875
		\$1,875
Public Participation & Community Conversation	Conduct a Community Survey of Preferences	\$750
	Creation & Facilitation of a Stakeholder Committee	\$2,250
	Distribution of Educational & Promotional Materials	\$2,625
	Hosting & Facilitation of Two (2) Public Workshops	-
	Workshop #1: Public Education & Needs Assessment	\$1,875
	Workshop #2: Review of Housing Goals & Strategies	\$1,875
		\$9,375
Update Affordable Housing Goals & Strategies	Creation of Housing Goals	\$1,875
	Creation of Housing Strategies	\$1,875
		\$3,750
Prepare and Present the Plan for Adoption	A graphically designed and fully documented Housing Production Plan	\$2,250
	Presentation to Planning Board for Approval	\$375
	Presentation to the Selectboard for Approval	\$375
		\$3,000
Subtotal		\$26,625

#4

Town of Lakeville
Sign Zoning By-Law
DRAFT CHANGES

6.6 Sign Regulations.....

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2.0 DEFINITIONS

Sign:

Any words, lettering, parts of a letter, figures, numeral phrases, sentences, emblems, devices, trade names or trademarks by which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business or a commodity or product, which are located outdoors or otherwise visible to persons not on the premises.

Sign Area:

For a sign the area shall be considered to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed. ~~Frames and~~ structural members not designed as advertising or attention-getting devices shall not be included in computation of sign area. For a sign consisting of individual letters, designs or symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the smallest quadrangle which encompasses all of the letters, designs or symbols.

Structure:

Any combination of materials attached to or requiring a fixed location on or in the ground. For the purposes of location on a lot, the following shall not be deemed to be structures prohibited within a setback required in the Zoning By-Law: boundary walls and fences, under 7' in height, utility poles, support posts not over 4 feet in height for mailboxes and name signs and parking lots. *(Underlined-Adopted Adjourned ATM, June 19, 2017; approved by Attorney General September 19, 2017)*

Electronic Sign/Message Board:

An electronic message display utilizing light-emitting diodes (LEDs), plasma or any other technology that presents static or multiple static advertisements on a rotating or repeating basis, freestanding or attached, which may or not be double-sided, including programable images, animation or letters.

Billboard:

Any sign larger than 64 square feet is considered a Billboard

6.4 Home Occupation

- 6.4.2.f No offensive noise, smoke, vibration, dust, odors, heat, light, or glare shall be produced by the home occupation. There shall be no exterior announcement or display of the home occupation except for a single unlighted sign on the premises. This sign shall not exceed two (2) square feet in area, as provided in Section 6.6.4.3. The sign shall conform in all other ways to the relevant portions of the Town bylaws.

5 **SIGN REGULATIONS**

6.6.1 Purpose

To provide information to the public and for the identification of permitted activities from public ways, the erection and maintenance of signs shall be subject to regulation in order to preserve and enhance the visual appearance and character of the Town, to provide for the safety and general welfare of the public, and to prevent injurious and detrimental effects from the distracting demands for attention resulting from uncontrolled shapes, sizes, colors, motions, lighting, and inappropriate locations.

6.6.2 General Sign Prohibitions

- 6.6.2.1 Signs, any part of which moves, flashes, or incorporates traveling or animated lights, static images which refresh, and all beacons and flashing devices whether a part of, attached to, or apart from a sign are prohibited. Add language describing refresh rates (static images)
- 6.6.2.2 No illumination shall be permitted which casts glare onto any residential premises, or onto any portion of a way so as to create a traffic hazard. Add language describing lighting levels No illumination shall be higher than or greater than 100 lumens.
- 6.6.2.3 Any sign which is considered by the Building Commissioner, police department or fire department to be obstructive, hazardous, or dangerous because of age, damage, poor construction, or a potential danger in a severe storm must be removed immediately, but in no case later than seven (7) days following receipt of written notice from the Building Commissioner.
- 6.6.2.4 No sign shall be attached to or obstruct any fire escape, fire or emergency exit; no sign shall be located as to obstruct free passage of light and air to any door, window, skylight, or other similar opening.

6.6.3 General Sign Regulations

- 6.6.3.1 No sign shall be located closer than ten (10) feet from the street right-of-way, and no closer than thirty (30) feet from the side or rear property lines.
- 6.6.3.2 Signs shall be limited to a maximum height of twenty (20) feet as measured from the crown of the road directly perpendicular to the sign or twenty (20) from surrounding grade, whichever is less.

6.6.3.3 Signs shall be limited in number to two (2) signs for each business or industrial establishment or company.

Business or industrial sites containing more than one establishment (mill outlets, shopping centers, industrial parks, etc.) shall be limited to two (2) signs per establishment, one of which shall be attached to the structure to designate the establishment within the structure, and the other attached to or part of a central common directory sign. Business and Industrial subdivisions may have one (1) entrance sign, not being a directory sign, in addition to the above. Signs for this common directory sign and for the business and industrial subdivision entrance sign may be double-sided and a maximum of sixty-four (64) square feet in area.

6.6.3.4 Unless permitted elsewhere in this By-Law, no sign may exceed thirty-two (32) square feet in area.

6.6.3.5 Signs erected upon or attached to a building shall not project:

6.6.3.5.1 horizontally more than two (2) feet;

6.6.3.5.2 into or over any way;

6.6.3.5.3 above the highest part of the building, not exceeding twenty (20) feet from ground level.

6.6.3.6 No free-standing sign shall project more than two (2) feet horizontally from its means of support.

6.6.3.7 The colors red, green or yellow shall not be used in a manner that might confuse the meaning of stop signs, stop lights or other traffic signs.

Commented [mm1]: This line was included in the Recodification recommendations do to confusing wording. I would suggest: "might be mistaken for"

6.6.4 Exemptions

6.6.4.1 Flags or insignia of the United States or any political subdivision thereof or any other nation or country when not used for commercial promotion or display.

6.6.4.2 Temporary posters, placards, or signs associated with a political campaign or current political issue. Any such sign must be removed within 48 hours after its relevance has expired.

6.6.4.3 Signs located on residential structures or driveways, so long as they do not exceed two (2) square feet and are for the primary purpose of indicating the name or names of the resident.

6.6.4.4 For sale, lease, or rent signs on real property or the signs of real estate agents or brokers, so long as they do not exceed six (6) square feet in area.

6.6.4.5 Unlighted signs less than two (2) square feet designating entry and egress from parking areas, and other necessary directional traffic control and safety-related signs. shall have no logos or markings other than directional markings.

6.6.4.5 Normal highway control signs, hazard signs, and other state-approved highway

safety signs.

6.6.5 Temporary Signs

- 6.6.5.1 Temporary exterior signs or mobile sign displays are permitted to advertise the opening of a business at a new location or to advertise a special event at its intended location.
- 6.6.5.2 Such signs shall not exceed thirty-two (32) square feet in area.
- 6.6.5.3 No two or more of such signs shall be closer than five hundred (500) feet apart.
- 6.6.5.4 The combined total number of days that one or more temporary signs may be displayed on the premises shall not exceed sixty (60) days in each twelve (12) month period per establishment.
- 6.6.5.5 Temporary signs shall be displayed in conformance with setback requirements for all signs.
- 6.6.5.6 At the end of the sixty (60) day period, the sign shall be removed by the initiative of the company, organization, or individual or their agents as indicated by the display of information.
- 6.6.5.7 All such temporary signs as herein described must meet the approval of the Building Commissioner regarding safety of construction, placement, mounting, and lighting. By written notice specifying the corrections needed, the Building Commissioner shall order the immediate action of the displayer to either correct the sign or have it removed.

If immediate action is not taken, the Building Commissioner may, at his own initiative or with the enlisted aid of any Town department, remove such sign.

- 6.6.6 Off-premise signs, signs larger in area or higher than specified or a greater number of signs, may be granted by Special Permit of the Board of Appeals.

6.6.7 Electronic Signs/Message Boards

Electronic signs/message boards up to twelve (12) square feet may be granted by Special Permit from the Planning Board. All electronic signs/message boards not granted by Special Permit or exceeding twelve (12) square feet are strictly prohibited.

6.7

SITE PLAN REVIEW

6.7.2 Procedure-Business or Industrial

The following information shall be required by the applicant for site plan review:

- 13) proposed and existing location of signs;

7.3.5 General Regulations in the PSP District - Applicable to Uses Permitted

7.3.5.2 Buffer Zones - A buffer zone, not less than one hundred feet in depth shall be continuously maintained along all exterior boundary lines. Buffer zones defined for the purposes of this by-law as designated areas providing or designed to provide visual and special protection for adjoining land areas, shall have natural vegetation or grass, bushes and trees suitably landscaped. Driveways, roads or walkways shall be allowable within 100 feet of existing streets for access purposes. No parking access shall be built within the buffer zone.

Informational signs, fences, hedges and earthen berms may be maintained within a buffer zone, to be of appropriate design and location.

