



2020 SEP 22 AM 11:28

## REMOTE MEETING NOTICE/ AGENDA

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

Name of Board, Committee or Commission:	<b>Planning Board</b>
Date & Time of Meeting:	<b>Thursday, September 24, 2020 at 7:00 p.m.</b>
Location of Meeting:	<b>REMOTE MEETING</b>
Clerk/Board Member posting notice	<b>Cathy Murray</b>

### AGENDA

1. In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G.L. c.30A, §20, relating to the 2020 novel Coronavirus outbreak emergency, the September 24, 2020, public meeting of the **Planning Board** shall be physically closed to the public to avoid group congregation. **However, to view this meeting in progress, please go to facebook.com/lakecam (you do not need a Facebook account to view the meeting). This meeting will be recorded and available to be viewed at a later date at <http://www.lakecam.tv/>**
2. **ANR plan – 2 Cranberry Lane - continued** – Meet with representative from Zenith Consulting Engineers regarding revised ANR submittal for 2 Cranberry Lane.
3. **ANR plan – Evergreen Rd., Clark Rd., Spruce St.** – Meet with representative from Zenith Consulting Engineer regard ANR plan for Evergreen Rd., Clark Rd., and Spruce St.
4. **Master Plan Implementation** – Update on hiring a planner
5. **Development Opportunities District** – Update
6. **43D Committee** – Discuss peer review items
7. **SRPEDD Update** – Board member Barbara Mancovsky
8. **Approve Meeting Minutes for February 13, 2020, and September 10, 2020.**
9. **Old Business**
10. **New Business**
  - a. **Discuss new procedure for signed plans**
  - b. **Discuss Site Plan Review application**
11. **Next meeting. . . October 8, 2020 at 7:00 p.m.**
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.

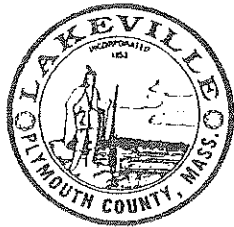
#1

**Read the following into the record:**

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G.L. c.30A, §20, relating to the 2020 novel Coronavirus outbreak emergency, the September 24, 2020, public meeting of the **Planning Board** shall be physically closed to the public to avoid group congregation. **However, to view this meeting in progress, please go to [facebook.com/lakecam](https://www.facebook.com/lakecam) (you do not need a Facebook account to view the meeting). This meeting will be recorded and available to be viewed at a later date at <http://www.lakecam.tv/>**

#2

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



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

RECEIVED  
LAKEVILLE TOWN CLERK

2020 AUG 14 AM 11:26

### FORM A

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

To the Planning Board:

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

PLAN TITLE: Approval not Required Plan of Land Date: 7-15-20

1. Owner's Signature: [Signature] Paul Randall Date: 8/2/20

2. Owner's Name (Please Print): DAVID PETERSON Paul Randall

Owner's Address: 2 CRANBERRY LANE Lakeville MA  
21 N. PRECINCT ST LAKEVILLE MA

3. Name of Land Surveyor: Zenith Consulting Engineers, LLC

Surveyor's Address: 3 Main St. Lakeville, MA 02347

Surveyor's Telephone: (508) 947-4208

4. Deed of property recorded in Plymouth Registry,

Book 31431 (6152) Page 39 (77)

5. Assessors' Map, Block and Lot (MBL) 21(20), 6(2), 30(10)

6. Location and Description of Property: 2 Cranberry Lane + 21 North Precinct St.

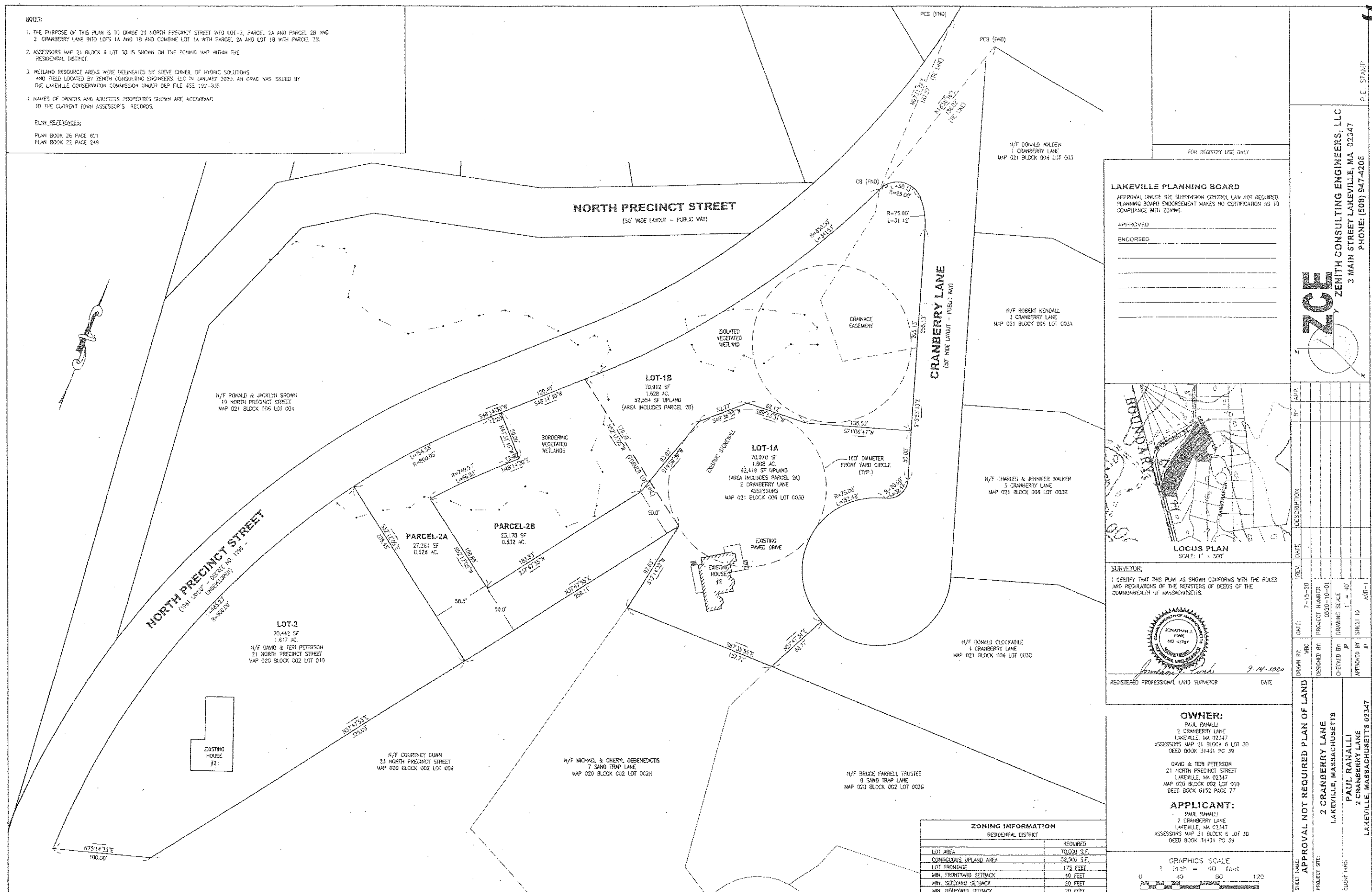
7. Plan Contact Name and Telephone Number:

Contact Name: Nyles Zeger Telephone: (508) 947-4208

#2

- NOTES:
1. THE PURPOSE OF THIS PLAN IS TO DIVIDE 21 NORTH PRECINCT STREET INTO LOT-2, PARCEL 2A AND PARCEL 2B AND 2 CRANBERRY LANE INTO LOTS 1A AND 1B AND COMBINE LOT 1A WITH PARCEL 2A AND LOT 1B WITH PARCEL 2B.
  2. ASSESSOR'S MAP 21 BLOCK 6 LOT 10 IS SHOWN ON THE ZONING MAP WITHIN THE RESIDENTIAL DISTRICT.
  3. WETLAND RESOURCE AREAS WERE DELINEATED BY STEVE CHMEL OF HYDRA SOLUTIONS AND FIELD LOCATED BY ZENITH CONSULTING ENGINEERS, LLC IN JANUARY 2020. AN DRAG WAS ISSUED BY THE LAKEVILLE CONSERVATION COMMISSION UNDER DEED FILE #SS 192-2020.
  4. NAMES OF OWNERS AND ADJACENT PROPERTIES SHOWN ARE ACCORDING TO THE CURRENT TOWN ASSESSOR'S RECORDS.

PLAN REFERENCES:  
 PLAN BOOK 26 PAGE 621  
 PLAN BOOK 22 PAGE 249

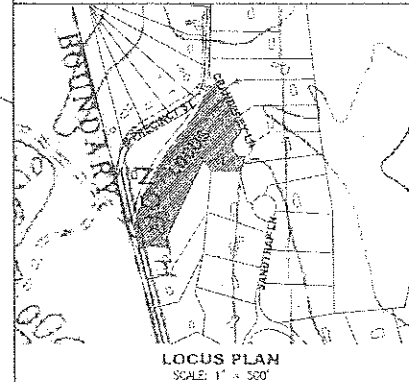


FOR REGISTRY USE ONLY

**LAKEVILLE PLANNING BOARD**  
 APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED.  
 PLANNING BOARD ENDORSEMENT MAKES NO CERTIFICATION AS TO COMPLIANCE WITH ZONING.

APPROVED \_\_\_\_\_  
 ENDORSED \_\_\_\_\_

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



**SURVEYOR:**  
 I CERTIFY THAT THIS PLAN AS SHOWN CONFORMS WITH THE RULES AND REGULATIONS OF THE REGISTERERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

*Jonathan J. Stany*  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 DATE: 9-14-2023

REV.	DATE	DESCRIPTION	BY	APP.

**OWNER:**  
 PAUL RANALLI  
 2 CRANBERRY LANE  
 LAKEVILLE, MA 02347  
 ASSESSORS MAP 21 BLOCK 6 LOT 30  
 DEED BOOK 31431 PG 39

DAVID & TERI PETERSON  
 21 NORTH PRECINCT STREET  
 LAKEVILLE, MA 02347  
 MAP 020 BLOCK 002 LOT 010  
 DEED BOOK 6152 PAGE 77

**APPLICANT:**  
 PAUL RANALLI  
 2 CRANBERRY LANE  
 LAKEVILLE, MA 02347  
 ASSESSORS MAP 21 BLOCK 6 LOT 30  
 DEED BOOK 31431 PG 39

**GRAPHICS SCALE**  
 1 inch = 40 feet  
 0 40 80 120

**ZONING INFORMATION**  
RESIDENTIAL DISTRICT

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

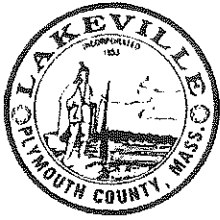
**APPROVAL NOT REQUIRED PLAN OF LAND**

**PROJECT SITE:**  
 2 CRANBERRY LANE  
 LAKEVILLE, MASSACHUSETTS

**CLIENT INFO:**  
 PAUL RANALLI  
 2 CRANBERRY LANE  
 LAKEVILLE, MASSACHUSETTS 02347

Site: 2023-09-14 10:00 AM. Project: 21 North Precinct Street, Lakeville, MA. Drawing: 21-006-0030-01. Scale: 1" = 500'. Date: 9/14/2023. Time: 10:00 AM. User: jstany. Job: 21-006-0030-01.

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



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

RECEIVED  
SEP 15 2020  
PLANNING BOARD

FORM A

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

To the Planning Board:

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

PLAN TITLE: ANR PLAN <sup>SPRUCE ST.</sup> EVERGREEN & CLARK RDS Date: SEPT. 15, 2020

1. Owner's Signature: [Signature] Date: SEPT. 15, 2020

2. Owner's Name (Please Print): LOUIE & AMY VERMETTE

Owner's Address: 4 ASH STREET LAKEVILLE

3. Name of Land Surveyor: ZENITH LAND SURVEYORS

Surveyor's Address: 1162 ROCKDALE AVE. NEW BEDFORD 02740

Surveyor's Telephone: 508-995-0100

4. Deed of property recorded in PLYMOUTH COUNTY Registry,

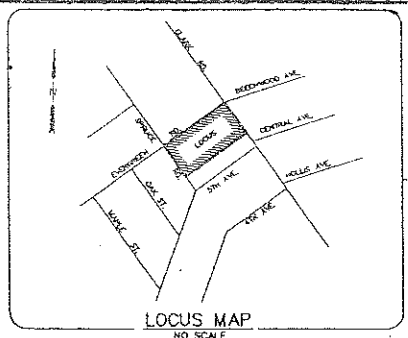
Book 44838 Page 120

5. Assessors' Map, Block and Lot (MBL) MAP 42 BLOCK 5, LOTS 1, 2, 3, 7, 9, 10, 11, 12, 13

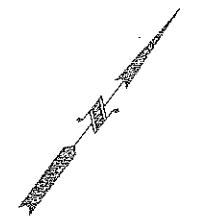
6. Location and Description of Property: EXISTING 9 LOTS ALONG  
EVERGREEN, SPRUCE AND CLARK

7. Plan Contact Name and Telephone Number:

Contact Name: JOHN ROMANELLI Telephone: 508-995-0100



EVERGREEN PRIVATE ~ 40' WIDE RD.



