

TOWN OF LAKEVILLE MEETING POSTING & AGENDA

Town Clerk's Time Stamp
received & posted:
L. Murray

LAKEVILLE TOWN CLERK
RCUD 2022 OCT 6 AM 9:42
48-hr notice effective
when time stamped

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

Name of Board or Committee:	Zoning Board of Appeals
Date & Time of Meeting:	Thursday, October 20, 2022 at 7:00 p.m.
Location of Meeting:	Lakeville Public Library 4 Precinct Street, Lakeville, MA 02347
Clerk/Board Member posting notice:	Cathy Murray

Cancelled/Postponed to: _____ (circle one)

Clerk/Board Member Cancelling/Postponing: _____

A G E N D A

1. **Dixon hearing, continued – 36 Main Street** – request for a **Special Permit** under 6.1.3 and 7.4 to extend an existing steel building to accommodate a 15' x 44' nap room for daycare dogs on a pre-existing, non-conforming lot.
2. **Bennett hearing – 15 Summit Avenue** – request for a **Special Permit** under 6.1.3 and 7.4.6 and a **Variance** under 5.1 to install a 9'x 10' deck and 12' x 10' sunroom within the setback on a pre-existing, non-conforming lot.
3. **Sena hearing – 103 Staples Shore Road** – request for a **Special Permit** under 6.1.3 and 7.4. to demolish and replace a pre-existing, non-conforming dwelling that would be within the setbacks on a pre-existing, non-conforming lot. A **Special Permit** granted on July 30, 2020, for this proposal has expired.
4. **The Residences at LeBaron Hills, LLC, continued** – request to modify their **Comprehensive Permit** and reduce the number of dwellings in Phase 3 from 77 to 74; add three ten-unit buildings and one five-unit building in Phase 5; add additional parcels of land located on Fern Ave. to the Comprehensive Permit; change the existing emergency only access from Fern Ave. to full access to the development; to allow the construction of Phase 6 which will consist of three thirty-six-unit, four-story buildings; and increase the total number of units from 386 to 419.
 - Accept request to continue
5. **North Bedford Crossing LLC – 109 Bedford Street** – request for a **Comprehensive Permit** to construct twenty (20) three-bedroom homeownership units in ten (10) duplex style buildings. Five (5) units or twenty-five (25%) will be affordable to households earning up to eighty (80%) of the Area Median Income.
6. **Approve Meeting Minutes for September 15, 2022.**
7. **Correspondence**
8. **Next meeting . . . Thursday, November 3, 2022 at the Lakeville Public Library.**
9. **Adjourn**

*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*

#1
5/29

Petition to be
filed with Town Clerk

TOWN OF LAKEVILLE
MASSACHUSETTS

ZONING BOARD OF APPEALS
PETITION FOR HEARING

EXHIBIT "A"
RECEIVED
MAY 24 2022
BOARD OF APPEALS

Name of Petitioner: JULIA DIXON
Mailing Address: 5 PARKWOOD DRIVE WAREHAM MA 02571
Name of Property Owner: JULIA DIXON
Location of Property: 36 MAIN STREET LAKEVILLE MA 0234
Property is located in a residential business industrial (zone)
Registry of Deeds: Book No. # 855 45676 Page No. 141 49
Map 062 Block 001 Lot 010
Petitioner is: owner tenant licensee prospective purchaser

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

Brief to the Board: (See instructions on reverse side - use additional paper if necessary.)
I am applying for a special permit to extend the existing steel building to accommodate a naproom for our daycare dogs. 15' x 44'

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.

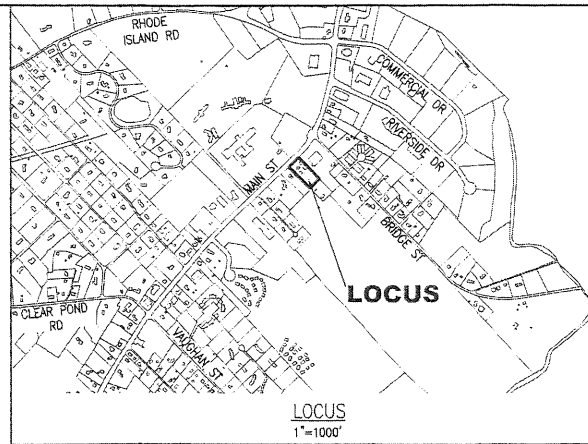
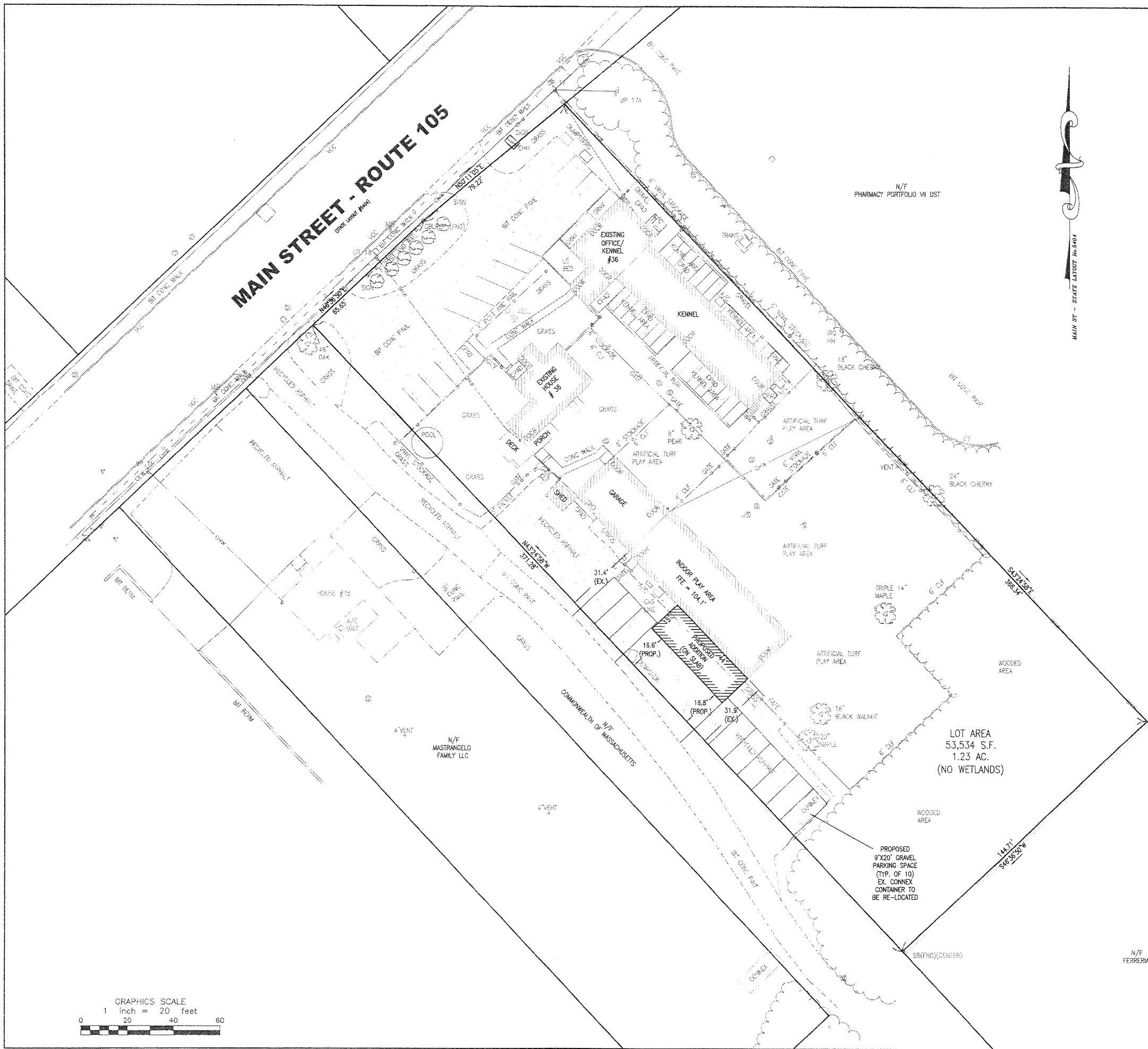
Petitioner: Julia Dixon Date: 5/19/22
Signed: Julia Dixon Telephone: 508 946 3647
Owner Signature: _____ Owner Telephone: 508 572 2886
(If not petitioner) cell

