



Received & posted: _____

Town Clerk

TOWN OF LAKEVILLE REMOTE MEETING NOTICE/ AGENDA

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

Name of Board, Committee or Commission:	<u>Zoning Board of Appeals</u>
Date & Time of Meeting:	<u>Thursday, October 15, 2020 at 7:00 p.m.</u>
Location of Meeting:	<u>REMOTE MEETING</u>
Clerk/Board Member posting notice	<u>Cathy Murray</u>

Revised-AGENDA

1. In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G.L. c.30A, §20, relating to the 2020 novel Coronavirus outbreak emergency, the October 15, 2020, 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 (you do not need a Facebook account to view the meeting). This meeting will be recorded and available to be viewed at a later date at <http://www.lakecam.tv/>**
2. **Petition hearings (Votes to be taken)**
Martowska hearing, continued – 2 Edgewater Drive – request for a **Special Permit** under 7.4 to construct a walkway, a 44' x 28.5' garage, a pavilion approximately 16' x 12' and a patio within the setbacks on a pre-existing, non-conforming lot.
Poillucci hearing – 39 Cross Street – request for a **Special Permit** under 4.1.1 and 7.4.6 is requested to allow the construction of a single-family dwelling on Lot 1, Lot 2, and Lot 3, for a total of three dwellings, located in the business zone, off Bella Way, **Map 022, Block 002, Lot 008 and 009.**
3. **Old Field Estates – 44 & 46 Rhode Island Road (Votes to be taken)** - request to modify their **Comprehensive Permit** granted on June 4, 2020, and filed with the Town Clerk on June 9, 2020.
4. **Meeting minutes (Votes to be taken)**
Approve the May 7, 2020, and September 17, 2020, meeting minutes.
5. **Old Business**
6. **New Business**

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 October 15, 2020, 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/>**

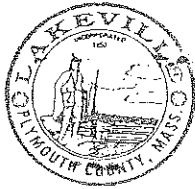
(TOWN OF LAKEVILLE SEAL)

The LAKEVILLE ZONING BOARD OF APPEALS, acting in accordance with MASS GENERAL LAWS CHAPTER 40A, as amended, will conduct a public hearing on THURSDAY, October 15, 2020, at 7:00 P.M. to hear the petition of **Robert Poillucci, Trustee of 39 Cross Street Realty Trust**. A **Special Permit** under **4.1.1 and 7.4.6** is requested to allow the construction of a single-family dwelling on Lot 1, Lot 2, and Lot 3, for a total of three dwellings, located in the business zone, off Bella Way, **Map 022, Block 002, Lot 008 and 009**. This is as provided by the Lakeville By-Laws.

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

October 1, & October 8, 2020



Town of Lakeville

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

Board of Health
(508) 946-3473
(508) 946-8805
(508) 946-3971 fax

October 2, 2020
Town of Lakeville
Zoning Board of Appeals
Attn: Donald A. Foster, Chairman
346 Bedford Street
Lakeville, MA 02347

Re: 39 Cross Street

Dear Chairman Foster:

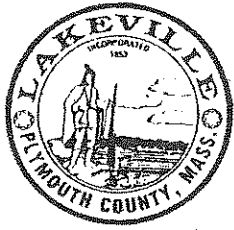
We received a copy of the ZBA petition and associated plans for a Residential Subdivision off Cross Street (Bella Way). The Zenith Consulting Engineering plans dated August 24, 2020, show three new residential dwellings with onsite sewage disposal systems. We feel there is sufficient land and suitable soils to allow for four new subsurface sewage disposal systems under Title V wastewater design parameters and also have sufficient area for three new proposed wells. There is also a local Board of Health (BOH) regulation for a slab above high groundwater, and all of the proposed dwellings meet this criteria.

Therefore, based on the information provided to the BOH there is no reason for the BOH to recommend denial due to public health issues at this time.

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

Sincerely yours,
For the Board of Health

Edward Cullen
Health Agent



Town of Lakeville

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

Mark Knox, Chairman
Barbara Mancovsky, Vice Chairman
Peter Conroy
Michele MacEachern
Jack Lynch

MEMORANDUM

TO: Board of Appeals

FROM: Planning Board

DATE: October 9, 2020

SUBJECT: Petition Review for Poillucci-39 Cross Street

At their Thursday October 8, 2020, meeting, the Planning Board reviewed the above referenced Petition for Hearing from the Board of Appeals. The Board recommended approval of this petition. This subdivision was previously approved by the Planning Board with the condition that the lots be used for residential use, which is in the best interests of the neighborhood.

Petition to be
filed with Town Clerk

EXHIBIT "A"

TOWN OF LAKEVILLE
MASSACHUSETTS

ZONING BOARD OF APPEALS
PETITION FOR HEARING

RECEIVED
SEP 8 2020
BOARD OF APPEALS

Name of Petitioner: Robert Poillucci, Trustee of 39 Cross Street Realty Trust

Mailing Address: 1 Business Park drive, Lakeville, MA 02347

Name of Property Owner: Robert Poillucci, Trustee of 39 Cross Street Realty Trust and
Lakeville Nursery Redevelopment, LLC

Location of Property: 39 Cross Street

Property is located in a residential XX business industrial (zone)

Registry of Deeds: Book No. 50199 51376 Page No. 334 236

Map 022 Block 002 Lot 008 and 009

Petitioner is: XX owner tenant licensee prospective purchaser

Nature of Relief Sought:

XX Special Permit under Section (s) 4.1.1 and 7.4.6 of the Zoning Bylaws

Variance from Section (s) of the Zoning Bylaws.

Appeal from Decision of the Building Inspector/Zoning Enforcement Officer

Date of Denial

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

Allow three single family detached dwellings to be constructed on Lot 1, 2 and 3 off Bella Way
in the Business Zoning District

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: Robert Poillucci, Trustee of 39 Cross Street Realty Trust Date: August 24, 20

Signed: [Signature] Telephone: 508-946-6953

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?

XXX Yes No

Jamie Bissonnette, Engineer

(Name and Title)

Law Office of
Michael P. O'Shaughnessy
43 East Grove Street, Suite 5
Middleboro, MA 02346
Phone: (508) 947-9170
Fax: (508) 947-9130
E-mail: mike@mposesq.com

September 8, 2020

Town of Lakeville
Zoning Board of Appeals
346 Bedford Street
Lakeville, MA 02347

Re: Special Permit Application
Belle Way, Lakeville, MA

Dear Honorable Board members:

Robert Poillucci, Trustee of 39 Cross Street Realty Trust ("Petitioner") is seeking a special permit from the Town of Lakeville Zoning Board of Appeals ("Board") under section 4.1.1 of the Lakeville Zoning Bylaw to allow Lots 1, 2 and 3, as shown on the plan that accompanies the special permit application, to be used for single-family, detached dwellings as Lots 1, 2 and 3 are substantially within the business zone.

History

On or about August 13, 2020, the Lakeville Planning Board has approved a three-lot subdivision on a roadway shown as Bella Way. The three lots are located within the business zoning district. Pursuant to Section 4.1.1 single-family, detached dwellings are allowed in the business zone provided a special permit is granted by the Board.

Bylaw Requirements

Section 7.4 of the zoning bylaws states that "Special Permits shall only be issued for uses, buildings and structures which are in harmony with the general purpose and intent of this By-Law and subject to its general or specific provisions and only if the Special Permit Granting Authority finds that the following conditions are met:

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

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

were denied.

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

The Special Permit Granting Authority shall determine that the proposal generally conforms to the principals of good engineering, sound planning, and correct land use, and that the applicant has the means to implement the proposal if a Special Permit is granted.

Analysis for Compliance with Special Permit Requirements

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

The proposed uses of lots 1, 2 and 3 as single-family residences are not noxious, harmful or hazardous and is socially and economically desirable and will meet an existing or potential need. Bella Way is in an area where single family residences are predominant and as such the proposed residential use is harmonious with the neighborhood.

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

When approval of the subdivision was before the Planning Board, the neighbors to the project indicated that it was preferable to them that the Petitioner's property be used as single-family residences as opposed to a business use. If the Special permit is denied, the Petitioner has no choice but to use and develop the property for those uses allowed in the business zone.

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

To develop the property as residential use and maintain the character of the neighborhood the petitioner has no reasonable alternative available other than to seek a special permit from the Board to allow the property to be used as single-family residences.

The Special Permit Granting Authority shall determine that the proposal generally conforms to the principals of good engineering, sound planning, and correct land use, and that the applicant has the means to implement the proposal if a Special Permit is granted.

The stormwater management systems and roadway layout have been fully evaluated by HML and Associates during the subdivision plan approval process. As such, the Board can find that the principals of good engineering, sound planning, and correct land use have been applied to the proposed project. The Petitioner is a well-known builder within the Town of Lakeville that has in the past received several permits for multi-unit projects from the Board and has completed same. Given the Board's familiarity with the Petitioner and his history of successfully completing projects, the Board can find with some assuredness that the Petitioner has the means to implement the proposed project.

Conclusion

The Petitioner contends that the use of Lots 1, 2 and 3 as single-family residences is in harmony with the general purpose and intent of the Lakeville Zoning Bylaw. Moreover, the Petitioner believes that the Board can find that: (1) the use is not noxious, harmful or hazardous, is socially and economically desirable and will meet an existing or potential need; (2) the advantages of the proposed use outweigh any detrimental effects, and such detrimental effects on the neighborhood and the environment will not be greater than could be expected from development which could occur if the special permit were denied; (3) the applicant has no reasonable alternative available to accomplish this purpose in a manner more compatible with the character of the immediate neighborhood; (4) the proposal generally conforms to the principals of good engineering, sound planning, and correct land use; and, (5) the applicant has the means to implement the proposed project. Based upon all of the foregoing, the Petitioner respectfully requests that the Board grant the Special Permit.

Should you have any questions or comments, please do not hesitate to contact me.

Very truly yours,



Michael O'Shaughnessy

*** Electronic Recording ***
Doc#: 00055690
Bk: 51376 Pg: 236 Page: 1 of 2
Recorded: 07/17/2019 02:33 PM
ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

MASSACHUSETTS EXCISE TAX
Plymouth District ROD #11 001
Date: 07/17/2019 02:33 PM
Ctrl# 126259 15212 Doc# Plymouth County Registry
Fee: \$456.00 Cons: \$100,000.00

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, That Hamlin Realty, LLC, a Massachusetts limited liability company, have a business address of 144 Bank Street, Attleboro, Massachusetts 02703

For consideration paid of One Hundred Thousand and 00/100 (\$100,000.00) Dollars

grant to Robert Poillucci, Trustee of 39 Cross Street Realty Trust, *as evidenced by a certificate of Trust which Trust is dated July 2019,* to be recorded herewith, of One Business Park Drive, Suite 2A, Lakeville, MA 02347

with **QUITCLAIM COVENANTS**

The land in Lakeville, Massachusetts, described on Exhibit A attached hereto.