FOR REGISTRY USE ONLY

PLAN REFERENCE: BOOK 10 PAGE 519

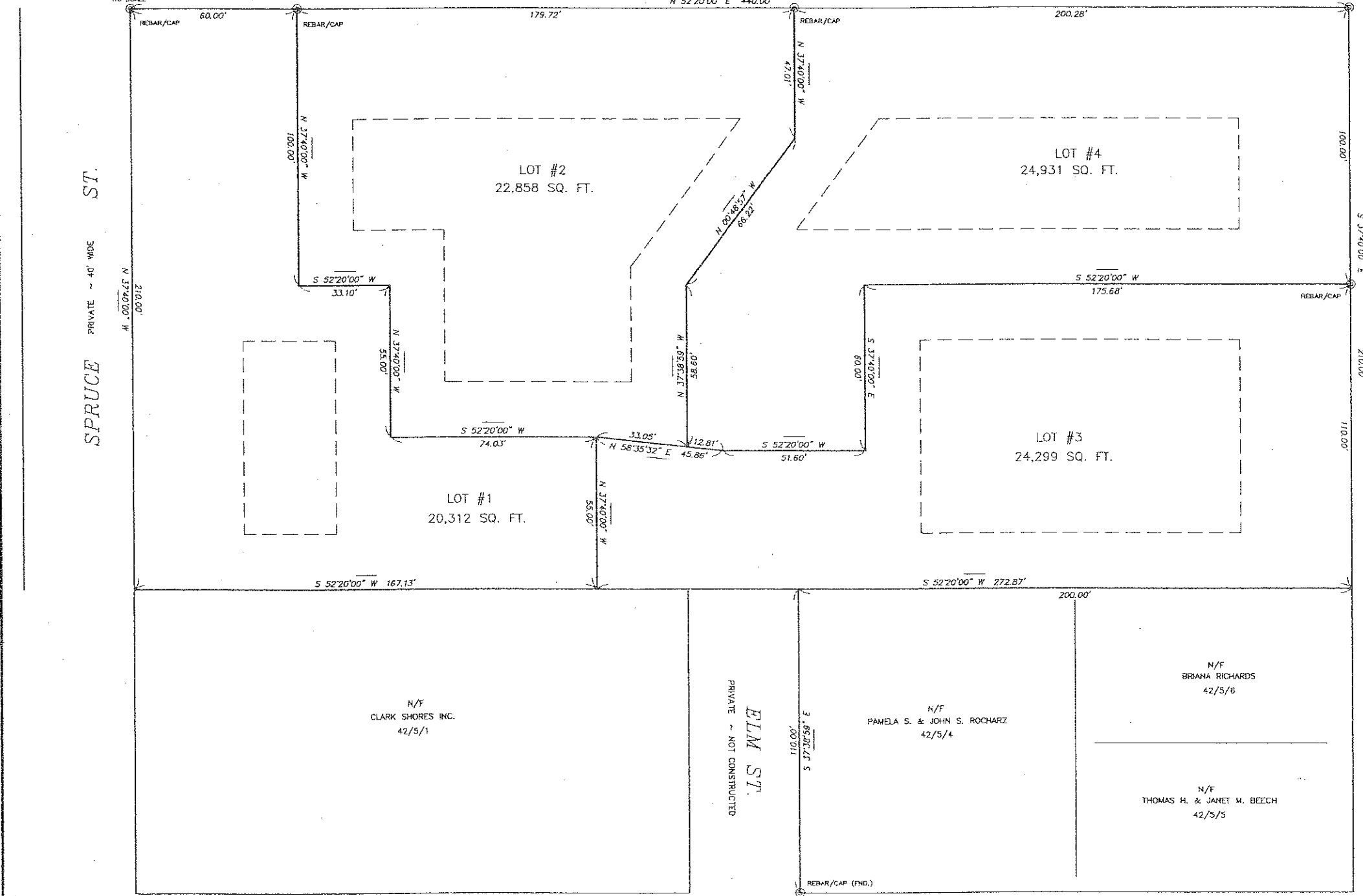
LAKEVILLE PLANNING BOARD  
APPROVAL NOT REQUIRED UNDER  
SUBDIVISION CONTROL LAW

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

PLAN PURPOSE:

THE PURPOSE OF THIS PLAN IS TO DIVIDE A TRACT OF LAND ON WHICH FOUR BUILDINGS WERE STANDING WHEN THE SUBDIVISION CONTROL LAW WENT INTO EFFECT IN THE TOWN OF LAKEVILLE INTO FOUR NEW LOTS, AND TO RAZE THE EXISTING BUILDINGS AND CONSTRUCT NEW SINGLE-FAMILY DWELLING ON EACH OF THE FOUR LOTS, PURSUANT TO A SPECIAL PERMIT FROM THE LAKEVILLE ZONING BOARD OF APPEALS DATED JANUARY 2, 2020 AND RECORDED AT THE PLYMOUTH COUNTY REGISTRY OF DEEDS IN BOOK 52589, PAGE 294.

1. THE ABOVE ENDORSEMENT IS NOT A DETERMINATION OF CONFORMANCE WITH ZONING.
2. NO DETERMINATION OF COMPLIANCE WITH ZONING REQUIREMENTS HAS BEEN MADE OR INTENDED.
3. PLANNING BOARD ENDORSEMENT UNDER THE SUBDIVISION CONTROL LAW SHOULD NOT BE CONSTRUED AS EITHER AN ENDORSEMENT OR AN APPROVAL OF ZONING LOT AREA OR FRONTAGE REQUIREMENTS.



CLARK RD. PRIVATE ~ 40' WIDE

SPRUCE ST. PRIVATE ~ 40' WIDE

ELM ST. PRIVATE ~ NOT CONSTRUCTED

OWNER  
Louis R. & Amy D. Vermetto  
Trustee of L & A Realty Trust  
4 Ash Street  
Lakeville, MA  
Deed Book: 44838 Pg.120  
Assessor's Map: 42 Block 5  
Parcels: 1,2,3,7,9,10,11,12,13