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

WILL YOU HAVE A REPRESENTATIVE OTHER THAN YOURSELF?

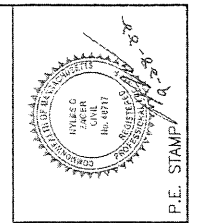
Yes No

(Name and Title)

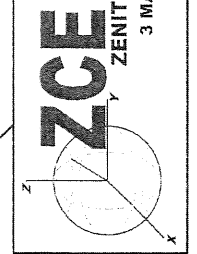


SITE INFORMATION:

- THE SITE IS SHOWN ON THE TOWN OF LAKEVILLE ASSESSORS MAP AS MAP 62 BLOCK 1 LOT 10.
- PROPERTY LINE INFORMATION WAS TAKEN FROM:
 - PROPERTY LINE AND TOPOGRAPHY WAS COMPLETED BY MADDIGAN LAND SURVEYING, LLC.
 - DEED REFERENCE BOOK 45676 PAGE 49
- THE SUBJECT PROPERTY IS LOCATED IN ZONE X, AS SCALED FROM THE FLOOD INSURANCE RATE MAP (F.I.R.M.) OF PLYMOUTH COUNTY, MAP NUMBER 2502300431K, EFFECTIVE DATE JULY 16, 2015.
- THE SITE IS NOT LOCATED IN A PRIORITY HABITAT OR ESTIMATED HABITAT AS SHOWN ON THE MASSACHUSETTS NATURAL HERITAGE ATLAS 15TH EDITION EFFECTIVE DATE AUGUST 2021.
- THE PURPOSE OF THIS PLAN IS TO ADD AN ADDITION TO THE EXISTING BUILDING TO BE USED FOR A MAPPING AREA. IT SHOULD BE NOTED THAT THERE IS NO INCREASE IN DOG OCCUPANCY.



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



REV.	DATE	DESCRIPTION	BY	APP.
1	9-6-22	ADD PARKING SPACES	NCZ	DM

DATE:	8-15-22
PROJECT NUMBER:	0995-01-01
DRAWING SCALE:	1" = 20'
SHEET ID:	S1

[Signature]
 7-28-22

PROPOSED LOT COVERAGE:

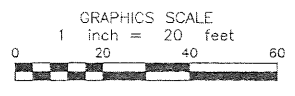
BUILDINGS (TOTAL)	7,443 SF
PAVED/GRAVEL AREAS	11,762 SF
TOTAL	19,205 SF
PERCENT	35.9%

EXISTING LOT COVERAGE:

BUILDINGS (TOTAL)	6,783 SF
PAVED/GRAVEL AREAS	12,215 SF
TOTAL	18,998 SF
PERCENT	35.5%

LEGEND

---	EXISTING CONTOURS
---	EXISTING SPOT ELEVATION
TP #1	EXISTING TESTPIT
[---]	PROPOSED CONTOURS
100x2	PROPOSED SPOT ELEVATION
---	EXISTING TREETLINE
---	EXISTING OVERHEAD WIRES



PLAN TO ACCOMPANY A FILING WITH ZONING BOARD OF APPEALS

36 MAIN STREET
 LAKEVILLE, MASSACHUSETTS

JASPER & ZOE, LLC C/O PET RECESS INC.
 13 MILL STREET
 MIDDLEBOROUGH, MA 02346

#2a

Town of Lakeville
ZONING BOARD OF APPEALS
346 Bedford Street
Lakeville, MA 02347



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 20, 2022, at 7:00 P.M. in the LAKEVILLE PUBLIC LIBRARY, 4 PRECINCT STREET, upon the petition of **David Bennett**. A **Special Permit** under **6.1.3** and **7.4.6** and a **Variance** under **5.1** is requested to install a 9' x 10' deck and a 12' x 10' sunroom which would be within the setback on a pre-existing, non-conforming lot, as provided by the Lakeville By-Laws. The property site is **15 Summit Avenue**.