Being the premises conveyed to this Grantor by deed of Paul R. Hotz et als, Trustees of the Cross Street Realty Trust, dated March 30, 2005, and recorded with Plymouth County Registry of Deeds in Book 30304, Page 185.

The grantor is not classified for the current taxable year as a corporation for federal income tax purposes

Executed under seal this 17 day of July, 2019.

Hamlin Realty LLC - by Easecat, Inc., Manager
By Ronald P. Turowetz, President and Treasurer

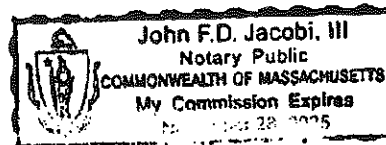
COMMONWEALTH OF MASSACHUSETTS

Bristol, ss

July 17, 2019

On this 17 day of July, 2019, before me, the undersigned Notary Public, personally appeared the above named Ronald P. Turowetz, President and Treasurer of Easecat, Inc., Manager of Hamlin Realty, LLC, proved to me through satisfactory evidence of identification, which was personal knowledge, 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.

John F. D. Jacobi, III - Notary Public
My commission expires: 11/28/25



Premises: Lot 2, 39 Cross Street, Lakeville, Massachusetts

Exhibit A

Premises: Lot 2, 39 Cross Street, Lakeville, Massachusetts

The land in Lakeville, Massachusetts, being shown as Lot #2 on a Plan of Land entitled, "Plan of Land in Lakeville, Massachusetts Owner(s): Cross Street Realty Trust Date 2/28/05 Scale 1" = 100' Job No. 98-108 Azor Land Sciences Inc.", which plan is recorded with Plymouth County Registry of Deeds in Plan Book 49, Page 764.



Bk: 50199 Pg: 334 Page: 1 of 3
Recorded: 08/22/2018 02:15 PM
ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

MASSACHUSETTS EXCISE TAX
Plymouth District ROD #11 001
Date: 08/22/2018 02:15 PM
Ctrl# 116860 31854 Doc# 00069002
Fee: \$2,508.00 Cons: \$550,000.00

CANCELLED

QUITCLAIM DEED

HARDING NURSERY, LLC, a duly organized Massachusetts limited liability company, having a business address of 144 Bank Street, Attleboro, Bristol County, Massachusetts, 02703 for consideration paid of Five Hundred Fifty Thousand and 00/100 (\$550,000.00) Dollars grant to **LAKEVILLE NURSERY REDEVELOPMENT LLC**, a duly organized Massachusetts Limited Liability company, having a business address of 1 Lakeville Business Park Drive, Suite 2A, Lakeville, MA 02347,

with **QUITCLAIM COVENANTS**,

The land located on the south side of Route 44 (Harding Street) designated as "**ACREAGE: 31.64 A+/- SOUTH OF RTE. 44**" and the land located on the north side of Route 44 (Harding Street) designated as "**2.66 ACRES**" both shown on a plan of land entitled: "A Plan of property in Lakeville, Mass. drawn for Hotz Brothers' Mink Farm Scale: 1"=80' June 24, 1980", which plan is recorded with the Plymouth County Registry of Deeds as Plan No. 80-582, in Plan Book 21, Page 980.

Said parcel containing 34.30 acres, more or less, as shown on plan hereinbefore mentioned is further bounded and described as follows:

Beginning at a point situated in the Westerly sideline of Cross Street, which point marks the Northeasterly corner of land now or formerly of Paul and Olga Hotz as shown on plan hereinbefore mentioned;

Thence turning and running South 88° 58' 42" West by land now or formerly of Paul and Olga Hotz as per plan 453.28 feet;

Thence turning and running South 00° 38' 31" West by land now or formerly of Paul and Olga Hotz and land now or formerly of Wallace and Tina P. Hotz as per plan 569.55 feet;

Thence turning and running North 89° 21' 59' West by land now or formerly of Edward and Muriel Lewoczko as per plan 711.84 feet to a point;

Property Address: 2 and 5 Harding Street (Route 44) Lakeville, MA 02347

Ma. l
Michael O'Shaughnessy
20 East Grove Street
Middleboro, MA 02347

Thence turning and running North 00° 35' 43" East by land now or formerly of Frederick and Paul Carey as per plan 833.52 feet to a point;

Thence turning and running North 03° 42' 12" East by land now or formerly of Ann Stelmach as per plan 330.00 feet to a point;

Thence turning and running North 70° 50' 27" West by land now or formerly of Stelmach as per plan 328.00 feet to Holly Island Brook;

Thence turning and running Northerly by said Brook to land now or formerly of R. Dicroce;

Thence turning and running North 50° 21' 51" East by land now or formerly of R. Dicroce 450.00 feet more or less to Poquoy Trout Brook;

Thence turning and running in a general Southeasterly direction by the center line of Poquoy Trout Brook to land now or formerly of Milton Paska and Helen Paska as per plan;

Thence turning and running South 00° 53' 13" West by land now or formerly of said Paska and by land now or formerly of Robert and Dawn Thomas as per plan 470.19 feet more or less to a point;

Thence turning and running South 52° 12' 13" East by land now or formerly of said Thomas as per plan 39.76 feet to the Westerly sideline of Cross Street;

Thence turning and running South 10° 51' 11" West by the Westerly sideline of Cross Street 43.77 feet to the point of beginning.

Meaning and intending to convey two parcels, the first containing 31.64 acres, more or less and the other containing 2.66 acres more or less, both as shown on plan hereinbefore mentioned, however otherwise bounded and described.

Excepting so much of the premises hereinbefore described as is contained within the taking for the layout of Harding Street, Route 44, as shown on the plan hereinbefore mentioned.

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.

The within conveyance does not constitute a sale or transfer of all or substantially all of the company's assets within the Commonwealth of Massachusetts.

Being the same premises described in deed High Rock Harding, LLC to Harding Nursery, LLC dated July 7, 2015 and recorded with Plymouth County Registry of Deeds in Book 45835, Page 3.

Executed as a sealed instrument this 22nd day of August, 2018.

HARDING NURSERY, LLC
By: EASECAT, INC., its Manager

By: *Ronald P. Turowetz*
Ronald P. Turowetz, President & Treasurer

COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss

Date: August 22, 2018

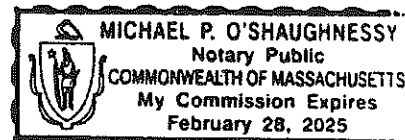
On this day before me, the undersigned Notary Public, Ronald P. Turowetz, President & Treasurer of Easecat, Inc. and manager of Harding Nursery, LLC to me through satisfactory evidence of identification, which was based on [] personal knowledge [] a Massachusetts driver's license, to be the person whose name is signed on the preceding or attached document, and who acknowledged to me that he/she signed it voluntarily for its stated purpose, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his/her knowledge and belief.

Notary Public:

Michael P. O'Shaughnessy

Printed Name: Michael P. O'Shaughnessy

My Commission Expires: February 28, 2025





MAP 22 - BLOC

P.E. STAMPE

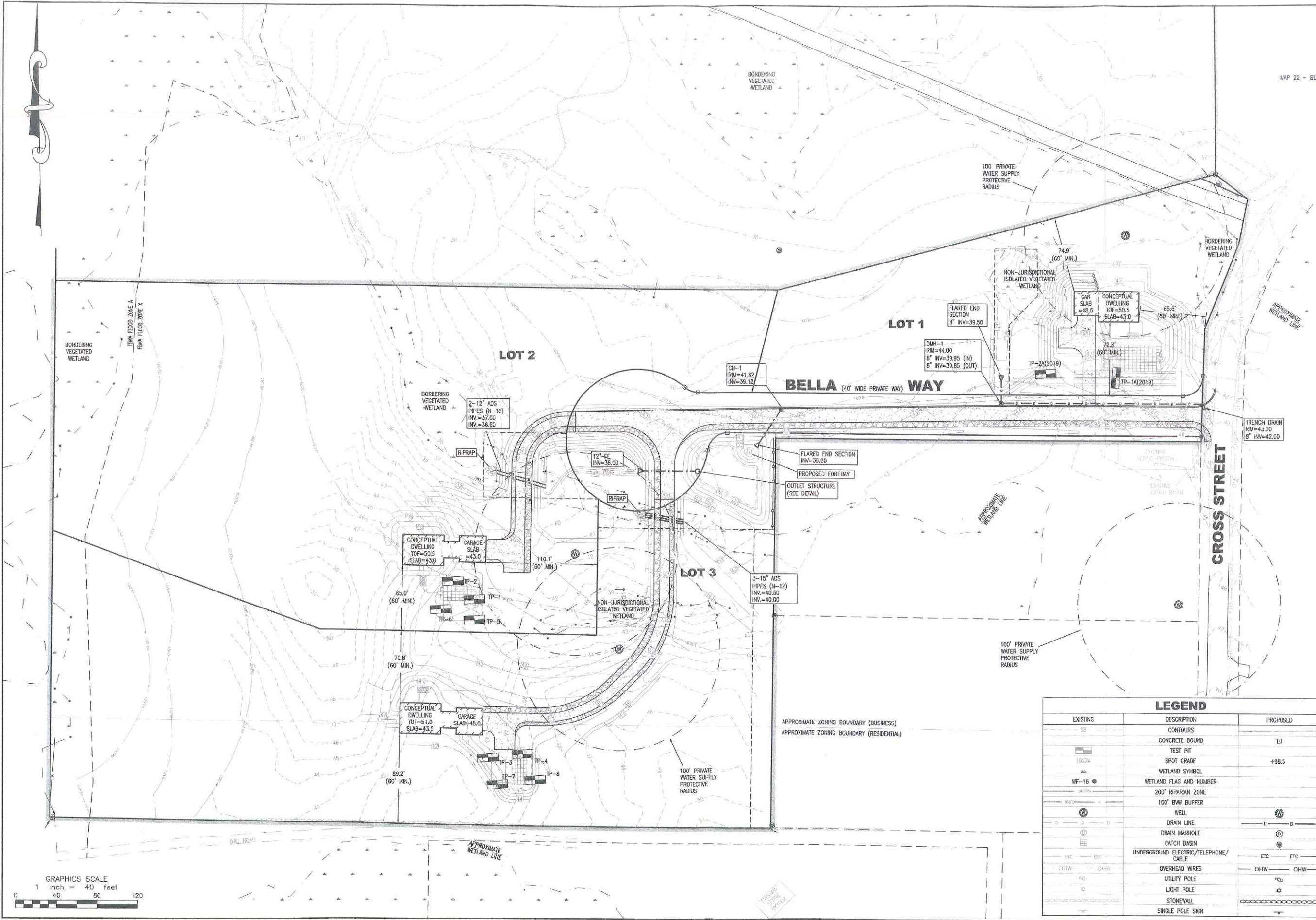
ZCE
ZENITH CONSULTING ENGINEERS, LLC
3 MAIN STREET LAKEVILLE, MA 02347
PHONE: (508) 947-4208



REV.	DATE	DESCRIPTION	BY	APP.