ANR PLAN  
SPRUCE STREET  
EVERGREEN & CLARK RDS.  
IN  
LAKEVILLE, MA

SCALE: 1"=20' DATE: SEPTEMBER 15, 2020

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

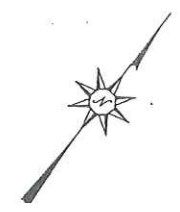
PROFESSIONAL LAND SURVEYOR DATE



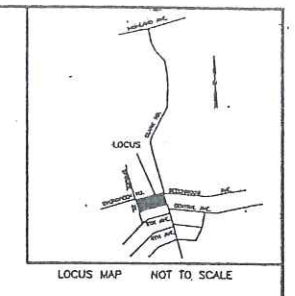
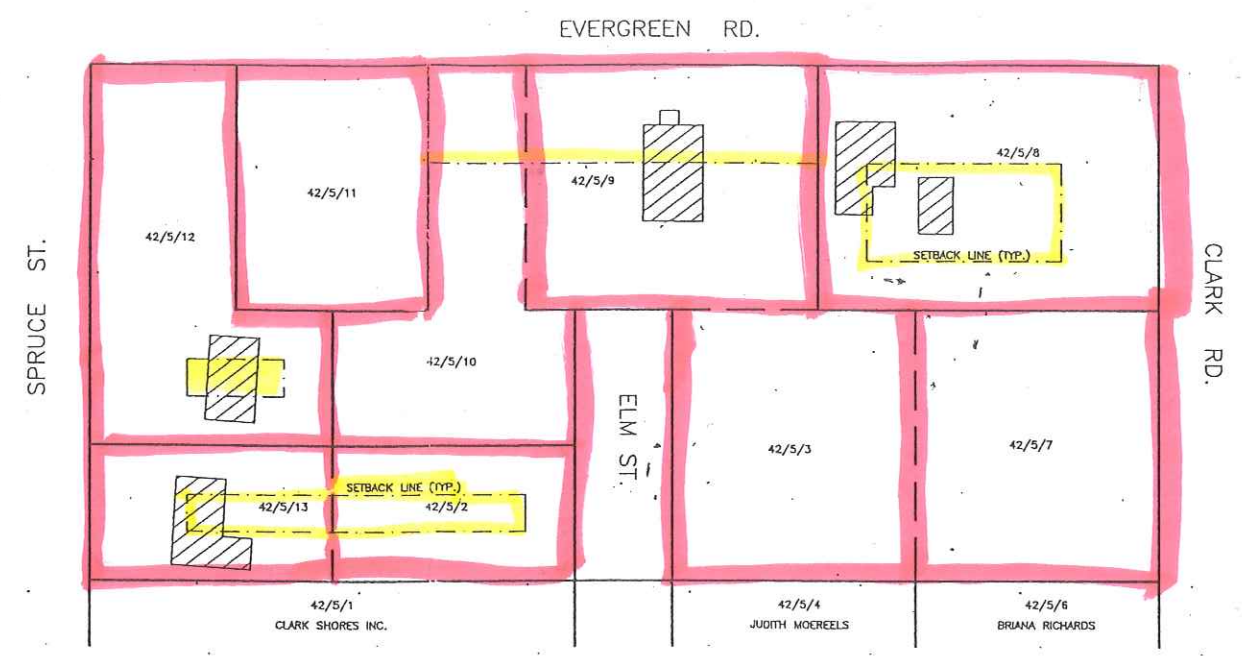
ZENITH LAND SURVEYORS, LLC  
1162 ROCKDALE AVENUE  
NEW BEDFORD, MA 02740  
(508) 995-0160

Drawn By:	Checked By:
JLR	LJP
File Name:	
1 EVERGREEN RD.DWG	

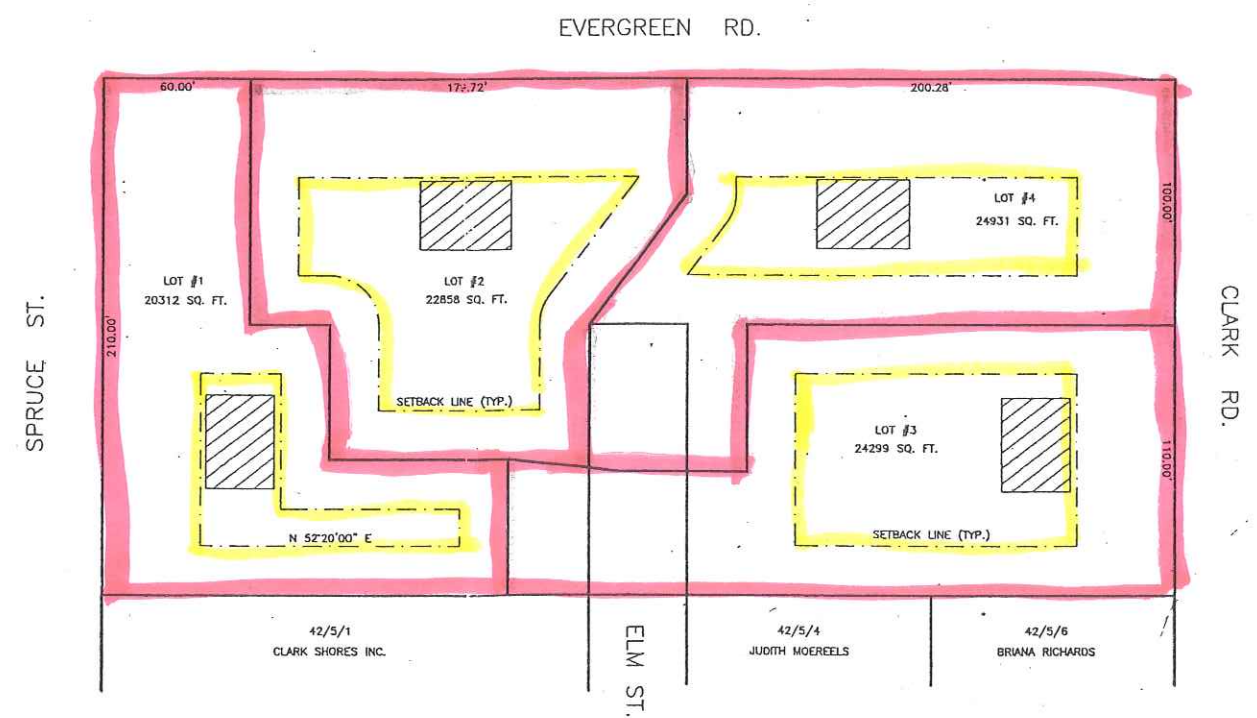




EXISTING



PROPOSED



LOTTING PLAN  
IN LAKEVILLE, MA

PREPARED FOR:  
LOUIS VERMETTE

DATE: 12/09/19 SCALE: 1"=30' JOB No. 215-123

**AZOR**  
LAND SCIENCES, INC.  
CIVIL ENGINEERS & LAND SURVEYORS

328 BEDFORD ST. LAKEVILLE, MA. 02547  
TEL. (508) 846-6427 AZOR328@VERMNET

**Nathan Darling, Building Commissioner & Zoning Enforcement Officer**

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**From:** Nathan Darling, Building Commissioner & Zoning Enforcement Officer  
**Sent:** Thursday, April 04, 2019 9:32 PM  
**To:** Gregg J. Corbo <GCorbo@k-plaw.com> (GCorbo@k-plaw.com)  
**Cc:** Rita Garbitt, Town Administrator  
**Subject:** Lakeville Lot Reconfigurations  
**Attachments:** Evergreen Site Plan Proposal.pdf

Hello Gregg,

I have a proposal in front of me to reconfigure 9 adjacent lots/parcels (see attached). The facts are as follows:

1. The four existing single family homes shown on the plan are in disrepair and are vacant.
2. A local contractor that lives nearby has acquired all 9 properties over the years.
3. He would like to demolish all existing structures, reconfigure lots, build 4 new homes with new septic systems and wells. Currently existing is (3) three bedroom homes and (1) two bedroom home, and the proposal is the same (no increase in septic design flow).
4. This is a part of a 400+ home (133 currently seasonally used), 1960's subdivision, that is mostly 5,000 – 10,000 square foot lots and is in substantial need of redevelopment.