The application and assorted documents can be viewed in the Planning Department by appointment, or on the Town of Lakeville Zoning Board of Appeals web page.

John Olivieri, Jr., Chairman

October 6, 2022 & October 13, 2022

db



Town of Lakeville
Board of Health
241 Main Street
Lakeville, MA 02347

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

October 7, 2022

Town of Lakeville
Zoning Board of Appeals
Attn: John Olivieri, Chairman
346 Bedford Street
Lakeville, MA 02347

Re: 15 Summit Av, 109 Bedford St and 103 Staples Shore Rd

Dear Chairman Olivieri:

We received a copy of the Petition for Hearing for 15 Summit Av. Since the addition of the deck and sunroom do not encroach upon the existing septic, and the sunroom is not classified as a bedroom, the addition will not affect the existing septic system. Thus, the Board of Health has no objections to the proposed addition.

We received a copy of the Petition for Hearing for 109 Bedford St. from Zenith Consulting Engineers plans dated September 19, 2022. The soils on the lot are sufficient to sustain a septic system for the proposed 20 dwelling units on the lot, and the dwellings will be connected to municipal water eliminating the need for a well. Thus, the Board of Health has no objections to the proposed site plan.

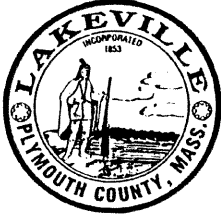
We received a copy of the Petition for Hearing for 103 Staples Shore Road. The Prime Engineering plans dated April 3, 2020, show a proposed dwelling reconstruction to an existing three-bedroom residential dwelling with an onsite sewage disposal system. Since the onsite sewage disposal system is to remain unchanged, and the proposed dwelling remains a three-bedroom dwelling, and if the number of rooms in the proposed dwelling does not exceed eight, not including bathrooms, hallways and unheated storage areas, then the existing septic system should be sufficient for the proposed dwelling, providing it passes the required Title V inspection. 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
For the Board of Health

Edward Cullen
Health Agent

26c



Town of Lakeville

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

Mark Knox, Chairman
Peter Conroy, Vice Chairman
Nora Cline
Jack Lynch
Michele MacEachern

MEMORANDUM

TO: Board of Appeals
FROM: Planning Board
DATE: October 14, 2022
SUBJECT: Petition Review for Bennett – 15 Summit Avenue

At their Thursday, September 22, 2022, meeting, the Planning Board reviewed the above referenced Petition for Hearing from the Board of Appeals. The Board had no comments regarding this petition.

2d

Petition to be filed with Town Clerk

TOWN OF LAKEVILLE MASSACHUSETTS

EXHIBIT "A" RECEIVED SEP 8 2022 BOARD OF APPEALS

ZONING BOARD OF APPEALS PETITION FOR HEARING

Name of Petitioner: DAVID BENNETT

Mailing Address: 15 SUMMIT AVE LAKEVILLE MA

Name of Property Owner: DAVID BENNETT

Location of Property: 15 Summit Ave, Lakeville MA 02347

Property is located in a [checked] residential [] business [] industrial (zone)

Registry of Deeds: Book No. 7544 Page No. 344

Map 42 Block 15 Lot 6

Petitioner is: [] owner [] tenant [] licensee [] prospective purchaser

Nature of Relief Sought:

[checked] Special Permit under Section (s) 601.03 of the Zoning Bylaws

[checked] Variance from Section (s) 5.1 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.)

I would like to replace my old weathered deck with a new deck and sun room.

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

Petitioner: David J. Bennett

Date: 9/8/2022

Signed: DAVID T. BENNETT

Telephone: 508-942-0914

Owner Signature: David J. Bennett (If not petitioner)

Owner Telephone: 508-942-0914

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

WILL YOU HAVE A REPRESENTATIVE OTHER THAN YOURSELF?

[] Yes [checked] No

(Name and Title)

RENEY, MORAN, & TIVNAN

MORTGAGE INSPECTION PLAN

REGISTERED LAND SURVEYORS NAME

75 HAMMOND STREET - FLOOR 2
WORCESTER, MA 01610-1723

PHONE: 508-752-8855

FAX: 508-752-8895

RMT@HSTGROUP.NET

A Division of H. S. & T. Group, Inc.

LOCATION 15 SUMMIT AVENUE

LAKEVILLE, MA

SCALE 1" = 30' DATE 12-13-21

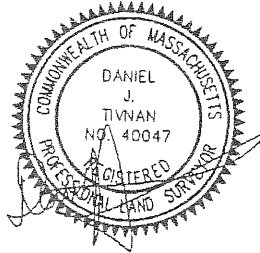
JOB # 12-116-21

REGISTRY PLYMOUTH

BASED UPON DOCUMENTATION PROVIDED, REQUIRED MEASUREMENTS WERE MADE OF THE FRONTAGE AND BUILDING(S) SHOWN ON THIS MORTGAGE INSPECTION PLAN. IN OUR JUDGEMENT ALL VISIBLE EASEMENTS ARE SHOWN AND THERE ARE NO VIOLATIONS OF ZONING REQUIREMENTS REGARDING STRUCTURES TO PROPERTY LINES (UNLESS OTHERWISE NOTED IN DRAWING BELOW).

NOTE: NOT DEFINED ARE ABOVEGROUND POOLS, DRIVEWAYS, OR SHEDS WITH NO FOUNDATIONS. THIS IS A MORTGAGE INSPECTION PLAN; NOT AN INSTRUMENT SURVEY. DO NOT USE TO ERECT FENCES, OTHER BOUNDARY STRUCTURES, OR TO PLANT SHRUBS. LOCATION OF THE STRUCTURE(S) SHOWN HEREON IS EITHER IN COMPLIANCE WITH LOCAL ZONING FOR PROPERTY LINE OFFSET REQUIREMENTS, OR IS EXEMPT FROM VIOLATION ENFORCEMENT ACTION UNDER MASS. G.L. TITLE VI, CHAP. 40A, SEC. 7, UNLESS OTHERWISE NOTED. THIS CERTIFICATION IS NON-TRANSFERABLE. THE ABOVE CERTIFICATIONS ARE MADE WITH THE PROVISION THAT THE INFORMATION PROVIDED IS ACCURATE AND THAT THE MEASUREMENTS USED ARE ACCURATELY LOCATED IN RELATION TO THE PROPERTY LINES.