7.4.6 Specific Uses by Special Permit

Adult Bookstore/Adult Motion Picture Theater

SPGA - Board of Appeals; Industrial District

- A. Adult bookstores, motion picture theaters and all advertising signs shall not be located within fifty (50) feet of a public or private way and must be set back a minimum of fifty (50) feet from all property lines.

Marijuana Uses - Adult Use Marijuana Establishments, and Marijuana Retailers, and Registered Marijuana Dispensaries

SPGA – Zoning Board of Appeals; *Marijuana Overlay District

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

Electronic Signs/Message Boards

SPGA – Planning Board; All Districts

Add requirements for the grant of Special Permit

1. Electronic signs shall be under 12 square foot in size.
2. Shall be turned off during the overnight hours from 11:00pm until 6:00am.
3. Shall not exceed 100 lumens (or the equivalent)
4. ..?

Signs, larger, higher or a greater number than specified

SPGA - Board of Appeals; All Districts

Billboards

SPGA - Board of Appeals; All Districts

Requires a business to have unusual requirements or a long name requiring a larger sign and the Special Permit will not be detrimental to the character of the neighborhood of the Town, unduly distracting, blocking visibility of traffic or other business or scenic views.

Signs, off-premise

SPGA - Board of Appeals; All Districts

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

7.6 LARGE-SCALE "BIG BOX" Design Standards

7.6.4.5 Pedestrian Flows

- 5) All internal pedestrian walkways shall be distinguished from driving surfaces through the use of appropriate signage and distinctive and durable, low maintenance surface materials such as pavers, bricks, or scored concrete applied in a manner that enhances pedestrian safety and comfort and the attractive appearance of the walkways.

7.7 SMART GROWTH OVERLAY DISTRICTS (SGODs)

7.3 Notes for Dimensional Requirements for all SGODs (unless otherwise noted):

D. Accessory Uses: Uses accessory to a permitted principal use are permitted on the same premises, provided that no accessory building may be located in a required front, side, or rear yard setback area.

- (1) Front, side, or rear yards of Neighborhood Business buildings may be used as seasonal outdoor seating areas for businesses, provided that such areas are regularly cleaned and maintained, with trash removed on a daily basis. Seasonal outdoor seating areas may be installed during warm weather months. All related temporary furnishings and fixtures, including but not limited to tables, chairs, umbrellas, light fixtures, freestanding signs and menu boards, etc., shall be stored indoors off season; however, any fencing, bollards, planters, or other means of delineating the boundaries of such outdoor seating areas may remain in place permanently.

7.8 DEVELOPMENT OPPORTUNITIES (DO) DISTRICT

7.9.6 RULES AND REGULATIONS OF THE SPGA

- E. **Dimensional Provisions:** The SPGA may adopt regulations relative to densities of land use, the bulk and height of structures, yard sizes, lot areas, setbacks, open spaces, parking, use of signs and other dimensional criteria.

9.0 WIRELESS COMMUNICATIONS FACILITY

9.4 Design Provisions

- B. No monopole or other facility structure shall contain any sign or other devices for the purpose of advertisement.

10.0 Large-Scale Ground-Mounted Solar Photovoltaic Installations Overlay District

10.3.10 Design Standards

10.3.10.2 **Signage**

Signs on large-scale ground-mounted solar photovoltaic installations shall comply with a municipality's sign bylaw. A sign consistent with a municipality's sign bylaw shall be required to identify the owner and provide a 24-hour emergency contact phone number.

Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation. All Signage must conform with Section 6.6

11.0 Land Based Wind Energy Facilities

J. Design Standards

3. **Signage**

Signs on wind energy facilities shall comply with the Town's sign by-law. The following signs shall be required:

- a) Those necessary to identify the owner, provide a 24-hour emergency contact phone number, and warn of any danger.

- b) Educational signs providing information about the facility and the benefits of renewable energy.

Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.

<https://popularask.net/how-many-lumens-is-considered-bright/>

How many lumens is bright enough?

100 lumens is considered bright enough for most walkways — including commercial properties. 100 lumens is equivalent to about 20 watts.

How many lumens will damage your eyes?

Safe to say the amount of lumens needed to damage your eye is in the tens of thousands, as anything over 4000 will make you squint, and anything in the hundred thousands is in laser territory.

CAN 1000 lumens blind you?

Ehhh, definitely won't blind someone. Maybe mildly irritate them and slightly affect their vision that they couldn't look directly towards the light but would probably be fine looking a few feet off to the side of where the light is coming from. Probably still won't blind them but will cause them to want to look away.

Is 1000 lumens too bright?

There is no amount of lumens that's too dim or too bright, it just depends on your application. ... That was more than 1000 lumens, but you can still burn things with ~1000 lumens, it'll just take longer.

How many lumens is bright for a flashlight?

A typical LED headlamp puts out roughly 50 to 100 lumens. A 100-watt light bulb clocks in at around 1,750 lumens. The Torch Flashlight from Wicked Lasers, touted as "the world's brightest and most powerful flashlight," blinds the competition with a whopping 4,100 lumens.

MP Page#	Goal#	Goal Strategy	Performance Measure	Example Towns	Additional Responsible Parties (in Addition to PB)	PB Associated Meeting Dates
15	2-1-3	Hire a Town Planner to Help Guide Future Development in Town and Lead to New, Long-Range Planning Initiatives	*Town will fully fund and fill a Full-time Town Planner position	*Town of Wareham	Town Administrator, Town Meeting	8/13/2020 9/10/2020
23	2-2-4	Adopt an Open Space Residential Design Bylaw	*Conduct a "literature review" of comparable Open Space Design Review bylaws from around MA to potentially include in the town's draft Bylaw *Edit the existing OSDR Bylaw and bring to Town Meeting	*Caldwell Farm, Newbury, MA *Old North Mill, Hopkinton, MA *Woodbury Ridge, Bellingham, MA	none	
60	6-1-1	Hire a Full-Time Conservation Agent to help Identify and Protect Important Areas in Lakeville	*Town will fully fund and fill a Full-time Conservation Commission position	*Middleboro *Norton	Board of Selectmen, Town Administrator, Conservation Commission, Open Space Committee	
32	3-1-2	Work in Partnership with Local Developers to Build Senior Housing with a Variety of Housing Units	*Reach out to known local developers to survey interest in building senior housing in town *Bring a model Bylaw to Town Meeting enabling age-friendly, age-restricted housing developments in appropriate districts	*Sudbury's Incentive Senior Development Bylaw	Board of Selectmen, Council on Aging, Town Administrator, Building Commissioner	
48	5-1	Update Lakeville's Priority Protection Areas with Particular Emphasis on Habitats, Agriculture and Water Resources	*Update Towns Priority areas	N/A	Conservation Commission, Board of Selectmen, Open Space Committee, other municipal boards, local interest groups, general public	
86	8-1-1	Create a Traffic Safety Committee that would meet Regularly to review documented safety issues, certain types of proposed developments and other transportation related issues in town	*Authorization from BOS for Traffic Safety Committee formation *Establish reporting techniques for the public to highlight safety concerns *regular meetings to listen to concerns, low-cost improvements, and funding for improvements *implementation, safety education, and speed enforcement	*Grafton, Halifax, Boxborough Traffic Safety Committees	Board of Selectmen, Town Administrator, Building Department, Police Department, Fire Department, Highway Department, School Department	
19	2-2-2	Update the Town's Sign Bylaw to Encourage Types that Complement the Rural, Historical and Natural Characteristics of Lakeville	*Present an updated sign bylaw to Town Meeting	*Town of Reading Sign Bylaw	none	
15	2-1-2	Develop Design Guidelines for the Commercially Zoned Areas to Ensure New Development Matches the Community Character	*Create and adopt design guidelines for Site Plan Review in Commercial zoning districts	*Carver's Spring Street Innovation District *Design guidelines that accompany large-scale 40R developments	none	
61	6-1-3	Rekindle Partnership Efforts Between Private Landowners, Land Conservation Groups, and State & Local Governments to Enable Future Open Space Acquisitions	*The town will have another success Betty's Neck success story	*Lakeville's Betty's Neck *Presevation Examples of lands abutting Assonet Cedar Swamp, Poquoy Brook, Vigers Conservation Area	Open Space Committee, Conservation Commission, local champions, regional partners	
88	8-2-1	Investigate Participation in the Massdot Complete Streets Funding Program	*Conduct Investigation of MA Complete Streets Funding Program *Develop a webpage that includes info about local initiative and ways the public can participate *Develop and adopt Complete Streets Policy, followed by submission to MassDOT for approval *Determine needs and prioritized list of infrastructure projects technical assistance available up to \$35k to develop the plan	*Town of Agawam Complete Streets Program *Town of Maynard Complete Streets Program	Highway Department, Town Administrator, Board of Selectmen	
12	2-1-1	Focus Future, Large Scale Business Growth to Key Locations Along Route 18, 44 & 105	*Adopt Chapter 43D on at least 1 eligible site in partnership w/land owner, *Listening session w/local business owners to improve zoning/permitting, *Pursue water and waste water sites along Rts 18, 44 & 105	*North Carver Water District *Carver Redevelopment Authority *Wareham Business Overlay District *Rosebrook Business Park	Board of Selectmen, Town Administrator	