SHEET NAME: PLAN TO ACCOMPANY A ZBA PETITION
PROJECT SITE: 39 CROSS ST. & PART OF 5 HARDING ST., LAKEVILLE, MASSACHUSETTS
CLIENT INFO: 39 CROSS STREET REALTY TRUST, 1 LAKEVILLE BUSINESS PARK DRIVE, LAKEVILLE, MASSACHUSETTS 02347

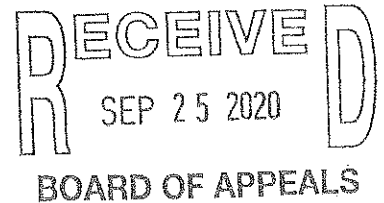
S:\Civil Engineering Projects\Lakeville\Cross St\39 Cross Street\DWG\Plan to accompany a ZBA Petition.dwg



EXISTING	DESCRIPTION	PROPOSED
98	CONTOURS	
[Symbol]	CONCRETE BOUND	[Symbol]
[Symbol]	TEST PIT	
19x74	SPOT GRADE	+98.5
[Symbol]	WETLAND SYMBOL	
WF-16 ●	WETLAND FLAG AND NUMBER	
20' R/W	200' RIPARIAN ZONE	
100' R/W	100' BWV BUFFER	
[Symbol]	WELL	[Symbol]
[Symbol]	DRAIN LINE	[Symbol]
[Symbol]	DRAIN MANHOLE	[Symbol]
[Symbol]	CATCH BASIN	[Symbol]
ETC ETC	UNDERGROUND ELECTRIC/TELEPHONE/CABLE	ETC ETC
OHW OHW	OVERHEAD WIRES	OHW OHW
[Symbol]	UTILITY POLE	[Symbol]
[Symbol]	LIGHT POLE	[Symbol]
[Symbol]	STONEWALL	[Symbol]
[Symbol]	SINGLE POLE SIGN	[Symbol]

GRAPHICS SCALE
1 inch = 40 feet
0 40 80 120

Law Office of
Michael P. O'Shaughnessy
43 East Grove Street, Suite 5
Middleboro, MA 02346
Phone: (508) 947-9170
Fax: (508) 947-9130
E-mail: mike@mpoesq.com



September 25, 2020

Town of Lakeville
Zoning Board of Appeals
346 Bedford Street
Lakeville, MA 02347

RE: Request for Change to Comprehensive Permit
Old Field Estates, Rhode Island Road

Dear Honorable Board Members:

Pursuant to 760 CMR 56.05(11), Paul E. Turner and Paul E. Turner Corp. (together with its successors and assigns, the "Petitioner") requests a change to the Comprehensive Permit issued on June 5, 2020 by the Town of Lakeville, acting by and through its Zoning Board of Appeals (the "Board") for the project known as Old Field Estates. The Petitioner further requests that the change be deemed insubstantial by the Board.

Condition B.10.b. requires that "The Affordable Units shall be Unit 1, Unit 5, Unit 7 and Unit 10. In the event that MassHousing modifies the locations of the affordable units as part of its final approval, then the Applicant shall submit a plan to the Board reflecting the change."

The Petitioner is requesting that the Board allow Unit 7 to be sold as a market rate unit and that Unit 14 shall be sold as an affordable unit. A plan entitled "Site Layout Plan Old Field Estates Lakeville, Massachusetts", Dated: December 17, 2019 revised through June 16, 2020 accompanies this request. Aside from the change of location, the difference in Unit 7 and Unit 14, is that Unit 14 will have a walk out basement. MassHousing indicated that it did not object to the change because the affordable units are still distributed throughout the development. A copy of an email from Mike Busby of MassHousing accompanies this request.

Based upon the foregoing, the Petitioner requests a change to Condition B.10.b. of the Comprehensive Permit to allow the Petitioner to change Unit 7 to a market rate unit and Unit 14 to an affordable unit.

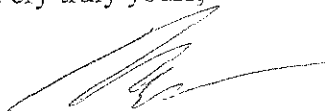
Pursuant to 760 CMR 56.05(11), within twenty 20 days of receiving this request, the Board shall determine and notify the Petitioner whether the Board deems the Change to be substantial or insubstantial, with reference to the factors set forth at 760 CMR 56.07(4). If the Change is determined to be insubstantial or if the Board fails to respond to the Petitioner by the

September 25, 2020
Page 2

end of such 20-day period, B.10.b. of the Comprehensive Permit, shall be deemed modified pursuant to 760 CMR 56.05(11) to incorporate the Change.

If you have any questions, please contact this office. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "M. O'Shaughnessy", written over a horizontal line.

Michael P. O'Shaughnessy

Mike O'Shaughnessy

From: Michael Busby <MBusby@masshousing.com>
Sent: Thursday, September 17, 2020 3:46 PM
To: Mike O'Shaughnessy
Subject: RE: Old Field Estates - Lakeville

No worries on our end, all units are still distributed throughout the development so that's good.

From: Mike O'Shaughnessy <Mike@mpoesq.com>
Sent: Thursday, September 17, 2020 2:16 PM
To: Michael Busby <MBusby@masshousing.com>
Subject: Old Field Estates - Lakeville

Hi Mike,

The developer is looking to switch an affordable unit. On the plans submitted and approved by the ZBA , it showed Unit 7 as being affordable.

The developer would now like to switch 7 and 14.

Aside from the location, Unit 14 will have a walkout basement and Unit 7 will not.

Take a look. If this is ok with you. I need to ask the ZBA if its ok with them.

Mike

Michael O'Shaughnessy, Esq.
43 East Grove Street, Suite 5
Middleboro, MA 02346
Phone: (508) 947-9170
Fax: (508) 947-9130
Email: mike@mpoesq.com

From: Robert Forbes <rforbes@zcellc.com>
Sent: Wednesday, September 16, 2020 5:36 PM
To: Mike O'Shaughnessy <Mike@mpoesq.com>
Cc: PTREALTYTRUST@GMAIL.COM
Subject: Old Field Estates

Hi Mike –

Paul asked me to forward this revised plan to you showing the affordable unit moving from unit 7 to unit 14

Sincerely,

RHODE ISLAND ROAD

OLD FIELD WAY

PUBLIC - VARIABLE WIDTH - PLANKMOUTH COUNTY DECREE NO. 923

N/F LAKEVILLE MIXED USE DEVELOPMENT (LOT-2)

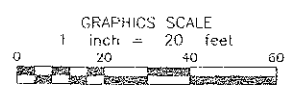
N/F LAKEVILLE MIXED USE DEVELOPMENT (LOT-3)

INFILTRATION BASIN 1
TOF=90.0
BOT=85.0

6 FT HIGH PRIVACY FENCE (TYP)

INFILTRATION BASIN 2
TOF=88.0
BOT=84.0

N/F LAKEVILLE MIXED USE DEVELOPMENT (LOT-6)



(A) DENOTES AFFORDABLE UNIT

LAKEVILLE ZONING BOARD OF APPEALS

APPROVED AND ENDORSED UNDER M.G.L.C. 40B BY THE LAKEVILLE ZONING BOARD OF APPEALS

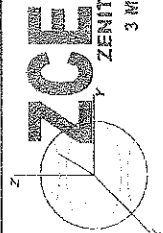
APPROVED: _____
 ENDORSED: _____

I HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE LAKEVILLE ZONING BOARD OF APPEALS WAS RECEIVED AND RECORDED ON _____ AT THIS OFFICE, AND NO APPEAL WAS RECEIVED DURING THE TWENTY (20) DAYS NEXT AFTER SUCH RECEIPT OF RECORDING OF SAID NOTICE

TOWN CLERK, LAKEVILLE, MA DATE _____

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

PROFESSIONAL LAND SURVEYOR DATE _____



ZCF
ZENITH CONSULTING ENGINEERS, LLC
 3 MAIN STREET LAKEVILLE, MA 02347
 PHONE: (508) 947-4208

P.E. STAMP

SITE LAYOUT PLAN

OLD FIELD ESTATES
 LAKEVILLE, MASSACHUSETTS
PAUL E. TURNER CORP.
 PO BOX 833
 LAKEVILLE, MA 02347

DATE:	12-17-19
DESIGNED BY:	NZ
CHECKED BY:	BF
APPROVED BY:	NZ
PROJECT NUMBER:	0272-02-01
RESPONSE TO ZBA REVIEW:	2
UNIT REVISION:	3
DRAWING SCALE:	1" = 20'
SHEET ID:	LI

REV.	DATE	DESCRIPTION	BY
1	2/20/20	GENERAL REVISIONS	NZ
2	5/28/20	RESPONSE TO ZBA REVIEW	NZ
3	9/16/20	UNIT REVISION	NZ

SHEET NAME:
 PROJECT SITE:
 CLIENT INFO:
 APPROVED BY:
 DATE:

N/F RYAN & STEPHANIE EATON
 DEED BOOK 42548 PAGE 99

N/F RICHARD & ELAINE ANDERSON
 DEED BOOK 4157 PAGE 701

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20-05

Town Clerk
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h. r. p. a. n. e.

Findings & Notice of Decision
Zoning Board of Appeals #20
Old Field Estates

Applicant: Paul E. Turner and Paul E. Turner Corp.

Development Entity: 4446 Rhode Island Road, LLC

Property Owner: Paul E. Turner Corp.

Property Location: 44 & 46 Rhode Island Road

Property: The real property that is the subject of this Decision consists of that certain parcel of real estate more fully described in two deeds dated October 5, 2018 and recorded in Plymouth County Registry of Deeds Book 50379, Page 71 and Book 50379, Page 73.

Zoning District: Residential

Assessors Map and Parcel: Map 060, Block 007, Lots 001K and 001L

Area: Approximately 2.81

Application Submitted: January 15, 2020 (the Applicant by email dated January 16, 2020 consented to opening the hearing on February 20, 2020)

Public Hearing Dates: February 20, 2020
May 7, 2020
June 4, 2020
June 4, 2020 (Closed)

Board of Appeals Vote: Motion by John Olivieri, Jr., seconded by Janice Swanson, voted 4-0-0 to Approve (Don Foster, Chairman, John Olivieri, Jr., Janice M. Swanson and James Gouveia)

Filed with Town Clerk: June 9, 2020

Appeal Period Ends: June 29, 2020
(20 days after filed with Town Clerk)

000/

PROJECT SUMMARY

The development to be known as "Old Field Estates", will be located on an approximately 2.8-acre parcel of land located at 44 and 46 Rhode Island Road in Lakeville (the "Project" and/or "Development"). There will be a total of sixteen (16), three (3) bedroom dwelling units in eight (8) duplex style buildings. Twenty-five percent of the four (4) dwellings units will be reserved as affordable units based upon the selected program guidelines. The remaining dwellings/units will be market rate units. The 16 dwellings will be part of a Condominium Association established pursuant to M.G.L. Chapter 183A.

Each building will be serviced by one shared on-site septic system and each unit will have municipal water service.