CERTIFIED TO:
STEWART TITLE & GUARANTEE



DEED BOOK/PAGE 55914/17

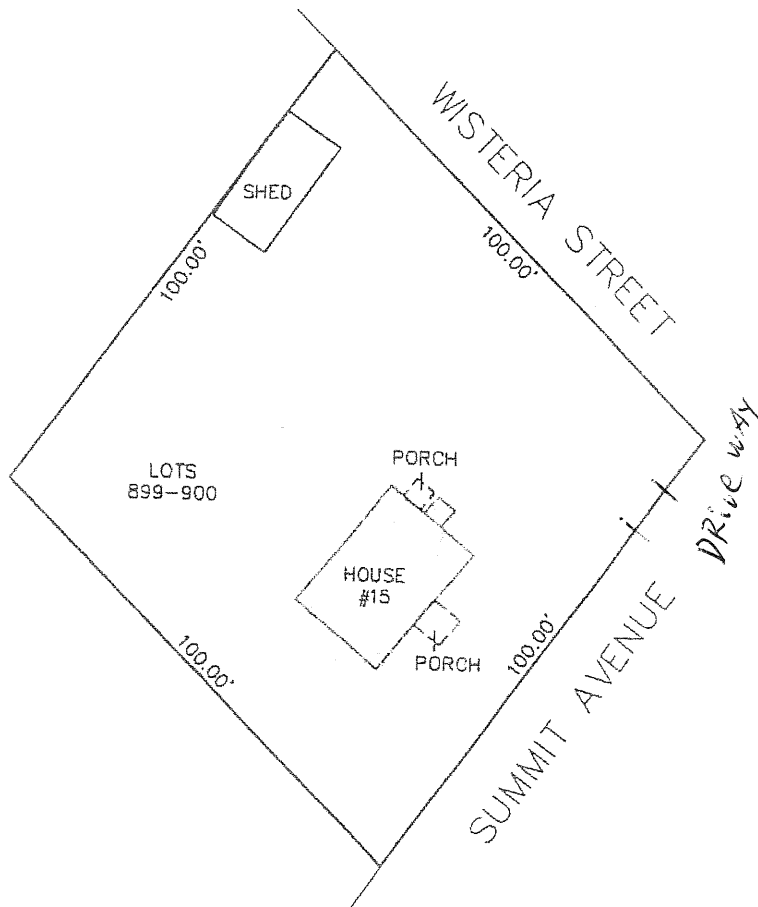
PLAN BOOK/PLAN DEED/ASSESSORS

WE CERTIFY THAT THE BUILDING(S) ARE NOT WITHIN THE SPECIAL FLOOD HAZARD AREA. SEE FEMA MAP:

429K DTD 07-16-2015

FLOOD HAZARD ZONE HAS BEEN DETERMINED BY SCALE AND IS NOT NECESSARILY ACCURATE. UNTIL DEFINITIVE PLANS ARE ISSUED BY FEMA AND/OR A VERTICAL CONTROL SURVEY IS PERFORMED, PRECISE ELEVATIONS CANNOT BE DETERMINED.

NOTE:
INSTRUMENT SURVEY RECOMMENDED FOR MORE ACCURATE LOCATION OF STRUCTURES.



EXISTING
SITE PLAN

REQUESTING OFFICE: LUGTEN MORIN & NIELSON LLP
REQUESTED BY:

DRAWN BY: SP
CHECKED BY:

RENEY, MORAN, & TIVNAN

REGISTERED LAND SURVEYORS
75 HAMMOND STREET - FLOOR 2
WORCESTER, MA 01610-1723
PHONE: 508-752-8885
FAX: 508-752-8895
RMT@HSTGROUP.NET

A Division of H. S. & T. Group, Inc.

MORTGAGE INSPECTION PLAN

NAME _____

LOCATION 15 SUMMIT AVENUE

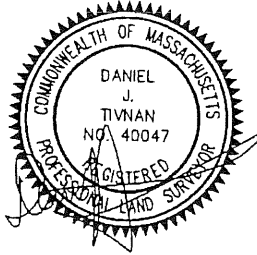
LAKEVILLE, MA

SCALE 1" = 30' DATE 12-13-21

JOB # 12-116-21

REGISTRY PLYMOUTH

BASED UPON DOCUMENTATION PROVIDED, REQUIRED MEASUREMENTS WERE MADE OF THE FRONTAGE AND BUILDING(S) SHOWN ON THIS MORTGAGE INSPECTION PLAN. IN OUR JUDGEMENT ALL VISIBLE EASEMENTS ARE SHOWN AND THERE ARE NO VIOLATIONS OF ZONING REQUIREMENTS REGARDING STRUCTURES TO PROPERTY LINES (UNLESS OTHERWISE NOTED IN DRAWING BELOW).
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DEED BOOK/PAGE 55914/17