There is no question that the proposal would improve the current condition of all these properties and be in the best interest of the Town and surrounding area. I am looking for guidance as to the legality of going through a Special Permit process for the change to pre-existing non-conforming lot(s) providing they are not substantially more detrimental versus the ever illusive variance process. If either is even possible, would it be prior to, in conjunction with, or after an ANR plan is submitted to the Planning Board?

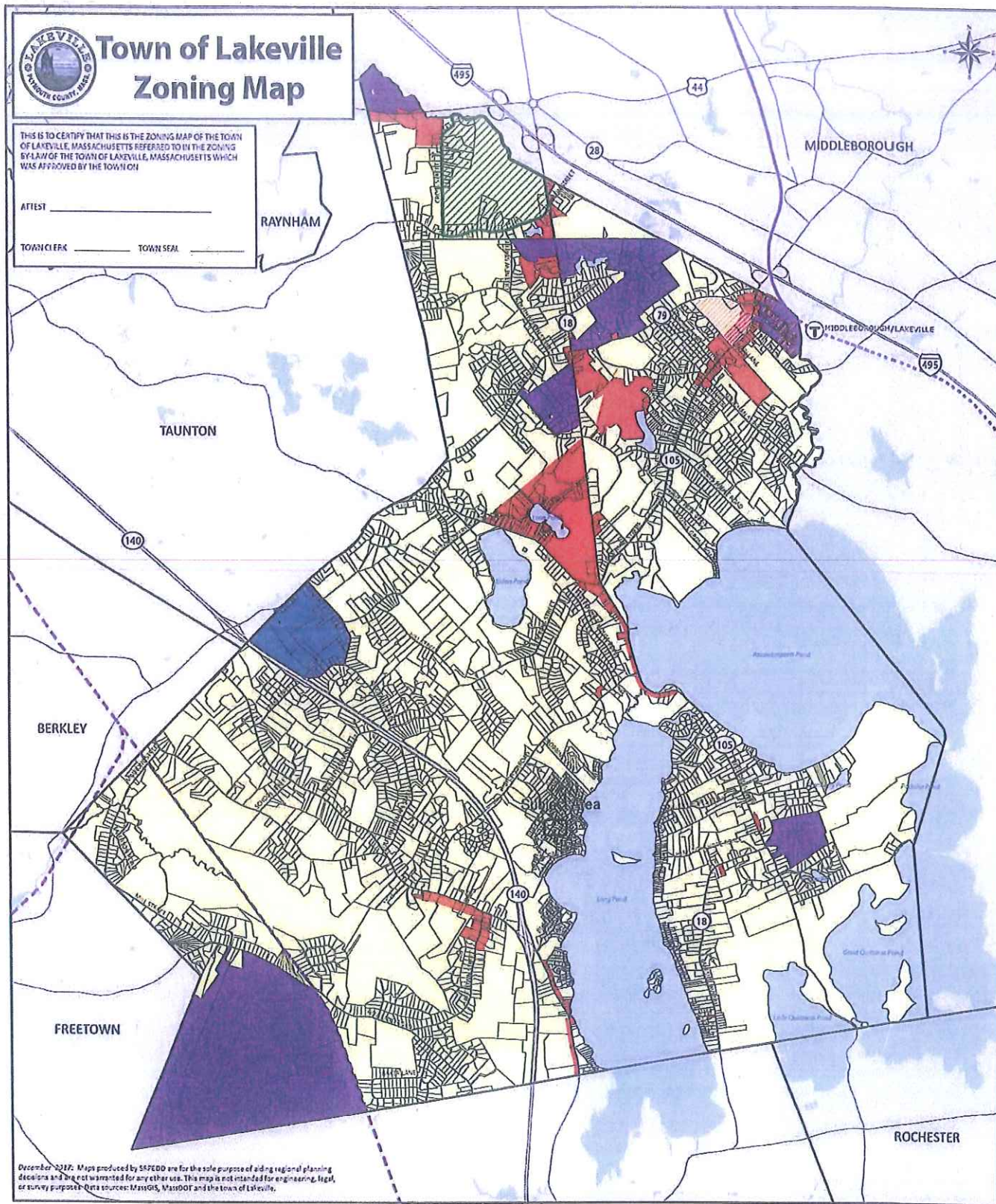
This is a little time sensitive as the contractor is considering going in a less desirable direction if the reconfiguration is not possible. Please do not hesitate calling me if you would like more details (o-508-946-8804 c. 508-930-7504)

Thank you,  
Nate

*Nathan P. Darling*  
Building Commissioner  
346 Bedford Street  
Lakeville, MA 02347  
Phone: 508-946-8804  
Fax: 508-946-8812







**Legend**

- |                |  |                          |                                 |
|----------------|--|--------------------------|---------------------------------|
| Residential    | Mixed Use Development District                 | Municipal Boundaries     | MBTA Active Commuter Stations   |
| Industrial - B | Planned Special Purpose Overlay District (PSP) | Interstates              | MBTA Active Commuter Rail Lines |
| Industrial     | Smart Growth Overlay District (C.40R)          | Arterials and Collectors | MBTA Proposed Commuter Rail     |
| Business       | Water  | Local Roads              |                                 |

#3 Cont.

19-25

Received

JAN 2 - 2020

Lakeville Town Clerk

*[Signature]*

TOWN OF LAKEVILLE  
MASSACHUSETTS

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: January 2, 2020

Louis R. & Amy D. Vermette &  
Louis R. Vermette, Tee L & A Realty Trust  
Owner

Case No: 19-25

Address: 4 Ash Street

Louis R. & Amy D. Vermette &  
Louis R. Vermette, Tee L & A Realty Trust

Lakeville, MA 02347

Premises Affected

1, 3, & 7 Evergreen Rd., 36 Clark Rd & M042-B005-L003,  
26 & 28 Spruce St. & M042-B005-L002

Special Permit Application

Referring to the above application so as to permit  
Changes to property lines that are to be considered by the Planning Board must be reviewed and approved by the Zoning Board to confirm the changes satisfy the zoning bylaws.

After a public hearing on December 19, 2019  
the Appeals Board at its meeting on December 19, 2019

VOTED TO GRANT a Special Permit under Article 6 Section 6.1.3 of the  
Zoning By-law, subject to the following conditions, safeguards and limitation on time or use, if any.

The decision of the Board, together with a detailed record of its proceedings stating the reasons for the decision, shall be filed within 14 days after the hearing in the office of the Town Clerk. Decision filed with Town Clerk on January 2, 2020.