17	2-2-1	Create Zoning Districts that Encourage Mixed-use Village Type Development in Specific Locations	*Bring Zoning Amendments with desired dimensional, use and optioal design guidelines to Town Meeting	*"Village-Style" Development *Conduct "Literature Review" of bylaws from similar communities	none	
30	3-1-1	Modify the Existing Zoning Bylaw to Allow Moderate Densities and Multi-Family Housing in Appropriate Locations	*Bring Zoning Amendments with desired dimensional, use and optioal design guidelines to Town Meeting	*Mansfield's Residence 3 District	none	
20	2-2-3	Investigate a Transfer of Development Rights Bylaw	*Mult-Year Goals *1st Goal *Create a simple user guide that explains TDR (Transfer of Development Rights) process (to present to Town Meeting)	*Montgomery County, MD *Seattle, WA *Falmouth, MA	none	
22	2-2-3	Investigate a Transfer of Development Rights Bylaw	*2nd Goal *Work with Public to map "Sending and Receiving" Areas based on GIS, 2013 Priority Development and Protection Areas	*Montgomery County, MD *Seattle, WA *Falmouth, MA	none	
60	6-1-2	Initiate Efforts to Adopt the Community Preservation Act as a Way to Protect Priority Areas in Town	*Adopt the CPA	*Numerous cities and regions in MA	Board of Selectmen, Conservation Commission, other local champions	
22	2-2-3	Investigate a Transfer of Development Rights Bylaw	*3rd Goal *Pass TDR bylaw at Town Meeting	*Montgomery County, MD *Seattle, WA *Falmouth, MA	none	
91	8-2-3	Investigate Updating the Town's Subdivision Rules and Regulations to Require more Bicycle and Pedestrian Facilities	*Develop updated Subdivision Rules and Regulations	N/A	none	

#6

Cathy Murray, Appeals Board Clerk

From: Amy E. Kwesell <AKwesell@k-plaw.com>
Sent: Monday, September 20, 2021 5:14 PM
To: Cathy Murray, Appeals Board Clerk
Cc: Nathan Darling, Building Commissioner & Zoning Enforcement Officer; Ari Sky
Subject: RE: Planning Board
Attachments: KP-#780494-v1-LAKE_PLBD_PB_Fee_Schedule_Proposed_(KP_Rev).DOCX

Cathy, In my opinion a letter from an engineer certifying that the private roadway had been constructed in general compliance with the approved plans and Certificate of Approval is enough to release the covenant. With regard to the Proposed fee schedule, the Massachusetts Supreme Judicial Court has created a test to distinguish between a legally-imposed municipal “fee” and an illegally-imposed “tax.” A fee is: 1) charged in exchange for a particular governmental service which benefits the party paying the fee in a manner not shared by other members of society; 2) is paid by choice, in that the party paying the fee has the option of not utilizing the governmental service and thereby avoiding the charge; and 3) is collected not to raise revenues but to compensate the governmental entity providing the services for its expenses. Emerson College v. Boston, 391 Mass. 415, 424-25 (1984). This is the so-called “Emerson College Test.”

In my opinion, the attached fees in this case must be carefully designed so as to ensure it meets all three requirements of this test.

I have included specific notes on the attached.

Thanks,

Amy

Amy E. Kwesell, Esq.

KP | LAW

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From: Cathy Murray, Appeals Board Clerk
Sent: Wednesday, August 11, 2021 4:01 PM
To: Amy E. Kwesell <AKwesell@k-plaw.com>
Cc: Nathan Darling, Building Commissioner & Zoning Enforcement Officer <ndarling@lakevillema.org>; mjknox05@gmail.com; John Olivieri <jmolivieri@jkoinsurance.com>
Subject: Planning Board

Hi Amy,

Hope you are doing well! The Planning Board had a couple of questions that they wanted me to forward to you.

- The Board has been working on an update to their fee structure which is attached. Nate had noted that Zoning fees were different from subdivision related fees and could not be used to generate revenue. Could you please look at the Special Permit fees that are in red and advise the Board if they could be changed to that level.
- Regarding the Release of Covenant for Julia's Way which is also attached. The Board received a letter from the engineer certifying that the private roadway had been constructed in general compliance with the approved plans and Certificate of Approval. Do they need anything further before they release the covenant?

Thanks!

Cathy

#6

**Planning Board
Lakeville, Massachusetts
Minutes of Meeting
July 22, 2021
Remote meeting**

Julia's Way – Release of Covenant-Update

Mr. Knox said he had some information that had been submitted in regards to this item. He then read the July 8, 2021, letter from the Fire Chief into the record. It stated the access road was found to have a compliant paved surface, 20 feet in width. There were no issues with the road grade and overhead clearance. The vehicle turnaround was also found to be adequate and accommodating to all the Fire Department apparatus. There were some photos of the roadway included in the submittal and also a letter from Nyles Zagar. Mr. Zagar advised they have inspected the private roadway and certify that it has been constructed in general compliance with the approved plans and the Certificate of Approval that had been issued on March 24, 2016.

Mr. Bissonnette explained that a few years back Foresight Engineering had proposed a private waived subdivision roadway named Julia's Way. At the time he was working for Prime Engineering and had done the peer review for Foresight so he did have knowledge of the project. He noted the roadway is nice and flat and the pavement looks nice. The infiltration basin is constructed on the left-hand side as you drive up and overall, it's a nice-looking place. The release of the covenant is just to clean up the title on this in case anyone goes to sell their property. He did not believe there was any type of cash bond that had been held.

Mr. Knox thought it was unusual that there was nothing held but thought it might be because it was not going to be an accepted road. Mr. Bissonnette said the way they used to do it was that you couldn't get occupancy on the last lot or sometimes even the building permit until the asphalt was down and okay. That would have been when the Highway Superintendent would go out and inspect the private roads. When the Superintendent changed, the process through the Planning Board changed. Mr. Knox said because they haven't done a lot of these, he would like to send this information by Town Counsel for review to make sure that they can release the covenant.

Mr. Conroy made a motion to send the request to Town Counsel for review, and then place it on their next agenda. Mr. Knox seconded the motion.

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

Ms. Mancovsky noted, not specific to this case, but they have some discussions about making things more precise around these private ways. Should there be a shared maintenance agreement for the asphalt? Mr. Bissonnette said that he believed on the definitive plan that is actually stated, but the intention is there will always be either one of two mechanisms; a homeowner's association or a common roadway maintenance agreement. He said there should be one in place here.



3 Main Street Lakeville, MA 02347
(508) 947-4208 - www.zcellc.com

- Civil Engineering
- Septic Design (Title 5)
- Septic Inspections (Title 5)
- Commercial and Industrial Site Plans
- Chapter 91 Permitting

July 20, 2021

Town of Lakeville Planning Board
346 Bedford Street
Lakeville, MA 02347

RE: Request for Roadway Acceptance
Julia's Way off County Street
Lakeville, MA

Dear Mr. Chair and members of the Planning Board:

We have inspected the above-referenced private roadway and hereby certify that it has been constructed in general compliance with the approved plans and the Certificate of Approval which you issued on March 24, 2016, and was recorded in the Plymouth County Registry of Deeds in Plan Book 60, Page 438. On behalf of Malloch Construction, Inc., we request that you release the covenant issued by your board.

Should you have any questions regarding this request, please do not hesitate to contact the office at 508-947-4208 or email nyles@zcellc.com.

Sincerely,
Zenith Consulting Engineers, LLC

A handwritten signature in black ink, appearing to read 'Nyles Zager', is written over a horizontal line.

Nyles Zager, PE
Manager/Senior Engineer

6



2016 00029458

Bk: 46802 Pg: 202 Page: 1 of 2

Recorded: 04/13/2016 02:58 PM

ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

PI #
112-153

Performance Covenant

Date: March 24, 2016

We, the undersigned, Malloch Construction Company, Inc., mailing address 113 Padelford Street, Berkley, MA 02779, hereinafter called "Covenantors," having submitted to the Lakeville Planning Board a Form C Application for Approval of Definitive Plan entitled: "Julia's Way Definitive Plan for a Residential Subdivision County Street, Lakeville, Massachusetts" dated December 24, 2015 do hereby covenant and agree with said Board and the successors in office of said Board, that:

1. The covenantors are the OWNERS in fee simple absolute of all the land included in the subdivision and as shown on said Definitive Plans.
2. This covenant shall run with the land and be binding upon the executors, administrators, heirs, assigns of the covenantor, and their successors in title to land included in the subdivision and shown on said Definitive Plans.
3. Improvements to the way including the construction of the roadway and drainage (not including asphalt) shall be provided prior to the issuance of building permits. Once the fourteen foot (14') wide gravel driveway and drainage has been constructed in accordance with the approved Definitive plans referenced above, building permits for lots 3A, 3B and 3C shall then be issued. Prior to the issuance of the certificate of occupancy on the final buildable lot, the proposed fourteen foot (14') driveway must be paved while retaining the three foot (3') wide stone shoulders on both sides of the driveway.
4. Nothing herein shall be deemed to prohibit a conveyance by a single deed subject to this covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board.
5. The covenantor agrees to record this covenant with the Plymouth County Registry of Deeds at the same time as the Definitive Plans are recorded. Reference to this covenant shall be entered upon the Definitive Plans.
6. This covenant shall be executed at the same time as the endorsement of the Definitive Plans and shall take effect upon the date of endorsement and any statutory appeal periods.