PROCEDURAL HISTORY

1. On January 15, 2020, Paul E Turner and Paul E Turner Corp. (collectively the "Applicant") applied for a Comprehensive Permit pursuant to M.G.L. Chapter 40B to construct sixteen (16), three (3) bedroom dwelling units in eight (8) duplex style buildings on a site containing approximately 2.8 acres located at 44 and 46 Rhode Island Road, in Lakeville Massachusetts, further identified as Assessors Map 060, Block 007, Lots 001K and 001L (the "Property") (hereinafter, the "Development"). As proposed, the Development has the following components:
 - One lot containing sixteen (16) 3-bedroom units in eight (8) duplex style buildings.
 - Related access drive and other utilities and infrastructure.
 - Stormwater facilities.
 - Landscaping and screening components.
2. The project is depicted on a plan set entitled "Comprehensive Permit Plan "Old Field Estates" 44 & 46 Rhode Island Road, Lakeville, Massachusetts" dated, December 17, 2019 (last revised February 20,2020) and prepared by Zenith Consulting Engineers, LLC, 3 Main Street Lakeville, MA 02347. A complete list of plan sheets is included in the Conditions of Approval below.
3. A duly advertised public hearing of the Lakeville Zoning Board of Appeals (the "Board") was opened on February 20,2020 and continued to the following dates:
May 7, 2020
June 4, 2020

The public hearing was closed on June 4, 2020.
4. The documents and exhibits set forth as **Exhibits A & B** were received during the public hearing. The record for this decision can be found at the Town of Lakeville Building Inspector's Office located at Lakeville Town Hall. These documents include, but are not limited to, site plans illustrating the project. Throughout the duration of the public hearing,

all such documents and exhibits were made available for public review during normal business hours at the Lakeville Town Hall.

5. The list of requested waivers from the Lakeville Zoning Bylaw and General Bylaws for the issuance of a Comprehensive Permit as granted or denied by the Board is attached hereto as **Exhibit C** and is hereby incorporated by reference into this decision.

FINDINGS

1. The Applicant is qualified to make the Application pursuant to 760 CMR 56.04 in three ways:
 - a. The Applicant, as a Limited Liability Company, is a "limited dividend organization" as that term is used in M.G.L. chapter 40B, §21 and 760 CMR 56.04(1)(a);
 - b. The Applicant is fundable pursuant to 760 CMR 56.04(10)(b), as evidenced by the Project Eligibility/Site Approval letter from MassHousing to the Applicant dated December 6, 2019 and
 - c. The Applicant has "control of the site" as evidenced by the two deeds to Paul E. Turner Corp. in two deeds dated October 5, 2018 and recorded in Plymouth County Registry of Deeds Book 50379, Page 71 and Book 50379, Page 73.
2. The Town of Lakeville is working to meet the statutory minimum percentage of affordable housing set forth in G.L. c. 40B, §20 or 760 CMR 56.03(3). The Town has 239 Subsidized Housing Inventory ("SHI") units (6.2% subsidized) (according to an updated SHI Inventory list from November 18, 2019) and needs 146 additional SHI units in order to meet the 10% SHI threshold.
3. The Town of Lakeville has actively pursued the development of affordable housing. It has supported two very significant 40R projects. The Town has an approved Housing Production Plan.
4. The Applicant proposes to construct sixteen (16) homeownership dwelling units in eight (8) duplex style buildings. The affordable component of the project consists of four (4) units which is twenty-five percent of the total (hereinafter "Affordable Units") and shall be marketed to eligible households subject to approval by MassHousing. The Affordable Units shall be and shall remain eligible to be included in the Town's Subsidized Housing Inventory, as maintained by DHCD. As conditioned within this Decision, the Affordable Units shall be affordable in perpetuity, to the extent allowed by law. The Development will have negligible impact on the housing need of the town, which is very near the 10% presumptive level.
5. The Property is located off Rhode Island Road, in the Residential zoning district, as established in the Lakeville Zoning Bylaw.
6. The subject property (hereinafter "the Property") is currently vacant land.

7. The Development consists of sixteen (16), three (3) bedroom dwelling units in eight (8) duplex style buildings.
8. As required in this decision, each building will be serviced by private, on-site shared Title 5 septic disposal systems and will be serviced by municipal water.
9. The Development does not include designated guest parking spaces and instead provides a driveway associated with each dwelling unit.
10. The Development requires, at a minimum, the following additional permits, agreements, and approvals:
 - a. Final approval and execution of a Regulatory Agreement by MassHousing;
 - b. NPDES Permit;
 - c. Board of Health approval of Title 5 septic disposal systems.
11. During the Hearing process, the Board retained a peer review consultant, Nicholas Lanney, P.E. of HML Associates ("HML") to assist in the review of the Application. HML provided four (4) reports to the Board dated February 14, 2020, February 27, 2020 and two letters dated April 13, 2020.
12. The Town sent notice and materials related to the Development to the following boards, commissions, committees and departments of the Town of Lakeville, including:
 - a. Fire Department
 - b. Police Department
 - c. Board of Selectmen
 - d. Conservation Commission
 - e. Planning Board
 - f. Board of Health
 - g. Building Department
 - h. Highway Department

Over the course of the public hearing, in addition to the plans submitted by the Applicant, Town officials, abutters, and interested members of the public entered into evidence documents, testimony, and other materials addressing matters and questions raised during the public hearing, and a list of said materials is attached hereto as Exhibit B.

13. The Lakeville Board of Health reviewed the Project and indicated that it would need to review and approve the septic plans.
14. The Fire Department indicated that it did not have any issue with the Site Plan.
15. The Town of Lakeville Board of Selectmen through their Town Administrator indicated that they had no comments on the project.

16. The Town of Lakeville Conservation Commission indicated that it had received a Request for Determination of Applicability for a small vegetated wetland depression area on the project site.
17. The Town of Lakeville Planning Board indicated whether or not the project was contemplated as a 40R project and whether draft condominium documents were available for review.
18. Abutters to the project voiced concerns ranging from traffic and potential impacts on their well water caused by the Development.
19. The Applicant provided the Board with a Traffic Impact Assessment prepared by Vanasse & Associates dated March 23, 2020.
20. Approval of this Comprehensive Permit and certification by the Department of Housing and Community Development (DHCD) will not move the Town's Subsidized Housing Inventory over 10%. Specifically, the Town needs 140 additional SHI units to exceed 10% and this Development will only provide four (4) additional SHI units.

WAIVERS

After consideration and deliberation, the Board voted on the requested waivers as listed in Exhibit C as follows:

TOWN OF LAKEVILLE ZONING BY-LAWS – 1994 Revision (with Amendments through June 3, 2019):

Section 4.1.1 – To allow premises to be used for multifamily dwellings in the Residential Zoning District

Vote: On June 4, 2020, the Board, on a motion made by John Olivieri, Jr., seconded by Janice Swanson, voted 4-0-0 to APPROVE a waiver from Section 4.1.1 – to allow multifamily dwellings in the residential zoning district.

Section 5.0 - To allow more than one principal structure to be constructed on a lot.

Vote: On June 4, 2020, the Board, on a motion made by John Olivieri, Jr., seconded by Janice Swanson, voted 4-0-0 to APPROVE a waiver from Section 5.0 – to allow more than one principal structure to be constructed on a lot.

Section 5.1 – Waiver from the minimum dimensional requirements for lot area; frontage; lot width; front, side and rear setbacks; and green area.

Dimensional Requirement	Required	Provided
Front Yard setback	40 feet	Unit 1: 24 feet
		Unit 14: 32.3 feet

Vote: On June 4, 2020, the Board, on a motion made by John Olivieri, Jr., seconded by Janice Swanson, voted 4-0-0 to APPROVE a waiver from Section 5.1 – allowing the front yard setback to be less than 40 feet.		
Side yard setback	20 feet	Unit 3: 16 feet
		Unit 4: 19.1 feet
		Unit 5: 17.4 feet
		Unit 10: 17.1 feet
		Unit 16: 14.3 feet
Vote: On June 4, 2020, the Board, on a motion made by John Olivieri, Jr., seconded by Janice Swanson, voted 4-0-0 to APPROVE a waiver from Section 5.1 – allowing the side yard setback to be less than 20 feet.		
Lot Coverage	25%	35.9%
Vote: On June 4, 2020, the Board, on a motion made by John Olivieri, Jr., seconded by Janice Swanson, voted 4-0-0 to APPROVE a waiver from Section 5.1 – allowing the lot coverage to be greater than 25%.		

5.1.2 Front Yard Circle - Waive Front yard circle requirement

Vote: On June 4, 2020, the Board, on a motion made by John Olivieri, Jr., seconded by Janice Swanson, voted 4-0-0 to DENY a waiver from 5.1.2 as the waiver is not necessary.

Section 6.7 and all of its subsections – Waive Site Plan review requirement by Planning Board.

Vote: On June 4, 2020, the Board, on a motion made by John Olivieri, Jr., seconded by Janice Swanson, voted 4-0-0 to APPROVE a waiver from Section 6.7 – Site Plan review by the Planning Board. Pursuant to G.L. c. 40B, §21 the Lakeville Zoning Board of Appeals has the power to issue permits or approvals as any local board or official who would otherwise act with respect to such application.

TOWN OF LAKEVILLE General By-Laws 1994 Revision
(with Amendments through June 6, 2016)

CURB CUT

Vote: On June 4, 2020, the Board, on a motion made by John Olivieri, Jr., seconded by Janice Swanson, voted 3-0-0 APPROVE a waiver from the requirement that a curb cut permit be obtained from the Board of Selectmen. Pursuant to G.L. c. 40B, §21 the Lakeville Zoning Board of Appeals

has the power to issue permits or approvals as any local board or official who would otherwise act with respect to such application.

OUTDOOR LIGHTING

Vote: On June 4, 2020, the Board, on a motion made by John Olivieri, Jr., seconded by Janice Swanson, voted 4-0-0 to APPROVE a waiver from the requirements of the outdoor lighting bylaw Waive outdoor lighting in its entirety and waive filing with the Planning Board. Pursuant to G.L. c. 40B, §21 the Lakeville Zoning Board of Appeals has the power to issue permits or approvals as any local board or official who would otherwise act with respect to such application.

The Board carefully considered each waiver requested by the Applicant, evaluating all the evidence and arguments presented by the Applicant, peer reviewers, town officials, and others. It is the intention of the Board to grant only those specific waivers granted above. Any additional waiver(s) that may be needed must be requested from the Board as a modification of this permit.

DECISION

Pursuant to M.G.L. Chapter 40B, §§20-23, the Board, after public hearing and findings of fact including, but not limited to, the facts stated herein and the waivers granted or denied herein, determines (i) that the waiver decisions are based on valid health, safety, building design, municipal and community planning, and open space concerns, weighed against the regional need for affordable housing with regard to the Development as conditioned by this Decision and that (ii) there is sufficient evidence to support the waiver decisions and the granting of a Comprehensive Permit to enable the construction of sixteen (16) three (3) bedroom dwelling units in eight (8) duplex style buildings, subject to the following conditions. Accordingly, the application by Paul E. Turner and Paul E. Turner Corp. or its nominee for a Comprehensive Permit is hereby granted as conditioned with the allowed waivers for not more than sixteen (16) single three (3) bedroom dwelling units in eight (8) duplex style buildings, subject to the following terms and conditions all of which are binding upon the Applicant as conditions of this permit.