PLAN BOOK/PLAN DEED/ASSESSORS

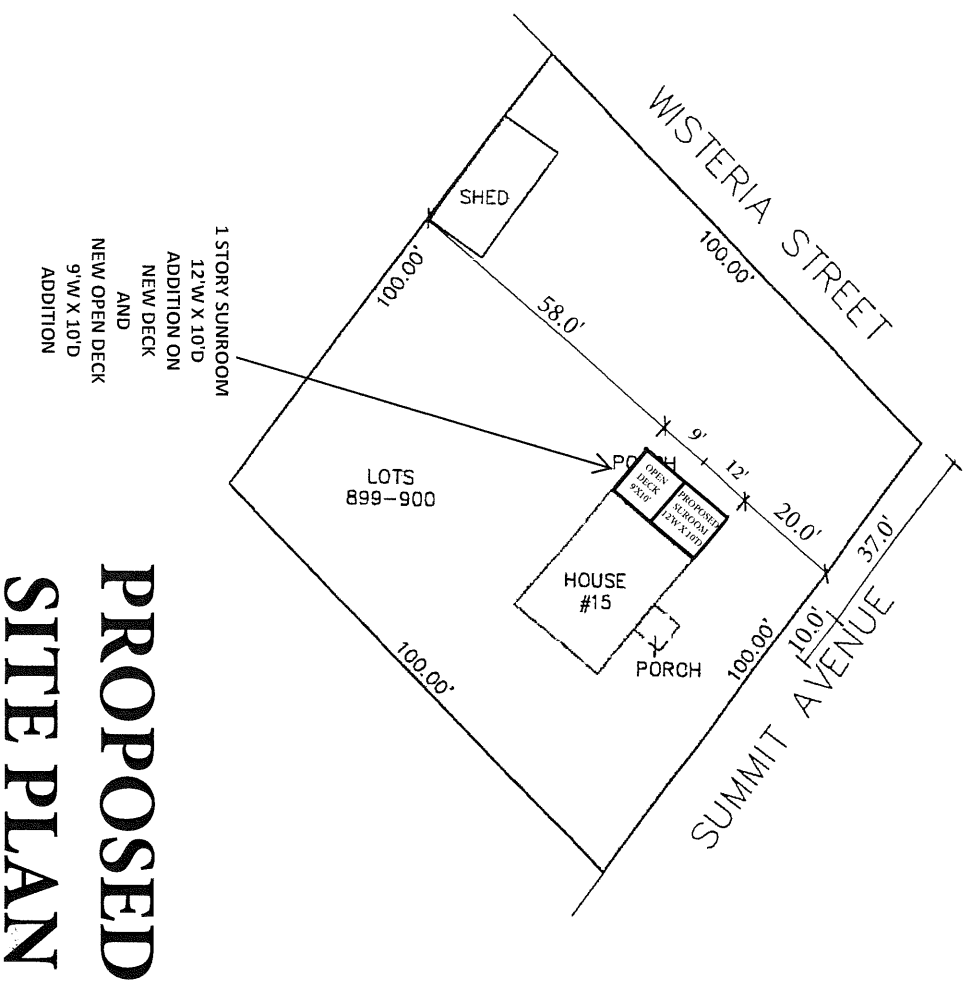
WE CERTIFY THAT THE BUILDING(S) ARE NOT WITHIN THE SPECIAL FLOOD HAZARD AREA. SEE FEMA MAP:

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NOTE:
INSTRUMENT SURVEY RECOMMENDED FOR MORE ACCURATE LOCATION OF STRUCTURES.

CERTIFIED TO:
STEWART TITLE & GUARANTEE



**PROPOSED
SITE PLAN**

REQUESTING OFFICE: LUGTEN MORIN & NIELSON LLP
REQUESTED BY:

DRAWN BY: SP
CHECKED BY:

Town of Lakeville
ZONING BOARD OF APPEALS
346 Bedford Street
Lakeville, MA 02347



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 20, 2022, at 7:00 P.M. in the LAKEVILLE PUBLIC LIBRARY, 4 PRECINCT STREET, upon the petition of **Donald Sena**. A **Special Permit** under **6.1.3 & 7.4** is requested to demolish an existing 910 sq. ft. non-conforming dwelling and construct a similar 950 sq. ft. dwelling that would be within the setbacks on a pre-existing, non-conforming lot located at **103 Staples Shore Road**, as provided by the Lakeville By-Laws. The property site is owned by **Donald T. and Susan E. Sena**. A Special Permit had been granted for this proposal on July 30, 2020, but has since expired.

The application and assorted documents can be viewed in the Planning Department by appointment, or on the Town of Lakeville Zoning Board of Appeals web page.

John Olivieri, Jr., Chairman

October 6, 2022 & October 13, 2022



Town of Lakeville
Board of Health
 241 Main Street
 Lakeville, MA 02347

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

October 7, 2022

Town of Lakeville
 Zoning Board of Appeals
 Attn: John Olivieri, Chairman
 346 Bedford Street
 Lakeville, MA 02347

Re: 15 Summit Av, 109 Bedford St and 103 Staples Shore Rd

Dear Chairman Olivieri:

We received a copy of the Petition for Hearing for 15 Summit Av. Since the addition of the deck and sunroom do not encroach upon the existing septic, and the sunroom is not classified as a bedroom, the addition will not affect the existing septic system. Thus, the Board of Health has no objections to the proposed addition.

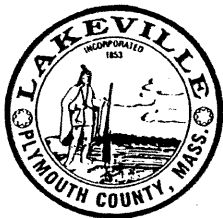
We received a copy of the Petition for Hearing for 109 Bedford St. from Zenith Consulting Engineers plans dated September 19, 2022. The soils on the lot are sufficient to sustain a septic system for the proposed 20 dwelling units on the lot, and the dwellings will be connected to municipal water eliminating the need for a well. Thus, the Board of Health has no objections to the proposed site plan.

We received a copy of the Petition for Hearing for 103 Staples Shore Road. The Prime Engineering plans dated April 3, 2020, show a proposed dwelling reconstruction to an existing three-bedroom residential dwelling with an onsite sewage disposal system. Since the onsite sewage disposal system is to remain unchanged, and the proposed dwelling remains a three-bedroom dwelling, and if the number of rooms in the proposed dwelling does not exceed eight, not including bathrooms, hallways and unheated storage areas, then the existing septic system should be sufficient for the proposed dwelling, providing it passes the required Title V inspection. 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
 For the Board of Health

Edward Cullen
 Health Agent



Mark Knox, Chairman
Peter Conroy, Vice Chairman
Nora Cline
Jack Lynch
Michele MacEachern

Town of Lakeville

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

MEMORANDUM

TO: Board of Appeals
FROM: Planning Board
DATE: October 14, 2022
SUBJECT: Petition Review for Sena – 103 Staples Shore Road

At their Thursday, October 13, 2022, meeting, the Planning Board reviewed the above referenced Petition for Hearing from the Board of Appeals. The Board had no comments regarding this petition.