For title in the property, see foreclosure deed by Corporation of CitiMortgage, Inc. dated March 6, 2015 recorded in the Plymouth County Registry of Deeds Book 45368, Page 325.

IN WITNESS WHEREOF we have hereunto set our hands and seals below:

SIGNATURE OF COVENANTORS (OWNER(S))

Joseph M. Malloch
Joseph M. Malloch, Treasurer of Malloch Construction Company, Inc.

Date: 3/24/16

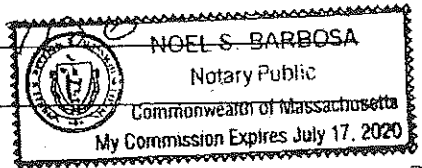
Then personally appeared before me the above named covenantor(s) and acknowledged the forgoing instrument to be (his her) free act and deed.

Commonwealth of Massachusetts, Notary Public *Noel S. Barbosa*

Date: 3/24/16

My Commission Expires: 7/17/20

Accepted by the Lakeville Planning Board on _____



LAKEVILLE PLANNING BOARD ⁷⁻¹⁷⁻²⁰

Brian J. Hoeg

[Signature]

Janice M. Stewart

00 Notary Seal
10
6/15/16

**TOWN OF LAKEVILLE
PLANNING BOARD
RELEASE OF COVENANT**

The undersigned, being a majority of the Planning Board of the Town of Lakeville, Massachusetts, hereby certifies that the construction of ways and subdivision improvements called for by Performance Covenant dated March 24, 2016 and recorded with Plymouth County Registry of Deeds in Book 46802, Page 202 have been completed to the satisfaction of the Lakeville Planning Board as shown on a Subdivision Plan entitled

“Julia’s Way Definitive Plan for Residential Subdivision County Street, Lakeville, Massachusetts” Owner/Applicant: Malloch Construction Company, Inc, 113 Padelford Street Berkley Massachusetts”, Scale: 1=100’, Dated: December 24, 2015, Prepared by: Foresight Engineering, Inc., 518 County Road (Wishbone Way) West Wareham, MA 02576

and recorded with Plymouth County Registry of Deeds in Plan Book 60, Page 438 and said property is hereby released from the restrictions as to sale and building specified thereon.

Lakeville Planning Board

Mark Knox, Chair

Peter Conroy, Vice Chair

Barbara Mancovsky

Jack Lynch

Michele MacEachern

Property Address: County Street and Julia’s Way, Lakeville, MA

COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss

September 23, 2021

On this day, before me, the undersigned notary public, personally appeared Mark Knox, Barbara Mancovsky, Peter Conroy, Jack Lynch and Michele MacEachern who 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 acknowledged to me that he/she signed it voluntarily for its stated purpose as members of the Town of Lakeville Planning Board.

Notary Public: _____

Printed Name: _____

My Commission Expires: _____

Cathy Murray, Appeals Board Clerk

#7

To: Amy E. Kwesell
Subject: RE: Planning Board

From: Amy E. Kwesell <AKwesell@k-plaw.com>
Sent: Monday, September 20, 2021 5:14 PM
To: Cathy Murray, Appeals Board Clerk <cmurray@lakevillema.org>
Cc: Nathan Darling, Building Commissioner & Zoning Enforcement Officer <ndarling@lakevillema.org>; Ari Sky <asky@lakevillema.org>
Subject: RE: Planning Board

Cathy, In my opinion a letter from an engineer certifying that the private roadway had been constructed in general compliance with the approved plans and Certificate of Approval is enough to release the covenant. With regard to the Proposed fee schedule, the Massachusetts Supreme Judicial Court has created a test to distinguish between a legally-imposed municipal "fee" and an illegally-imposed "tax." A fee is: 1) charged in exchange for a particular governmental service which benefits the party paying the fee in a manner not shared by other members of society; 2) is paid by choice, in that the party paying the fee has the option of not utilizing the governmental service and thereby avoiding the charge; and 3) is collected not to raise revenues but to compensate the governmental entity providing the services for its expenses. Emerson College v. Boston, 391 Mass. 415, 424-25 (1984). This is the so-called "Emerson College Test."

In my opinion, the attached fees in this case must be carefully designed so as to ensure it meets all three requirements of this test.

I have included specific notes on the attached.

Thanks,

Amy

Amy E. Kwesell, Esq.

KP | LAW

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Cc: Nathan Darling, Building Commissioner & Zoning Enforcement Officer <ndarling@lakevillema.org>; mjknox05@gmail.com; John Olivieri <jmolivieri@jkoinsurance.com>
Subject: Planning Board



Town of Lakeville

PLANNING BOARD ♦ 346 Bedford Street ♦ Lakeville, MA 02347 ♦ 508-946-8803

PLANNING BOARD FEE SCHEDULE

PROPOSED AFTER 7/8/21 PB MEETING

N.D. COMMENTS

NEW FEE

DESCRIPTION	FEE	PROPOSED	COMMENT
Form A – Approval Not Required	\$100.00 Per Lot	\$500 per new lot \$250 per modified lot	Is this for every new lot or would it apply if it was just a property line adjustment? Should there be two fees?
Form B – Preliminary Plan	\$100.00 Per Plan +	\$250 per lot	You may want to add * so the applicant is aware of the credit.
Form C – Definitive Plan	\$700.00 + \$100.00 Per Lot * **	\$2,000 + \$500 per lot	You may want to consider aligning “per lot” with what is charged for a Form A
Form C – Definitive Plan... Following submission of Form B at least 30 days prior to that of Form C	\$500.00 + \$100.00 Per Lot * **	\$2,000 + \$250 per lot	
Repeat Petitions *If requested by the developer	\$100.00 Each * **	Delete line	
Changes *If requested by the developer	\$100.00 Each	Minor \$200 Major \$1,500 + \$200 for advertising	
Engineering Review Fee	Pass through fee-as billed by the engineer		
Inspection Fees	Pass through fee-as billed by the engineer		
Surety Retainer Fee of \$15.00 Per	At the completion of road (Release of Covenant) a	*See Rules and Regulations	Is retainer fee the correct term here? The \$15/plf is intended for surety should the developer seek road

Commented [AEK1]: In my opinion, there must be a distinction as to why there are two fees. Since the Planning Board does not employ a Planner, the ANR will come to the Planning Board without any administrative review in all cases. Additionally, a “modified” lot technically results in a “new” lot.

Commented [AEK2]: I do not see any reference to a credit.

Commented [AEK3]: Agreed.

Commented [AEK4]: I would refer to G.L. c. 44, § 53G.

Commented [AEK5]: Just to clarify, the surety amount would be the amount recommended by the Town’s reviewing engineer (plus a cushion) for the construction of the subdivision infrastructure (roadway, drainage, utilities, etc.)

Town of Lakeville

PLANNING BOARD ♦ 346 Bedford Street ♦ Lakeville, MA 02347 ♦ 508-946-8803

	Lineal Foot of Road shall be held through bond or passbook with the Town Treasurer until such time as the Town accepts the Roadway.		acceptance. Could this be taken out as it is spelled out in the rules & regs.
Site Plan Review	(Minor) – No Traffic, Drainage, or Signage Issues \$250.00 (Major) – In Public View \$1,000.00	Minor \$250 Major-up to 3 acres \$1,000 Over 3 acres \$500 an acre	
*Special Permit DO District		\$500 per acre *To be reviewed by Town Counsel	Whereas none of this fee should be associated with peer review, it seems a little high. I support higher fees for higher impact projects, but Zoning is different than Subdivision Laws. You may want to run Zoning related fees by legal.
*Water Development District Special Permit	Tiered by hazard type- example, one fee for landscaping company storage of salt vs a much higher fee for trash storage	*To be reviewed by Town Counsel	The Special Permit provision in this section only applies to modification of existing facilities as new uses are prohibited. I do not know of any facilities in Lakeville. Could also just mirror what is decided for DO District
Waiver	\$100		It would be reasonable to add fees to waiver requests to encourage compliance with PB regs. If there is a list of waivers on every subdivision, perhaps the PB should consider taking those requirements out of the rules & regs

Commented [AEK6]: What if the Town never takes the Roadway? It is within the discretion of the BOS to place an article on the warrant to accept a roadway.

Commented [AEK7]: While I think an increased filing fee can be proposed, particularly for a 43D Administrator, I do not think \$500 per acre will pass the Emerson Test as it is still one project.

Commented [AEK8]: If confirmed, I recommend one fee for all uses.