This Comprehensive Permit is subject to compliance by the Applicant with the terms and conditions of this Decision. The Board finds that the waivers denied and/or granted, as conditioned or limited, are consistent with local needs and the health and safety of the Project residents, the abutters and the residents of Lakeville and do not render the Mass. Gen. Laws Chapter 40B Project uneconomic.

The terms and conditions of this Comprehensive Permit, together with the Regulatory Agreement to be entered into which will govern the Affordable Units, shall control the development of the Project. To the extent the Comprehensive Permit and Agreements are inconsistent with any other instrument, document, agreement or plan submitted in connection with the Project, the Comprehensive Permit shall control to the full extent permitted by law.

CONDITIONS

The grant of this comprehensive permit hereunder is dependent upon compliance with all of the conditions set forth above and upon the following additional terms and conditions.

A. ADMINISTRATIVE

1. The Comprehensive Permit is granted to Paul E Turner and Paul E Turner Corp, also referred to as "Applicant". As used herein, the term "Applicant" shall mean the Applicant, its heirs, successors and assigns. The term "Board" as set forth herein shall mean the Lakeville Zoning Board of Appeals. Unless otherwise indicated herein, the Board of Appeals may designate an agent or agents to review and approve matters set forth herein.
2. The Board hereby approves the assignment of this permit to the development entity established by the Applicant.
3. Nothing in this permit shall be construed as preventing the Applicant, at his sole cost, expense and risk, the clearing of land and any work in preparation of construction of the roadway.
4. The Development shall be constructed in substantial conformance with the following documents and plans of record (collectively the "Documents and Plans"), as listed in **Table 1** and **Table 2**. Any deviation from these plans and/or documents shall require a modification of this Comprehensive Permit by the Board as set forth in 760 CMR 56.05(11).

Table 1. Documents

Materials from Applicant
Permit Application dated January 13, 2020, stamped and received by the Town of Lakeville on January 15, 2020, and as modified through supplemental submissions by an on behalf of the Applicant through the close of the public hearing.

Table 2. Plans

DRAWING TITLE	SHEET NO.	ISSUED	LAST REVISED
CIVIL PLANS			
COVER SHEET		12/17/19	5/26/2020
EXISTING CONDITIONS PLAN		12/17/19	5/26/2020
SITE LAYOUT PLAN		12/17/19	5/26/2020
GRADING & UTILITIES PLAN		12/17/19	5/26/2020
LANDSCAPING PLAN 1		12/17/19	5/26/2020
LANDSCAPING PLAN 2		12/17/19	5/26/2020

DRAWING TITLE	SHEET NO.	ISSUED	LAST REVISED
EROSION CONTROL PLAN		12/17/19	5/26/2020
DETAIL SHEET 1		12/17/19	5/26/2020
DETAIL SHEET 2		12/17/19	5/26/2020
DETAIL SHEET 3		12/17/19	5/26/2020
ARCHITECTURAL PLANS AND RENDERINGS			
FOUNDATION PLAN	A.1.0	2-17-2020	
FIRST FLOOR PLAN	A1.1	2-17-2020	
SECOND FLOOR PLAN	A1.2	2-17-2020	
ELEVATIONS	A.2.0	2-17-2020	
ELEVATIONS	A2.1	2-17-2020	
BUILDING SECTIONS	A.3.0	2-17-2020	
BUILDING SECTIONS	A.3.1	2-17-2020	
SCHEDULE & DETAILS	A3.2	2-17-2020	
OLDFIELD ESTATES LANDSCAPE & SITE PLAN RENDERING		Undated	
BUILDING ELEVATIONS COLORED RENDERINGS		Undated	
BIRD'S EYE RENDERING		Undated	
RENDERING FROM RHODE ISLAND ROAD		Undated	
VEHICLE AND TRAFFIC RELATED PLAN			
FIRE TRUCK TURNING PLAN		4/20/2020	
SIGHT DISTANCE PLAN		3/13/2020	
ABUTTERS' WELL LOCATIONS		3/10/2020	

5. Any modification(s) to the foregoing Documents and Plans shall be governed by the provisions of 760 CMR 56.05(11). Unless otherwise indicated, the Board may designate one or more agents to complete reviews and/or approvals required herein, on its behalf. In its consideration of any such proposed change, the Board shall take into account without limitation whether Lakeville has a continued need for affordable housing based on the availability of affordable housing locally, the data in the then-current Lakeville Housing Production Plan or related local or regional plan, and any other materials related to housing demand as may be available to the Board.

6. The Board shall have the power, at a public meeting and without further public hearing to modify or amend the terms and conditions of this Comprehensive Permit on the application of the Applicant, or upon its own motion, to correct technical errors in this Comprehensive Permit.

7. In the event the Applicant seeks any change in the Comprehensive Permit after this decision is final, any such change must be presented to the Board for approval and for modification of this decision. Within 20 days the Board shall determine and notify the Applicant whether it deems the change substantial or insubstantial, with reference to the factors set forth at 760 CMR 56.07(4).) If the change is determined to be insubstantial or if the Board fails to notify the Applicant by the end of such 20-day period, the Comprehensive Permit shall be deemed modified to incorporate the change.

If, during a public meeting, the Board deems a change to be substantial, then the Board shall hold a subsequent public hearing within 30 days of its determination and issue a decision within 40 days of termination of the hearing, at which the Board may approve or disapprove the requested modifications or amendments to this decision, in accordance with the provisions of Mass. Gen. Laws c. 40B, section 21, the provisions of 760 CMR 56.05 (11). The Board will determine whether additional information and advice is necessary from other boards and officials in the event of such substantial change, and will then determine whether the change or requested relief is to be approved and the decision amended accordingly. "Substantial Change" for the purposes of this paragraph shall include, but not be limited to, all matters defined as substantial changes in 760 CMR 56.07(4). If it deems necessary, the Board may at the Applicant's expense retain consultants to review and advise the Board regarding any proposed changes. The Board may, at the Applicant's expense retain consultants to review and advise the Board regarding any changes to Lot lines, building, septic and well siting.

8. Unless substantial construction of the Development has commenced as further defined by the issuance of a building permit, the Comprehensive Permit shall expire three years after the appeal period. Any requests for an extension of time shall be made in writing no less than thirty days prior to the expiration of the Comprehensive Permit.
9. Following the passage of the appeal period, the Applicant shall record this Decision at the Plymouth County Registry of Deeds and provide proof of said recording to the Board of Appeals staff. **No building permits will be issued until this condition is satisfied.**
10. The Board approves the transfer of the permit to 4446 Rhode Island Road, LLC a development entity established by Paul E Turner who is the manager of said LLC. Any subsequent transfer of the Project shall be in accordance with 760 CMR 56.05(12)(b). Prior to substantial completion of a Project or a phase thereof, a Comprehensive Permit may be transferred to a person or entity other than the Applicant, upon written confirmation from the Subsidizing Agency that the transferee meets the requirements of 760 CMR 56.04(1)(a) and (b), and upon written notice to the Board. The Transfer of a permit shall not, by itself, constitute a substantial change pursuant to 760 CMR 56.07(4). After substantial completion, a Comprehensive Permit shall be deemed to run with the land and a transfer must be approved by the Board of Appeals after public hearing.
11. Plans. **After after the expiration of the appeal period,** the Applicant shall provide the Board and Building Department with four sets of full sized and two sets of reduced copies

of the final set of approved plans listed on Table 2 one Mylar plan set- in addition to any recordable plan sheets, as well as a digital copy of the final plan set prior to the issuance of a building permit.

Construction Plans. Not less than thirty days prior to the anticipated start of construction, and to the degree that the following plans are not part of the plan set described in Table 2, the Applicant shall submit the following final construction plans to the Board and Building Department, for purposes of confirming that the construction plans are consistent with the requirements of this Decision. The approval of the Building Department shall not be unreasonably withheld. All construction plans shall be stamped by a registered architect or registered professional engineer, as may be applicable. The Board may engage, at the Applicant's expense and upon prior agreement to scope and cost of services, one or more agent to review the plan(s) and make recommendations for approval or disapproval to the degree that a plan or plans are inconsistent with this decision.

- a. Construction schedule, including phasing plan, if any;
- b. Landscaping Plan;
- c. Grading plan (including retaining wall systems, if any);
- d. Erosion control plan;
- e. Architectural plans, including all principal and accessory structures (which detailed review shall be conducted by the Building Department as part of the Building Permit application process);
- f. Utilities plan including well locations, water lines, septic disposal system, gas lines and/or propane/oil sources, electric, cable, and telephone;
- g. Stormwater management plan;
- h. Snow storage plan;
- i. Lighting plan;
- j. Signage plan, including signs, if any, to be used during the marketing of the Development; said plans shall be reviewed by the Building Commissioner.

As-built Plans. Within sixty days of issuance of the final certificate of occupancy, the Applicant shall provide "as-built" plans of the roads, buildings, water, and electrical distribution systems to the Board of Appeals, Fire Department, Building Department and Highway Department; such plans shall be approved by the Board or its agent for consistency with this decision. Approval shall not be unreasonably withheld and shall be deemed granted if not reviewed by the Board or its Agent within thirty days of submission by the Applicant. The Applicant shall provide the as-built plans for the Septic Disposal Systems to the Board of Health. The Applicant shall provide these plans in digital format acceptable to the Town if requested.

12. The Applicant shall promptly pay the reasonable fees of the Board's consultants, for assisting the Board during the public hearing, in preparing this Decision, for post-permit reviews of the plans or documents described herein and for inspections during the construction phase, as may be deemed necessary or appropriate. All consultant fees incurred prior to the issuance of this Decision shall be paid by the Applicant within thirty days after this Decision is filed with the Town Clerk.

13. Copies of all required legal documents including, but not limited to, Regulatory Agreement, Septic Disposal System Maintenance Documents shall be submitted to the Board and, if necessary, the Lakeville Town Counsel for review and comment, **prior to issuance of any certificate of occupancy**. Additionally, the Condominium Documents shall be submitted to the Board and, if necessary, the Lakeville Town Counsel for review and approval, **prior to issuance of any certificate of occupancy**. If Town Counsel does not provide comments within 60 days of the submission of the foregoing documents, then said documents shall be deemed approved. It shall be the responsibility of the Applicant to pay all legal costs associated with the review of this decision, if applicable, as well as documents associated with any condition of approval by Town Counsel.
14. The Board or its agent(s) may enter onto and view and inspect the subject Property during regular business hours, with prior written notice, with consent not to be unreasonably denied or delayed, and until the final Certificate of Occupancy is issued, to ensure compliance with the terms of this Decision, subject to applicable safety requirements. After completion of construction, the Town's inspection officials shall have authority prior written notice, with consent not to be unreasonably denied or delayed to enter the common areas of the property for purposes of ensuring compliance with the conditions of this Decision and any other applicable permits, regulations, bylaws and statutes.