3d

Petition to be filed with Town Clerk

EXHIBIT "A"

TOWN OF LAKEVILLE MASSACHUSETTS ZONING BOARD OF APPEALS PETITION FOR HEARING

RECEIVED SEP 22 2022 BOARD OF APPEALS

Name of Petitioner: Donald Sena

Mailing Address: 103 Staples Shore Road

Name of Property Owner: Same

Location of Property: Same

Property is located in a residential business industrial (zone)

Registry of Deeds: Book No. 4932 Page No. 290

Map 64 Block 3 Lot 26

Petitioner is: owner tenant licensee prospective purchaser

Nature of Relief Sought: Special Permit under Section (s) 6.1.3 & 7.4 of the Zoning Bylaws

Brief to the Board: (See instructions on reverse side - use additional paper if necessary.) (See attached Exhibit A.1)

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: DONALD SENA Date: 9/13/22

Signed: Donald Sena Telephone: 1-508-821-8982

Owner Signature: Same Owner Telephone: SAME

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

WILL YOU HAVE A REPRESENTATIVE OTHER THAN YOURSELF? Yes No Richard J. Rheaume, P.E., LSP, Chief Engineer Prime Engineering, Inc. (Name and Title)



September 20, 2022

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

RE: 103 STAPLES SHORE ROAD

Dear Board Members:

On behalf of Donald T. Sena, we hereby submit this petition for a Special Permit to re-construct a pre-existing non-conforming dwelling. Your Board issued a Special Permit for this work on July 30, 2020, but major construction costs and supply chain problems caused by Covid-19 prevented the work to be completed in the time period in which the Special Permit was valid. The submittal package consists of the originals and 17 copies of the following:

- This letter;
- The executed petition;
- A check for \$140.00 payable to the Town for the filing fee;
- A check for \$120.76 to cover the legal advertisement payable to Southcoast Media Group;
- The Narrative;
- Photos of the existing site;
- An Existing Conditions Plan; and,
- A proposed Dwelling Re-construction Plan.

The sewage disposal system was upgraded a few years ago, in compliance with plans approved by the Lakeville Board of Health.

We look forward to your favorable review.

Sincerely,

PRIME ENGINEERING, INC.

A handwritten signature in cursive script, reading 'Richard J. Rheume'.

Richard J. Rheume, P.E., LSP
Chief Engineer

Zoning Board of Appeals

Board Members,

On July 30, 2020 the Board granted me a special permit to tear down my house at 103 Staples Shore Road, and build a new house. My engineering firm (Prime) has informed me that this special permit was good for only two years verses the Conservation Commission's Order of Conditions which is good for three years. Therefore, I am asking the Board for an extension of the special permit for another two years as a result of the financial hardship I encountered as a result of the Covid – 19 pandemic's impact on the supply chain and the cost of materials.

The ZBA 's special permit, and Comm. Con.'s Order were filed with Plymouth County Registry of deeds in early September 2020. The architect then began the drawing up the plans for building the new house, and the drawings were completed in December 2020. In January 2021 I put the construction of the house out to bid to three different contractors. The contractors were all within \$10K to \$15K of one another on their bids, which were slightly higher than I was expecting. They all stated that the price of lumber on the futures market had typically been in the range of \$400 / 1,000 board feet, but was now doubled to \$800 /1,000 board feet. I selected the low bid estimate at the end of March 2021 of \$325K. The idea was to tear the house down in September 2021, put in the foundation and begin construction by October 2021. We met with the contractor in June 2021 to go over the plans in detail. When he got back to me at the end of July with the contract, the house cost had gone from an estimate of \$325K to \$450K. He stated that as a result of the pandemic the price of lumber was now over \$1,500 / 1,000 board feet, and the price of everything else has gone up as well. At that price I told him I could not go forward.

I am hopeful that with the pandemic subsiding and the federal reserve's efforts to reduce inflation, that I will be able to build a new house for around the original estimated range within the next two years if the Board grants this extension.

**NARRATIVE IN SUPPORT OF A PETITION
FOR A SPECIAL PERMIT FOR A
DWELLING AT 103 STAPLES SHORE ROAD
LAKEVILLE, MA**

PREPARED FOR:

**DONALD T. AND SUSAN E. SENA
103 STAPLES SHORE ROAD
LAKEVILLE, MA**

PREPARED BY:

**PRIME ENGINEERING, INC.
P.O. BOX 1088
LAKEVILLE, MA**

SEPTEMBER 20, 2022

1.0 INTRODUCTION

It is proposed to reconstruct an existing dwelling at 103 Staples Shore Road. There is currently an exceedance in allowed impervious area thereby necessitating a Special Permit from the Lakeville Zoning Board of Appeals. This Narrative has been prepared in support of that petition.

2.0 EXISTING CONDITIONS

The property, which is referenced as Assessor's Map 64, Block 003, Lot 26, is an approximately quarter acre lot. It is situated on the northern shore of Assawompset Pond at the eastern end of Staples Shore Road. There is an existing two story, three-bedroom, wood framed dwelling with ancillary deck, driveway and boat ramp on the south side of the road and a wood framed garage and driveway on the north side of the road. The dwelling falls in a FEMA food zone with a flood elevation of 56.8 MSL. The finish floor of the existing dwelling is elevation 56.11 and the ground on all four sides of the dwelling is elevation 56.0.

The dwelling is pre-existing, non-conforming with respect to front yard setback and side yard setback.

3.0 PROPOSED IMPROVEMENTS

It is proposed to demolish the existing dwelling and to construct a similarly sized dwelling in the same location. The proposed dwelling has been sited so it is no closer to the road and to the side property line and no closer to Assawompset Pond than the current deck. The finished floor will be set at elevation 58.50 which is 1.7 feet above the flood plain. The foundation will be a standard concrete foundation with the bottom set 4 feet below ground level and the top 1.5 feet above ground level thereby providing a 1.5-foot height of crawl space. Flood vents will be installed on all sides with the bottom set at ground level so flood waters can readily flow in and subsequently drain out. The driveway south of the garage and the patio south of the proposed dwelling will be made pervious in order to decrease the overall impervious area.

4.0 NEED FOR RELIEF

Section 6.1.3 of the Lakeville zoning bylaw provides that "pre-existing non-conforming structures or uses may be changed, extended or altered by Special Permit from the Board of Appeals, finding that such change, extension or alteration is not substantially more detrimental than the existing non-conforming structures or uses.

1. “Changes, extensions or alterations to pre-existing non-conforming structures on lots zoned residential of 15,000 square feet or more shall be exempt from the Special Permit requirement, except where the Building Commissioner determines that the proposed change, extension or alteration will intensify the nonconformity.”

