



My copy

Received & posted: [Signature]
Town Clerk **RECEIVED**
LAKEVILLE TOWN CLERK

TOWN OF LAKEVILLE REMOTE MEETING NOTICE/ AGENDA

2020 DEC 31 PM 2:33

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

Name of Board, Committee or Commission:	Zoning Board of Appeals
Date & Time of Meeting:	Tuesday, January 19, 2021 at 7:00 p.m.
Location of Meeting:	REMOTE MEETING
Clerk/Board Member posting notice	Cathy Murray

AGENDA

- 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 January 19, 2021, public meeting of the **Zoning Board of Appeals** 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/>
- Petition hearings (Votes to be taken)**
 - Bedford Holdings hearing – 33 Bedford Street** – request for a **Special Permit** under **6.6.3.4 & 7.4** to replace an existing, damaged, permitted sign. The proposed replacement sign is approximately 59.7 square feet and the top of the sign will be approximately 17 feet 3 inches above grade.
 - Vermette hearing – 5 Ash Street** – request to modify Decision 07-10 filed with the Town Clerk on November 1, 2007, and remove a seasonal deed restriction. A determination will be made if a **Special Permit** under 7.4 will also be required.
 - Chapin hearing – 41 Clark Road** – request for a **Special Permit** under **6.1.3 & 7.4** to increase the living space on a pre-existing, non-conforming dwelling located on a non-conforming lot by enclosing an existing deck and converting it to a family room.
 - Chapin hearing – 31 Pilgrim Road** – request for a **Special Permit** under **6.1.3 & 7.4** to increase the area of an existing bedroom by 90 square feet on a pre-existing, non-conforming dwelling located on a non-conforming lot.
- Approve Meeting Minutes for ~~November 19, 2020~~ and December 15, 2020**
- Old Business**
- New Business**
- Next meeting. . . Tuesday, February 23, 2021**

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

Read the following into the record:

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G.L. c.30A, §20, relating to the 2020 novel Coronavirus outbreak emergency, the January 19, 2021, public meeting of the **Zoning Board of Appeals** shall be physically closed to the public to avoid group congregation. **However, to view this meeting in progress, please go to [facebook.com/lakecam](https://www.facebook.com/lakecam) (you do not need a Facebook account to view the meeting). This meeting will be recorded and available to be viewed at a later date at <http://www.lakecam.tv/>**

(TOWN OF LAKEVILLE SEAL)

The LAKEVILLE ZONING BOARD OF APPEALS, acting in accordance with MASS GENERAL LAWS CHAPTER 40A, as amended, will conduct a public hearing on TUESDAY, January 19, 2021, at 7:00 P.M. to hear the petition of **Bedford Holdings**. A **Special Permit** under **6.6.3.4, and 7.4** is requested to replace an existing damaged sign. The present sign was issued a Special Permit from the Lakeville Zoning Board of Appeals in 2016. The proposed sign will be approximately 59.7 square feet and the top of the sign will be approximately 17 feet 3 inches above grade, as provided by the Lakeville By-Laws. The property site is **33 Bedford Street** and is located in the business zone.

Pursuant to Governor Baker's emergency "Order Suspending Certain Provisions of the Open Meeting Law, G.L. c30A, §20," issued on March 12, 2020, provided the State of Emergency is in effect, this will be a virtual meeting. The Agenda found on the Town of Lakeville Zoning Board of Appeals web page will include instructions on accessing the virtual meeting and documents related to it.

John Olivieri, Jr., Chairman

December 31, 2020 & January 7, 2021



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

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

To: Zoning Board of Appeals

Date: January 13, 2021

From: Conservation Commission

RE: Petitions for Hearing: 33 Bedford St, 5 Ash St., 31 Pilgrim Rd, 41 Clark Rd.

- **33 Bedford St.** – No hearing is scheduled. There are no wetland issues with this project or location.
- **5 Ash St.** - No hearing scheduled. Demolition of the existing structure inside the 100' buffer zone will require a Request for Determination of Applicability (RDA). New construction and/or septic system upgrade may require a Notice of Intent (NOI).
- **31 Pilgrim Rd.** – No hearing scheduled. Proposed construction in areas adjacent to wetland will require a Request for Determination of Applicability (RDA) at a minimum.
- **41 Clark Rd.** - No hearing scheduled. There are no wetland concerns at this location and no action is required at this time.

Sincerely,

Robert J. Bouchard
Conservation Agent

Petition to be
filed with Town Clerk

EXHIBIT "A"

TOWN OF LAKEVILLE
MASSACHUSETTS

ZONING BOARD OF APPEALS
PETITION FOR HEARING

RECEIVED
NOV 18 2020
BOARD OF APPEALS

Name of Petitioner: Bedford Holdings, LLC

Mailing Address: 275 Martime St. Fall River, MA 02723

Name of Property Owner: Bedford Holdings, LLC

Location of Property: 33 Bedford Street Lakeville, MA 02347

Property is located in a residential business industrial (zone)

Registry of Deeds: Book No. 37741 Page No. 198

Map 024 Block 004 Lot 003

Petitioner is: owner tenant licensee prospective purchaser

Nature of Relief Sought:

Special Permit under Section (s) 6.6.3.4 & 7.4 of the Zoning Bylaws

Variance from Section (s) _____ of the Zoning Bylaws.

Appeal from Decision of the Building Inspector/Zoning Enforcement Officer

Date of Denial _____

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

See attached

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

Petitioner: RICHARD CARRIG TREASURER Date: 11/18/20

Signed: [Signature] Telephone: 508-677-9234

Owner Signature: _____ Owner Telephone: _____

(If not petitioner)

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

WILL YOU HAVE A REPRESENTATIVE OTHER THAN YOURSELF?

Yes No

Jamie Bissonnette, Manager
(Name and Title)



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

NARRATIVE IN SUPPORT
OF A SPECIAL PERMIT
FOR 33 BEDFORD STREET
LAKEVILLE, MA 02347

PREPARED FOR:

BEDFORD HOLDINGS, LLC
275 MARTIME ST.
FALL RIVER, MA 02723

PREPARED BY:

ZENITH CONSULTING ENGINEERS, LLC.
3 MAIN STREET
LAKEVILLE, MA 02347

NOVEMBER 17, 2020

EXISTING SITE CONDITIONS

The locus site, 33 Bedford Street, is located on the westerly side of Bedford Street and the southern side of Taunton Street. The site is presently a Mobil gas station with convenience store on approximately 42,225 sf of land. A special permit for the existing sign was issued in 2016 by the Lakeville Zoning Board of Appeals see Plymouth County Registry of Deeds book 37741 page 198. In October of 2020 the sign was damaged and is in need of replacement.

PROPOSED SITE IMPROVEMENTS

The applicant is proposing to remove the existing damaged sign and install a new sign with associated landscape area. This sign will be approximately 59.7 sf and the top of the sign will be approximately 17'-3" above grade.

SPECIAL PERMIT CONDITIONS

The client is looking to remove the existing damaged sign and install a new sign in the same area. The new sign will meet the town of Lakeville zoning requirements with the exception of overall area. The improvements, as proposed, will not negatively impact the neighborhood and will, in fact, enhance the aesthetics.

Locus: 33 Bedford Street in Lakeville, MA
Assessors Map 024 Block 004 Lot 003

Zoning Board of Appeals Petition for Hearing Attachments

- 1 Notice to Tax Collector**
- 2 Copy of Current Deed**
- 3 USGS Map**
- 4 Firm Map**
- 5 Copies of Checks**
- 6 Proposed Sign**
- 7 Reduced Proposed Site Plan Package (11 x 17)**

Copy of Current Deed

PLYMOUTH
 DEEDS REG#18
 PLYMOUTH
CANCELLED
 09/23/09 3:18PM 01
 000000 #4691

Received & Recorded
 PLYMOUTH COUNTY
 REGISTRY OF DEEDS
 23 SEP 2009 02:51PM
 JOHN R. BUCKLEY, JR.
 REGISTER
 Bk 37741 Pg 198-199

FEE \$8892.00
 CASH \$8892.00

DEED

Alexander Argiros, Trustee of Lakevillage Realty Trust under a Declaration of Trust dated November 9, 2000 and recorded with Plymouth Registry of Deeds in Book 19057, Page 123 for consideration paid of One Million Nine Hundred Fifty Thousand (\$1,950,000.00) Dollars grants to Bedford Holdings, LLC, a Massachusetts limited liability company, 291 MIDDLE ST. FALL RIVER MA 02724

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

Property - 33 Bedford St. Lakeville

PARCEL ONE:

The land with any improvements thereon situated on the Westerly side of Bedford Street in Lakeville, Plymouth County, Massachusetts, and being shown as Lot "A" on the plan entitled "A Plan of property in Lakeville, MA prepared for Gerald R. White" dated July 2, 1984 and recorded with Plymouth County Registry of Deeds in Plan Book 24, Page 830 as Plan #564 of 1984; said Lot A is bounded and described as follows:

Beginning at a point on the Westerly side of Bedford Street at the Northeasterly corner of Lot "B" on said Plan;
 thence North 51° 41' West 50.40 feet by land now or formerly of K. E. Belben as shown on said plan;
 thence by said Belben land South 81° 02' 13" West 65.00 feet;
 thence by said Belben land North 8° 57' 47" West 71.30 feet;
 thence South 81° 02' 13" West 100.00 feet;
 thence by land now or formerly of E. Holloway South 8° 57' 47" East 111.60 feet;
 thence by said Lot "B" on said plan North 81° 02' 13" East, 200.00 feet to said point of beginning.

Containing 13,897 square feet, more or less according to said plan to which reference is hereby made for a more particular description of said Lot "A".

PARCLE TWO:

Four certain parcels of land, with the buildings thereon, in Lakeville, Plymouth County, Massachusetts. Three parcels situated on the Westerly side of Bedford Street and one parcel situated on the easterly side of Taunton Street, being shown as Lots 1, 2, 3 and 5 on a plan entitled "Plan of Land in Lakeville, Mass., Lot Number-Owner, 1 and 2 Heirs of William J. Belben, 3 Frank M. Jefferson, 4 Kenneth E. Belben, 5 Ester L. Holloway, Scale 1"=40' April 23, 1971, Harry G. Norris-Surveyor," recorded with Plymouth Registry of Deeds on February 25, 1972 as Plan #163 of 1972 in Book 3754, Page 602 to which plan reference may be had for more particular description of said above mentioned lots.

PARCLE THREE:

A triangular parcel of land off the westerly side of Bedford Street, also known as Route 18 in Lakeville, Plymouth County, Massachusetts, being more particularly bounded and described as follows:

Beginning at a point which is situated North 51° 41' West 50.40 feet from a point in the Westerly sideline of Bedford Street which latter point forms the northeasterly corner of Lot "B" shown on a plan entitled: A Plan of Property in Lakeville, MA prepared for Gerald R. White" dated July 2, 1984 and duly recorded with Plymouth County Registry of Deeds;

thence by Lot "A" on said plan South 81° 02' 13" West by Lot "A" on said plan, 65.00 feet;

thence by said Lot "A" North 8° 57' 47" West 71.30 feet to the northerly corner of said Lot "A";

thence by land now or formerly of Leslie L. Belben, South 51° 41' East to the point of beginning.

The above described premises are conveyed together with the benefit of and subject to all rights, rights of way, restrictions, easements and reservations of record if the same are in force an applicable.

For title see Deed recorded with Plymouth Registry of Deeds in Book 19057, Page 130.

Property Address: 33 Bedford Street, Lakeville, MA 02347.

Witness my hands and seals this 33rd day of SEPTEMBER, 2009.

Alexander Argiros

Alexander Argiros, Trustee of Lakevillage Realty Trust

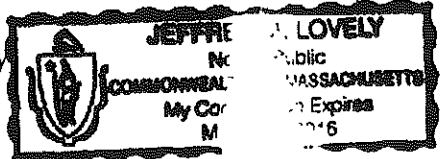
STATE OF MASSACHUSETTS
COUNTY OF Plymouth

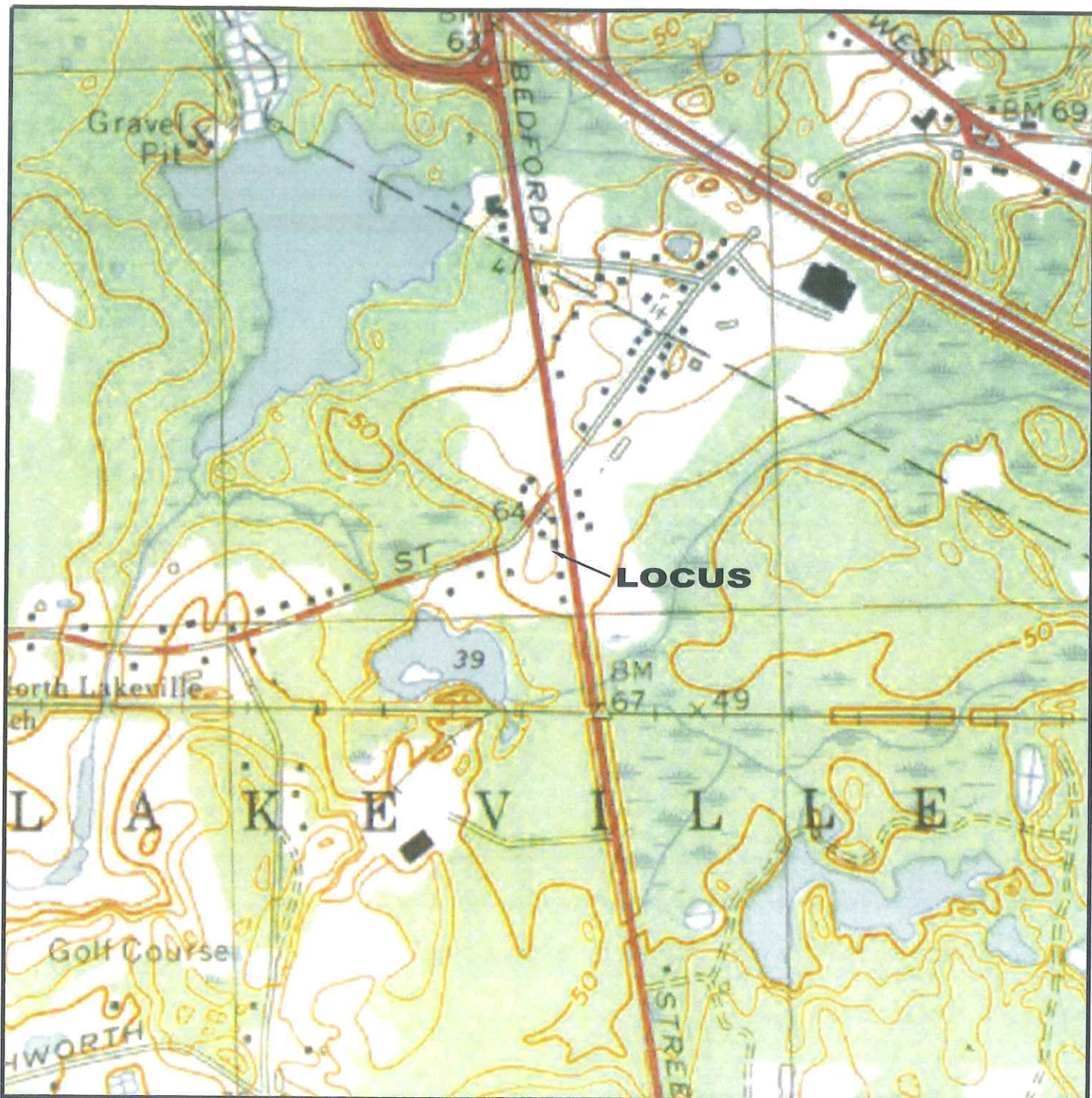
On this 33rd day of SEPTEMBER, 2009, before me, the undersigned notary public, personally appeared Alexander Argiros, proved to me through satisfactory evidence of identification, which were MASS DRIVERS LICENSE, to be the person whose name is signed on the preceding or attached document and acknowledged to me that he signed it voluntarily for its stated purpose, as Trustee of Lakevillage Realty Trust.

Jeffrey M. Lovely (official signature and seal of notary)

My commission expires: 3/25/16

JEFFREY M. LOVELY





SHEET NAME:

USGS MAP

PROJECT SITE:

**33 BEDFORD STREET
LAKEVILLE, MASSACHUSETTS**

CLIENT INFO:

**BEDFORD HOLDINGS, LLC.
FALL RIVER, MA 02723**



ZENITH CONSULTING ENGINEERS, LLC

3 MAIN STREET LAKEVILLE, MA 02347

PHONE: (508) 947-4208

FIRM Map

National Flood Hazard Layer FIRMette



70°57'45"W 41°53'35"N



USGS The National Map: Orthoimagery, Data refreshed October, 2020.