**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 APPEALS BOARD

*[Signature: James M. Swanson]*

Clerk

TOWN OF LAKEVILLE  
MASSACHUSETTS

ZONING BOARD OF APPEALS

RECORD OF PROCEEDINGS

ON APPLICATION FOR A SPECIAL PERMIT

PETITION No. 19-26 DATE FILED November 19, 2019

(Copies of this Record of Proceedings with all attachments must be filed within 14 days of a decision by the Appeals Board in the Office of the Town Clerk.)

I, Jessica M. Lawson, Clerk of the Appeals Board hereby certify that the following is a detailed record of all its proceedings relative to the application.

I, Jessica M. Lawson, Clerk of the Appeals Board hereby certify that the following is a detailed record of all its proceedings relative to the application of:

Louis R. & Amy D. Vermette, 4 Ash Street, Lakeville, MA 02347

(Name and address of Applicant)

for a Special Permit under Section 6.1.3 of the Zoning By-law.

The Applicant desires: Proposed changes to be made through the Planning Board to the lot lines and frontages to be found no more non-conforming than the pre-existing nonconformity.

The premises affected are located at 1, 3, & 7 Evergreen Rd., 36 Clark Rd & M042-B005-L003, 26 & 28 Spruce St. & M042-B005-L002, Lakeville

being in the Residential District, in which the above mentioned use requires a Special Permit from the Appeals Board.

1. On November 19, 2019, an application of which a true copy marked "A" is made a part of this record was presented to the Appeals Board.

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 12/05/19 and on 12/12/19  
(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 December 19, 2019, a hearing was held at the Lakeville Public Library, 4 Precinct Street, at which opportunity was given to all those interested, those to be heard in favor or opposition to said petition, application, or appeal at which hearing:

Mr. Louis Vermette and Atty. Robert Mather were present.

Members present: D. Foster - CH, D. Curtis - VCH, J. Swanson - VCLK,  
J. Gouveia, G. Noble, J. Urbanski

5. Following the hearing the Board made the following specific findings regarding the land in question and the proposed use.
  - a) The eight properties are zoned for residential use.
  - b) The eight properties are owned or controlled by the same family.
  - c) None of the eight properties conforms to zoning because they are all significantly undersized.
  - d) None of the four existing structures (dwellings) conforms to zoning because they all intrude into the setback margins.
  - e) The properties and structures existed before zoning in Lakeville and are therefore preexisting, non-conforming uses and structures.
  - f) The eight properties are contiguous, adjoining, and comprise an overall rectangular parcel bounded by Evergreen Rd. and Clark Rd.
  - g) The proposed plan will merge the eight properties into four larger properties with new lot lines (each property greater than 20,000 SF), thus reducing the non-conformity.
  - h) The four existing structures (dwellings) are vacant and judged to be not habitable.
  - i) Refurbishing the existing structures sufficiently to be habitable and safe is judged to be more costly than the cost to build new, modern, safe, energy-efficient, conforming homes.
  - j) The proposed plan includes four replacement dwellings of a style that is in keeping with the community and adjudged to enhance the value of the immediate neighborhood.
  - k) The proposed plan locates the four new dwellings on the four properties such that all structures conform to all zoning setbacks.
  - l) The ZBA finds that the proposed changes to the properties and structures are not substantially more detrimental than the existing non-conforming structures or uses and is, in fact, a significant improvement to the immediate neighborhood and community and a significant improvement to the non-conformities of the present uses and structures.

- m) The ZBA finds that the proposed changes to the properties, uses, buildings, and structures are in harmony with the general purpose and intent of this By-Law.
- n) The ZBA finds that the advantages of the proposed changes outweigh any detrimental effects, and such detrimental effects on the neighborhood and the environment will not be greater than could be expected from development that could occur if the special permit were denied.
- o) The ZBA finds that the applicant has no reasonable alternative available to accomplish this purpose in a manner more compatible with the character of the immediate neighborhood.

NOTE: Restatement of mandatory provisions and requirements are not to be taken as findings.

6. The Board voted at its meeting on December 19, 2019, as detailed below, to

       DENY the application based on findings as recorded under item 5 herein for the following reasons:

  X   GRANT the application subject to the following conditions, safeguards and limitations on time or use, if any:

1. Building permits will not be issued without Board of Health and Planning Board approvals.

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.

Members voting:   D. Foster – AYE  ,   D. Curtis – AYE  ,   J. Swanson – AYE  ,  
  J. Gouveia – AYE  ,   J. Urbanski- AYE  .

Signature Janice M Swanson

Clerk

#3-CONT.

ZONING BOARD OF APPEALS

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

Date: January 2, 2020

(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 Louis R. & Amy D. Vermette & Louis R. Vermette as Trustee of L & A Realty Trust  
Owner or Petitioner  
ADDRESS 4 Ash Street, Lakeville, MA 02347

By the Appeals Board, affecting the rights of the owner with respect to use of the premises on  
1, 3, & 7 Evergreen Rd., 36 Clark Rd & M042-B005-L003, 26 & 28 Spruce St. & M042-B005-L002  
Identity of Land Affected

The record title standing in the name of  
Louis R. & Amy D. Vermette & Louis R. Vermette as Trustee of L & A Realty Trust

whose address is 4 Ash Street Lakeville MA  
Street City or Town State

by a deed duly received in the Plymouth District,

Registry of Deeds in Book 44838, Page 120, Book 43668, Page 237 Book 43976,  
Page 274, Book 44712, Page 340, Book 44712, Page 342, Book 43976, Page 276,  
Book 45110, Page 95, Book 48337, Page 72.

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 2<sup>nd</sup> day of January, 2020

THE APPEALS BOARD

Donald C. R... Chairman  
Joyce M. ... 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

#3-cont.

THE COMMONWEALTH OF MASSACHUSETTS  
LAKEVILLE  
CITY OR TOWN  
ZONING BOARD OF APPEALS

Date January 2, 2020

NOTICE OF SPECIAL PERMIT

(General Laws Chapter 40A, Section 18 as amended)

Notice is hereby given that a Special Permit has been granted  
To Louis R. & Amy D. Vermette & Louis R. Vermette as Trustee of L & A Realty Trust  
Owner or Petitioner  
Address 4 Ash Street  
City or Town Lakeville, MA 02347

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  
1, 3, & 7 Evergreen Rd., 36 Clark Rd & M042-B005-L003, 26 & 28 Spruce St. & M042-B005-L002  
Street  
Lakeville  
City or Town

the record title standing in the name of  
Louis R. & Amy D. Vermette & Louis R. Vermette as Trustee of L & A Realty Trust

whose address is 4 Ash Street Lakeville MA  
Street City or Town State

by a deed duly recorded in the Plymouth County Registry of Deeds in  
Registry of Deeds in Book 44838, Page 120, Book 43668, Page 237 Book 43976,  
Page 274, Book 44712, Page 340, Book 44712, Page 342, Book 43976, Page 276,  
Book 45110, Page 95, Book 48337, Page 72.  
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. 19-25  
in the office of the Town Clerk Lillian M. Drane  
Certified this 2<sup>nd</sup> day of January, 2020.