It is proposed to bring the structure into conformity with the flood plain regulations where it is presently out of compliance. It is also proposed to bring the site into conformity with percent impervious requirements where it is presently out of compliance.

The lot has approximately 12,100 square feet of area, but a 20-foot wide right of way (a road easement) cuts through it. Lakeville zoning bylaws require that easements be deducted from the lot area leaving a net area of 10,500 square feet. The proposed impervious area resulting from the dwelling, driveway and garage totals 1,971 square feet resulting in 20.7% impervious using the area on both sides of the right of way. This meets the Town’s zoning standards. However, if only the south side of the road’s lot area is used, the impervious will exceed the 25% impervious.

5.0 SPECIAL PERMIT CRITERIA

The Lakeville zoning bylaw lists specific criteria that must be met in order to obtain a Special Permit. All of these criteria have been met as detailed in the following subsections.

5.1 NOT HARMFUL

Constructing a new similarly sized dwelling in the same location that has been there for eighty years will not be noxious, harmful or hazardous. In fact, raising the finish floor above the floodplain is less hazardous and meets an existing need and avoids a potential future hazard.

5.2 ADVANTAGES OUTWEIGH DETRIMENTAL EFFECTS

The advantage of constructing a modern, energy-efficient, similarly sized dwelling above the flood plain clearly outweighs leaving the old dwelling in its current state.

5.3 COMPATIBILITY WITH NEIGHBORHOOD

Building a comparably sized modern dwelling in the same location as the existing dwelling is clearly compatible with the immediate neighborhood. Constructing a code compliant, energy efficient dwelling above the flood plain is fully compliant with the principles of good engineering, sound planning and correct land use.

6.0 CONCLUSION

The proposed improvements will be in harmony with the general purpose and intent of the Lakeville zoning bylaw and meets all of the criteria for a Special Permit.

PRIME ENGINEERING, INC.

Narrative to Accompany Special Permit
103 Staples Shore Road, Lakeville, MA

September 20, 2022

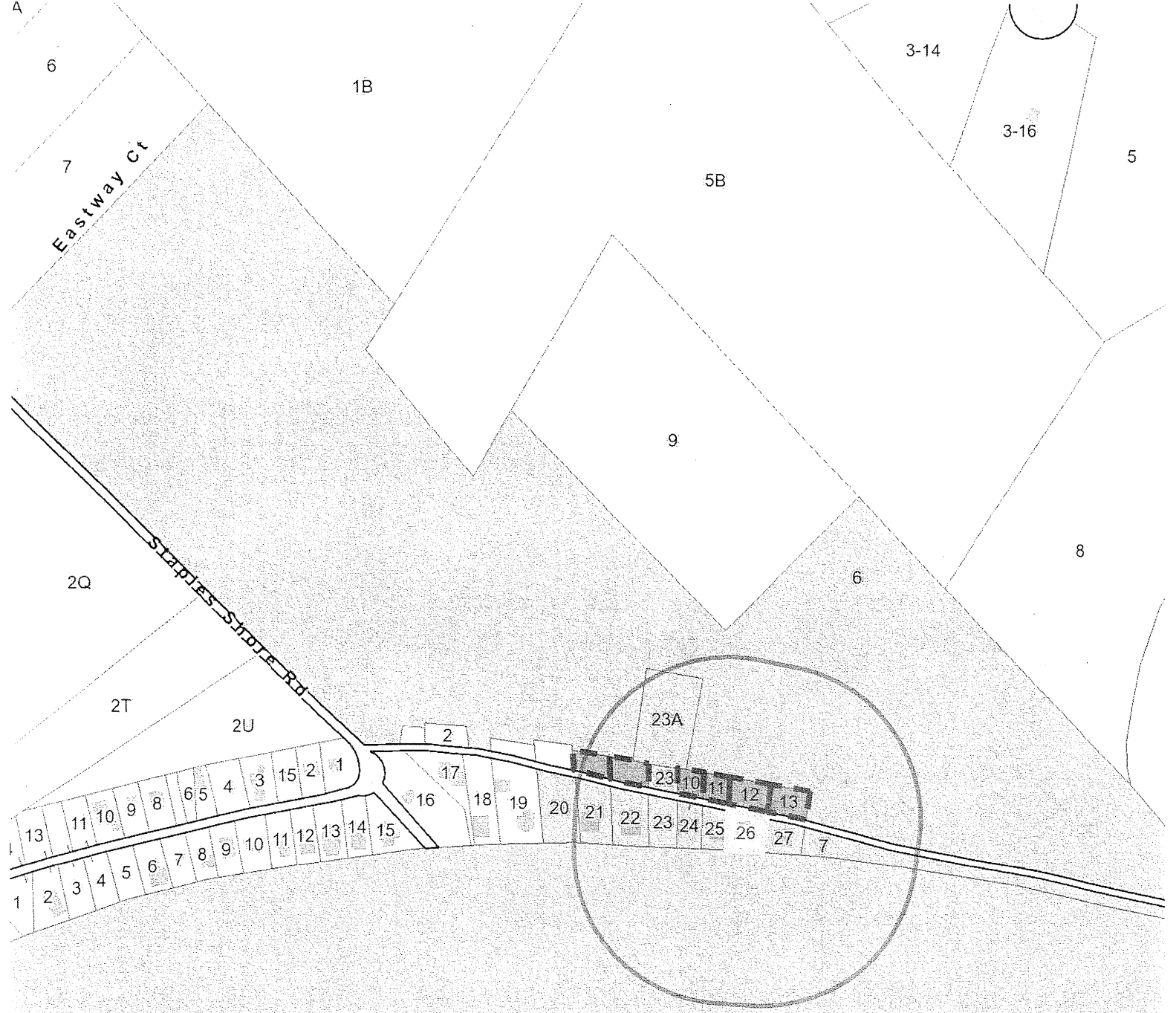




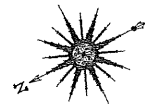








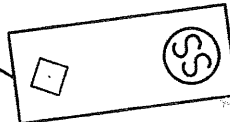
1-1



IMPERVIOUS COVERAGE:
 EXISTING (SHADED) = 33.7%
 * NOT INCLUDING R.O.W. AREA

EXISTING RAISED
 LEACH FIELD TO REMAIN
 (SEA SHELL CAP OVER SAND)

+55.3



LOT AREA = 11,018 S.F.
 LOT AREA MINUS R.O.W. = 9,504 S.F.