70°57'7"W 41°53'8"N

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes, Zone X
		Area with Flood Risk due to Levee Zone X

OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
		Area of Undetermined Flood Hazard Zone X
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall

OTHER FEATURES		Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
		Profile Baseline
OTHER FEATURES		Hydrographic Feature

MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **11/17/2020 at 6:52 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

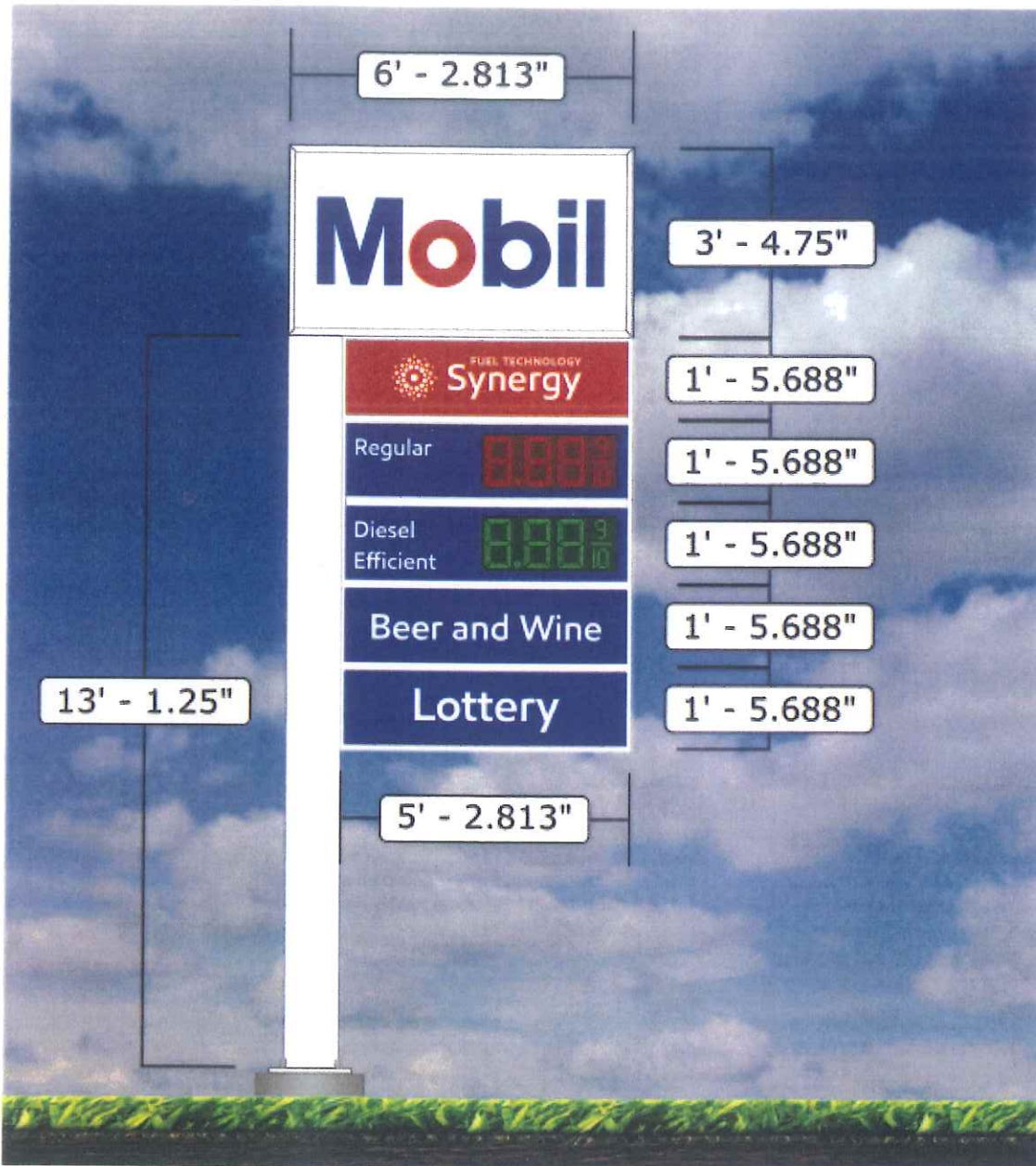
This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.




Proposed Sign

Customer: Mobil
 Sign System: B Model
 System Color: Egg Shell White
 Overall Height: 17'-0"
 Pole Height: 13'-1.25"
 Ground Clearance: 6'-2.81"
 Total Square Footage: 72.853'
 5 Line Auxiliary Cabinet Height:
 7'-4.44"
 Wind Load: 58 psf
 Digit Size: 10", 10"
 LED Illumination: 5.55 Amps

MOBIL ID- 21.2 SQ FT
5 LINE CABINET-38.5
SQ FT
TOTAL= 59.7 SQ FT



ExxonMobil MID

		<small>DISCLAIMER: Renderings are for graphic purposes only and not intended for actual construction dimensions. For windload requirements, actual dimensions and mounting detail, please refer to engineering specifications and install drawings. These drawings and designs are the exclusive property of Everbrite LLC Use of, or duplication in any manner without express written permission of Everbrite LLC is prohibited.</small>	
Customer: Mobil		Description: B MID	
Project No: PP438397A	Scale: N/A	Customer Approval: NOTE: Unless specified by customer, all depth of embossing will be determined by Everbrite Engineering or existing customer specifications on file. Colors and graphics on file will be used unless otherwise specified by customer.	
Date: 10/22/2020	Drawn By: KE	Please read carefully, check appropriate <input type="checkbox"/> Sketch OK as is	
Location & Site No: EM33ADR, 33 BEDFORD ST., LAKEVILLE, MA, 02347		box and fax back to Everbrite: <input type="checkbox"/> New	
		Sketch Required <input type="checkbox"/>	
		_____ SIGNATURE	
		_____ DATE	

Reduced Proposed Site Plan Package (11 x 17)

Petition to be
filed with Town Clerk

EXHIBIT "A"

TOWN OF LAKEVILLE
MASSACHUSETTS

ZONING BOARD OF APPEALS
PETITION FOR HEARING

Name of Petitioner: Louis Vermette

Mailing Address: 4 Ash Street, Lakeville, MA 02347

Name of Property Owner: Louis Vermette/ L&A Realty Trust

Location of Property: 5 Ash Street

Property is located in a residential business industrial (zone)

Registry of Deeds: Book No. 37038 Page No. 305-306

Map 042 Block 006 Lot 003

Petitioner is: owner tenant licensee prospective purchaser

Nature of Relief Sought: Remove seasonal restrictive deed

Special Permit under Section (s) of the Zoning Bylaws

Variance from Section (s) of the Zoning Bylaws.

Appeal from Decision of the Building Inspector/Zoning Enforcement Officer

Date of Denial

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

Ask Board members to lift deed restriction of seasonal home to year round home
per property changes and upgrades

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

Petitioner: Louis Vermette

Date: November 11, 2020

Signed: [Signature]

Telephone: 508-509-5428

Owner Signature: _____
(If not petitioner)

Owner Telephone: _____

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

WILL YOU HAVE A REPRESENTATIVE OTHER THAN YOURSELF?

Yes No

(Name and Title)

RECEIVED
NOV 19 2020
BOARD OF APPEALS

5 Ash Street Lakeville MA 02347

Remove Seasonal Deed Restriction

11.11.2020

I Louis Vermette

respectfully ask the ZBA board to lift the seasonal deed restriction per ZBA approval November 7th, 2007 (see attached) to a year-round dwelling per property upgrades

- Acquired abutting property behind 5 Ash properties. 8 Hollis Ave (10,000 sq') to expand property square footage to 21,350' from 11,350' (Deed attached)
- Installed new conventional septic system per BOH approvals in lieu of tight tank (COC attached along with all documentation)
- Signed affidavit from neighbor Fred Dewhurst (affidavit attached)

Here is the history of the property showing how we got to this request

- 11.01.2007 ZBA granted a special permit with deed restriction for a 3-bedroom seasonal dwelling with a title V tight tank on 11,350 sq.' lot
- 05.16.2008 I purchased 8 Hollis Ave from Emanuel Machado for the sum of \$ 50,000.00. Property was made up of a 2-bedroom dwelling on 10,000 sq' lot. Eventually I would tear down dwelling combine lots (21,350 sq') and install new conventional septic system with BOH approvals
- 01.07.2009 AZOR land Science and I applied at BOH for Title V local upgrade variance request. This was approved with some request and concerns
- 04.08.2008 I combine the 2 lots together per request from BOH making 5 Ash & 8 Hollis 1 lot combined with a total of 21,350 sq' of property with 1 dwelling
- 12.09.2009 BOH approved Title V Local Variance Request with all request and concerns satisfied (Dewhurst signed affidavit, combing lots)
- 09.13.2011 New septic was installed per BOH approvals and the Certificate of Compliance was issued (See attached)

Respectfully
Louis Vermette

ZONING BOARD OF APPEALS

NOTICE FOR RECORDING IN THE REGISTRY
OF A DECISION ON A VARIANCE

114045
Received & Recorded
PLYMOUTH COUNTY
REGISTRY OF DEEDS
21 NOV 2007 01:25PM
JOHN R. BUCKLEY, JR.
REGISTER
Bk 35322 Pg 277-285

Date: November 1, 2007

(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 VARIANCE has been granted in compliance with statutory requirements as set forth in Chapter 40A as amended

TO Louis Vermette
Owner or Petitioner
ADDRESS P.O. Box 850, Lakeville, MA 02347

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

5 Ash Street, Lakeville, MA 02347
Identity of Land Affected

The record title standing in the name of

Louis Vermette

whose address is P.O. Box 850 Lakeville MA
Street City or Town State

by a deed duly received in the Plymouth District,

Registry of Deeds in Book 30721 , Page 280

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 1 day of November , 2007 .

THE APPEALS BOARD

Dwight C. [Signature] Chairman
John Vermette 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.

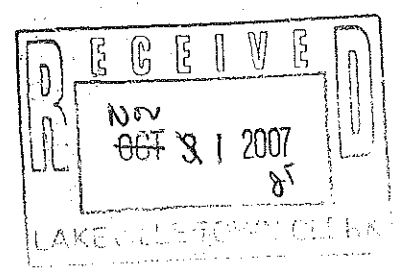
Janet L. Tracy
Signature and seal of the Town Clerk
E

TOWN OF LAKEVILLE
MASSACHUSETTS

ZONING BOARD OF APPEALS

NOTICE OF DECISION

ON VARIANCE



(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: November 1, 2007

Louis Vermette Case No: 07-10

Owner Address: P.O. Box 850

Louis Vermette Lakeville, MA 02347

Premises Affected
5 Ash Street Variance Application

Referring to the above application so as to permit
To demolish an existing structure and build a new dwelling on a non-conforming lot.

After a public hearing on October 18, 2007
the Appeals Board at its meeting on October 18, 2007

VOTED TO GRANT a VARIANCE under Article 8 Section 8.2.2 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 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 November 1, 2007.

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
John Casey
Clerk

TOWN OF LAKEVILLE
MASSACHUSETTS

ZONING BOARD OF APPEALS

RECORD OF PROCEEDINGS

ON APPLICATION FOR A VARIANCE

PETITION No. 07-12, DATE FILED August 28, 2007

(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, John Veary, Clerk of the Appeals Board hereby certify that the following is a detailed record of all its proceedings relative to the application.

I, John Veary, Clerk of the Appeals Board hereby certify that the following is a detailed record of all its proceedings relative to the application of

Louis Vermette, P.O. Box 850, Lakeville, MA 02347

(Name and address of Applicant)

for a Variance under Section 8.2.2 of the Zoning By-law.

The Applicant desires to: To demolish an existing structure and build a new dwelling on a non-conforming lot.

The premises affected are located at 5 Ash Street, Lakeville, MA

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

1. On August 28, 2007 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 10/04/07 and on 10/11/07.

(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 October 18, 2007 a hearing was held at the Lakeville Public Library, 4 Precinct Street at which opportunity was given to all those interested to be heard in favor or opposition to said petition, application or appeal at which hearing

Mr. Louis Vermette was present

Members present: D. Foster - CH , D. Curtis - VCH , J. Beneski ,
E. Levitt , J. Olivieri, Jr. , C. Zimmerman ,

5. Following the hearing the Board made the following specific findings regarding the land in question and the proposed use.
 - a) The new structure would be substantially better than the existing structure and would constitute and improvement to the neighborhood.
 - b) The new structure would intrude into the setback less than the original structure and would thus be less non-conforming than the original structure.
 - c) Proper maintenance of the tight tank will be the responsibility of the property owner.
 - d) The new structure would impose no detriment to the public good and no derogation from the intent or purpose of this By-Law.

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

6. The Board voted at its meeting on October 18, 2007, 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:

- a) The footprint will not exceed 24' x 36'.
- b) The house will remain a seasonal dwelling.
- c) This approval does not include approval for a deck.

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 present D. Foster - AYE , D. Curtis - AYE , J. Beneski - AYE ,
E. Levitt - AYE , C. Zimmerman - AYE , _____

Signature John Curry
Clerk

TOWN OF LAKEVILLE
MASSACHUSETTS

ZONING BOARD OF APPEALS
PETITION FOR HEARING

Name of Petitioner: LOUIS VERMETTE

Mailing Address: P.O. BOX 850 LAKEVILLE, MA. 02347

Name of Property Owner: SAME

Location of Property: #5 ASH ST.

Property is located in a residential business industrial (zone)

Registry of Deeds: Book No. 30721 Page No. 280

Map 42 Block 6 Lot 3

Petitioner is: owner tenant licensee prospective purchaser

Nature of Relief Sought:

Special Permit under Section (s) _____ of the Zoning Bylaws

Variance from Section (s) 6.1.8. of the Zoning Bylaws.

Appeal from Decision of the Building Inspector/Zoning Enforcement Officer

Date of Denial _____

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

PETITIONER SEEKS TO RAZE EXISTING DWELLING AND REPLACE WITH DWELLING 11% LARGER ON LOT LESS THAN 20,000 S.F. NEW DWELLING WILL MEET MIN. SETBACK DISTANCES.

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

Petitioner: LOUIS VERMETTE

Date: 8-7-07

Signed: [Signature]

Telephone: 508-509-5428

Owner Signature: [Signature]

Owner Telephone: _____

(If not petitioner)

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

WILL YOU HAVE A REPRESENTATIVE OTHER THAN YOURSELF?

Yes No

JONATHAN PINK, P.L.S.
(Name and Title)



The LAKEVILLE ZONING BOARD OF APPEALS, acting in accordance with MASS GENERAL LAWS CHAPTER 40A, as amended, will conduct a public hearing on THURSDAY, October 18, 2007, at 7:15 P.M., in the LAKEVILLE PUBLIC LIBRARY, 4 PRECINCT STREET, upon the petition of Louis Vermette for a Variance to demolish an existing structure and build a new dwelling on an non-conforming lot located at 5 Ash Street, Lakeville as provided by the Lakeville By-Laws.
Donald A. Foster, Chairman



The LAKEVILLE ZONING BOARD OF APPEALS, acting in accordance with MASS GENERAL LAWS CHAPTER 40A, as amended, will conduct a public hearing on THURSDAY, October 18, 2007, at 7:15 P.M., in the LAKEVILLE PUBLIC LIBRARY, 4 PRECINCT STREET, upon the petition of Louis Vermette for a Variance to demolish an existing structure and build a new dwelling on an non-conforming lot located at 5 Ash Street, Lakeville as provided by the Lakeville By-Laws.
Donald A. Foster, Chairman
October 4, & October 11, 2007



**TOWN CLERK'S OFFICE
NOTICE**

There will be a meeting of the Lakeville

ZONING BOARD OF APPEALS

THURSDAY, October 18, 2007 7:00 P.M.

on at

LAKEVILLE PUBLIC LIBRARY, 4 Precinct Street

Place

Remarks:

- 7:00 - Regular meeting
- 7:15 - Garvey hearing-continued,
Vermette hearing
- Station Street Development LLC
hearing - continued

This notice is posted in accordance with the provisions of section 4, Chapter 626 Acts of 1958 as amended.

Posted Oct. 4, 2007

Janet L. Tracy
Janet L. Tracy, Town Clerk

"C"

ZONING BOARD OF APPEALS

NOTICE FOR RECORDING IN THE REGISTRY
OF A DECISION ON A VARIANCE

Date: November 1, 2007

(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 VARIANCE has been granted in compliance with statutory requirements as set forth in Chapter 40A as amended

TO Louis Vermette

Owner or Petitioner

ADDRESS P.O. Box 850, Lakeville, MA 02347

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

5 Ash Street, Lakeville, MA 02347

Identity of Land Affected

The record title standing in the name of

Louis Vermette

whose address is P.O. Box 850 Lakeville MA

Street City or Town State

by a deed duly received in the Plymouth District,

Registry of Deeds in Book 30721, Page 280

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 1 day of November, 2007.