Town of Lakeville

PLANNING BOARD ♦ 346 Bedford Street ♦ Lakeville, MA 02347 ♦ 508-946-8803

Copy of Rules & Regs		\$50	
Public Hearing Fee		\$100	
Street Acceptance		\$250	
		Notes PB has discretion to waive fees for a development that preserves open space	Although vital to conserve open space, waiving such fees with subjectivity could be problematic.

Commented [AEK9]: Not sure what this is, but I have never come across this before. The PLBD has meetings so why should an applicant pay to have the hearing? I understand that notice and publication fees are borne by the applicant.

Commented [AEK10]: Agreed, an OSRD Subdivision requires the same amount of work as a Definitive Subdivision. A complete waiver of a fee may not pass the uniformity test as the Board is favoring OSRD's. In my opinion, this could be a reduced fee.

- * The cost of all professional consultant(s) review and subsequent fees as determined by the Planning Board will be borne by the Applicant.
- ** All cost incurred by the Planning Board for the advertising and mailings for Public Notification, will be borne by the Applicant.

Planning Board
Lakeville, Massachusetts
Minutes of Meeting
September 9, 2021
Remote meeting

On September 9, 2021, the Planning Board held a remote meeting. It was called to order by Chairman Knox at 7:00 p.m. LakeCam was recording, and it was streaming on Facebook Live.

Members present:

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

Others present:

Jamie Bissonnette, Zenith Consulting Engineers; Joshua Lee Smith, attorney for the applicant; Bob Carr, Nature's Remedy; Harris Shain, Jushi MA Inc.; Rodney Dixon, Master Plan Implementation Committee (MPIC)

Agenda item #1

Mr. Knox read this item into the record. It was an explanation of how the provisions of Chapter 20 of the Acts of 2021 allowed the Board to continue to meet remotely.

Site Plan Review, continued-310 Kenneth W. Welch Drive – Presented by Zenith Consulting Engineers, LLC (ZCE)

Mr. Jamie Bissonnette was present for the applicant. Atty. Joshua Lee Smith, Counsel for the applicant was also present. Mr. Bissonnette shared his screen and displayed the amended plan for the Board. He advised he was here following up from their last meeting and the Zoning Board of Appeals meeting which had been held shortly after. They had received conditional approval from the Planning Board, pending any Zoning Board comments. He would now like to go over the changes made to the plan that had been requested by the Zoning Board and the Planning Board.

Mr. Bissonnette stated the lines in the circle parking out front had since been striped by the construction company. Although an original plan by Azor had referenced 20 spaces, they counted only 19 and have indicated that update on the plan. The Zoning Board wanted them to specifically state that it was for Nature's Remedy so that has also been added in. At the last Planning Board meeting, it had been asked that they show the striping on the other side of the site even if it wasn't constructed and to take it from the intent of the approved Azor plan on record. He had also spoken with the Fire Chief regarding the fire access in the rear. They picked up the tree line in the back and also included the following note: Inspection is to be completed annually by the occupant of

the facility and vegetation is to be trimmed to ensure safety vehicular access. At a minimum, access is to be maintained in its existing state.

Mr. Bissonnette said the parking on the east has changed a little bit. He explained the number of spaces has not changed, but the location of some of the allocated spaces has changed. Their client was able to obtain, from the existing building owner, the spaces up closer to the entrance of their facility. They traded seven spaces out back for those six in the front. They are also going to move the dumpsters to where they are supposed to be and stripe those two other spaces. There are still eight spaces in the back that need to be striped. Mr. Bissonnette advised when he was last out there, the shed was still there, but some of the pallets had been removed. Some cleanup was still needed.

Mr. Bissonnette said something else that had been asked was they include on the plan that the spaces were to be designated for Nature's Remedy. The Planning Board wanted those lines painted on the ground. Atty. Smith stated that the Zoning Board actually wanted signs to be erected. Mr. Knox said he was fine with that. It was a ZBA Special Permit, and he didn't think the signage or parking lot painting would have one greater or more negative effect than the other. Mr. Bissonnette was unaware of this, but said that he would modify the plan to indicate that.

Mr. Knox asked Board members if they had any comments. Ms. Mancovsky asked that the Fire Access note be incorporated into the note box for the Plan. Mr. Bissonnette said he would take care of that when he revised the plan. Ms. MacEachern asked if there should be a note on the Plan indicating there would not be a dispensary. Atty. Smith said that is a condition of the Special Permit which would control that. Mr. Knox felt that should be fine.

Mr. Knox then made a motion, seconded by Mr. Conroy, to approve the Site Plan as presented by Nature's Remedy with the following two modifications:

- The note box will indicate there will be signage for Nature's Remedy's designated spaces rather than just painted markings on the pavement.
- The fire access comment will also be incorporated into the plan note box.

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

Form C – 162 Bedford Street – Set public hearing date

Ms. Murray advised she had circulated the plan and was just requesting the date the Board would like to schedule the Public Hearing. She advised the legal ad has to run two weeks prior to the hearing, leaving their October meeting as the first available date a hearing could be held. That date would be October 14, 2021. Ms. Mancovsky asked if they could use this opportunity to engage a Planning Consult as they still did not have a Planner in place. If so, they would need to invite them to the October 14th meeting and get some plans over to them. Mr. Knox said that he did not have a problem with that, but it would require pricing. It was basically as if they were looking for a peer review, or are they looking to pay for consulting because they don't have a planner. He thought they would then need to run that by the Board of Selectmen before they spend

that money. Ms. Mancovsky said that they did allocate that money in the budget but she agreed that they should run it by them before they engage anybody. Can they email Ari Sky and talk to him about this issue? Mr. Knox said yes.

Mr. Knox then made a motion, seconded by Ms. Mancovsky, to hold the public hearing for the Form C, at 162 Bedford Street, on October 14, 2021, at 7:00 p.m.

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

Mr. Knox said to Ms. Mancovsky's point of discussion, they either need to secure a consult, or do something in order to be better prepared for this Form C-Definitive Subdivision. Mr. Knox said that he could communicate with Mr. Sky and copy Ms. Murray to get something in the budget to have that review done.

Housing Production Plan-update

Mr. Knox said they had a lot of information in their packet regarding this. Ms. Mancovsky said they need to make a recommendation to the Board of Selectmen who have to allocate the funds. There are different levels of expense and the two categories that were not covered under the least expensive plan were the samples that had been provided to them. She asked if they had a chance to look at the samples. Mr. Knox said he had. His question was if their plan was going to look like the samples provided. He noted that time frames in those plans was longer than what they were requesting, and he would like to know the years of comparison. Ms. Mancovsky said they should make a list of their questions and get it over to SRPEDD. Lakeville would also have far less data than the sample municipalities.

Ms. Mancovsky said as she reviewed the data points, it would be nice to have the percentage of sales price to affordable housing, as well as the estimated percentage of equity, based on both age and income. She did not think they needed the foreclosure or distressed property information. Mr. Knox asked if there were any other points that should be included in this plan. His would be that the plan would be at least for five years, as there has to be some information that they could track backwards. It was also discussed what Tier level the Board would be looking at having completed.

Ms. Mancovsky asked if they should check with the other stakeholders in Town such as the Building Commissioner and the Zoning Board to see if they would be interested in having input on this. Mr. Knox noted that the Town Administrator has been involved, and he has to provide some documentation. Ms. Mancovsky said that she would email SRPEDD and copy Mr. Sky as well as the Building Commissioner. Mr. Knox would like this resolved by their next meeting. Ms. Mancovsky said they would need a figure for the Special Town Meeting, or they would have to wait until next April. She will send an email in the morning and get an answer if it is too late for the fall meeting. Mr. Knox asked that it include that they are working on this but they haven't gotten a price yet. Can it still be included on the Warrant even though they don't have a number?

Correspondence from Harold Card-Recommendation whether to exercise the right of first refusal

Mr. Knox advised the plan was attached. The Board had approved this ANR lot at their last meeting. He would ask if the Chapter 61 status would remain on the rest of the parcel and if only the ANR lot will be removed. His concern would be if they allowed this, will they remove it from all the land and then there is no right of first refusal on the rest of the land. Ms. Murray said she will try to find an answer regarding that. Mr. Knox asked if they were prepared to make a recommendation if it's only the ANR lot with the clarification that not all of the property is going to be removed from 61A.

Mr. Knox said it is being presented that they are just removing the house lot from 61A, but if they are granted some relief to remove some of this land, it should be clear that it is just the ANR lot not the remainder of the property. He asked if anyone had an opinion if it was only the ANR lot. Mr. Conroy said if that was the case, he supported it being removed and passing on any first right to buy it. Ms. MacEachern said she had thought about all the concerns the residents had raised at their last meeting, and the Planning Board needs to be concerned about safety. It is just an ANR lot but it could lead to more road flooding or a safety issue. She asked what other members thought.

Ms. Mancovsky said there used to be a list of priority areas that Conservation had identified. She wondered if even though this lot may not be individually listed, was the entire parcel on a priority list. Mr. Knox said he could ask Mr. Bouchard. Ms. Mancovsky felt having a list even if it was an older one would be helpful for them. Ms. Murray will reach out to both Mr. Bouchard and the Open Space Committee to see if a list is available. Ms. Mancovsky added if they had access to the GIS system that would also be helpful.