B. HOUSING

1. The Development shall not be age restricted.
2. The Project shall be limited to of sixteen (16), three (3) bedroom dwelling units in eight (8) duplex style buildings. Each of building will be served by one shared septic system. The Project also includes landscaped areas that provide screening. All of the foregoing are described or shown within the Documents and Plans, which are incorporated herein by reference.
3. As a "limited dividend organization," the Applicant's profit shall not exceed what is statutorily allowed for the Development. Any profit in excess of what is statutorily allowed shall be paid in accordance with 760 CMR 56.04(8)(c). Review of the Applicant's limited dividend obligations shall be done in accordance with the Regulatory Agreement. The Applicant shall comply with the requirements of the Development's subsidizing agency and applicable laws, regulations and guidelines.

As a condition of any approval hereunder, at least 25% of the dwelling units shall be and shall remain affordable and shall be marketed to eligible households subject to approval by DHCD. The Affordable Units shall be and shall remain eligible to be included in the Town's Subsidized Housing Inventory, as maintained by DHCD.

The Applicant shall notify the Board and the Town Clerk when building permits are issued for Affordable Units and cooperate with the preparation of request forms to add the Affordable Units to the Town's SHI. The Applicant shall notify the Board and the Town Clerk when

occupancy permits are issued for the Affordable Units and cooperate with the preparation of request forms to add the units to the Town's SHI permanently. The Affordable Units shall permanently remain affordable units, for so long as the Project is not in compliance with the Town's Zoning By-law, or for the longest period allowed by law, if longer, so that the Affordable Units shall continue to serve the public purposes for which this Comprehensive Permit was authorized under G.L. c. 40B, §§ 20-23.

4. A springing affordable restriction and regulatory agreement shall be signed with the Town and recorded at the Registry of Deeds as set forth below.

The Applicant shall enter into a Permanent Restriction/Regulatory Agreement with the Town, in a form and substance reasonably acceptable to the Board and its counsel (the "Town Regulatory Agreement"), which shall be recorded with the Plymouth Registry of Deeds prior to issuance of any occupancy permit and signed by all necessary parties, including all mortgagees and lien holders of record.

The Town Regulatory Agreement: (i) shall only become effective if and when the Regulatory Agreement with the Subsidizing Agency is terminated, expires or is otherwise no longer in effect and is not replaced with another regulatory agreement with another Subsidizing Agency; (ii) shall require that the Project shall remain 25% affordable so long as the Project does not conform to local zoning; (iii) shall require that at least 25% of the units in the Project shall be affordable and rented by low and moderate income households as that term is defined in M.G.L. Chapter 40B, Sections 20-23; (iv) shall restrict or limit the dividend or profit of the Applicant only if and as required under G.L. c.40B and 760 CMR 56.00, et seq., and no independent limitation on dividends or profits is imposed hereunder; and (v) shall restrict the number of allowed units to not more than sixteen (16) three (3) bedroom dwelling units in eight (8) duplex style buildings as described in this Comprehensive Permit.

The Town Regulatory Agreement shall constitute a restrictive covenant and shall be recorded against the Property and shall be enforceable by the Town and shall require that the Affordable units shall remain affordable in perpetuity, meaning, specifically, for so long as the Project does not conform to the Town Zoning Bylaws or for the longest period allowed by law, whichever period is longer.

5. To the extent allowed under G.L. c. 40B and the regulations promulgated thereunder and other applicable law, the Applicant shall provide a preference category for Lakeville residents, and their parents and children, who have resided in Lakeville within two years immediately preceding their application for housing, and for employees of the Town of Lakeville in the initial sales of the Affordable Units.

This preference shall be implemented by the Applicant and the Applicant shall maintain records of its marketing efforts, which records shall be open to review by the Town for compliance with the local preference set forth herein, to the extent such local preference has been allowed by the Subsidizing Agency

The foregoing local preference shall be implemented pursuant to procedures approved by the Subsidizing Agency. The costs associated with the marketing of units in the Project, including the advertising and processing for the Affordable Units shall be borne by the Applicant.

6. The Applicant shall submit to the Board a report on marketing activity at the Project demonstrating compliance with the local preference requirement pursuant to the plan approved by the subsidizing agency as set forth below.
7. The Board acknowledges that the Town will be required to provide evidence satisfactory to the Subsidizing Agency of the need for the foregoing local preference and to obtain approval of the categories of persons qualifying for the same, and in no event shall the Applicant be in violation of the terms of this Comprehensive Permit to the extent the Subsidizing Agency disapproves the local preference requirement or any aspect thereof. The Applicant shall provide reasonable and timely assistance to the Town in providing this evidence.
8. The Applicant shall develop a marketing plan for the Affordable Units for review and approval of the Subsidizing Agency, said plan to conform to any and all affirmative action requirements or other requirements as imposed by federal or state regulation and shall conform with the local preference requirement set forth above.
9. The Applicant shall execute a Regulatory Agreement that shall be countersigned by the Subsidizing Agency as required under G.L. c.40B and submit annual reports to the Subsidizing Agency in accordance with the Regulatory Agreement. The Affordable Units shall be identified before building permits are sought and the Affordable Units shall not be segregated from the market rate units. If the Project is approved to be phased, then 25% of the units in each such phase shall consist of affordable units.
10. A Regulatory Agreement with MassHousing (or its successor or assign or its designee) is hereby required which will include detailed restrictions in accordance with 760 CMR 56. The Applicant shall provide to the Board a copy of the final executed documents with MassHousing. The Agreement shall contain, at a minimum, the following terms or substantially similar provisions as may be required by the subsidizing agency:
 - a. An acknowledgment that the Affordable Units shall remain in perpetuity to the extent allowed by applicable laws. It is assumed MassHousing shall comply with the requirements of 760 CMR 56.05(13).
 - b. The Affordable Units shall be Unit 1, Unit 5, Unit 7 and Unit 10. In the event that MassHousing modifies the locations of the affordable units as part of its final approval, then the Applicant shall submit a plan to the Board reflecting the change.
 - c. The Affordable Units shall not be segregated from the market rate units. The Affordable Units shall not be substantially different in exterior appearance from the standard market rate units in accordance with MassHousing guidelines.

- d. MassHousing or its successor or contractor shall oversee the profit limitations set forth in Chapter 40B.
 - e. Any excess profit, as defined in the Regulatory Agreement shall be paid in accordance with 760 CMR 56.04 (8) (c),
11. Profits from the Project in excess of those allowed under applicable law and regulations shall be utilized as provided in the regulatory agreement with the Subsidizing Agency and as required and provided for under G.L. c. 40B and 760 CMR 56.00.
 12. The Applicant shall cooperate with the preparation of request forms to add the Affordable Units to the Town's SHL. The Affordable Units shall permanently remain affordable units, for so long as the Project is not in compliance with the Town's Zoning By-law, or for the longest period allowed by law, if longer, so that the Affordable Units shall continue to serve the public purposes for which this Comprehensive Permit was authorized under G.L. c. 40B, §§ 20-23.
 13. While the Regulatory Agreement with the Subsidizing Agency (or one with another Subsidizing Agency) is in effect, the Subsidizing Agency shall be responsible to monitor compliance with affordability requirements pursuant thereto; however, the Town may request and shall be provided by the Applicant with all information that is provided to the Subsidizing Agency and may take any steps allowed under G.L. c.40B and 760 CMR 56.00 in relation to excess profits and enforcement of affordability provisions.
 14. If and when the Town Regulatory Agreement takes effect, the affordability requirements shall be enforceable by the Town or its designee, to the full extent allowed by M.G.L. Chapter 40B, Sections 20-23. However, this clause shall not be used or construed or otherwise exercised in conflict with the holdings in Board of Appeals of Amesbury v. Housing Appeals Committee, 457 Mass. 748 (2010) or any other relevant decisional law or amendment to G.L. Chapter 40B, §§20-23, nor shall the foregoing be deemed to limit the Town's authority to enforce the provisions of this Comprehensive Permit in accordance with the legal exercise of its zoning enforcement powers. At such time as the Town becomes responsible for monitoring the affordability requirements for the Project, the Applicant shall provide the Town with a reasonable monitoring fee.
 15. If at any time it appears that the Applicant is in violation of an affordable housing restriction, then the Board may pursue such enforcement rights as it may have under the affordable housing restriction and/or applicable law.
 16. The Applicant shall provide the Board with copies of any and all documents and statements provided by the Applicant to the Subsidizing Agency or its designated auditor of the Applicant's costs and revenues for informational purposes.
 17. The Town, by and through the Board or its designee, shall have continuing jurisdiction over the Project to ensure compliance with the terms and conditions of this Decision.

18. The Applicant shall comply with all final approval requirements, as per the Development's subsidizing agency. Prior to receiving any building permit, the Applicant shall obtain Final Approval from the Subsidizing Agency pursuant to 760 CMR 56.04(7) and shall provide evidence of such Final Approval to the Building Official and the Board.

C. CONSTRUCTION

1. **No site work shall begin prior to a preconstruction conference.** The Applicant shall convene a preconstruction conference with Town departments including, but not limited to, the Building Department, Fire Department, Highway Department and Board of Health at least 14 days prior to the planned commencement of construction. The Applicant shall convene such conference by contacting the Building Department in writing. All relevant contractors and subcontractors involved with site preparation/site construction activities shall attend this meeting. This approval with conditions shall be reviewed by all parties involved. At the conference, a schedule of inspections shall be agreed upon by the Applicant, the Board, and other municipal officials or boards subject to the Board's or its agent's final review and assent.
2. No construction activity shall occur on the Project, and no building permit shall be issued, until the Applicant shall have:
 - a. Executed and recorded the standard form Regulatory Agreement, and provided evidence of same to the Board and the Building Inspector. The Regulatory Agreement shall be subject to review and approval, as to form and consistency with this Decision, by Town Counsel prior to execution, such approval not to be unreasonably withheld.
 - b. Obtained a Disposal Works Construction Permit under Title 5 of the State Environmental Code.
 - c. Obtained National Pollutant Discharge Elimination System ("NPDES") storm water permit for the Project.
 - d. Submitted to the Board and the Building Inspector a Construction Management Plan (CMP), as well as a Construction Management Schedule (CMS), that generally conforms to industry standard practice and addresses all construction-related conditions specifically set forth in this Decision. Additional copies of the proposed CMP shall be provided to the Planning Board, Board of Health, Fire Chief and Police Chief.
3. During construction, the Applicant shall conform to all local, state and federal laws regarding noise, odor, vibration, dust, and blocking of Town Roads. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Construction activities shall be in accordance with the Town of Lakeville Board of Health Noise Regulations and enforced by the Building Commissioner.