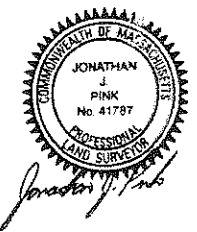
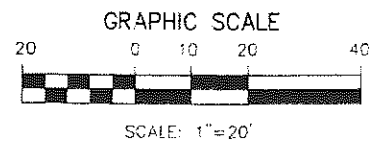
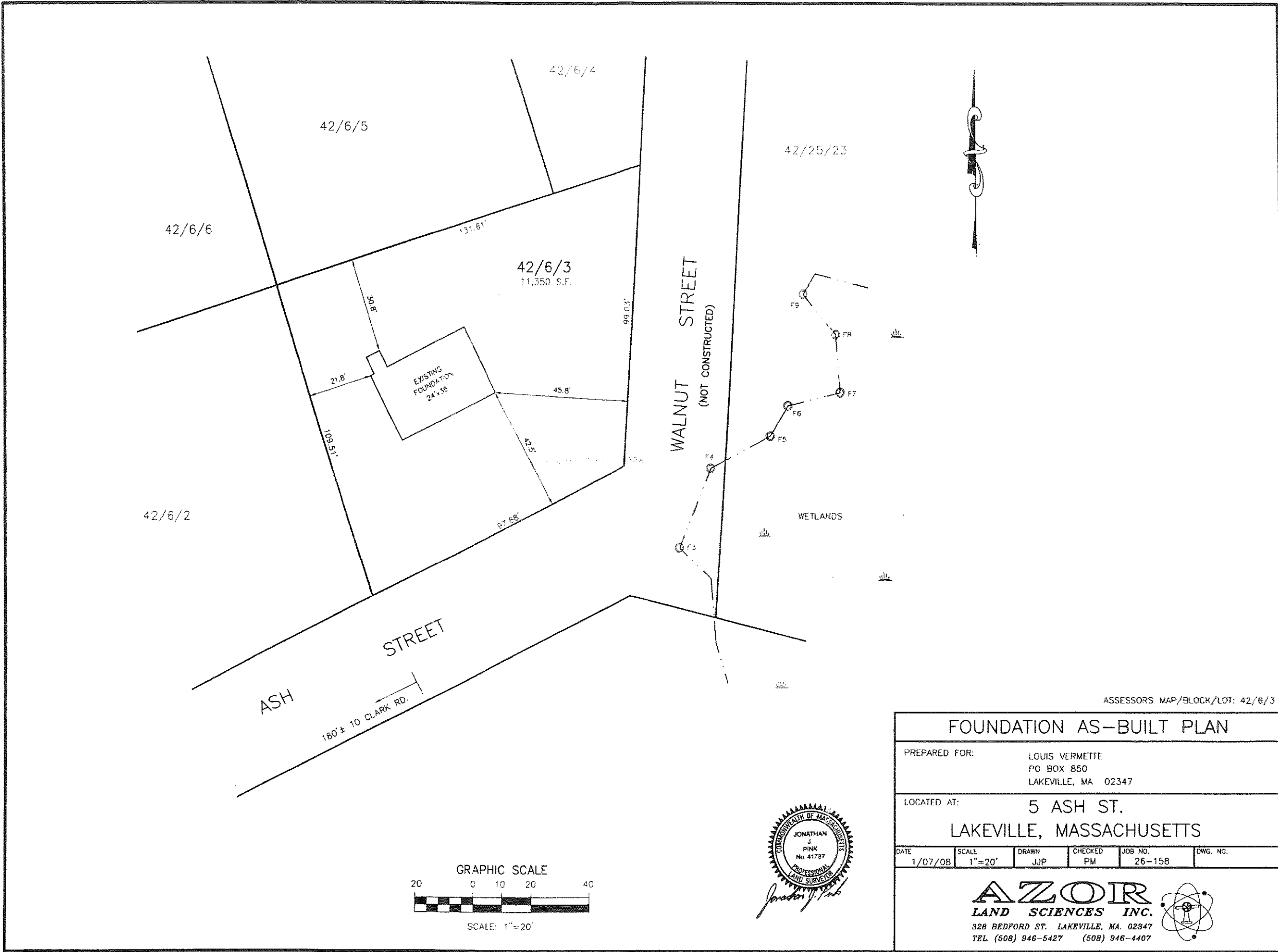
THE APPEALS BOARD

Dwight C. Bell Chairman
John Veary 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



ASSESSORS MAP/BLOCK/LOT: 42/6/3

FOUNDATION AS-BUILT PLAN					
PREPARED FOR:		LOUIS VERMETTE PO BOX 850 LAKEVILLE, MA 02347			
LOCATED AT:		5 ASH ST. LAKEVILLE, MASSACHUSETTS			
DATE	SCALE	DRAWN	CHECKED	JOB NO.	DWG. NO.
1/07/08	1"=20'	JJP	PM	26-158	
 AZOR LAND SCIENCES INC. 328 BEDFORD ST. LAKEVILLE, MA. 02347 TEL. (508) 946-5427 (508) 946-4407					

The Commonwealth of Massachusetts

Permit # 07-87



Fee: \$40.00 (pd)

TOWN OF LAKEVILLE

346 BEDFORD STREET

LAKEVILLE, MA 02347

PHONE: 508-946-8804

FAX: 508-946-8812

OCCUPANCY PERMIT

"No building nor structure shall be erected, and no land, building or structure shall be used for new, different, change, or enlarged use without a Building Permit therefore first having been obtained from the Building Inspector. No building shall be occupied until a certificate of occupancy has been issued by the Building Inspector."

Issued to: Louis Vermette

Address: 5 Ash Street (42-6-3)

Wiring Inspector: John E. Beech Inspection Date: May 8, 2008

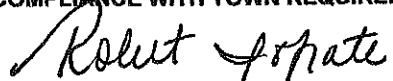
Plumbing Inspector: Jay Catalano Inspection Date: May 19, 2008

Fire Department: Lt. William Purcell Inspection Date: June 4, 2008

Building Inspector: Paul Bourgeois Inspection Date: June 19, 2008

Gas Inspector: Frederick Parmenter Inspection Date: N/A

THIS PERMIT WILL NOT BE VALID, AND THE BUILDING SHALL NOT BE OCCUPIED UNTIL SIGNED BY THE BUILDING INSPECTOR UPON SATISFACTORY COMPLIANCE WITH TOWN REQUIREMENTS.



Robert Iafrate, Building Commissioner

June 20, 2008

Building Permit # 07-273

Received & Recorded
 PLYMOUTH COUNTY
 REGISTRY OF DEEDS
 19 MAY 2008 02:03PM
 JOHN R. BUCKLEY, JR.
 REGISTER
 Bk 35981 Pg 105-106

CASH \$228.00
 FEE \$228.00
 05/19/08 11:57PM
 000000 #9835
 04
 PLYMOUTH DEED REG#18 PLYMOUTH
CANCELLED

DEED

I, **EMANUEL MACHADO**, of Medford, Middlesex County, Massachusetts for consideration paid of Fifty Thousand (\$50,000.00) Dollars grant to **LOUIS R. VERMETTE** as **Trustee of L. & A. REALTY TRUST** under Certificate of Trust dated May 16, 2008 and recorded herewith with an address of P. O. Box 850, Lakeville, Plymouth County, Massachusetts with **QUITCLAIM COVENANTS** the land in Lakeville, Plymouth County, Massachusetts, being shown as Lot #740 on "Plan of Indian Rock Shores, New England Acres, Inc. Prop, Long Pond of Lakeville, Mass., with additions and alterations to September, 1954 Benj. R. Evans, Surveyor" and filed as Plan #639 of 1954 with the Plymouth County Registry of Deeds, and being bounded and described as follows:

NORTHERLY	by Holly Street, 50 feet;
EASTERLY	by Lot 741, 100 feet;
SOUTHERLY	by Lot 748, 50 feet; and
WESTERLY	by Lot 739, 100 feet; and all according to said plan.

ALSO the land in Lakeville, Plymouth County, Massachusetts, being shown as Lot #739 on "Plan of Indian Rock Shores New England Acres, Inc., Prop, Long Pond of Lakeville, Mass., which additions and alterations to May 16, 1955, Benj. R. Evans Surveyor Scale 1"=100'" recorded filed as Plan #290 of 1955 with the Plymouth County Registry of Deeds, and bounded and described as follows:


NORTHWESTERLY	50' by Holly Street;
NORTHEASTERLY	100' by Lot No. 740;
SOUTHEASTERLY	50' by Lot No. 747;
SOUTHWESTERLY	100' by Lot No. 738; and all according to said plan.

Being the same premises described in deed from Ruth A. Oberlander to Emanuel Machado dated November 29, 2006 and recorded in the Plymouth County Registry of Deeds at Book 33786, Pages 125-126.

Property Address: 8 Hollis Avenue, Lakeville, MA 02347

Return to:
 Louis R. Vermette, Trustee
 P. O. Box 850
 Lakeville, MA 02347

WITNESS my hand and seal this 16th day of May, 2008.

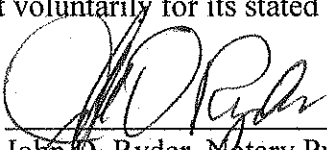

Emanuel Machado

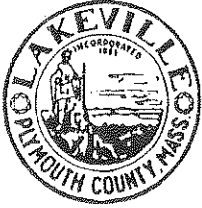
COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss.

May 16, 2008

On this 16th day of May, 2008 before me, the undersigned notary public, personally appeared Emanuel Machado, proved to me through satisfactory evidence of identification which was a Massachusetts driver's license, to be the person whose name is signed on the above document, and acknowledged to me that he signed it voluntarily for its stated purpose.


John D. Ryder, Notary Public
My commission expires:
November 16, 2012



Town of Lakeville

Board of Health

346 Bedford Street

Lakeville, Mass. 02347

BOARD OF HEALTH

(508) 946-3473

(508) 946-8805

FAX: (508) 946-3971

January 15, 2008

Mr. Louis Vermette
P. O. Box 850
Lakeville, MA 02347

Re: 5 Ash Street, Lakeville, MA
(042-006-003&005)

Dear Mr. Vermette:

At the Board of Health meeting held on January 7, 2009, Jonathan J. Pink, RLS of Azor Land Sciences, Inc. and you met with the Board relative to the above noted property. Present also were Sharon and Frederick A. Dewhurst, Jr. (abutters) of 10 Hollis Avenue (042-006-004) with some questions and concerns about the distances to their well.

Pink noted in a letter dated November 19, 2008 that you were requesting the following Title V Local Upgrade Approval Variances for this particular system:

Title V – Local Upgrade Approval Variances Requested

1. Reduction of the setback of a private well to a soil absorption system from 100' to the following distances per 310 CMR 15.405(1)(g).
 - 90' (Locus Well)
 - 68' (042-006-004) Dewhurst
 - 60' (042-006-006) Carter

Previously, Mr. Vermette razed his cottage on 5 Ash Street and rebuilt a new (3) three-bedroom dwelling there in addition to installing a new well and tight tank there. Presently, Mr. Vermette has purchased the abutting property at 8 Hollis Street. He is proposing to combine the parcels, raze the existing dwelling there, build a new garage there, and install a pump chamber and conventional leach field off of the existing tight tank; which is being converted to a septic tank.

After discussion with the concerned abutters (Dewhurst), Board members voted to approve the proposed plan and the three requested variances; subject to the well

(Dewhurst) at 10 Hollis Street being tested (at the expense of Mr. Vermette), and a copy of the results being submitted to the Board of Health Office for approval.

Presently there is a "seasonal" deed restriction associated with this property, along with a required Operation & Maintenance Contract for the tight tank. I would assume that now that Mr. Vermette has acquired acreage more than 20,000 square feet, he will be going to the Zoning Board of Appeals for a year-round conversion, at which time the Lakeville Board of Health could vote to remove the seasonal deed restriction and required Operation & Maintenance Contract for the tight tank.

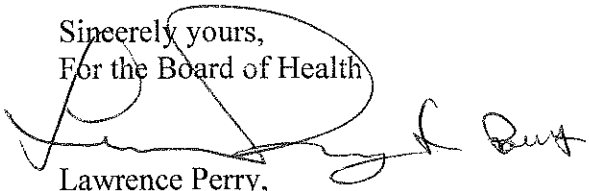
One issue that wasn't brought up at this meeting was that the soils on 5 Ash Street (approximately 20' from the proposed SAS) were previously documented to be a worse soil class and high groundwater was found higher. It might be prudent to perform additional witnessed soil testing before permits are released, since Title V technically requires the most conservative high groundwater and soil class be utilized, and if found at Open Hole Inspection, would cause a Cease & Desist until the system could be redesigned larger and higher.

****Please Note:** All Divergences and Variances (failures to meet state/or local regulations and setbacks) disallow any further expansion of use or increase in flow with this particular system.

****Please Note:** This particular septic system plan/permit **approval must be installed and completed** (allowing the Certificate of Compliance to be issued within one year) **within one year of the Agent's or Board's approval.** (See Enclosure)

If you should have any further questions feel free to contact this office.

Sincerely yours,
For the Board of Health


Lawrence Perry,
Board of Health Agent

LP/nmt

Enc. 2

cc: Azor Land Sciences, Inc.
cc: Mr. & Mrs. Frederick Dewhurst, Jr.
cc: Building Dept.
cc: Conservation Commission
cc: Board of Selectmen
cc: Board of Appeals



Town of Lakeville
 Lakeville Town Office Building
 346 Bedford Street
 Lakeville, Mass. 02347

OFFICE OF
 CONSERVATION COMMISSION

DATE: 11-19-2008

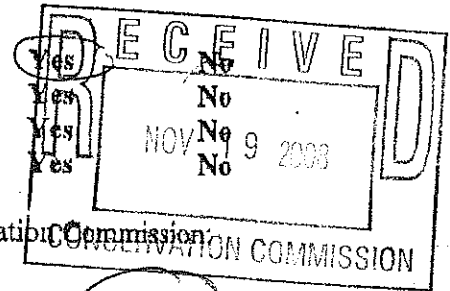
The following information must be completed before any permits will be issued by the Board of Health.

 Well New Repair
X Septic New X Repair

Louis Vermette
 Name of Applicant/Owner
5 Ash Street 42-6-3+5
 Address of Location of Permit Use Assessors Map Location

THIS SECTION TO BE COMPLETED BY THE CONSERVATION COMMISSION

- Is the proposed activity:
 Within 100' of wetlands or open water?
 Within 200' of a Perennial Stream?
 Within a NHESP Mapped Priority or Estimated Habitat?
 Within a Floodplain?



We request that the applicant file the following with the Conservation Commission:

- (Request for determination of Applicability)
- (Abbreviated Notice of Resource Area Delineation)
- (Notice of Intent)
- (Need to file with Natural Heritage Endangered Species Program)

- RDA**
- ANRAD**
- NOI**
- NHESP**

Comments: RDA required due to proximity to wetlands

Signed: J. C. [Signature]
 Conservation Commissioner

Date: 12/3/08



Board of Health
508-946-3473
Fax 508-946-3971

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

PLAN/PERMIT APPROVAL DEADLINE POLICY

Existing properties with plan/application permit approvals for repairs and/or upgrades must be completed (allowing COC to be issued within one year) within one year of the Agent's or Board's approval. After the deadline, if the COC has not been issued, the applicant may be required to submit a whole new package (including fees and revised plans), the intent being that the plan and existing conditions have to be re-affirmed as current by the certified engineer, sanitarian and/or land surveyor, and/or any changes shown or noted on revised proposed plans, to be re-reviewed as necessary by the Health Agent and/or the Board.

New construction (vacant lot) approved septic plans and permits are good for 3 years (everything complete to allow COC to be issued within the 3 years) although the wells must go in within 1 year.

Revised October 22, 2008 (policy originally voted on at BOH public meeting on November 12, 2003)

DEED

LOUIS R. VERMETTE, Trustee of L. & A. REALTY TRUST, pursuant to Trust Certificate dated May 16, 2008 and recorded in the Plymouth County Registry of Deeds in Book 35981, Page 103 with an address of P. O. Box 850, Lakeville, Plymouth County, Massachusetts for consideration paid of One (\$1.00) Dollar grant to **LOUIS R. VERMETTE, Trustee of L. & A. REALTY TRUST, pursuant to Trust Certificate** dated May 16, 2008 and recorded in the Plymouth County Registry of Deeds in Book 35981, Page 103 with an address of P. O. Box 850, Lakeville, Plymouth County, Massachusetts with **QUITCLAIM COVENANTS** the land together with the buildings and improvements thereon in Lakeville, Plymouth County, Massachusetts and being Lot 739, Lot 740, Lot 747 and Lot 748 as shown on plan entitled "Plan of Indian Rock Shores New England Acres, Inc., Prop, Long Pond of Lakeville, Mass., which additions and alterations to May 16, 1955, Benj. R. Evans Surveyor Scale 1"=100'" recorded filed as Plan #290 of 1955 with the Plymouth County Registry of Deeds, and all together bounded and described as follows:

Southerly Ninety-seven and 88/100 (97.88) feet by Ash Street;
Westerly Two Hundred Nine and 51/100 (209.51) feet by Lot 746 and Lot 738;
Northerly One Hundred (100) feet by Holly Street; and
Easterly One Hundred and 00/100 (100.00) feet by Lot 741;
Northerly Thirty-one and 61/100 (31.61) feet by Lot 741;
Easterly Ninety-nine and 03/100 (99.03) feet by Walnut Street, all according to said plan.