THE APPEALS BOARD

Donald C. R. L. Chairman  
Janice M. Drane 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



Peer Review:

Buffers

Light – night lighting for 24-hour operation

Sound – truck backing up noise for 24-hour operation (no more than 10db above ambient pg 17)

Air – Truck exhaust smells

Sign Regulation Adherence (pg 26)

Traffic Study

- Distribution vs. Warehouse
- Follow-up after 6 months and yearly for the next five (or more) years
- Heavy Truck Flow effects upon roads and bridges
- Traffic congestion potential need for traffic light at entrance/exit

Vehicle and pedestrian Movement

- Truck traffic entering/exiting (signage)
- Impact on existing residents/pedestrians

Adequacy of Disposal of Waste

- Septic system for building proposing 556 parking spots/employees
- Trash collection

Protection of Environmental Features

- Wetlands buffers

Stormwater Management

- Mass Dept of Environmental Protection
- Mass Erosion and Sediment Control Guidelines
- Building Design Standards Adherence

Phased Development

- Permits granted in phases to ensure completion of each phase

Dimensional Provisions (pg 93)

- Bulk/height of structures
- Setbacks, open spaces, parking
- Other dimensional criteria

ADA Compliant

Planning Board  
Lakeville, Massachusetts  
Minutes of Meeting  
Thursday, February 13, 2020

On February 13, 2020, the Planning Board held a meeting at the Lakeville Police Station. The meeting was called to order by Chairman Hoeg at 7:30 p.m. Ms. Murray, recording secretary, was audio recording, and LakeCAM was making a video recording of the meeting.

Members present:

Brian Hoeg, Chair; Sylvester Zienkiewicz, Vice-Chair; Peter Conroy, Mark Knox, Barbara Mancovsky

Site Plan Review, continued – 57 Long Point Road

Mr. Hoeg advised they had been asked to accept a continuance in regards to this Site Plan.

Mr. Knox made a motion, seconded by Ms. Mancovsky, to continue the Site Plan for 57 Long Point Road until their next scheduled meeting which was on February 27, 2020. The vote was **unanimous for**.

Site Plan Review, continued – 310 Kenneth W. Welch Drive

Mr. Hoeg advised this had been continued from their last meeting. Mr. Zac Cooper advised that they had made all the changes the Board had requested. The amended plan now showed where the snow storage would be as well as the no parking strips in front of both sides of the existing gravel fire access lane in the back of the building. They also noted the septic system as had been requested. He asked if they had any questions or concerns. There were none.

Mr. Zienkiewicz made a motion, seconded by Mr. Conroy, to sign and approve the Site Plan for 310 Kenneth W. Welch Drive. The vote was **unanimous for**.

ANR Plan – continued – Hickory Lane

Mr. Hoeg advised they had been asked to accept a continuance in regards to this ANR Plan.

Mr. Knox made a motion, seconded by Mr. Conroy, to continue the ANR Plan for Hickory Lane until their next scheduled meeting which was on February 27, 2020. The **vote was unanimous for.**

**Public Hearing** – To amend the Town of Lakeville’s Zoning By-Law Section 8.7.3 “Temporary Licenses for Storage Box,” to designate the Building Commissioner as the licensing authority who may renew the license annually subject to review

Mr. Hoeg read the amendment into the record. He asked if anyone was in attendance to present this. Mr. Conroy advised this had been from the Zoning By-Law Review Advisory Committee and it gave the Building Commissioner authority to grant this license. Mr. Zienkiewicz added they had voted on this before, and it had been passed by Town Meeting. It was found that an error had been made on this portion, and this was a formality to correct that error.

Ms. Mancovsky made a motion, seconded by Mr. Conroy, to accept the amendment. The **vote was unanimous for.**

Mr. Conroy made a motion, seconded by Ms. Mancovsky, to close the hearing. The **vote was unanimous for.**

The hearing closed at 7:37.

**Public Hearing** – To amend the Town of Lakeville’s Zoning By-Law and Zoning Map with respect to the regulation of Marijuana Uses by establishing a Marijuana Overlay District and limiting the operation of Marijuana Uses to such district.

Mr. Hoeg read this zoning amendment into the record. Mr. Knox recused himself as one of the addresses listed was his. Ms. Mancovsky stated this originally came up about a year ago. They had been concerned that the existing zoning would allow marijuana uses to go in to any industrial zone in Town. Some of these areas are adjacent to large subdivisions, close to schools, etc. The idea was where this is already the location of existing facilities to keep any proposed facilities limited to the two Industrial Parks.

Mr. Zienkiewicz advised they had previously gone through all this but because they had not had a fall Town Meeting, they were repeating the process. The time frame for holding a public hearing before a zoning amendment vote at Town Meeting was six months and that time frame had expired. Nothing had changed since the original hearing.

Ms. Mancovsky made a motion, seconded by Mr. Zienkiewicz, to accept the amendment.

**VOTE:** Mr. Zienkiewicz, Mr. Conroy, Ms. Mancovsky, Mr. Hoeg – **AYE**

Mr. Knox – **ABSTAIN**

Mr. Conroy made a motion, seconded by Mr. Zienkiewicz, to close the hearing. The vote was **unanimous for**.

The hearing closed at 7:43.

**Review the following Zoning Board of Appeals petitions:**

1. Turner/Old Field Estates – 44-46 Rhode Island Road

Ms. Mancovsky noted this was a 40B project and in general, the application states the proposed project is sixteen three-bedroom duplex style homes of which four of the units (25%) will be affordable to households earning up to 80% of the area median income. She estimated that amount in Lakeville to be \$75,000. She said that is a pretty high number and when people think about affordable housing, this is not a housing project.

Mr. Zienkiewicz advised this was originally two house lots so this shows what could be done with two lots in a row. Mr. Hoeg asked if anyone would like to make a comment concerning this. Ms. Mancovsky said she wished the developer had considered this as a 40R project if that was possible and she would like that comment forwarded to the ZBA. She also asked if anything had been included regarding the Condo Association. She felt that was an important item to consider.

Ms. Mancovsky made a motion, seconded by Mr. Conroy to send a letter to the ZBA asking if any consideration had been given to submitting the application for this project as a 40R. The Planning Board would also like the Zoning Board to inquire from the developer if they have draft or approved condo documents that can be reviewed. The **vote was unanimous for**.

**Meet with Mr. Mike Nashawaty regarding drainage issues on Pinecrest Drive**

Mr. Hoeg was unsure if any information had been received in regards to this. Mr. Nashawaty said that he had spoken to the President of the Association and a couple of the other residents and they all had the same concern. He has tried to talk to Mr. Maroney and some of the contractors but said they did not care. Ms. Mancovsky asked if they had hired an engineer. Mr. Nashawaty said that they did not have the money to do that and felt the responsibility should be on Mr. Maroney because he was the one that had disturbed the soils.