Mr. Lynch said he was also concerned with the water situation in this area. He wouldn't have a problem with it if they had an assurance that it could be controlled. Mr. Knox said there are two different components to that. He would think most of the runoff would come from the subdivision that they had talked of proposing to the left of this ANR lot. There probably would not be a Site Plan Review for the lack of disturbance of less than an acre. Mr. Conroy noted that even if it came to the Board for site disturbance, they would find what they needed to fix it but it would still be a house. Mr. Knox agreed that the reward would not be high to buy one house lot on the chance that they might be able to buy more contiguous land adjacent to it in the future.

Mr. Knox then made a motion, seconded by Ms. Mancovsky, to recommend to the Board of Selectmen to not exercise their right of first refusal, as long as all of the land does not come out of 61A and it is only the ANR lot.

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

Sign By-law – Discuss amending and related definitions

Mr. Knox advised they have talked about this previously. He explained what they are trying to do and what it would trigger. Ms. MacEachern did some research and found some Towns that had bylaws with a definition for an electronic message display which is a sign utilizing light emitting diodes or leds, plasma or any other technology that presents static or multiple static advertisements on a rotating or repeating basis, freestanding or attached which may or may not be double-sided, including programmable images, animation, or letters. He acknowledged that there were 12 of these in Town already. He was hoping to put some controls on them as well.

Mr. Knox then read the next change or addition they would put into the sign bylaw which would be in 6.6.21. Electronic signs less than 12 square feet in size are allowable by Special Permit only granted by the Planning Board. Electronic signs 12 square feet or more are prohibited. He then reviewed some of the locations where these signs already were. He stated they are trying to minimize the size of what could be there and through the Special Permit, they could condition hours of operation. Mr. Knox said they are also trying to define billboards as any sign larger than 64 square feet, which is the largest sign allowable, and is currently the common directory sign. This is a sign with multiple signs because of multiple businesses within one building. Anything larger than that would be considered a billboard and is not permitted. Mr. Knox said this does trigger other things and there is a lot more work to do on it. What were their thoughts on what they had done so far?

Mr. Conroy said that while they are doing this, do they want to find out what the brightness level is that pushes it over the limit. They have seen signs that seem to push that level up to make up for the size. Mr. Knox said if they did allow those by Special Permit, they could govern the amount of lumens and have them be under a certain level. Ms. Mancovsky said in her opinion, she would like to have none of these types of signs in Town, so they can maintain that rural character. Although they have 12 in Town right now, in the future they could see quite a few more. Signage has a big impact on the aesthetics of a community. It's not just about that individual property. She would want to make sure that they have stronger controls even outside of the Special Permit for electronic signage.

Ms. Mancovsky asked if they could get that Planner Consult in. How would they feel getting feedback from that person as well? Mr. Knox said he was fine with it but thought it would go further to have a discussion or get something and send it to Counsel. He rather have the legal opinion to see what is controllable and what is not. Maybe someone who has written a bylaw or has seen those in other Towns and understands it. He noted that there is still a lot of work that must be done and they could work for several hours to try to hammer it out. They also need a good back and forth conversation with the Building Commissioner because he will have to enforce it. Maybe when they get further along, it can then go to Counsel where they not only send what they've done but also their intent. Ms. MacEachern asked for clarification that if they do put this language into the bylaw, can they then use it to control their existing signs. Mr. Knox said that is their intent but again it needs to go by Counsel to see if that is possible. Ms. Mancovsky noted that signs were listed in the Master Plan under strategy 2.2.2 to maintain Lakeville's semi-rural character by encouraging growth that matches its surroundings, while supporting the local business community.

Design standards – Discuss how to implement for business zoned development

Mr. Knox advised that MPIC keeps asking when is the Planning Board going to do something regarding design standards. You cannot just create a zone to have design standards unless it is a historic district, but they are trying to control business zone properties. His opinion is that they need to change the density bonus that they have. Currently, they allow 50% lot coverage by right. They could lower it to 25% and then grant relief back up to 70%. For example, they could hit the architectural trigger at 25%, the landscape trigger at 40%, with perhaps the balance of 10-15% for open space or something else they want to try to achieve. They have something now but it is missed because it doesn't hit the coverage.

Mr. Conroy agreed. He said it was the only way to have any kind of clout with design standards to force the developer's hand. Mr. Knox asked Ms. Mancovsky if he could task her with looking at that section of the bylaw for the density bonus. There are guidelines in there right now, and where he felt they could implement some guidelines that could be more of that rural character they want. Ms. Mancovsky said she liked it and thought it was a quick fix, but did it answer the questions about what type of aesthetics they want in their community. She thought it would be nice to have in the bylaw some design standards that are a little bit narrower. Mr. Knox said to make it something that is a rural, cape cod, Nantucket style, etc., rather than what is currently there which could be a very modern looking building.

Mr. Knox said that one other item he would like to change is on Site Plan Review, they want that to be concluded in the bylaw as Site Plan Approval. There should be a guideline laid out of what the approval consists of with so many signed copies, etc. Presently, there is no conclusion to it in the bylaw. It would be nice to eliminate that and have some teeth in their decision. Mr. Conroy added that he would like to see some kind of a checklist in regards to private and public ways. It would be fair for the developer and the Town. Mr. Knox said what has come in front of them over the past year has been private ways and approval has not been sought for a Town road. He noted that if it is going to be a private way that's not accepted, they should have a standard for that. The public way should have a different standard. Everybody that comes in to put in a private way should be playing by the same rules. Mr. Conroy agreed and having a list of criteria would be helpful for the developer.

Mr. Rodney Dixon then joined the meeting and the discussion returned to design standards. Mr. Knox advised that Ms. Mancovsky would be one of the driving components on the Board regarding this. Mr. Dixon might be able to work with her to come up with the actual language they will use, if they are going to change the density bonus design standards to more reflect that rural character. One of the easiest ways they have been able to do things like this is to look at other Towns that have those types of bylaws and replace the language. Mr. Dixon replied that as he recalled they had looked at surrounding Towns back as early as 2005 in regards to design standards. Ms. Garbitt has agreed to research their notes and their original Master Plan to see if she can come up with that information. They are actively in the process right now of getting that information together. Ms. Mancovsky noted that Selectwoman Carboni had also done a lot of research on this a few years ago and she might also have some good input on this.

Mr. Knox said their biggest challenge will be explaining exactly why they are doing this and why lowering those triggers will be for the benefit of the Town. Mr. Knox hoped that would be promoted at MPIC meetings and that nobody would have a false sense of this is to take away from anybody. Mr. Dixon said that was correct. This is a direct result of feedback that they receive continuously over the years from citizens regarding the rural character of the Town. Mr. Knox also clarified for anyone watching that this was not on residential property. This is on business zoned properties.

Julia's Way – Release of Covenant and Master Plan Implementation – Fee Review Project - update

Ms. Murray advised regarding both items she had emailed Town Counsel and was waiting for a response.

Approve Meeting Minutes

Mr. Knox made a motion, seconded by Mr. Conroy, to approve the Minutes from the August 12, 2021, meeting.

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

New Business

Mr. Knox said that something had been circulated in regards to 475 Kenneth W. Welch Drive. It looks like Boston Botanical is not going to be in that space but instead it was to be another establishment called Bud's Goods. Ms. Murray explained that in February the Board had approved the Site Plan and there were certain items they had wanted included. It was revised and that was what had been signed. The one that was submitted was a little bit different. Do they want those changes that were already made on the plan or should they just come in that night and have to go through the whole thing again? Mr. Knox said what he would like is for the applicant to be provided the plan that was approved with the requirements and changes they had requested. Those should be added to their plan, and then they can come in for the Board to have another review.

Old Business

Ms. MacEachern advised regarding the recodification project, there are a number of items that were suggested to be revised throughout the process. Anything as small as a single word, spelling or grammatical correction would need to be approved by Town Meeting. Therefore, the Planning Board would have to hold a public hearing. She thought it would be best to address everything at once and believed they had to get the changes back by October. It was not going to be approved until spring Town Meeting. She asked if there would be any reason to hold back and pass on those

smaller recommendations, or is it best to just get them all done. Mr. Knox said they should get them all done as they will not be having the public hearing until after January.

Next meeting

Mr. Knox advised the next meeting is scheduled for September 23, 2021, at 7:00 p.m.

Adjourn

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

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

Meeting adjourned at 8:20.

DRAFT

9a

TOWN OF LAKEVILLE
MASSACHUSETTS

LAKEVILLE TOWN CLERK
RCUD 2021 SEP 2 PM3:40

ZONING BOARD OF APPEALS
NOTICE OF DECISION ON A SPECIAL PERMIT

(To be mailed forthwith to the petitioner, abutters, and owners of land within 300 feet of the property line, the Board of Selectman, Building Inspector, the planning boards of every abutting municipality and to every person present at the hearing who requested that notice be sent to him and stated the address to which such notice was to be sent, as provided in Section 15, Chapter 40A, as amended.)