Meaning and intending to convey and combine Lots 739, 740, 747 and 748 into one lot, which lots were conveyed by separate deeds as hereinafter referenced.

Property Address: 5 Ash Street, Lakeville, MA 02347

Return to:
Louis R. Vermette, Trustee
P. O. Box 850
Lakeville, MA 02347

The above premises are conveyed subject to and with the benefit of easements of record and subject to restrictions as set forth in deed of New England Acres, Inc. to John J. Fuoroli dated April 5, 1955 and recorded with Plymouth County Deeds, Book 2410, Page 328.

The above described premises are conveyed together with benefit of and subject to all rights, rights of way, restrictions, easements and reservations of record if the same are in force and applicable.

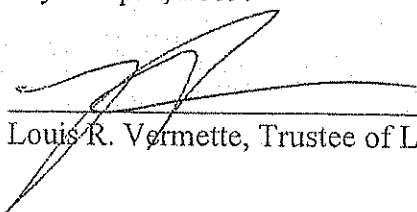
Together with the right to use the streets, private ways and beaches shown on said plan and/or all plans of Indian Rock Shores, Dean Shores and Buena Vista Shores for all purposes for which ways and beaches are customarily used in the Town of Lakeville, Massachusetts. Said streets, private rights of way and beaches to be used in common with all others having rights thereto.

For title to Lots 739 and 740, see deed from Emanuel Machado to Louis R. Vermette as Trustee of L. & A. Realty Trust dated May 16, 2008 and recorded in the Plymouth County Registry of Deeds at Book 35981, Pages 105-106.

For title to Lots 747 and 748, see deed from Louis R. Vermette, Trustee of Loudom Realty Trust to Louis R. Vermette, Trustee of L. & A. Realty Trust dated September 11, 2008 and recorded in the Plymouth County Registry of Deeds at Book 36374, Pages 186-187.

For my authority, see Trustee's Certificate dated April 7, 2009 and recorded herewith.

WITNESS my hand and seal this 7th day of April, 2009.



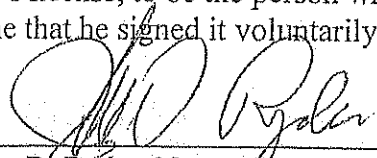
Louis R. Vermette, Trustee of L. & A. Realty Trust

COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss.

April 7, 2009

On this 7th day of April, 2009, before me, the undersigned notary public, personally appeared Louis R. Vermette, Trustee as aforesaid, proved to me through satisfactory evidence of identification which was a Massachusetts driver's license, to be the person whose name is signed on the above document, and acknowledged to me that he signed it voluntarily for its stated purpose.



John D. Ryder, Notary Public
My commission expires:
November 16, 2012

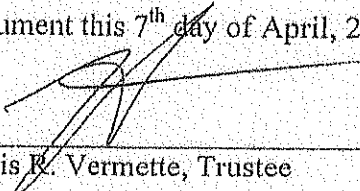
TRUSTEE'S CERTIFICATE

L. & A. REALTY TRUST

The undersigned, Louis R. Vermette, Trustee of L. & A. Realty Trust, pursuant to Trust Certificate dated May 16, 2008 and recorded in the Plymouth County Registry of Deeds in Book 35981, Page, do hereby certify that:

1. I am presently the duly qualified and acting Trustees of the Trust.
2. I am the same Louis R. Vermette named as the Trustee in the said Declaration of Trust.
3. There have been no changes in said Trust.
4. Said Trust has not been altered or amended.
5. Said Trust has not been revoked and is still in force and effect.
6. I have been directed by all of the beneficiaries of said Trust to deliver this Certificate to the attorney for recording in the Plymouth County Registry of Deeds.
7. I have been specifically directed by all of the beneficiaries of the Trust to sign a deed conveying the trust property situated at 5 Ash Street, Lakeville, Massachusetts and 8 Hollis Avenue, Lakeville, Massachusetts to L. & A. Realty Trust to combine said lots into one lot for the sum of One (\$1.00) Dollar.

EXECUTED as a sealed instrument this 7th day of April, 2009.



Louis R. Vermette, Trustee

Return to:
Louis R. Vermette
P. O. Box 850
Lakeville, MA 02347

COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss.

April 7, 2009

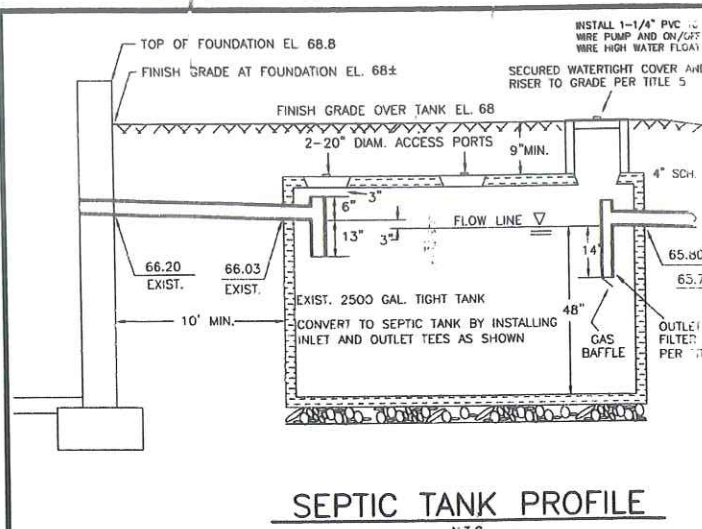
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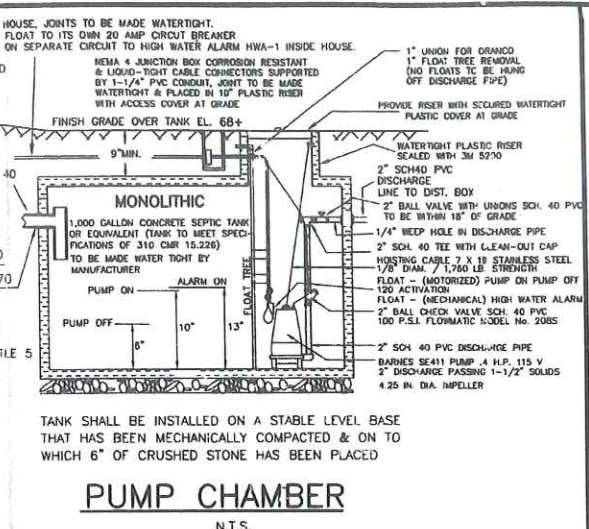
John D. Ryder, Notary Public

My commission expires:

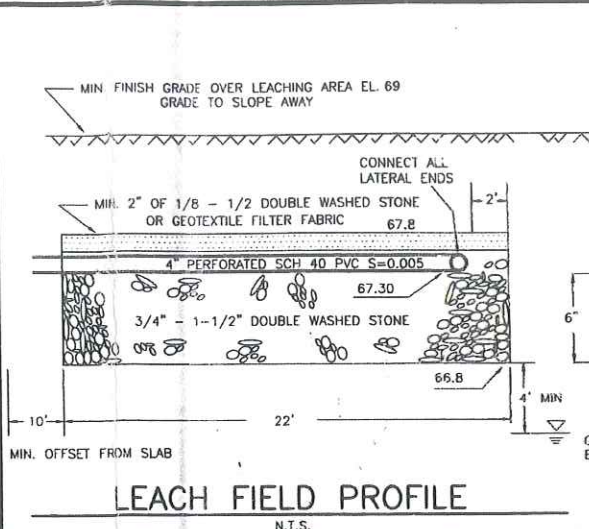
November 16, 2012



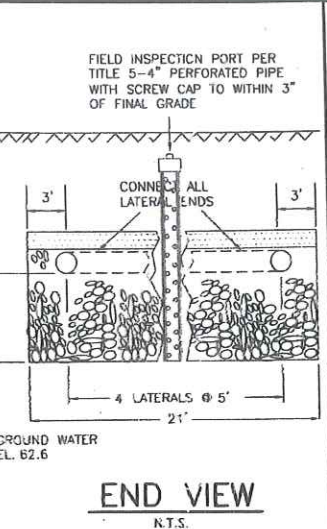
SEPTIC TANK PROFILE
N.T.S.



PUMP CHAMBER
N.T.S.



LEACH FIELD PROFILE
N.T.S.



END VIEW
N.T.S.

- ### GENERAL NOTES
- THIS SEWAGE DISPOSAL SYSTEM SHALL BE CONSTRUCTED IN CONFORMANCE WITH THE REGULATIONS OF TITLE 5 OF THE STATE ENVIRONMENTAL CODE AND THE REGULATIONS OF THE LOCAL BOARD OF HEALTH.
 - THE LOCAL BOARD OF HEALTH AND THIS FIRM ARE TO BE NOTIFIED:
 - PRIOR TO BEGINNING CONSTRUCTION IN THE EXCAVATION FOR THE PURPOSE OF SOIL EXAMINATION TO INSURE CONTINUITY OF PERMEABLE MATERIAL.
 - PRIOR TO BACKFILLING THE COMPLETED SYSTEM FOR THE PURPOSE OF PERFORMING AN AS-BUILT INSPECTION.
 - PRIOR TO CONSTRUCTING THE SYSTEM IN A MANNER OTHER THAN SHOWN ON THIS DESIGN.
 - CONTRACTOR TO VERIFY ALL UTILITY LOCATIONS PRIOR TO CONSTRUCTION THROUGH DIG SAFE AND OTHER APPROPRIATE AGENCIES. REPORT ANY DISCREPANCIES TO THE DESIGN ENGINEER.
 - ALL SEPTIC SYSTEM COMPONENTS SHALL WITHSTAND H-10 LOADING UNLESS LOCATED IN AREAS UNDER PAVEMENT, DRIVES OR TRAVELED WAY IN WHICH CASE THEY SHALL WITHSTAND H-20 LOADING.
 - WHERE REQUIRED CONTRACTOR WILL REMOVE ALL LOAM, SUBSOIL AND OTHER UNSUITABLE MATERIAL IN THE AREA BEHIND THE ENTIRE FOOTPRINT OF THE SOIL ABSORPTION SYSTEM. THE CONTRACTOR SHALL REPLACE ALL UNSUITABLE MATERIAL WITH CLEAN COARSE SAND FREE FROM CLAY, FINES OR OTHER UNSUITABLE MATERIAL. REPLACEMENT MATERIAL TO MEET SPECIFICATIONS OF 310 CMR 15.255 (3).
 - 4\"/>

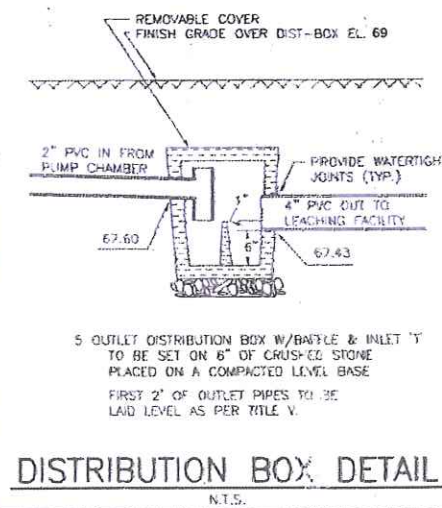
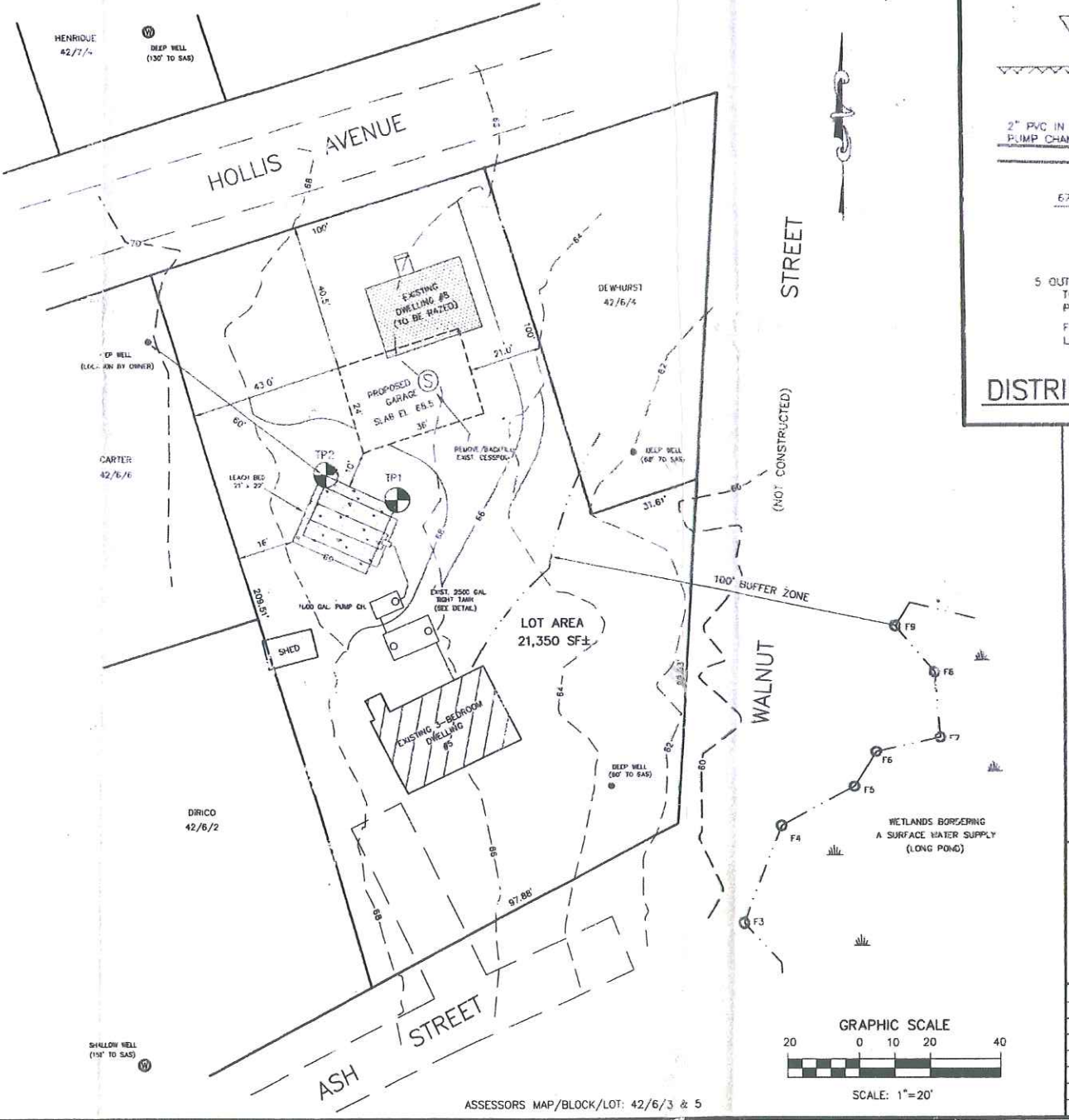
DOSEING CALCULATIONS:
 SANDS = 4 DOSES/DAY 330 GAL./4 = 82.5 GAL./DOSE
 1000 GALLON PUMP CHAMBER
 1000 GAL./48 IN. = 20.8 GAL./IN. OF DEPTH
 82.5 GAL./DOSE/20.8 GAL./IN. = 4 IN./DOSE

BUOYANCY CALCULATIONS
 NEW 1,000 GALLON MONOLITHIC PUMP CHAMBER
 PROPOSED BOTTOM OF TANK EL. = 61.4
 MAXIMUM GROUNDWATER EL. = 63.6 (SEE TIGHT TANK PLAN)

- BUOYANCY FORCE ON EMPTY TANK:
 VOLUME DISPLACED = 8.5'x5'(63.6-61.4) = 93.5 CF
 WT. OF DISPLACED WATER = 93.5 CF x 62.4 #/CF = 5,834 #
- WEIGHT OF EMPTY TANK: 10,800 # (PER MANUF.)
- WT OF TANK > WT OF WATER DISPLACED
 10,800 # > 5,834 #
 NO BALLAST IS REQUIRED

LOCAL UPGRADE REQUESTS:

- REDUCTION OF THE SETBACK OF A PRIVATE WELL TO A SOIL ABSORPTION SYSTEM FROM 100' TO THE FOLLOWING DISTANCES PER 310CMR 15.405(1)(g).
 - ~ 90' (LOCUS WELL)
 - ~ 68' (42/6/4) DEWHURST
 - ~ 60' (42/6/6) CARTER



DISTRIBUTION BOX DETAIL
N.T.S.