4. **Prior to commencement of construction, including any site work**, the Applicant shall provide, and update as necessary, to the Board and Building Department:
 - (a) the company affiliation, name, address and business telephone number including 24-hour contact information of the construction manager who shall have overall responsibility for construction activities on site;
 - (b) a copy of a municipal lien certificate indicating that all taxes, assessments and charges due on the Premises have been paid;
 - (c) certification from the Applicant that all required federal, state and local licenses and permits have been obtained;
 - (d) proof that "Dig-Safe" has been notified at least 72 hours prior to the start of any site work (can be provided for each Phase);
 - (e) proof that street signage is in place to ensure that emergency personnel can locate the site to provide emergency services to protect and secure the site and construction personnel (if determined necessary by the Fire Department and/or Police Department); and
 - (f) at least 48 hour written notice. If activity on site ceases for longer than thirty days, 48 hour written notice prior to restarting work.

During construction, at the end of each work day, the Applicant shall cause all erosion control measures to be in place and shall cause all materials and equipment to be secured. Upon completion of all work on site and prior to as-built approval, all debris and construction materials shall be removed and disposed of in accordance with state laws and regulations and the Board shall be notified in writing of the final disposition of the materials.

5. The Applicant shall design its final plans with the following specifications:
 - a. The Development shall conform to all pertinent requirements of the Americans with Disabilities Act (ADA) and Massachusetts Architectural Access Board (MAAB), as applicable.
 - b. All signage, including signs to promote sale of the dwellings, shall comply with the Zoning Bylaw and shall be maintained by the Applicant.
6. No tree stumps or other demolition and construction debris shall be buried on the Property. All tree stumps shall either be ground or removed from the Property. No burning is allowed on Property.
7. Blasting, if any, shall be performed in accordance with regulations of the Commonwealth of Massachusetts, 527 CMR. 13.00, and in accordance with any existing written regulations of the Lakeville Fire Department related to blasting. The Applicant shall not use explosives containing perchlorate. Any blasting activity at the site must conform to the requirements of the Town's Fire Department, the State Fire Marshall's Office and any other appropriate regulatory official. Additionally, the Contractor shall be responsible for seismograph monitoring, notification to neighbors within the immediate work area prior to blasting and posting a fire detail on the site. If blasting is required for site construction, the following steps will be taken to monitor/rectify any potential damage as a result of the blasting:

- a. The Applicant shall provide documented inspections, i.e. videotaping, of any foundations and pools within 400' of any expected blast area prior to the start of any blasting;
 - b. The Applicant shall provide pre and post blasting water testing for all residents within 400' of any expected blast area in the subject subdivision prior to the start of any blasting. Water quality, including radon testing, and a specific capacity/short term pumping test shall be included in this testing;
 - c. The Applicant or their hired contractors, shall notify those residents within 400' of any expected blast area, when blasting will begin on the site and will again notify them when all blasting is completed;
 - d. Blasting hours will be limited from 8:00 a.m. to 4:00 p.m., weekdays only;
 - e. The Applicant shall rectify those problems that are proven to be a result of blasting on the subject subdivision, i.e. foundation cracking and deterioration in water quality of abutting properties;
 - f. The use of any perchlorate blasting material is prohibited;
 - g. Hours of operations pertaining to air hammering or similar practices shall be limited to Weekdays between the hours of 8:00 a.m. through 4:00 p.m.
8. There shall be no construction phasing of the Project, unless the Applicant returns to the Board with a specific phasing plan, which shall constitute a substantial change that shall require a public hearing and peer review. Once construction of the Project commences, it shall continue uninterrupted until completed.
 9. All staging areas, including without limitation parking areas for construction personnel, portable toilets, temporary work facilities, etc. shall be on the Property. No parking shall be permitted on Town ways by Project personnel or others in connection with the construction of the Project. **Thirty days following the last certificate of occupancy**, construction staging areas shall be cleared and completed in accordance with approved plans.
 10. In accordance with 780 CMR 116.2.2, the Applicant shall make the Registered Architects and Registered Professional Engineers employed by the Applicant regularly accessible to the Town of Lakeville Building Department staff during vertical construction. "Regularly Accessible" shall mean that such persons will be identified to the Building Commissioner with names, addresses and cell phone numbers and same shall visit the project site generally once a month (or more or less frequently as construction activity may warrant as determined by the Building Commissioner) and will also be available to meet on site with the Building Commissioner as-needed with 48 hours written notice. The Board expressly reserves for the Building Commissioner all rights set forth in the State Building Code including, without limitation, the provisions of 780 CMR 116.4 to 116.4.2, inclusive, concerning an On-Site Project Representative.
 11. If construction activity ceases for longer than 30 days, then written notice shall be provided by the Applicant to the Building Commissioner at least 48 hours before resuming work. The Building Commissioner may require that any foundation, trench, structure, equipment

or other hazard be secured as necessary, in his opinion, including but not limited to installation of fencing and/or filling of trenches.

12. If construction is temporarily suspended during the growing season, all exposed areas shall be stabilized by seeding and/or mulching within 14 days of suspension of construction. If construction is temporarily suspended outside the growing season, all exposed areas shall be stabilized by mulching and tack within 14 days of suspension of construction. Slopes steeper than 3:1 shall be stabilized by netting and pinning during suspension of construction.
13. **Third Party Inspections:**
The Town intends to contract for Civil Engineering plan review and inspections that may be needed during the building permit and construction phases. The Applicant shall establish an escrow account in accordance with M.G.L. c.44 § 53G prior to or at the time of submitting the first Building Permit application in order to assure such contracted services are covered with an initial deposit of \$5,000.00, subject to replenishment.
14. Any fill used in connection with this Project shall be clean fill. Clean fill shall be free from trash, debris, asphalt, brick, concrete, metal, wood, recycled construction materials or other deleterious materials.
15. The certificate of occupancy shall be withheld for the last two market rate units, as surety, to ensure the completion of the top coat of paving, landscaping and lighting as shown on the Project Plans. Alternatively, if the Applicant desires to obtain such final occupancy permits prior to the completion of the top coat of paving, landscaping and lighting then the Applicant shall deposit a monetary security a form determined by the Town with the Town of Lakeville securing the installation of the top coat of paving, landscaping and lighting. The amount of the security shall be determined by the Board, acting upon the advice of its consulting engineer and the form of the security shall be subject to the review of Town Counsel.

D. INFRASTRUCTURE

1. The Applicant has proposed, and the Board hereby requires, that the following aspects of the Development located on the Property shall be and shall remain forever private, and that the Town of Lakeville shall not have, now or ever, any legal responsibility for operation, maintenance, repair or replacement of same, including without limitation:
 - All roadways, sidewalks, and bus stop shelter;
 - Dwelling structures and accessory structures;
 - Storm water management facilities, including detention basins, if any;
 - Snow plowing;
 - Landscaping and screening;
 - Trash removal and recycling;
 - Site lighting;
 - Building repair and maintenance; and
 - Sewer services.

2. Furthermore, the approved condominium documents must contain provisions for a long-term capital facilities and maintenance plan to provide for ongoing maintenance of the Development including without limitation structural and infrastructure elements. The Condominium Association shall maintain the Property so that:
 - a. Snow is appropriately stored and/or removed from the Development;
 - b. All landscaping features, structures and areas, including fences, shall be properly maintained in perpetuity by the Condominium Association. Dead shrubs or trees shall be replaced within one growing season.
 - c. Lighting, which shall be "night sky" friendly and limited to lighting on driveways and outside of dwelling units, there will be no additional lighting of the Private Road than as shown on the approved plans.
 - d. Buildings are appropriately maintained and kept in good repair.
3. The common drive within the Development shall not be dedicated to or accepted by Town Meeting if the Development is owned by a private party. The Applicant, Declarant or Condominium Association shall be responsible for all snow plowing and proper maintenance of all access roadways and sidewalks so that same are kept accessible year-round for pedestrian and emergency access and egress satisfactory to the Town's public safety departments.
4. The Condominium Documents shall provide that in management of lawn areas, practices shall be instituted for reduction/elimination of pesticides and fertilizers as recommended by the "Healthy Lawns for Healthy Families" program.
5. All proposed screening and fencing shall be maintained by the Condominium Association as a requirement in the Condominium documents.
6. The Condominium Documents shall provide that the use of de-icing agents should be tightly restricted to that absolutely necessary for safety in consideration of water quality concerns. Sodium Chloride is not to be used for de-icing and only Calcium Chloride or other more environmentally protective alternative shall be used for de-icing operations. Snow and ice from snow removal operations shall be carefully controlled onsite to assure that any snow removed from the parking and roadway areas shall be deposited in the areas shown as "Snow Storage Areas" on the approved snow storage plan. These restrictions and limitations shall be included in maintenance contracts.
7. The proposed septic disposal systems shall be constructed, installed and operated in accordance with all applicable Local, State and Federal laws, rules and regulations. Copies of all submissions to local state or federal agencies in connection herewith shall be submitted to the Board at the time of any such submission and the Board shall be provided copies of all notices of meeting or hearings at which the same are to be considered by such agency, and the Board or its designees shall be provided the opportunity to participate in such proceeding.

8. Stormwater Management Conditions.
 - a. **Prior to starting any site work**, the Applicant shall provide a copy of the final SWPPP and NPDES Construction General Permit to the Board. The SWPPP shall be provided to the contractors during construction and a copy must be kept on site during construction.
 - b. The Applicant shall comply with the SWPPP during construction.
 - c. The Applicant shall protect the subsurface infiltration system during construction in order to prevent a reduction in the long-term infiltration capacity of the soil. Once construction is complete the system shall be cleaned of any silt and sediment. Removal and replacement of soil shall be completed to make certain that the infiltration rate of the soil is met. The use of silt sacks within the proposed catch basins shall be used during construction.
 - d. The post development impervious areas shall be consistent with the impervious areas shown on the design plans which were used to analyze and size the stormwater management system.
 - e. The as-built conditions shall closely match the drainage areas shown on the post-development drainage map included in the stormwater report.
 - f. Any imported fill shall have the same drainage characteristics as the existing site soils for which the stormwater analysis and design are based.

E. GENERAL CONDITIONS

1. Except where specifically waived by this Comprehensive Permit, construction shall be in accordance with all applicable zoning and other bylaws, rules and regulations of the Town. In the event that the Applicant or the Board's site/civil engineering consultant, in the final design of the Development, determines that additional waivers not shown on the Plans are required, the Applicant shall be required to obtain such additional waivers after written request to the Board. The Board may grant or withhold such additional waivers in accordance with applicable rules and regulations.
2. The Applicant acknowledges that this approval is subject to completion and approval of all necessary filings with the Lakeville Board of Health.
3. **No certificate of occupancy for any building shall be issued** until the Board or its agent and/or the Building Department finds that all improvements required by this decision and set forth on the Record Plans have been constructed and installed so as to adequately serve said Development. If the Applicant seeks a certificate of occupancy of any building before all improvements shown on the Record Plans are completed, then the Board may require the Applicant to post security or performance guarantee in a form authorized by MGL. Partial or temporary CO's may be issued by the Building Inspector but in no circumstances is the Building Department obligated to do so.
4. No parking shall be allowed on the roadways within the Development during a snow emergency.