Applicant _____ Date: September 2, 2021
Nature's Remedy of Massachusetts, Inc. and _____ Case No: 21-18
Jushi MA, Inc. _____
Owner _____ Address: 69 Milk Street, Suite 110
CSS I, LLC _____ Westborough, MA 01581

Premises Affected:
310 Kenneth W. Welch Drive

Special Permit Application to permit:
Adult Use Registered Marijuana Dispensary ("RMD") and Marijuana Cultivator and Marijuana Product Manufacturing Establishments pursuant to Section 7.4.6 of the Zoning Bylaw


After a public hearing on August 19, 2021
the Zoning Board of Appeals at its meeting on August 19, 2021

VOTED TO GRANT a Special Permit under Article 7 Section 7.4.6 of the Zoning By-law subject to the conditions, safeguards and limitation on time and use specified in the attached Decision of the Board

The decision of the Board, together with a detailed record of its proceedings stating the reasons for the decision and the conditions imposed, shall be filed within 14 days after the hearing in the office of the Town Clerk. Decision filed with Town Clerk on September 2, 2021.

IMPORTANT Any appeal from the decision of the Appeals Board can be made only to the Court and must be made pursuant to Section 17, Chapter 40A (G.L.) as amended, and must be filed within twenty (20) days after the date of the filing of the decision with the Town Clerk.

THE ZONING BOARD OF APPEALS


Clerk

TOWN OF LAKEVILLE
MASSACHUSETTS

ZONING BOARD OF APPEALS

SPECIAL PERMIT DECISION – APPROVED WITH CONDITIONS

Decision Date: September 2, 2021

Name/Address of Applicant: Nature's Remedy of Massachusetts, Inc. and
Jushi MA, Inc.
69 Milk Street, Suite 110
Westborough, MA 01581

Name/Address of Property Owner: CSS I, LLC
310 Kenneth W. Welch Drive
Lakeville, MA 02347

Location: 310 Kenneth W. Welch Drive
Lakeville, MA 02347

Assessors' Reference: Map 61, Block 2, Lot 3

Zoning District: Industrial District

PROJECT DESCRIPTION: Nature's Remedy of Massachusetts, Inc. ("Nature's Remedy") and Jushi, Inc. ("Jushi") filed an application for a modification and/or granting of special permits that were previously approved by the Lakeville Zoning Board of Appeals (the "ZBA" or "Board") for the construction and development of an approximately 50,000 square foot registered marijuana dispensary ("RMD") and by the Lakeville Planning Board for an adult use marijuana cultivator and product manufacturing establishment (collectively, the "Establishment") located within a portion of an industrial building at 310 Kenneth W. Welch Drive, Lakeville, Massachusetts (the "Property").

On June 21, 2018, the ZBA granted a special permit to Nature's Remedy for the sales of medical marijuana and associated paraphernalia along with the cultivation, testing, packaging and storage of medical marijuana at the Property. On February 28, 2019, the Planning Board granted a special permit to Nature's Remedy for the use and operation of an adult use marijuana cultivator and product manufacturing use, and also approved the definitive site plan.

Nature's Remedy and Jushi seek to add approximately 10,000 s.f. of accessory office, locker room and break room area to the Establishment and complete interior renovations. Additionally, 25 parking spaces that were previously designated for use by other occupants of the building are now designated for Nature's Remedy and Jushi's use, resulting in a total of 68 parking spaces for Nature's Remedy and Jushi, which complies with minimum parking space requirements. There are no proposed changes with respect to the existing footprint of the building, parking or driveway layout, loading, stormwater management or other site features. Moreover, there are no proposed changes with respect to the security plan, operation and management plan or

emergency plan as previously submitted to the Town. Further, Nature's Remedy and Jushi MA, recently entered into an agreement under which Nature's Remedy will merge with and into Jushi MA, with Jushi MA as the entity surviving the merger. Nature's Remedy and Jushi MA submitted a Change of Ownership and Control Application to the Massachusetts Cannabis Control Commission on May 6, 2021. As a result, Nature's Remedy is also concurrently seeking approval by the ZBA to modify the Adult Use Special Permit and modify or grant a new special permit for the RMD use to reflect the change of ownership and control from Nature's Remedy to Jushi MA. To that end, this special permit is intended to supersede the June 21, 2018 special permit issued by the ZBA and the February 28, 2019 special permit issued by the Planning Board.

VOTE OF THE BOARD: At a duly noticed public hearing and after review of the application and materials submitted as part of the application, including statements made at the public hearing, the Lakeville Zoning Board of Appeals, on August 18, 2021, on a motion made by Chris Carmichael, seconded by Jeff Youngquist, voted to APPROVE the merger between Nature's Remedy and Jushi, MA and APPROVE with CONDITIONS as specified herein, the application for a Special Permit for an Adult Use Registered Marijuana Dispensary ("RMD") and Marijuana Cultivator and Marijuana Product Manufacturing Establishments pursuant to Section 7.4.6 of the Zoning Bylaw for property located at 310 Kenneth W. Welch Drive in Lakeville, MA.

The vote was 5-0, members voting were Jeffrey Youngquist, Gerald Noble, Chris Carmichael, Christopher Campeau, and John Olivieri, Jr.

PROCEDURAL HISTORY:

1. On July 21, 2021 an application for a Special Permit of which a true copy marked "A" is made apart of this record was presented to the Appeals Board and filed with the Town Clerk.
2. Thereupon, an advertisement, a true copy of which marked "B" is made a part of this record, was published in the Middleboro Gazette a newspaper published in Middleboro, MA on 8/5/21 and on 8/12/21.
(Date) (Date)
3. Notice of the hearing, a copy of which marked "C" is made a part of this record, were mailed postpaid to the petitioner, abutter, and owners of the land within 300 feet of the property line, being the same persons named in the Assessors certificate which was a part of the petition heretofore referred to and marked "A", and to the Board of Selectmen, Building Inspector, and the planning boards of every abutting municipality.
4. On August 19, 2021, a hearing was held pursuant to the to the provisions allowed by Chapter 20 of the Acts of 2021, signed by the Governor on June 16, 2021, by Zoom – a virtual platform, at which opportunity was given to all those interested, those to be heard in favor or opposition to said petition, application, or appeal. The public hearing was closed, and the application was voted on August 19, 2021.

INDEX OF DOCUMENTS SUBMITTED TO THE BOARD:

The following materials were submitted as part of the Application for Special Permit:

- a. Special Permit application package
- b. August 10, 2021, correspondence from the Town Administrator
- c. August 13, 2021, correspondence from the Fire Chief
- d. August 17, 2021, correspondence from the Planning Board
- e. August 18, 2021, correspondence from the Conservation Commission
- f. Site Plan, dated 8/12/21, revised 8/19/21, and 8/23/2, prepared by Zenith Consulting Engineers, LLC.

FINDINGS:

The Board found the proposed use of the Property as an Adult Use Registered Marijuana Dispensary ("RMD") and Marijuana Cultivator and Marijuana Product Manufacturing Establishments pursuant to Section 7.4.6 of the Zoning Bylaw is in harmony with the general purpose and intent of the Bylaw based on the following findings:

1. The application seeks to modify the two existing special permits by modifying the name of the special permit holder and add approximately 10,000 s.f. of accessory space and 25 parking spaces.
2. The use is not noxious, harmful or hazardous, is socially and economically desirable and will meet an existing or potential need.

- a. The Board finds that the project meets the above standard because the project proposes a water reclamation system and use of the public water supply with a secondary water well hook-up to supply the facility with the water required to cultivate marijuana.
 - b. The Board finds that Nature's Remedy and Jushi have proposed an odor control system that will contain air and odors within the existing building.
3. 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.
 - a. The Board finds that the above standard does not apply to commercial uses, such as the proposed project.
4. Nature's Remedy and Jushi have no reasonable alternative available to accomplish this purpose in a manner more compatible with the character of the immediate neighborhood.
 - a. The Board finds that the proposed project is allowed in the Industrial District by special permit and therefore, the Board has determined that the use is most compatible with the character of the Industrial District and no reasonable alternative is available to accomplish this purpose.
5. The Special Permit Granting Authority shall determine that the proposal generally conforms to the principals of good engineering, sound planning, and correct land use, and that Nature's Remedy and Jushi have the means to implement the proposal if a Special Permit is granted.
 - a. The Board finds that Nature's Remedy and Jushi are required to meet rigorous state regulations and therefore, the proposed use generally conforms to the principal of good engineering, sound planning, and correct land use, and that Nature's Remedy and Jushi have the means to implement the proposal if the Special Permit is granted.
6. The Special Permit Granting Authority shall have the power to impose reasonable conditions and modifications, including limitations of time and use, as a condition of a Special Permit, and may secure compliance or performance by requiring the posting of a bond or other safeguards.
 - a. The Board approves the Special Permit subject to the following conditions set forth below.

CONDITIONS:

The Board grants this approval for a Special Permit subject to the following conditions:

1. The Marijuana Cultivator and Marijuana Product Manufacturing portion of this special permit shall be permitted to operate twenty-four (24) hours per day for adult use marijuana cultivation, processing and manufacturing uses.