LEGEND

---	EXISTING CONTOUR
---	PROPOSED CONTOUR
⊙	TEST PIT
□	SEPTIC TANK
□	PUMP CHAMBER
□	DIST. BOX
⊙	WELL
---	BOUNDARY OF WETLAND
W-W	WATER LINE

TEST PIT DATA

B.O.M. AGENT: LAWRENCE PERRY
 DATE: 7/06/07
 PERFORMED BY: GEORGE R. COLLINS, P.E.

TEST PIT # 1 EL. TOP = 66.6 EL. WATER = 62.6 (MOTTLING) PERC. RATE = 3 MPI (B LAYER) 4 MPI (C1 LAYER) DEPTH OF PERC = 12"-30" 30"-48"	TEST PIT # 2 EL. TOP = 67.8 EL. WATER = 61.7 (MOTTLING) PERC. RATE = N/A
---	---

0"	FILL/A	0"	FILL/A
15"	Bw SANDY LOAM 10YR 5/6	12"	Bw SANDY LOAM 10YR 5/6
36"	C1 LOAMY SAND 2.5Y 6/2	30"	C1 LOAMY SAND 2.5Y 6/2
48"	MOTTLING	60"	MOTTLING
78"	C2 SANDY LOAM 2.5Y 5/2	90"	C2 SANDY LOAM 2.5Y 5/2
108"		90"	

DESIGN DATA

CAPACITY REQUIRED
 3 BEDROOMS AT 110 GAL./DAY/BEDRM. = 330 GAL./DAY

SEPTIC TANK
 330 GALS X 20% = 660 GALS. DESIGN CAPACITY
 CONVERT 2,500 GALLON TIGHT TANK

CAPACITY PROVIDED
 SYSTEM SIZE: LEACH FIELD 0.50'H X 21'W X 22'L = 462 SF
 CAPACITY: 462 SF X 0.74 GPD/SF = 342 GPD

TOTALS
 TOTAL LEACHING AREA: 462 SF
 TOTAL LEACHING CAPACITY: 342 GPD

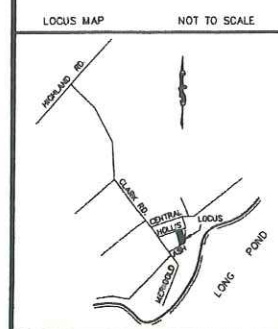
SEWAGE DISPOSAL SYSTEM DESIGN

PREPARED FOR: LOUIS VERMETTE
 PO BOX 850
 LAKEVILLE, MA 02347

LOCATED AT: 5 ASH ST.
 LAKEVILLE, MASSACHUSETTS

DATE: 11/07/08 SCALE: 1"=20' DRAWN: JJP CHECKED: KW JOB NO.: 26-158 DWG. NO.:

AZOR LAND SCIENCES INC.
 328 BEDFORD ST. LAKEVILLE, MA 02347
 TEL. (608) 946-6427 (608) 946-4407





Town of Lakeville

Board of Health
346 Bedford Street
Lakeville, Mass. 02347

BOARD OF HEALTH

(508) 946-3473

(508) 946-8805

FAX: (508) 946-3971

February 1, 2010

Mr. Louis Vermette
P. O. Box 850
Lakeville, MA 02347

Re: 5 Ash Street, Lakeville, MA
(042-006-003 & 005)

Dear Mr. Vermette:

At the December 9, 2009 meeting of the Lakeville Board of Health, Jonathan J. Pink, PLS of Azor Land Sciences, Inc. met with the Board on your behalf relative to the above noted property requesting the following (after-the-fact) variance for the Local Upgrade to the septic system:

Local Upgrade Approval Request

1. Reduction of the setback of a private well to a soil absorption system from 100' to the 65' ((042-006-004) Dewhurst) per 310CMR 15.405(1)(g).

A local upgrade approval was originally granted (January 7, 2009) by the Board for a distance of 68' to the Dewhurst well. Pink noted that the soil absorption system was enlarged, however, after the open hole inspection to accommodate inconsistent soils, thus slightly reducing the distance to the Dewhurst well. Chairman Garvey asked Pink if Dewhurst had been notified of this change, and Pink responded in the negative.

After further discussion, Board members voted to approve the (after-the-fact) variance; subject to receiving a letter from Mr. Dewhurst (abutter) stating that he had been notified of this change. A letter was received on January 25, 2010 from Frederick A. Dewhurst, Jr., 10 Hollis Street; (See Enclosure) stating that he had no issue with the lessened distance to his well.

If you should have any further questions feel free to contact this office.

Sincerely yours,
For the Board of Health


Lawrence Perry,
Board of Health Agent



LP/nmt

Enc. 1

cc: Azor Land Sciences, Inc.

cc: Frederick A. Dewhurst, Jr.

Frederick A. Dewhurst, Jr.
10 Hollis Ave.
Lakeville, MA 02347

January 20, 2010

Lakeville Board of Health
346 Bedford St.
Lakeville, MA 02347

Dear Board of Health Members:

I, Frederick A. Dewhurst Jr., hereby state that I have been made aware by my neighbor, Louis Vermette and AZOR Land Sciences, that a field change to the soil absorption system installed on the Vermette property (5 Ash St.) resulted in the system being located 65' from my well. I understand this is 3' closer than the proposed distance of 68' shown on the septic system design plan approved by your Board. I further state that I have no issue with the lessened distance to my well.

Sincerely,

Frederick A. Dewhurst

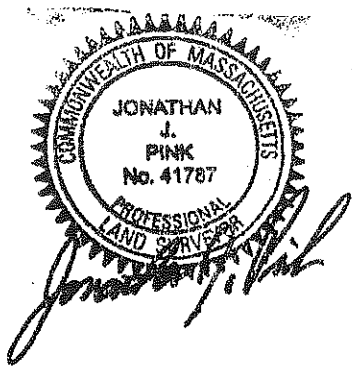
Frederick A. Dewhurst, Jr.

RECEIVED

JAN 25 2010

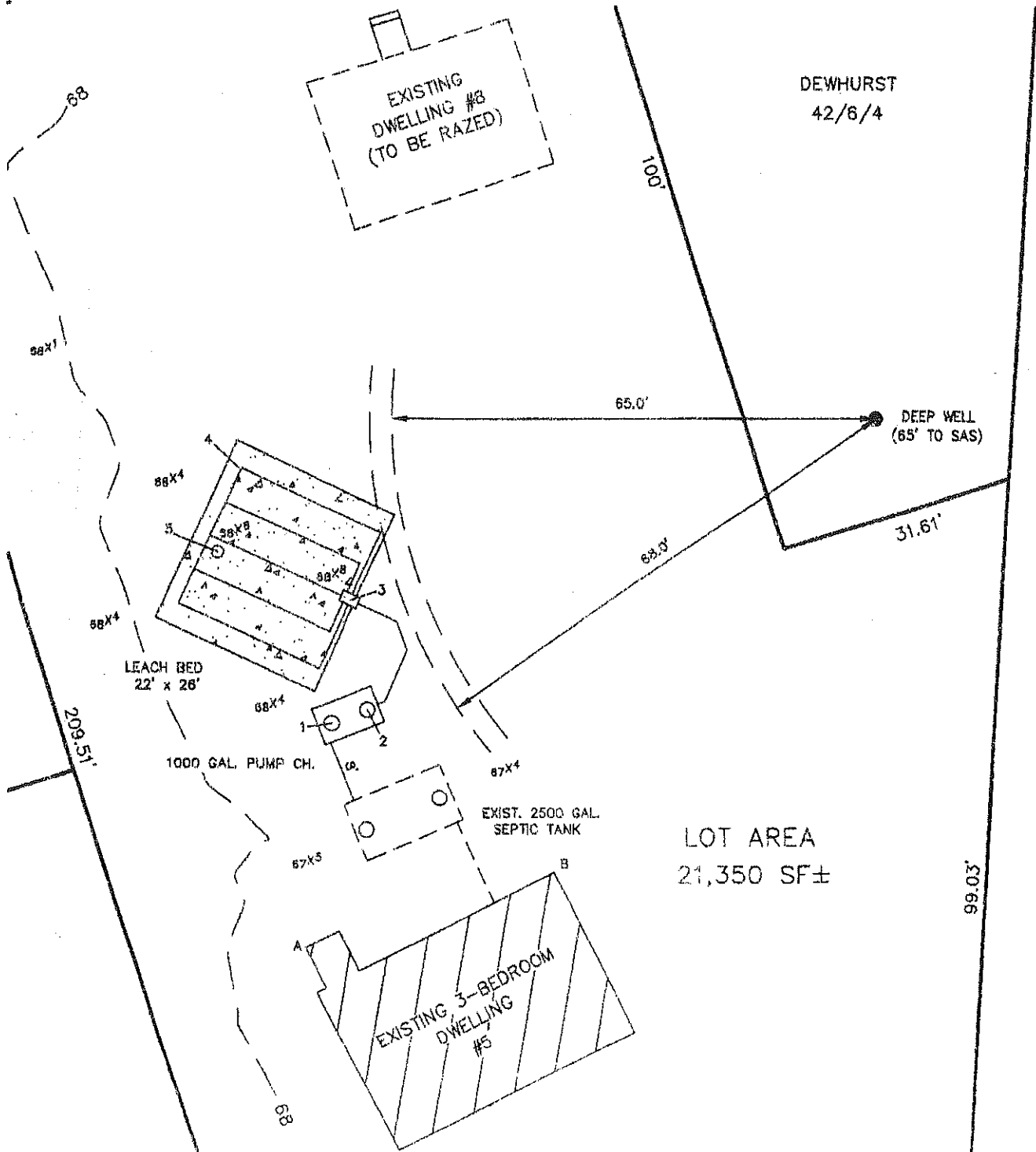
Board of Health

logged
OK by
Mrs. Vermette



AZOR LAND
 328 BELMONT
 LAKEVILLE

ICES, INC.
 STREET
 02347



No. 2009-4

FEE \$300⁰⁰
11/21/08 #6471
F 6484

COPY

COMMONWEALTH OF MASSACHUSETTS

Board of Health, Lakeville, MA.

APPLICATION FOR DISPOSAL SYSTEM CONSTRUCTION PERMIT

Application for a Permit to Construct () Repair (X) Upgrade () Abandon () - Complete System Individual Components *original*

Location <u>5 Ash Street</u>	Owner's Name <u>Louis Vermette</u>
Map/Parcel# <u>42-6</u>	Address <u>P.O. Box 850, Lakeville</u>
Lot# <u>3+5</u>	Telephone# <u>(508) 509-5428</u>
Installer's Name <u>Nay Amaral/ Greco</u>	Designer's Name <u>AZOR Land Sciences, Inc.</u>
Address <u>Construction Corp. 1 Passaic Ave, Rochester</u>	Address <u>328 Bedford St. Lakeville</u>
Telephone# <u>(508) 763-2546 MA 02770</u>	Telephone# <u>(508) 946-5427</u>

Type of Building Single family dwelling Lot Size 21,350 sq. ft.
 Dwelling - No. of Bedrooms 3 Garbage grinder (NO)
 Other - Type of Building _____ No. of persons _____ Showers (), Cafeteria ()
 Other Fixtures _____
 Design Flow (min. required) 330 gpd Calculated design flow 330 Design flow provided ~~212~~ 335 gpd
 Plan: Date 11-7-2008 Number of sheets 1 Revision Date _____
 Title Sewage Disposal System Design #15 MPI Slcmm 2/2009
 Description of Soil(s) See plan
 Soil Evaluator Form No. _____ Name of Soil Evaluator George Collins Date of Evaluation 7-6-2007

DESCRIPTION OF REPAIRS OR ALTERATIONS *FIELD EXPANDED 462 SF -> 598 SF

ELECTRICAL PERMITS REQUIRED

The undersigned agrees to install the above described Individual Sewage Disposal System in accordance with the provisions of 310 CMR 15.00 and further agrees to not to place the system in operation until a Certificate of Compliance has been issued by the Board of Health.

Signed Nay Amaral Date 2-20-09

APPROVED
LAKEVILLE BOARD OF HEALTH

Inspections OHZ LR 2-25-09 (NO (L) (NO) see email
OHZ for Kevin Walker 2-26-09 LPA BOH
for 3-10-09 LR
finish grade 10-17-09 LR 2-1-10
 DATE: 1/7/09

No. 2009-4

FEE 300

COMMONWEALTH OF MASSACHUSETTS

Board of Health, Lakeville, MA.

CERTIFICATE OF COMPLIANCE

Description of Work: Individual Component(s) Complete System

The undersigned hereby certify that the Sewage Disposal System; Constructed (), Repaired (), Upgraded (X), Abandoned ()

by: Nay Amaral/ Greco Construction Corp
at 5 Ash St. Lakeville, MA 02347

has been installed in accordance with the provisions of 310 CMR 15.00 (Title 5) and the approved design plans/as-built plans relating to application No. 2009-4 dated 11/7/09 Approved Design Flow 330 (gpd)

Installer Nay Amaral Designer: SEE SIGN OFF Inspector: [Signature] Date: 9-13-11

No. 2009-4

FEE 300 -

COMMONWEALTH OF MASSACHUSETTS
Board of Health, Lakeville, MA
CERTIFICATE OF COMPLIANCE

RECEIVED
MAY 10 2009

Description of Work: Individual Component(s) Complete System

The undersigned hereby certify that the Sewage Disposal System: Constructed (), Repaired (), Upgraded (), Abandoned ()

by: Yany Amoral / Green Construction Corp

at 5 Ash St. Lakeville, MA 02347

has been installed in accordance with the provisions of 310 CMR 15.00 (Title 5) and the approved design plans/as-built plans relating to

application No. 2009-4, dated 1/7/09, Approved Design Flow 330 (gpd)

Installer Yany Amoral Designer: SEE SIGN OFF Inspector: [Signature] Date: 9-13-11

The issuance of this permit shall not be construed as a guarantee that the system will function as designed.



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

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

To: Zoning Board of Appeals

Date: January 13, 2021

From: Conservation Commission

RE: Petitions for Hearing: 33 Bedford St, 5 Ash St., 31 Pilgrim Rd, 41 Clark Rd.

- **33 Bedford St.** – No hearing is scheduled. There are no wetland issues with this project or location.
- **5 Ash St.** - No hearing scheduled. Demolition of the existing structure inside the 100' buffer zone will require a Request for Determination of Applicability (RDA). New construction and/or septic system upgrade may require a Notice of Intent (NOI).
- **31 Pilgrim Rd.** – No hearing scheduled. Proposed construction in areas adjacent to wetland will require a Request for Determination of Applicability (RDA) at a minimum.
- **41 Clark Rd.** - No hearing scheduled. There are no wetland concerns at this location and no action is required at this time.

Sincerely,

Robert J. Bouchard
Conservation Agent

(TOWN OF LAKEVILLE SEAL)

The LAKEVILLE ZONING BOARD OF APPEALS, acting in accordance with MASS GENERAL LAWS CHAPTER 40A, as amended, will conduct a public hearing on TUESDAY, January 19, 2021, at 7:00 P.M. to hear the petition of **Christopher S. Chapin**. A **Special Permit** under **6.1.3 & 7.4** is requested to increase the living space on a pre-existing, non-conforming dwelling located on a non-conforming lot by enclosing an existing deck and converting it to a family room. The property site is **41 Clark Road** and is owned by **Nynelyon, Inc.**

Pursuant to Governor Baker's emergency "Order Suspending Certain Provisions of the Open Meeting Law, G.L. c30A, §20," issued on March 12, 2020, provided the State of Emergency is in effect, this will be a virtual meeting. The Agenda found on the Town of Lakeville Zoning Board of Appeals web page will include instructions on accessing the virtual meeting and documents related to it.

John Olivieri, Jr., Chairman

December 31, 2020, & January 7, 2021



Town of Lakeville
Conservation Commission

346 Bedford St.

Lakeville, MA 02347

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

To: Zoning Board of Appeals

Date: January 13, 2021

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- **41 Clark Rd.** - No hearing scheduled. There are no wetland concerns at this location and no action is required at this time.

Sincerely,

Robert J. Bouchard
Conservation Agent

Petition to be
filed with Town Clerk

TOWN OF LAKEVILLE
MASSACHUSETTS

ZONING BOARD OF APPEALS
PETITION FOR HEARING

EXHIBIT "A"
RECEIVED
DEC 16 2020
BOARD OF APPEALS

Name of Petitioner: CHRISTOPHER S. CHAPIN

Mailing Address: 31 PILGRIM ROAD, LAKEVILLE 02347

Name of Property Owner: NYNELSON, INC.