5. The Applicant and the Condominium Association shall be permanently responsible for the following at the Project:

- (a) all plowing, sanding, and snow removal. Snow shall be piled in designated locations as shown on the Approved Plans or alternate locations acceptable to the Fire Chief. In the event that snow impairs roadways such that the travel area is less than eighteen feet wide, and all designated snow removal locations have been exhausted, at the direction of the Fire Chief, the Applicant shall cause snow to be transported from the Project to an off-site location for the legal disposal thereof;
- (b) all site maintenance and establishing a regular schedule for site maintenance;
- (c) repairing and maintaining all on-site roadways, including drainage structures and utilities therein;
- (d) conducting annual inspection, maintenance and cleaning of all elements of the drainage system, including but not limited to catch basins, drain manholes, detention basins, swales and pipelines;
- (e) maintaining all easements shown on the Plans; and
- (f) site lighting

F. RECORD OF VOTE


Vote: On June 4, 2020, the Board, on a motion made by John Olivieri, Jr., seconded by Janice Swanson, voted 4-0-0 to approve the **Comprehensive Permit** application of Paul E Turner and Paul E Turner Corp., or its nominee to allow for the proposed Development at 44- & 46 Rhode Island Road, sixteen (16), three (3) bedroom dwelling units in eight (8) duplex style buildings. Twelve (12) dwelling units are approved as market-rate units, while Four (4) dwelling units are restricted as affordable dwelling units.

The Board has complied with all statutory requirements for the issuance of this Comprehensive Permit. A copy of this decision will be filed with the Town Clerk. Copies of this decision have been, or will be mailed, to all parties, persons or boards as required by M.G.L. c. 40B.

On June 4, 2020, the Board voted to authorize the Chairman, Donald Foster, to sign this decision on behalf of the Board. (Motion by John Olivieri, Jr., seconded by Janice Swanson, voted 4-0-0).

Any person aggrieved by this decision may appeal to a court of competent jurisdiction within 20 days as provided by M.G.L. c. 40A, § 17 or M.G.L. c. 40B, §20 et seq., as applicable.

Zoning Board of Appeals of the Town of Lakeville

 6/5/20

Donald Foster, Chair

Date

G. LAPSE

Any comprehensive permit granted hereunder shall lapse three years from the date that it takes final effect (i.e., the date that it is filed with the Town Clerk, subject to tolling in the event of any appeal and as provided in 760 CMR 56.05(12)(c)), unless the comprehensive permit is duly recorded before the three year period elapses and unless construction on the Project has commenced within such period. In addition, construction in accordance with this comprehensive permit shall be completed within three years of the commencement of construction. The Applicant may apply to the Board for reasonable extensions of these deadlines for good cause, but shall do so before any lapse occurs.

This comprehensive permit shall not be valid until it is duly recorded with the Registry of Deeds and evidence of such recording is provided to the Building Inspector and the Board. Any modification of this comprehensive permit shall be subject to 760 CMR 56 or any successor regulation thereto.

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

I hereby certify that this is a true copy of the decision rendered by the Board of Appeals and filed in the office of the Town Clerk on _____, _____; I further certify that twenty days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Lakeville, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Date:

Attest:

Lillian Drane
Town Clerk

EXHIBITS

- A. Plans
- B. Correspondence List
- C. List of Waivers

DRAWING TITLE	SHEET NO.	ISSUED	LAST REVISED
CIVIL PLANS			
COVER SHEET		12/17/19	5/26/2020
EXISTING CONDITIONS PLAN		12/17/19	5/26/2020
SITE LAYOUT PLAN		12/17/19	5/26/2020
GRADING & UTILITIES PLAN		12/17/19	5/26/2020
LANDSCAPING PLAN 1		12/17/19	5/26/2020
LANDSCAPING PLAN 2		12/17/19	5/26/2020
EROSION CONTROL PLAN		12/17/19	5/26/2020
DETAIL SHEET 1		12/17/19	5/26/2020
DETAIL SHEET 2		12/17/19	5/26/2020
DETAIL SHEET 3		12/17/19	5/26/2020
ARCHITECTURAL PLANS AND RENDERINGS			
FOUNDATION PLAN	A.1.0	2-17-2020	
FIRST FLOOR PLAN	A.1.1	2-17-2020	
SECOND FLOOR PLAN	A.1.2	2-17-2020	
ELEVATIONS	A.2	2-17-2020	
ELEVATIONS	A2.1.	2-17-2020	
BUILDING SECTIONS	A.3.0	2-17-2020	
BUILDING SECTIONS	A.3.1	2-17-2020	
SCHEDULE & DETAILS	A3.2	2-17-2020	
OLDFIELD ESTATES LANDSCAPE & SITE PLAN RENDERING		Undated	
BUILDING ELEVATIONS COLORED RENDERINGS		Undated	
BIRD'S EYE RENDERING		Undated	
RENDERING FROM RHODE ISLAND ROAD		Undated	
VEHICLE AND TRAFFIC RELATED PLAN			
FIRE TRUCK TURNING PLAN		4/20/2020	
SIGHT DISTANCE PLAN		3/13/2020	
ABUTTERS' WELL LOCATIONS		3/10/2020	

EXHIBIT B - CORRESPONDENCE LIST

Date	From	To
2/7/2020	Derek Maxim, Chairman Lakeville Board of Health	Town of Lakeville Zoning Board of Appeals
2/7/2020	Maureen Candito Lakeville Town Administrator	Town of Lakeville Zoning Board of Appeals
2/18/2020	Lakeville Planning Board	Town of Lakeville Zoning Board of Appeals
2/19/2020	Zenith Consulting Engineers	Town of Lakeville Zoning Board of Appeals
2/19/2020	Robert Bouchard, Chairman Lakeville Conservation Commission	Town of Lakeville Zoning Board of Appeals
2/20/2020	Michael O'Brien, Fire Chief Lakeville Fire Department	Lakeville Planning Board
4/23/2020	Michael O'Brien, Fire Chief Lakeville Fire Department	Lakeville Planning Board

PEER REVIEW REPORTS

2/14/2020	HML Associates	Town of Lakeville Zoning Board of Appeals
2/27/2020	HML Associates	Town of Lakeville Zoning Board of Appeals
4/13/2020	HML Associates	Town of Lakeville Zoning Board of Appeals
4/13/2020 2 nd letter	HML Associates	Town of Lakeville Zoning Board of Appeals

TRAFFIC IMPACT ASSESSMENT REPORTS

3/23/2020	Vanasse & Associates	T
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EXHIBIT C – LIST OF REQUESTED WAIVERS

I. General Waivers

The Applicant seeks waivers from the Lakeville local Bylaws, rules and regulations, as indicated herein and requests that all waivers be granted by the Board of Appeals to construct the project as shown on the plans.

The Applicant also requests that waivers be granted from any requirements to apply to the Town or other municipal Boards or departments, including but not limited to the Lakeville Board of Health, Board of Selectmen, Historic Commission, Planning Board, Conservation Commission, Department of Public Works and Water and Sewer Department and/or Commissioners, if normally required; and the Applicant requests that the Comprehensive Permit be issued in lieu of all of the aforementioned permits, inclusively, including but not limited to the permits and approvals to connect to the municipal water (please note that the Applicant will comply with all technical requirements related to the municipal water system).

If in the course of the hearings it is determined that there are other local by-laws, rules and regulations that would otherwise be applicable to this development that have not been requested in this application, the Applicant reserves the right to so amend the Requested Waivers.

The Applicant also requests waivers from otherwise applicable building permit and water and sewer department fees, as to the affordable units.

II. Town of Lakeville Zoning Bylaw – 1994 Revision (with Amendments through June 3, 2019)

Section 4.0 Except as provided by law or in this By-Law, no building, structure or land shall be used except for the purpose permitted in the district as described in this section. Any use not listed shall be construed to be prohibited.

Requested waiver: Allow multifamily dwellings in the Residential Zoning District

Section 5.0 Except as provided otherwise in this By-Law, no structure hereafter erected, altered, or placed in any district shall be located on a lot having less than the minimum requirements set forth in the table below (see 5.1), no more than one (1) principal structure shall be built upon any lot, and no existing lot shall be changed as to size or shape so as to violate the requirements set forth below.

Requested waiver: Allow more than one principal structure to be built on the lot(s).

Section 5.1 Requirements Units	Residential	Proposed	Affected
Minimum Lot Dimension	70,000 sf	122,555 sf	-
Frontage in feet	175	354 +/-	-
Front yard in feet	40	24, 32.3	1, 14
Side yard in feet	20	<20	3,4,5,10,16
Rear yard in feet	20	>20	-
Number of stories	2.5	2.5	-
Height in feet	35	35	-
Maximum Percentage of Land Covered by Structures Parking and Paved Areas	25%	35.9%	

5.1.2 Front Yard Circle

No dwelling, building or structure having permitted use in any district shall be erected on a lot unless the lot has an area within its bounds which encompasses a front yard circle with a minimum diameter of 160 feet and within which the frontage, or frontage at the required set back must pass. (Underlined: Adopted STM 4/30/18; approved by AG June 8, 2018)

Requested waiver: Waive front yard circle requirement.

Section 6.7 Site Plan Review

Requested waiver: Waive Section 6.7 in its entirety. Pursuant to G.L. c. 40B, §21 the Lakeville Zoning Board of Appeals has the power to issue permits or approvals as any local board or official who would otherwise act with respect to such application.

III. General By-Laws 1994 Revision (with Amendments through June 6, 2016)

CURB CUT BY-LAW

No person shall construct any opening, driveway or entrance in or on any town way, for any purpose, without a written permit therefor from the Board of Selectmen, or its designee, and in accordance with regulations adopted by the Board of Selectmen.

The Board of Selectmen may adopt and from time to time amend reasonable regulations governing alignment, width, profile, and construction of the portions of driveways constructed within any town rights of way, so as to ensure drainage adequacy and safety of access and egress, and requiring that written permits be issued by the Board of Selectmen for all future driveways, entrances or relocation of existing entrances.

Requested waiver: Waive curb cut bylaw in its entirety. Pursuant to G.L. c. 40B, §21 the Lakeville Zoning Board of Appeals has the power to issue permits or approvals as any local board or official who would otherwise act with respect to such application

OUTDOOR LIGHTING

5.0 New Construction and Site Plan Review

5.1 Submission Contents. The applicant for any permit required by any provision of the laws of this jurisdiction in connection with proposed work involving outdoor lighting fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with this By-Law. The submission shall contain but shall not necessarily be limited to the following, all or part of which may be in addition to the information required elsewhere in the By-Laws or rules and regulations of the Planning Board of this jurisdiction upon application for the required permit: Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices;

Description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices and the description may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required); photometric data such as that furnished by manufacturers, or similar showing the angle of cut off light emissions

Requested waiver: Waive outdoor lighting in its entirety and waive filing with the Planning Board. Pursuant to G.L. c. 40B, §21 the Lakeville Zoning Board of Appeals has the power to issue permits or approvals as any local board or official who would otherwise act with respect to such application.