2. Upon the transfer from Nature's Remedy to Jushi, MA, a copy of the applicable approval from the CCC shall be provided to Building Commissioner, Health Agent, Fire Chief, Police Chief and the Board.
3. Nature's Remedy and/or Jushi, MA shall provide an annual report of its operations to the Board and other Town officials no later than January 31st of each year, including a copy of all current state licenses and demonstrating continued compliance with the conditions of this special permit.
4. Any change in ownership of Nature's Remedy or change in management staff and individuals with key access to the Establishment shall also be reported within 30 days of such change.
5. This permit does not allow a Marijuana Retailer use and the retail sales of marijuana (non-medical) is prohibited.
6. This Special Permit is not transferrable or assignable to another party or entity and shall remain exclusively with Nature's Remedy and/or Jushi, MA for the operation of the facility as a Registered Marijuana Dispensary ("RMD") and an Adult Use Marijuana Cultivator and Marijuana Product Manufacturing Establishment. Events deemed a transfer or assignment of the Special Permit shall include, without limitation: (i) the Company's takeover or merger by or with any other entity; (ii) the Company's outright sale of assets and equity, majority stock sale to another organization or entity for which the Company does not maintain a controlling equity interest; (iii) or any other changes to a majority of the founding member ownership or status of the Company. A Special Permit may be transferred or assigned only with the approval of the Board in the form of an amendment to the Special Permit.
7. Smoking, burning and consumption of marijuana or marijuana infused products on the premises for personal or consumer use is prohibited.
8. The Marijuana Establishment shall not generate outside odors from the cultivation, processing or manufacturing of marijuana or marijuana products. Nature's Remedy and/or Jushi, MA shall install and maintain at all times effective odor control technology to prevent the generation of outside odors from the cultivation, processing or manufacturing of marijuana or marijuana products. Nature's Remedy and/or Jushi, MA shall ensure proper operation and maintenance of all odor mitigation equipment to ensure maximum efficiency and effectiveness and shall repair and upgrade the air filtration systems, as necessary, to ensure the effectiveness of the odor control technology in meeting the Bylaw standard for odor mitigation.
9. The Building Commissioner, in enforcing the conditions herein, may require additional odor investigation and/or odor mitigation measures or sound investigations and/or sound mitigation measures should concerns and complaints develop about plant odor or sound generation from the facility which are, in the opinion of the Building Commissioner, legitimate in nature. Nature's Remedy and/or Jushi, MA shall be required to address such issues with the Building Commissioner and the Board to its satisfaction. Any complaints of noxious odors shall be cured within 24 hours of notification

10. The permit holder shall notify the Building Commissioner, the Health Agent, the Fire Chief, the Police Chief, and the Board in writing within forty-eight hours of the cessation of operation of the adult use marijuana cultivation and product manufacturing uses or the expiration or termination of the license holder's Final License CCC.
11. The Special Permit shall lapse upon the expiration or termination of Nature's Remedy's or Jushi MA's license by the Cannabis Control Commission.
12. There shall be a valid Host Community Agreement in effect at all times during the operation of the Adult Use Marijuana Establishment.
13. Prior to filing this Special Permit Decision with the Town Clerk, Nature's Remedy and/or Jushi, MA shall pay any and all outstanding fees and obligations due to the Town of Lakeville pertaining to the Special Permit application and the Property.
14. Any changes to the Security Plan and Emergency Procedures shall be reported, in writing, to the Police Chief and Fire Chief within 14 days of such changes taking effect.
15. Prior to occupancy and for the life of the Establishment, Nature's Remedy and/or Jushi, MA shall provide to the Building Inspector and Chief of the Police Department, the name, telephone number and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder.
16. There shall be no composting on-site.
17. Any signs shall conform to the Town of Lakeville Zoning By-Law.
18. For the Registered Marijuana Dispensary ("RMD") the Hours of Operation shall be:
Monday – Friday: not to exceed 8:00 am to 9:00 pm.
Saturday: not to exceed 9:00 am to 6:00 pm.
Sunday: not to exceed 10:00 am to 6:00 pm.
19. The fire lane shown on the approved plan must be kept open and accessible at all time and maintained to the satisfaction of the Fire Department, trees must be trimmed and gravel must be maintained.
20. Prior to occupancy, space in the building for the Establishment must be clearly marked.
21. Prior to occupancy, fire alarm system for the Establishment must be approved by the Lakeville Fire Department. Additionally, Nature's Remedy and/or Jushi, MA shall meet with the Fire Department prior to the issuance of the building permit to determine if there is anything that can be done in good faith to improve the alarms of the entire building.
22. The 68 parking spaces dedicated to the Establishment shall be marked with signage. The Building Commissioner may issue a temporary Occupancy Permit for 90 days without 100% of the signs installed. After 90 days, 100% of the parking space signs must be installed for a Certificate of Occupancy to issue.

23. This decision hereby incorporates all of the Applicant's requirements of the Host Community Agreement entered into between the Applicant and Board of Selectmen.
24. Any expansion of the existing building will require an amendment to this Special Permit.
25. Any expansion or change of the proposed use will require a new Special Permit.

Any appeal of this Decision shall be made to a court of competent jurisdiction within twenty (20) days of the date the Board files this Decision with the Town Clerk in accordance with the provisions of G.L. c. 40A, §17.

NOTE: Show the vote of each member upon each question or, if absent or failing to vote, indicate such fact, and set forth clearly the reason or reasons for its decision, and of its other official action.

Vote: John Olivieri, Jr. Aye
Jeffrey Youngquist Aye
Chris Carmichael Aye
Gerald Noble Aye
Christopher Campeau Aye

Zoning Board of Appeals of the Town of Lakeville



9/2/21

John Olivieri, Jr., Chair

Date

ZONING BOARD OF APPEALS

NOTICE FOR RECORDING IN THE REGISTRY
OF A DECISION ON A SPECIAL PERMIT

Date: September 2, 2021

(A copy shall be sent to the applicant, and shall be filed with Town Clerk together with the Record of Proceedings and plans.)

Notice is hereby given that a Special Permit has been granted in compliance with statutory requirements as set forth in Chapter 40A as amended

TO Nature's Remedy of Massachusetts, Inc. & Jushi MA, Inc.

Owner or Petitioner

ADDRESS 69 Milk Street, Suite 110, Westborough, MA 01581

By the Appeals Board, affecting the rights of the owner with respect to use of the premises on

310 Kenneth W. Welch Drive

Identity of Land Affected

The record title standing in the name of

CSS I, LLC

whose address is 310 Kenneth W. Welch Drive Lakeville MA
Street City or Town State

by a deed duly received in the Plymouth District,

Registry of Deeds in Book 51023, Page 16.

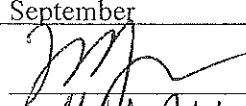
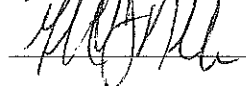
Registry District of Land Court, Certificate No. _____

Book _____, Page _____

The decision of said Board is on file with the papers and plans in the Office of the Town Clerk.

Signed and certified this 2nd day of September, 2021.

THE APPEALS BOARD

 Chairman
 Clerk

CERTIFICATE BY THE TOWN CLERK FOR FILING OF THE DECISION IN THE REGISTRY

This is to certify that twenty (20) days have elapsed since filing of the above decision with this office and no appeal has been filed, or an appeal has been filed and denied in case.

Signature and seal of the Town Clerk

THE COMMONWEALTH OF MASSACHUSETTS
LAKEVILLE
CITY OR TOWN

ZONING BOARD OF APPEALS

Date September 2, 2021

NOTICE OF SPECIAL PERMIT

(General Laws Chapter 40A, Section 15 as amended)

Notice is hereby given that a Special Permit has been granted
To Nature's Remedy of Massachusetts, Inc. & Jushi MA, Inc.

Owner or Petitioner
Address 69 Milk Street, Suite 110
City or Town Westborough, MA 01581

Identify Land Affected

by the town of Lakeville Board of Appeals affecting the
rights of the owner with respect to the use of the premises on
310 Kenneth W. Welch Drive Lakeville
Street City or Town
the record title standing in the name of
CSS I, LLC

whose address is 310 Kenneth W. Welch Drive Lakeville MA
Street City or Town State

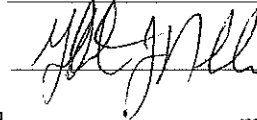
by a deed duly recorded in the Plymouth County Registry of Deeds in
Book 51023, Page 16 Registry District of the Land Court
Certificate No. _____ Book _____ Page _____

The decision of said Board is on file with the papers in Decision or Case No. 21-18
in the office of the Town Clerk Lillian M. Drane

Certified this 2nd day of September, 2021

THE APPEALS BOARD

 Chairman

 Clerk

_____ 19 at _____ o'clock and _____ minutes _____ M.

Received and entered with the Registry of Deeds in the County of _____

Book _____ Page _____

Attest

Register of Deeds

Notice to be recorded by Land Owner.

F

Place as First page for Register of Deeds copy