Location of Property: 41 CLARK ROAD, LAKEVILLE

Property is located in a residential business industrial (zone)

Registry of Deeds: Book No. 53854 Page No. 170

Map 00042 Block 0006 Lot 009

Petitioner is: owner tenant licensee prospective purchaser

Nature of Relief Sought:

Special Permit under Section (s) 4.1.3 of the Zoning Bylaws

Variance from Section (s) _____ of the Zoning Bylaws.

Appeal from Decision of the Building Inspector/Zoning Enforcement Officer

Date of Denial _____

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

ADDITION OF SF BY CLOSING IN EXISTING
POCK INTO FAMILY ROOM

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

Petitioner: CHRISTOPHER CHAPIN

Date: 12/15/20

Signed: 

Telephone: 508/728-2496

Owner Signature: 
(If not petitioner)

Owner Telephone: SAME

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

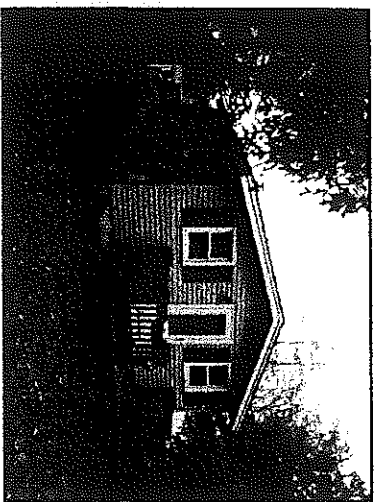
WILL YOU HAVE A REPRESENTATIVE OTHER THAN YOURSELF?

Yes No

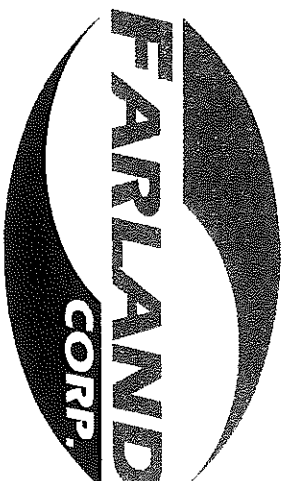
(Name and Title)

MORTGAGE INSPECTION PLAN

PROPERTY LOCATION: 41 CLARK ROAD - LAKEVILLE, MA

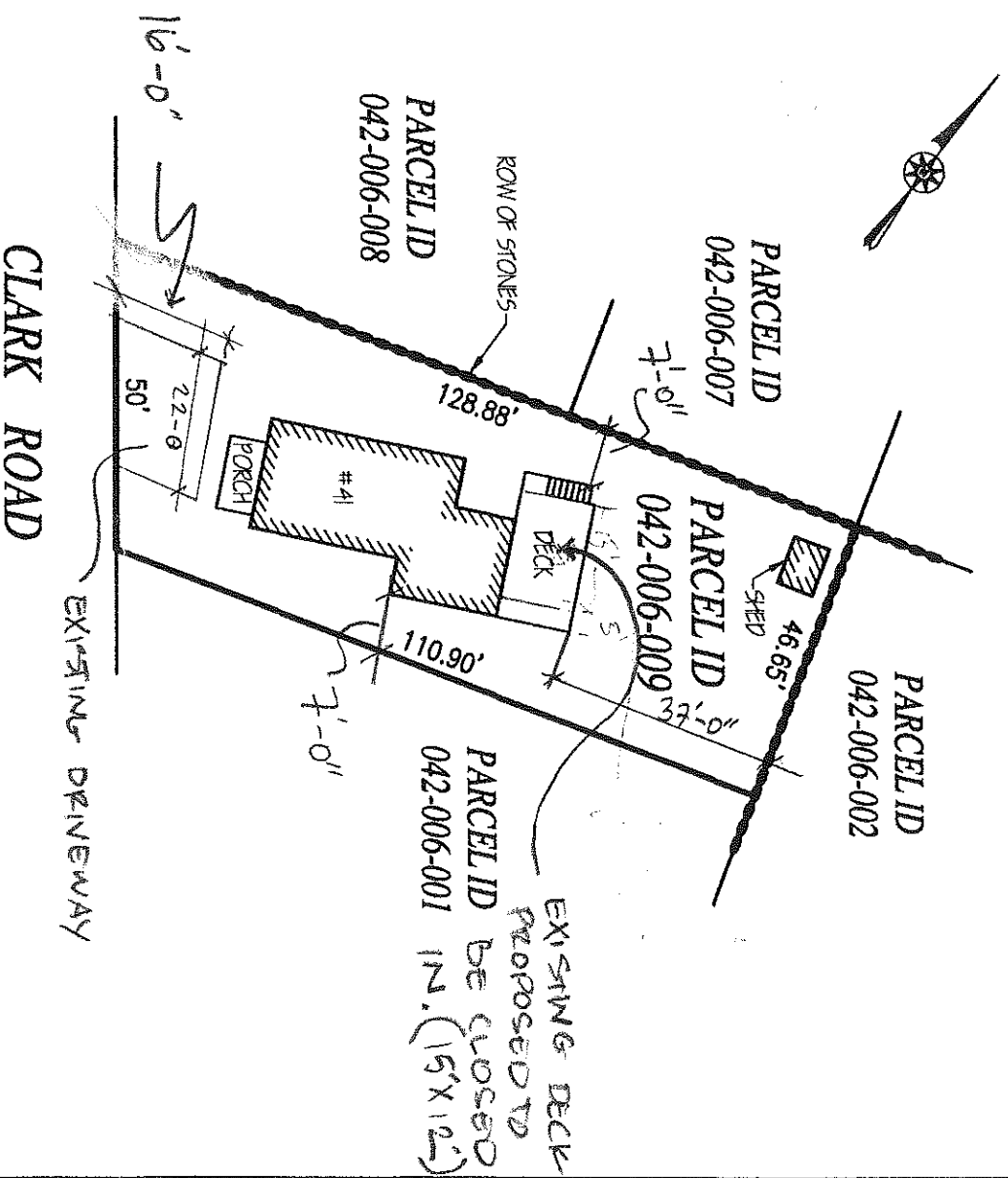


PREPARED BY:



www.FarlandCorp.com
21 VENTURA DRIVE
DARTMOUTH, MA 02747
P. 508.717.3479
* ENGINEERING
* SITEWORK
* LAND SURVEYING
* DEVELOPMENT

NOTE: THIS PLAN IS NOT TO BE USED FOR PERMITTING PURPOSES.



NOTE: EXISTING ROW OF STONES APPEAR TO BE CLOSE TO PROPERTY LINE. AN ACCURATE INSTRUMENT SURVEY WOULD BE REQUIRED TO VERIFY THE LOCATION RELATIVE TO POTENTIAL ENCROACHMENT.

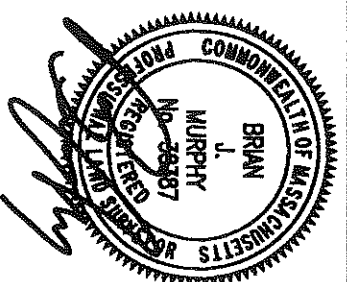
REF: DEED BOOK 7979 PAGE 297 (PLAN BOOK 10 PAGE 413)

I certify to Ramondetta and Negrich, P.C., that there are no visible encroachments or easements except as shown and that this Plan was prepared under my immediate supervision.

FLOOD DETERMINATION:
By graphic plotting only the dwelling shown hereon DOES NOT fall within a special flood hazard zone as delineated on the Flood Insurance Rate Map 25023C0429K, effective date: July 16, 2015

ZONING DETERMINATION:
The location of the dwelling shown hereon was in compliance with local applicable zoning by-laws in effect when constructed, with respect to horizontal dimensional requirements only or is exempt from violation enforcement action under Massachusetts General Law Title VII Chapter 40A, Section 7.

SCALE: 1" = 30'
DATE: 11/23/20
JOB NO: 20-726



PLEASE NOTE: The structure(s) as shown on this plat plan are approximate only. An actual survey is necessary for a precise determination of the building location and encroachments, if any exist, either way across property lines. This plan must NOT be used for recording purposes or for use in preparing deed descriptions and must NOT be used for fences or building plan purposes. This plan must NOT be used for locating property lines. Verification of building locations, property line dimensions, fences or lot configuration can only be accomplished by an accurate instrument survey which may reflect different information than what is shown here on. Please note that this is NOT A BOUNDARY SURVEY and is FOR MORTGAGE PURPOSES ONLY.

SF TOTALS

EXISTING STRUCTURE - 794 SF

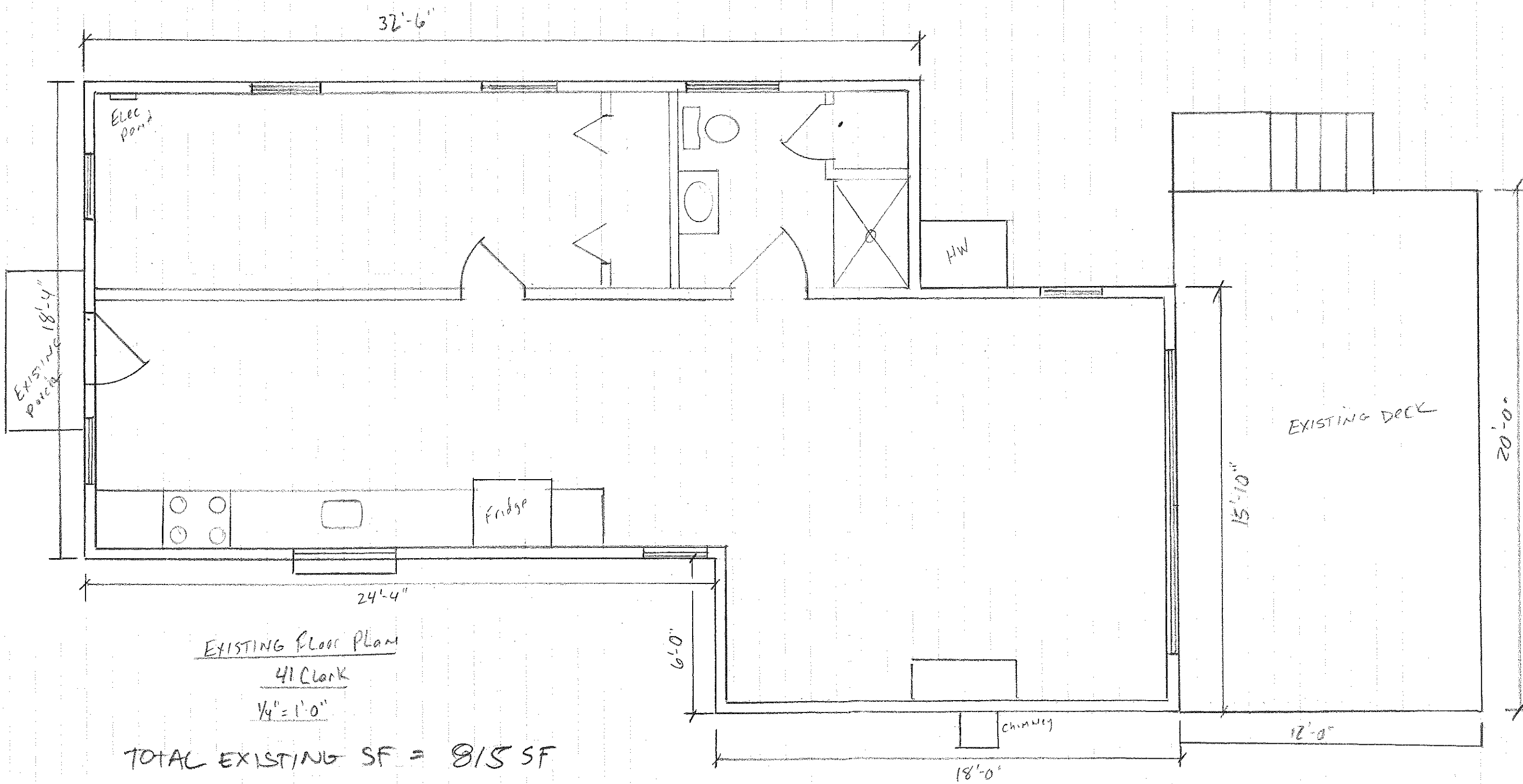
PROPOSED ADDITION - 180 SF

974 SF

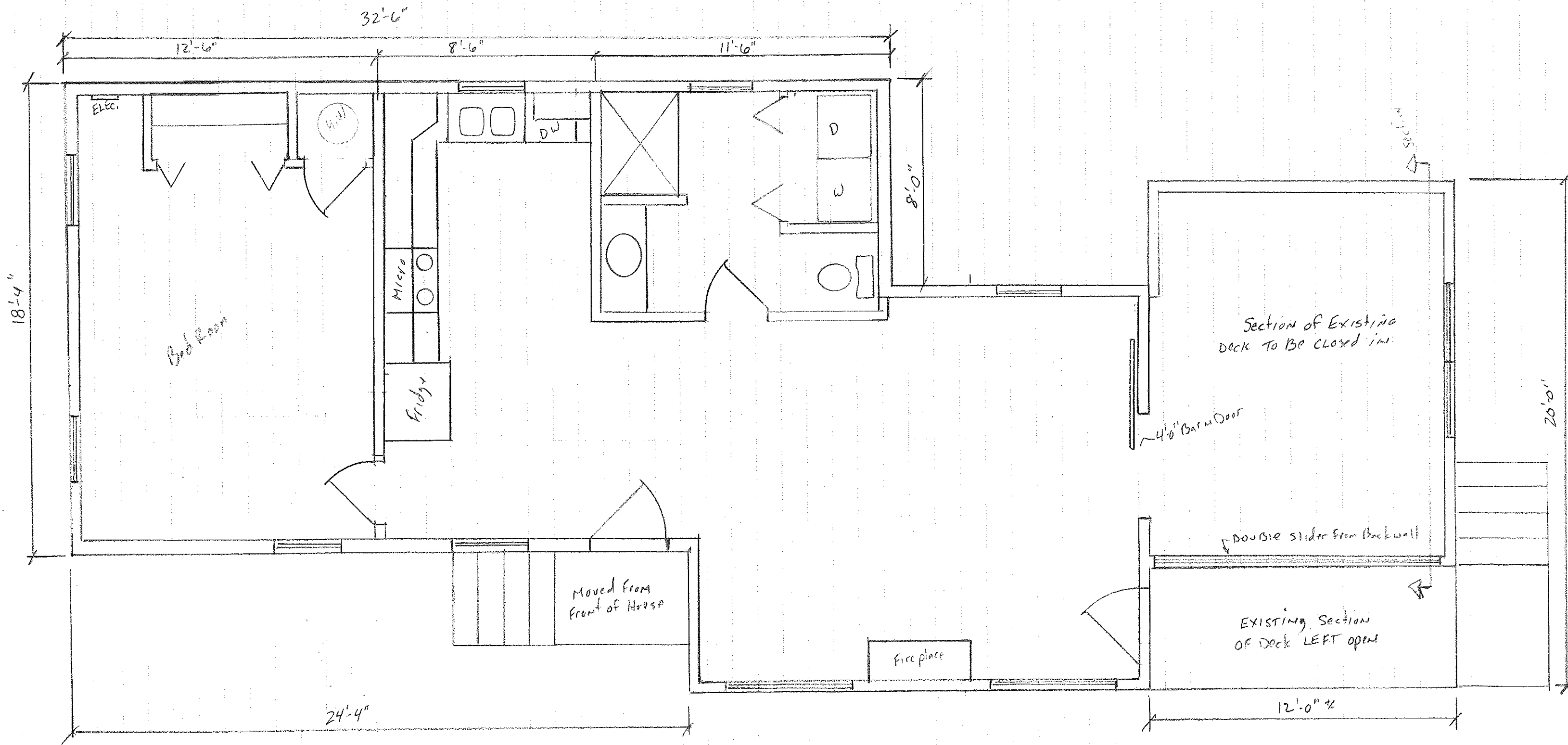
LOT SIZE - 5593 SF

TOTAL LOT COVERAGE W/OUT ADDITION - 14.2%

TOTAL LOT COVERAGE W/ ADDITION - 17.4%



TOTAL EXISTING SF = 815 SF



Proposed New Floor Plan

1/4" = 1'-0"

TOTAL PROPOSED SF - 1,055 SF

(TOWN OF LAKEVILLE SEAL)

The LAKEVILLE ZONING BOARD OF APPEALS, acting in accordance with MASS GENERAL LAWS CHAPTER 40A, as amended, will conduct a public hearing on TUESDAY, January 19, 2021, at 7:00 P.M. to hear the petition of **Christopher S. Chapin**. A **Special Permit** under **6.1.3 & 7.4** is requested to increase the area of an existing bedroom by 90 square feet on a pre-existing, non-conforming dwelling located on a non-conforming lot. The property site is **31 Pilgrim Road**.