Mr. Nashawaty explained the water flows down and across the road, and there is silt everywhere. He noted the area from Beechtree and all the way up is completely saturated. The retention pond is now about a foot deep and it used to be about five feet. It is completely silted up and the water is bypassing it and flowing into his land. Mr. Hoeg said the drawings show no water coming off of the road onto the properties on either side of the road all the way down. Mr. Nashawaty understood Mr. Maroney had

the right to build houses and ultimately it would be a benefit but this initial impact on them is not good. He was hoping they could get some type of diversion of the water to one area which would then flow down to the lake. He was only asking for some type of water control.

Ms. Mancovsky asked Mr. Boucher if he was familiar with the parcel and this issue. Mr. Boucher replied he has made a number of trips down there. He would have to agree with Mr. Nashawaty that it is a serious problem. However, where it's coming from and what caused it is another story. He thought all the homes that are there are probably responsible in some measure for the problem that's there now. It has been increasing as more land has been taken up. Ms. Mancovsky asked if he was concerned the water might be running down into the wetlands. He said he was. Mr. Hoeg asked if he thought the frog pond should be dredged. Mr. Boucher said that would be helpful but it would not solve the problem or keep it from continuing.

Mr. Boucher said that there are several factors causing this impact and there is not a simple solution. One of the recommendations that had been made to Mr. Nashawaty was to make a presentation to DEP and see if they can give them some assistance with bringing all the parties together, seeing who is responsible, and what can be done. Ms. Mancovsky suggested getting together with the neighbors to get a quote to hire their own specialist.

Mr. Zienkiewicz noted that there had been a drainage swale system established but it appeared that some of the system had been built and some of the system had been filled with stone. He did not know who or why that was done but the Planning Board does not have police powers in that regard. Mr. Hoeg asked Mr. Boucher if he could discuss this with DEP. Mr. Boucher said that he could work with Mr. Darling to see if they could put something together to see what types of programs may be available. Ms. Mancovsky said it sounds like this issue is beyond the scope of this Board. They can make a recommendation which they have just done to Mr. Boucher.

Mr. Zienkiewicz said there are two more lots there but they will not be released until the road is built. Then there would be no additional land. Mr. Hoeg suggested they ask the developer to open up the drainage ditches that are in front of the other homes that are there. Mr. Knox said they would need to find the Plan of Record that shows the swale on it.

Ms. Mancovsky made a motion, seconded by Mr. Zienkiewicz, to send their comments to the Conservation Commission for their further action. The **vote** was **unanimous for**.

#### Approve Meeting Minutes

Mr. Conroy made a motion, seconded by Mr. Knox, to approve the Meeting Minutes from December 12, 2019. The **vote** was **unanimous for**.

**Old Business - Discuss bylaw creation for design standards for business zoned new construction**

Mr. Knox advised that he and Ms. Mancovsky were working on this. He was away last week and was unable to spend any time on it. He had gotten word that the new Master Plan has a section suggesting they could put some design standards in their standard regulations without changing the bylaw. He did want to look into that. He asked if anyone had any comment.

Mr. Zienkiewicz said that he had read through the handout they had been provided in regards to this. He noted that there were explanations of what they could not legally do. Aesthetics do not count as far as safety and some other items. You can regulate height but not allowed to regulate materials. There are ways of doing it, and he would like to discuss that. They have Site Plan Review and all of the business uses they have were encumbered by what percentage of lot coverage. That is something they could change to get those architectural features. Members then discussed Site Plan review for businesses that were changing use.

Ms. Mancovsky said if they had a Design Review Board and a process articulated, they could have more oversight of the design aesthetics without considering lot coverage. Mr. Hoeg said they could try. Ms. Mancovsky said maybe they could establish a Business District Overlay Zone. Mr. Knox said he would also have a discussion with Mr. Darling.

Mr. Knox asked this item be continued until their next meeting.

**Old Business - Discuss Site Plan review bylaw revision or adaption for "tenant work" in existing business or industrial uses.**

Members felt they had discussed this within the previous agenda item. Mr. Hoeg asked if they wanted to continue the conversation. Mr. Zienkiewicz said he could not see doing a Site Plan Review for tenant work. Mr. Hoeg said yes, if it was a change of use. Ms. Mancovsky said in Brockton, for example, there are criteria that trigger the review. She did not see any criteria in their bylaw. Mr. Zienkiewicz said it would be 1,500 square feet. It was 6.7.2 in the bylaw. Mr. Hoeg then read that into the record. A Site Plan would be required for new construction or for modification of or addition to a business or industrial structure resulting in floor area of over 1,500 square feet in the aggregate.

Ms. Mancovsky asked where the problem was within the bylaw. Ms. Murray advised she thought the reason it had been brought up was due to 310 Kenneth W. Welch Drive. Technically, there shouldn't have been a review done, but there had been a lot of issues with it. Mr. Hoeg said if they hadn't seen it, they wouldn't have been able to tell them not to block that fire road. He felt the more eyes on a project the better it is.

Ms. Mancovsky then made a motion, seconded by Mr. Conroy, to send a memo to the Building Commissioner and ask if this bylaw could be improved and if so in which ways it could be. The vote was **unanimous for**.

**New Business - FY21 Budget presentation with the Board of Selectmen**

The Planning Board was scheduled to meet with the Board of Selectmen on Wednesday, March 4, 2020, at 7:30 p.m. Mr. Zienkiewicz, Ms. Mancovsky, Mr. Conroy, and Mr. Knox were all hoping to attend.

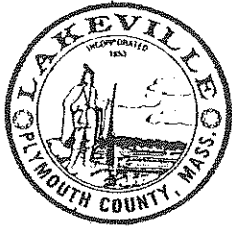
**Next meeting**

Mr. Hoeg advised the next meeting is scheduled for Thursday, February 27, 2020, at 7:30 p.m. at the Lakeville Senior Center.

**Adjourn**

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

Meeting adjourned at 8:55.



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

**APPLICATION FOR SITE PLAN REVIEW**

Name of Applicant: \_\_\_\_\_

Street: \_\_\_\_\_

City/Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

Property Owner Name: \_\_\_\_\_

Street: \_\_\_\_\_

City/Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

Contact Person's Name: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

**SITE INFORMATION**

Street and number: \_\_\_\_\_

Zoning District: \_\_\_\_\_ Map \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

Lot size: \_\_\_\_\_ Frontage: \_\_\_\_\_

Current use: \_\_\_\_\_

**PLAN INFORMATION**

Plan Title: \_\_\_\_\_

Prepared by: \_\_\_\_\_

Date prepared: \_\_\_\_\_ Revision date (s): \_\_\_\_\_



Detailed Description of proposed work: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**TO THE LAKEVILLE PLANNING BOARD:**

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

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Property Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
(if not Applicant)

DRAFT

To be completed by Planning Board staff:

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

Date/initials: \_\_\_\_\_