Pursuant to Governor Baker's emergency "Order Suspending Certain Provisions of the Open Meeting Law, G.L. c30A, §20," issued on March 12, 2020, provided the State of Emergency is in effect, this will be a virtual meeting. The Agenda found on the Town of Lakeville Zoning Board of Appeals web page will include instructions on accessing the virtual meeting and documents related to it.

John Olivieri, Jr., Chairman

December 31, 2020, & January 7, 2021



*Town of Lakeville
Conservation Commission*

346 Bedford St.

Lakeville, MA 02347

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

To: Zoning Board of Appeals

Date: January 13, 2021

From: Conservation Commission

RE: Petitions for Hearing: 33 Bedford St, 5 Ash St., 31 Pilgrim Rd, 41 Clark Rd.

- **33 Bedford St.** – No hearing is scheduled. There are no wetland issues with this project or location.
- **5 Ash St.** - No hearing scheduled. Demolition of the existing structure inside the 100' buffer zone will require a Request for Determination of Applicability (RDA). New construction and/or septic system upgrade may require a Notice of Intent (NOI).
- **31 Pilgrim Rd.** – No hearing scheduled. Proposed construction in areas adjacent to wetland will require a Request for Determination of Applicability (RDA) at a minimum.
- **41 Clark Rd.** - No hearing scheduled. There are no wetland concerns at this location and no action is required at this time.

Sincerely,

Robert J. Bouchard
Conservation Agent

Petition to be filed with Town Clerk

TOWN OF LAKEVILLE MASSACHUSETTS

EXHIBIT "A" RECEIVED DEC 16 2020

ZONING BOARD OF APPEALS PETITION FOR HEARING

BOARD OF APPEALS

Name of Petitioner: CHRISTOPHER S. CHAPIN
Mailing Address: 31 PILGRIM ROAD, LAKEVILLE 02347
Name of Property Owner: CHRISTOPHER S. CHAPIN
Location of Property: 31 PILGRIM ROAD, LAKEVILLE
Property is located in a residential business industrial (zone)
Registry of Deeds: Book No. 52326 Page No. 199
Map 0090 Block 0001 Lot 013
Petitioner is: X owner tenant licensee prospective purchaser

Nature of Relief Sought:

Special Permit under Section (s) 6.1.3 of the Zoning Bylaws
Variance from Section (s) of the Zoning Bylaws.
Appeal from Decision of the Building Inspector/Zoning Enforcement Officer
Date of Denial

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

ADDITION/EXTENSION OF CURRENT BEDROOM OUTSIDE OF EXISTING FOOTPRINT (90 SF)

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

Petitioner: CHRISTOPHER S. CHAPIN Date: 12/10/20
Signed: [Signature] Telephone: 508 728 2496
Owner Signature: [Signature] Owner Telephone: SAME
(If not petitioner)

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

WILL YOU HAVE A REPRESENTATIVE OTHER THAN YOURSELF?

[Signature] SCOTT BORDEN / CONTRACTOR

UMBING EXITS THE FRONT OF THE HOUSE AND ROUTED (INTERNALLY) TO EXIT THE BACK OF NEW INVERT OUT OF THE HOUSE TO BE OR TO CONSTRUCTION. THE DESIGN ENGINEER NOTIFIED OF ANY DISCREPANCIES FROM THIS PLAN.

SEF

N/P
MARTIN & BRENDA
LEVIN
" #95 PILGRIM RD."
MAP:40 BLOCK:1 LOT:15

LIMIT OF 5' REMOVE AND REPLACE. THE INSTALLER SHALL PROVIDE THE DESIGN ENGINEER WITH THE RESULTS OF THE SIEVE ANALYSIS BEFORE THE AS-BUILT CERTIFICATION WILL BE RELEASED. (SEE CONTRACTOR NOTE 6 d)

ANCHOR:
NAIL IN TREE
ELEV = 59.75

VENT BYPASS PIPE (SEE DETAIL) BOWS IN THE DBOX AND TANK EFFLUENT FROM ENTERING S PIPE. DRILL WEEP HOLES AT 1/4 POINT OUTSIDE OF THE TANK ALLOW CONDENSATE TO DRAIN.

N/P
MARIE
MACHE
" #31 PILGRIM RD."
BLOCK:1 LOT:12

#31 PILGRIM RD.
7,150± S.F.
0.16± AC.

EXISTING
2-BEDROOM
HOUSE
F.F.E.=59.30

EX. WELL
53' FROM S.A.S.

100' CIRCLE FROM
EX. WELL AT
#26 PILGRIM RD.

EXISTING LEACHING PIT TO BE ABANDONED AND FILLED WITH SAND IN COMPLIANCE WITH TITLE V AND BOARD OF HEALTH REQUIREMENTS.

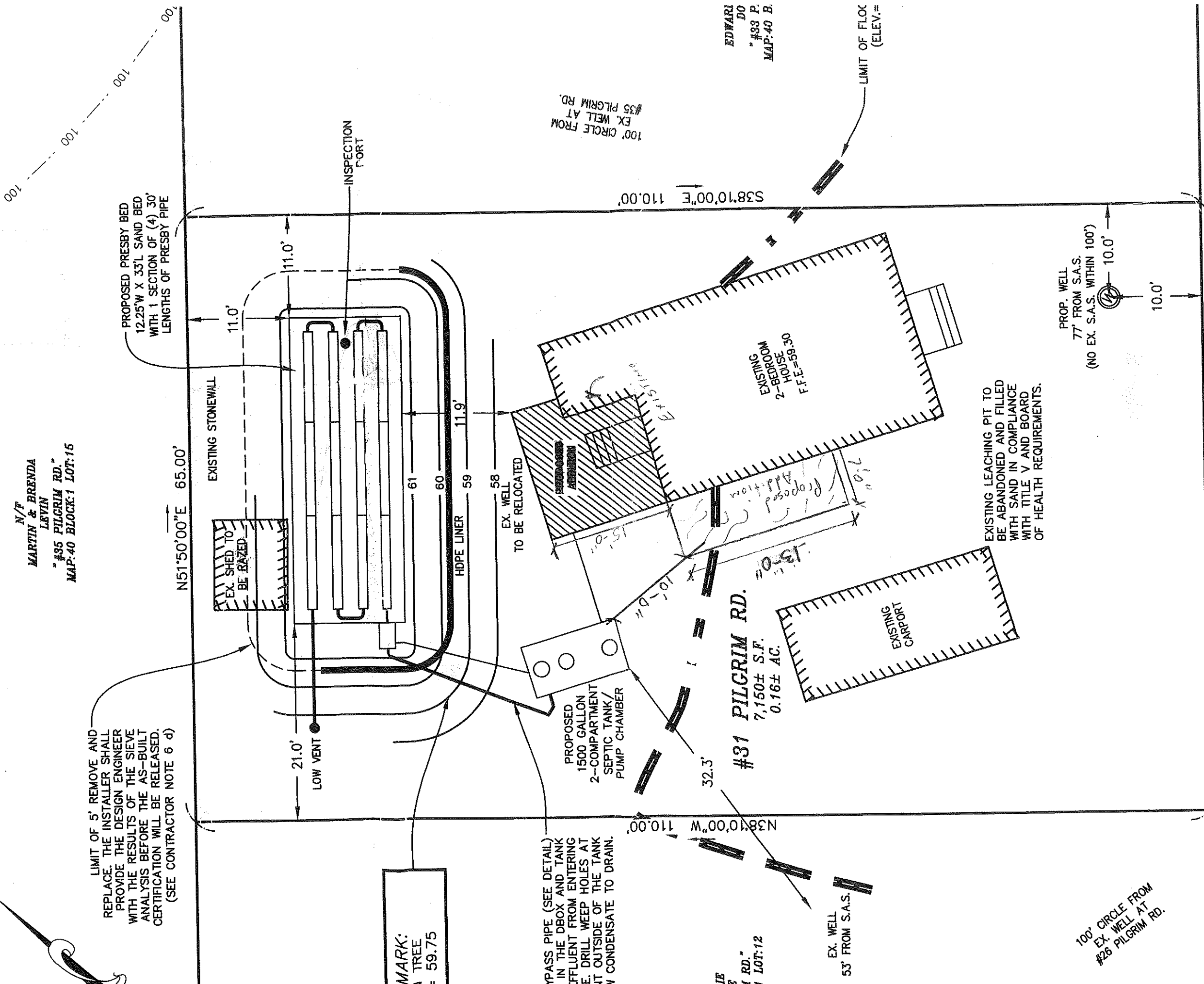
PROP. WELL
77' FROM S.A.S.
(NO EX. S.A.S. WITHIN 100')

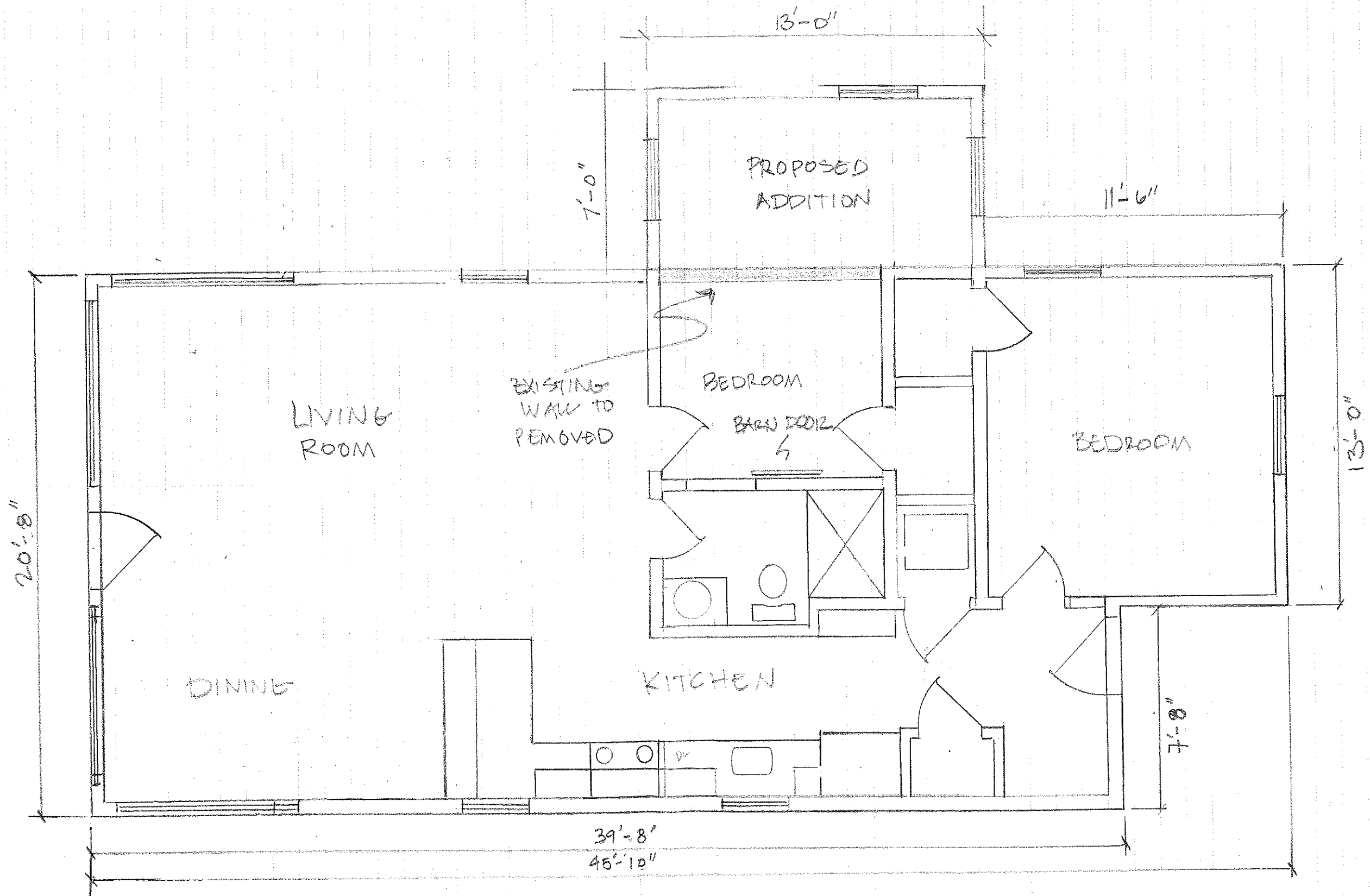
100' CIRCLE FROM
EX. WELL AT
#15 MORRISON WAY

S51°50'00"W 65.00'

EX. EDGE OF PAVEMENT

PILGRIM ROAD





31 PILGRIM ROAD
 SCALE: 1/4" = 1'-0"

**Zoning Board of Appeals
Lakeville, Massachusetts
Minutes of Meeting
December 15, 2020
Remote meeting**

On December 15, 2020, the Zoning Board held a remote meeting. It was called to order by Chairman Olivieri at 7:00. LakeCam was recording, and it was streaming on Facebook Live.

Members present:

John Olivieri, Jr., Chair; Jeffrey Youngquist, Vice-Chair; Nora Cline, Clerk; Chris Carmichael, Member; Christopher Campeau, Associate; Christopher Sheedy, Associate

Also present:

Atty. Amy Kwesell, Town Counsel; Michael and Maureen Martowska, applicants; Bill and Mary Tribou, Jess Leary, Marie Scarpelli, Kevin Huerth, abutters; Kyle Devenish, Outback Engineering, Madelyn Maksy, applicant; Liam Conway, Bob Messier, Jamie Bissonnette, Zenith Consulting Engineers (ZCE); Skip and Michelle Bird and David Quinn, abutters

Agenda item #1

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

Martowska hearing, continued - 2 Edgewater Drive

Mr. Olivieri opened the continued Martowska hearing at 7:03. Mr. Youngquist recused himself from the hearing. Mr. Olivieri advised that as Mr. Noble was not present, the remaining Board members would all participate if there was a vote on the petition tonight. He stated at the last meeting there had been concerns in regards to engineering, water runoff, and the placement of the garage. He saw their engineer was present and asked him to proceed.

Mr. Kyle Devenish from Outback Engineering was present for the Martowskas. He advised that he had been asked to come in and discuss the drainage. Mr. Devenish then shared the plan on his screen. He advised they are proposing to capture the roof runoff from the garage which will then be piped directly to an underground infiltration chamber field. These are plastic arc chambers which are embedded in stone. They are sized to

completely store a three-and-a-half-inch storm. They are proposing sloping from the front steps down towards the front yard to address the driveway area. The edge of the proposed garage on the south side will be super elevated to direct water into the front yard into a nyloplast yard drain, a small plastic grate that will capture the runoff and direct it into those chambers.

Mr. Devenish noted these chambers were all sized to capture and hold completely within the system three and a half inches in a 24-hour storm. This will also capture a large portion of the front yard. There is a small ridge on the site that breaks the flow to the north and south so by super elevating the proposed driveway, it will create a barrier that will direct the runoff towards that yard drain. He stated along the north property line, the proposed pavilion and patio would be self-contained by the topography heading down toward the pond rather than to the north property line.

Mr. Carmichael asked if the percentage of impervious area had been calculated. Mr. Devenish replied that it had been checked and all structures, parking, and paved areas are included in that percentage. Mr. Olivieri noted the percentage had changed since the original submission. Could he clarify as to what had happened to those numbers. Mr. Devenish said he believed there had been a typo on the previous plan but the 7,590 square feet has been double checked and is the correct area.

Ms. Cline asked for a clarification regarding the rain runoff calculations. Mr. Devenish stated it was three and a half inches in a 24-hour period which will be completely contained in the chambers. That does not account for the actual infiltration that will happen so it can actually handle more than that. He wanted to make sure it could fill up to the top of the chambers with the three and a half inches in 24 hours. Mr. Devenish explained they use the term mitigate meaning they cannot make this condition worse for runoff or the neighbors. The intent and general practice is to deal with the proposed conditions and not make the situation worse.

Mr. Olivieri said to clarify what he was saying was the changes they're going to make to the property is the runoff they are going to mitigate. They are not going to take care of the existing water issues. Mr. Devenish said that was correct. However, some of the front yard runoff will now be captured by the nyloplast yard drain. Mr. Olivieri asked Mr. and Mrs. Martowska if they wanted to add anything. He knew that the concern was the location of the garage. Did they have any other options or give any consideration to moving it away from the property line?

Mr. Martowska thought the proposed location was the best for the neighborhood and himself. He wants to minimize the blocking of the view from his neighbors and, although they may not agree, the appearance from the Tribous' property. If they rather have it 20 feet from the sideline, he will have to live with it and that would be the outcome. He thought he should get it; that it was better for the neighborhood; it was more consistent with the character of the neighborhood; but he was prepared to go with whatever the Board is willing to do for him.

Ms. Tribou said that Outback said the driveway would be super elevated. Mr. Devenish clarified that typically when they say super elevated they just mean sloping from one side to the other. It doesn't mean to actually bring up the elevation. It would stay at a general elevation of the land there is now. It would just be sloped one way to make sure that none of that runoff is heading toward the south abutter. They will hold the high point on the south side of the driveway, and it would slope down to the nyloplast yard drain. Mr. Olivieri asked if the super elevated he was referring to is designed to make sure there is no additional runoff, and if it actually is going to correct a little bit of the existing issue. Mr. Devenish replied it was definitely to make sure there is no additional runoff but by creating and holding that high point on the south side of the driveway, it will prevent that front yard area from coming down that way as well. It will all be captured in that yard drain.

Mr. Tribou asked what exactly made up the impervious area. Mr. Devenish replied it is the paved driveway, any roof area, the terraces, the pavilion, the patios, and retaining walls. It is anything that water would hit and not go into the ground or go onto the ground that is included in that percentage. Mr. Tribou asked if the area in front of the garage going out to the street is included. Mr. Devenish was unsure but noted it was gravel so he did not think so. Mr. Olivieri asked if gravel was considered impervious or pervious. Mr. Devenish replied it was kind of in between. It is more pervious than pavement because it allows runoff to go into it rather than running along it and going somewhere else. Mr. Olivieri said in that case it is not included in the calculations for impervious. Mr. Devenish said that was correct.

Mr. Tribou asked how that gravel area was pitched. Was it towards their property? Mr. Devenish said it appears that is generally pitched towards Edgewater Drive. It is directing it more to Edgewater rather than more to the south. Mr. Devenish said that gravel will allow water to run into it and not sit on top like a paved driveway. Ms. Tribou asked if there was supposed to be a setback on the property line on the proposed patio. What would a normal setback be without a Special Permit or Variance. Mr. Olivieri said it would fall into the same guidelines as any structure. Mrs. Tribou said that the Martowskas have a large lot and there was no reason to put that right next to their property.

Mr. Devenish shared the screen so the Board could see what Mrs. Tribou was referencing. Mr. Olivieri thought that based on the fact those would be on Long Pond, Concomm would be more responsible for that. Mr. Olivieri said it was in the setback but one of the reasons for that is so fire apparatus and people have access to the property. He asked Atty. Kwesell if that assumption was correct. She replied the application is only for the proposed pavilion and garage. Mr. Olivieri said they are included on the plan but were not included on the petition. He asked Mr. & Mrs. Martowska to clarify.

Mr. Martowska replied when he went to the Building Inspector, he asked about the structure, stairway, things like that, and the retaining wall going to the five-foot setback. He tried to fill out the paperwork as it was explained to him. If you notice, he doesn't even mention that retaining wall going into the setback but the pavilion and garage in the

final notice. Those were on the plans since day one. He said he would amend the petition to include those patios if that was required. He noted that Conservation had seen these plans and had no issue with the patio and it had since been reduced for the impervious coverage.

Mr. Olivieri asked Atty. Kwesell if this would be an issue. She replied there's a reason why Mr. Darling said they don't need a Special Permit. It might be because they are not an accessory building in a setback. It's a non-conforming lot and a non-conforming structure so that would be an extension of the non-conforming structure, whereas the pavilion and garage are accessory buildings and they fall under the special requirement for an accessory building that can be within the side setbacks. Mr. Olivieri said that these are patios and although the impervious comes into play, he didn't think the setbacks were a significant concern.

Mr. Olivieri asked if there were any additional questions. There were none. He reviewed that the petition they have is for a Special Permit for a gazebo and garage, both of which are in the setbacks. He asked if anyone was in favor of any of the request. Ms. Cline said that she was not inclined to approve the setback on the garage but she was okay with the gazebo and the pavilion. In regards to the garage, she was inclined to stick to the bylaw.

Ms. Cline then made the motion, they accept the current plans for the gazebo and the pavilion but they do not grant the relief for the setback on the proposed garage. Mr. Olivieri asked Atty. Kwesell if that motion was acceptable. She replied that it did work. Mr. Campeau seconded the motion.

Mr. Olivieri then noted before he called the vote if this did not pass, and it requires a super majority, the Martowskas could not come back to the Board for relief for two years unless there was a substantial change to the plan. He stated that he would then like to give the Martowskas the opportunity to withdraw, without prejudice, if they preferred. However, it would have to be the entire application. Mr. Martowska said they would not withdraw.

Roll Call Vote: Mr. Carmichael-Aye, Ms. Cline-Aye, Mr. Sheedy-Aye, Mr. Campeau-Aye, Mr. Olivieri – Aye

Ms. Murray explained the timing of the filings, the appeal period, etc.

The hearing closed at 7:39.

Maksy hearing, continued – 149 Bedford Street

Mr. Olivieri opened the continued Maksy hearing at 7:40. Mr. Jamie Bissonnette from Zenith Consulting Engineers was present. He then shared his screen to display the revised Site Plan. Mr. Bissonnette reviewed they were in front of the Board for a Special

Permit to raze and construct a dwelling within the setbacks and also for a sign that is larger than the Town's bylaw allows. Several of the concerns raised at the last meeting had also been raised by the Lakeville Planning Board.

Mr. Bissonnette explained he felt they had addressed those items, and they had received approval of their Site Plan last week from the Planning Board. He would now like to go over the things they had changed and then answer any questions. Mr. Bissonnette said it seemed like a big concern was regarding the proposed sign. Originally, it had been proposed in the driveway area but there had been numerous concerns about its proximity to the intersection. After taking another look at the site, they have relocated the sign from 58 feet to the intersection to approximately 184 feet. That is an approximate 130 foot move down Bedford Street.

Mr. Bissonnette said another concern was the building itself and its proximity to the intersection and the setbacks. They are dealing with a site that has 40-foot setbacks on all sides. They presently have 1.6 feet from the corner to the property line and at the last meeting, their building was 15.1 feet. Since then, they have reconfigured the length and width of the building and slid the building a little bit further back which provides 19.3 feet and the proposed 18.7 feet setback was increased to 25.2 feet. Mr. Bissonnette advised to be able to make these changes, they had to make some changes to the site. They went from a full foundation to a slab style foundation. That allowed them to get from 20 feet from the foundation to the septic system to 10 feet to meet the minimum setback to the septic system as proposed. This also caused them to change their ADA access ramps.

Mr. Bissonnette said one other thing he would like to bring up is that the Planning Board, as part of their approval, asked them to place more trees for screening. They had been asked to bring those trees all the way down to the drainage ditch which was part of the conditional approval. He asked if there were any questions. Mr. Olivieri asked if he had clarification from Mass DOT in regards to the setback for the sign. Mr. Bissonnette said that he had reached out to Ms. Nicole Barthelme who is at District 5 in Taunton and is the permits engineer that they do a lot of work with. He did not get a response back from her so he did not have a definitive answer on the permitting component of this with Mass Dot. He could tell them the Mass Dot portion for signs and approvals does take place with an additional public hearing that happens in Boston but that had been pre-Covid. The regulations that fall under Mass Dot's approval for billboards and signs is pretty strict but he didn't have an answer from them regarding this. He believed that a sign that fell under local guidance would not trigger a Mass Dot permit, but he will get the answer from them for the Board.

Mr. Olivieri asked Atty. Kwesell if she could provide any comments in regards to the bylaw and how it pertains to signage and if she had any insight as to whether Mass DOT would be involved in this. Atty. Kwesell replied she wasn't sure if the intent of the sign is the same but from their last meeting, the intent was to have third party businesses being advertised on the sign. If that is the case, this would then be considered an off-premise sign, a bill board which is its own use. Therefore, they have an issue with the fact they

have a property with two uses. The second issue is they need a Special Permit and if there is an off-premise sign, the bylaw has a separate section on that. It says that not advertising the premises on which located or the argument thereof, but it also says it must advertise a business commodity or service available in Lakeville. It cannot exceed 12 square feet and it must be found to be appropriate for the location. She was not sure that this sign meets any of those requirements, so they now are looking at a Variance which wasn't applied for. They would need a Variance for the sign and then perhaps also for more than one principle structure, because it is a structure. It is problematic and if the sign was just advertising the business on the property site, it would be different. As it is functioning as a billboard, it's a different use.

Mr. Carmichael asked if they could proceed with this. Atty. Kwesell replied they really couldn't change the fact that the Board is now looking at a Variance if they wanted to go forward with the sign. She is not sure if the applicant was proposing the same type of sign, where this was a marketing company, and they would offer this sign to their clients. She did not know if this company was going to limit their clients only to Lakeville. They are looking at businesses outside of Lakeville which takes it outside of the Special Permit requirements and brings it into a Variance. They couldn't hear that tonight because it wasn't advertised for that.

Mr. Olivieri asked for a clarification of the sign. Mr. Bissonnette advised he believed the intention is to have the office building itself be used as the headquarters for the advertising company, along with possibly a real estate office or some other kind of an office. He believed Ms. Maksy had spoken with Mr. Darling and had discussed the exact use. Ms. Maksy replied that was true, and she had spoken to him when she had the concept of starting this business. She has applied to the State for an LLC and it is called Exposure Marketing Group LLC. The premise of the business is to have members have ownership within the physical space and advertising at 149 Bedford Street. They will be able to offer businesses a conference room, secretarial staff, etc. Tonight is the first time she has heard about this particular extension of the bylaw. She has read it and talked to Mr. Darling several times. Her intent is to advertise to whomever wants to become part of a co-op and to offer small businesses the opportunity to have a nice location for their clients. Part of that is offering them the chance to put their logo and the opportunities their business presents to the public. She did not feel as though it was a billboard. She will also run her business from this location and advertise her properties.

Mr. Bissonnette said it appeared to him that an out of town business might be covered with the co-op by having rental or ownership inside of the building. Mr. Olivieri said he would assume that if it's rental space, you don't need to own the premise that you occupy it but it does become your premise. Atty. Kwesell said she didn't think there was a lease so they're not necessarily renting. Mr. Olivieri asked what if there were leases in place that showed they were occupants. She replied that could be difficult for Mr. Darling to try to enforce. The business itself is not what she is commenting on, it's the sign because of what the bylaw says in regards to an off-premise sign. She reiterated the bylaw says the sign must advertise a business, commodity, or service available in Lakeville. If it doesn't, she did not think the Board could do anything without a Variance request.

Ms. Maksy said she will meet the intent of the bylaw. She explained to him the concept of this business is to help other businesses wherever they are located, but they are going to have ownership, a rental agreement, lease, or whatever the Board wanted to name the contract between the possible advertiser and the business. They will have access to the building. Mr. Bissonnette added that Ms. Maksy would also be donating time to the Town for elections, special meetings, etc. He stated if the Zoning Board of Appeals can grant the Special Permit for the increase in size, he feels that Ms. Maksy can fully comply with the use of the sign to be issued a permit. If Mr. Darling feels she is non-compliant, he will shut her down. Mr. Bissonnette noted that if she reduced the sign by nine square feet, she would then just be in front of Mr. Darling dealing with this exact same thing.

Mr. Olivieri asked if Board members had any additional questions. Mr. Carmichael asked Mr. Bissonnette if any thought had been given to rotating the axis of the building to get further away from the road. Mr. Bissonnette replied they had looked at a number of different scenarios but the issues had been the septic system, the building itself, and the access which had forced them into the configuration they have in order to get the maximum separation. For their septic, they are 10.7 feet off of their leaching field and are pinned at 101 feet off of the abutter's well. They are 50 and 25 feet from the drainage areas. It is a tight situation. Mr. Carmichael commended Mr. Bissonnette for the work that had been put into the site. He had no problem with the building but he did have issue with the sign. The other members had no issue with the building.

Mr. Olivieri then asked for questions regarding the sign. Mr. Carmichael said he had many concerns with the sign especially how it was advertised as had been discussed earlier. He did not think it met the general purpose of the bylaw in several areas. Ms. Cline agreed with Mr. Carmichael. Mr. Sheedy thought it was a good project but agreed the sign is the issue. Now that it is moved from close proximity to the building, it almost becomes a stand-alone type of advertisement structure and less about the building. He noted the street address is responsible for the additional requested nine square feet. Why was it a necessity to increase the sign if the original advertising sign meets the criteria for the bylaw.

Mr. Bissonnette replied it was a preference and not a necessity. He noted that they were going to withdraw the application for the Special Permit on the sign and ask to proceed with the Special Permit for the building. Atty. Kwesell said it was on the same application so the entire application would have to be withdrawn. She would suggest they withdraw the application. If they plan on bringing the sign back in the same sort of configuration, they would be prohibited from doing so. Mr. Olivieri asked Ms. Maksy if she was looking to potentially bring the sign back. If that was the case, she may be better off continuing if she was going to try to refine it or work on it more to see if it is more palatable to the Board. If she was going to get rid of the sign completely, then she would have to start from scratch with just an application. He was not sure what the intent of the sign was going forward.

Ms. Maksy asked what it was the Board would like. Do they want it to be nine square feet smaller? Mr. Olivieri said if it was, she would not need to come to the Board and it would go right to Mr. Darling, unless there was some other aspect of the sign that required the Board's approval. Atty. Kwesell said there are aspects of this sign that are prohibited under 6.6.2. such as the flashing and illumination. Mr. Carmichael felt that the sign did not meet any of the general intentions or purpose under the bylaw. It was a flashing, animated light with moving beacons.

Mr. Bissonnette replied they did not feel it met the definition of flashing beacon or anything that falls under what is prohibited. It was going to be an image that is static on the screen but has the ability to change. It's like a billboard or like a sign that does have lighting on it like most signs in Town. It would change every eight to ten seconds. It wouldn't have any flashing lights or be overly bright. He noted as the sun goes down, the dimness on the light of the sign goes down as well. Mr. Carmichael did not think eight to ten seconds was enough time. Mr. Bissonnette said they were open to discussing a time frame if there was something that would satisfy the Board.

Mr. Bissonnette asked if the Police Chief or Fire Chief had submitted updated comments on the sign. Mr. Olivieri replied the Police Chief had not. Mr. Carmichael then read the most recent response from the Fire Chief. He stated that the Fire Department had no position or jurisdiction on the proposed sign. He did suggest that care be taken to provide reasonable sight lines onto Bedford Street.

Mr. Sheedy said he had the following three concerns regarding the sign: If it was in fact a pseudo billboard; because of the sign's distance from the building it doesn't seem to tie into the business; and the additional size of the sign. He still hadn't heard the necessity for that increase. Ms. Maksy wanted to clarify if she withdrew the whole application without prejudice she could then get new plans, or she could leave the building exactly as it is, a residential building, and just rehab it. Was that correct? Atty. Kwesell said because the residential use is a non-conforming use she would have to look further into it. Mr. Olivieri said he thought the point was they have a blight in that property, which is deep in the setbacks and has been an eyesore for a long time. She could not correct that and then do something else with it by right. He thought the Board was in favor of that but it was just the sign that was the hold back issue.

Mr. Olivieri asked Ms. Maksy if she would like the Board to vote on the petition now; if she would like to continue to work more on the sign by getting comments from the Building Commissioner as far as how he interprets enforcement and content; or if she would like to withdraw without prejudice. Ms. Maksy said she would like them to vote on the building and put conditions on the sign. Mr. Olivieri asked Atty. Kwesell if the Board could vote approval for the building and deny the sign. Atty. Kwesell replied they could do that. She added if Ms. Maksy wanted to come back with a different sign that needs different relief, she would still have that option. She just could not come back unless there was a substantial difference. Ms. Maksy said that she did not want to come back.

Mr. Olivieri said he would then entertain a motion. Ms. Cline said that she would move they grant the Special Permit to raze the existing structure and construct the new building as submitted with the latest revised plans, but they deny the permit to allow the sign that is 41.25 square feet. Mr. Carmichael seconded the motion.

Roll Call Vote: Mr. Carmichael-Aye, Ms. Cline-Aye, Mr. Sheedy-Aye, Mr. Campeau-Aye, Mr. Olivieri – Aye

Ms. Murray explained the timing of the filings, the appeal period, etc.

The hearing closed at 8:31.

Documents distributed for the hearing:
Revised Site Plan 12/3/20

Next meeting

Mr. Olivieri advised the next meeting is scheduled for Tuesday, January 19, 2020, at 7:00 p.m.

Adjourn

Ms. Cline made a motion, seconded by Mr. Youngquist, to adjourn the meeting.

Roll Call Vote: Mr. Carmichael-Aye, Ms. Cline-Aye, Mr. Youngquist-Aye, Mr. Campeau-Aye, Mr. Sheedy-Aye, Mr. Olivieri – Aye

Meeting adjourned at 8:33.