EXISTING GARAGE
 TO REMAIN

PROPERTY LINE (TYP.)

GRAVEL
 DRIVE

EXISTING R.O.W.

EXISTING
 SEPTIC TANK
 (TO REMAIN)

EXISTING
 LAWN

50' OFFSET
 EDGE OF WATER

EXISTING
 DRIVE
 TO BE
 PRESERVED

EXISTING
 3-BEDROOM
 DWELLING
 910 SQ. FT.

EXISTING
 LAWN

EXISTING
 DECK

LIMIT OF
 ALLOWABLE
 BUILDING (TYP.)


PATIO
 BLOCKS

RETAINING
 WALL

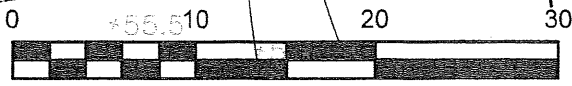
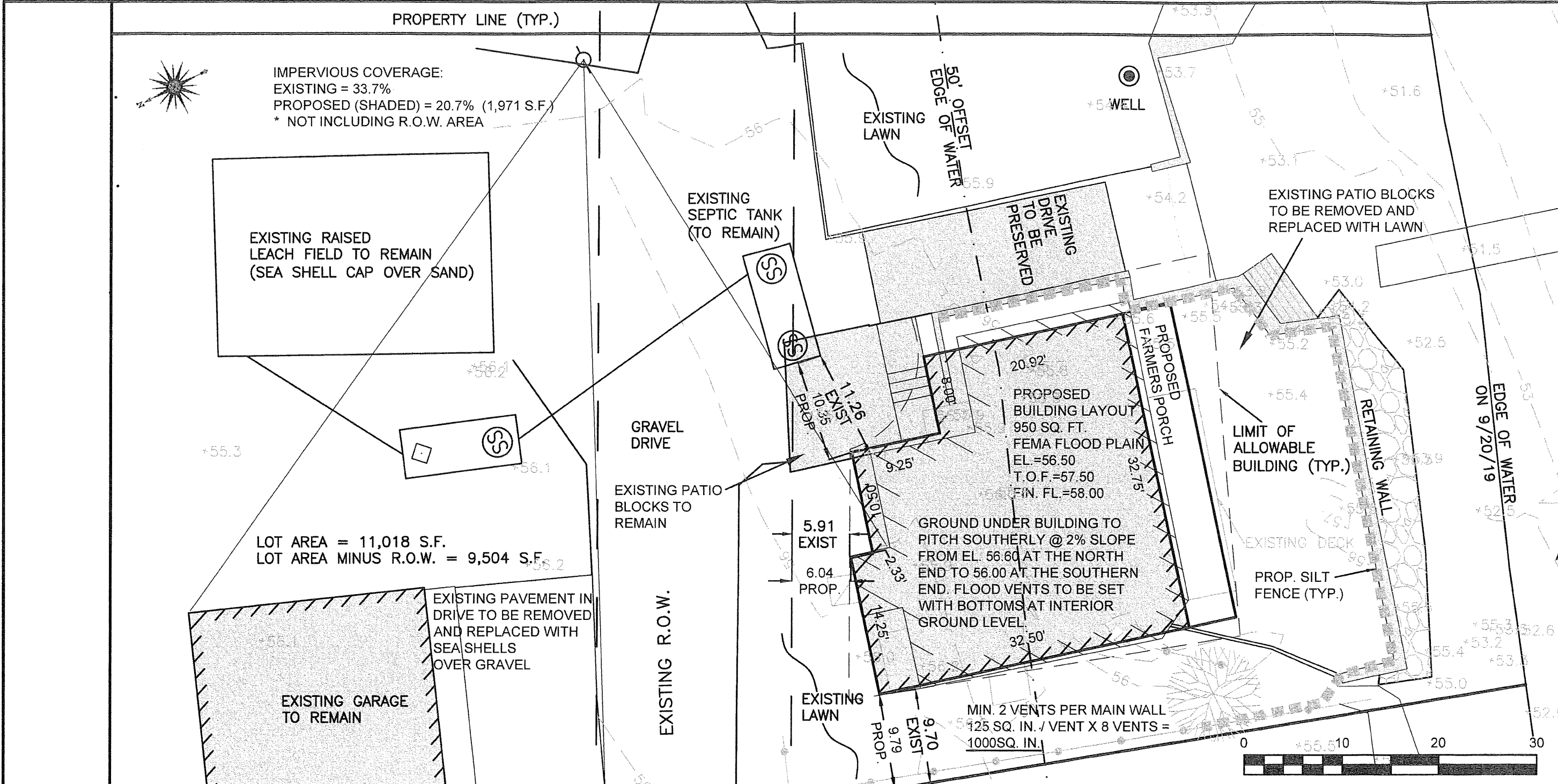
EDGE OF WATER
 ON 9/20/19



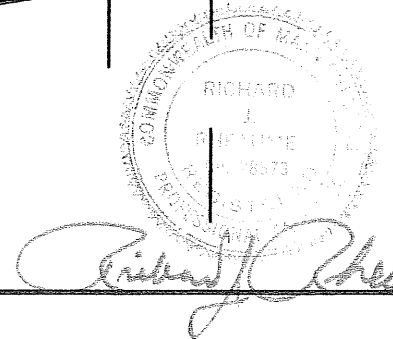
C:\Users\Admin\appdata\local\temp\AcPublish_45588\103 Staples Shore Road - Base.dwg

SCALE: SEE DETAIL	DRAWING TITLE EXISTING CONDITION	SHEET NO. 1 OF 2
DATE: APRIL 3, 2020	PROJECT 103 STAPLES SHORE ROAD LAKEVILLE, MASSACHUSETTS	
DRAWN BY: SWL	CLIENT DON SENA LAKEVILLE, MASSACHUSETTS	PROJECT NO.
DESIGNED BY: RJR		
CHECKED BY: RJR		
APPROVED BY: RJR	• CIVIL ENGINEERING • LAND SURVEYING • ENVIRONMENTAL ASSESSMENT	

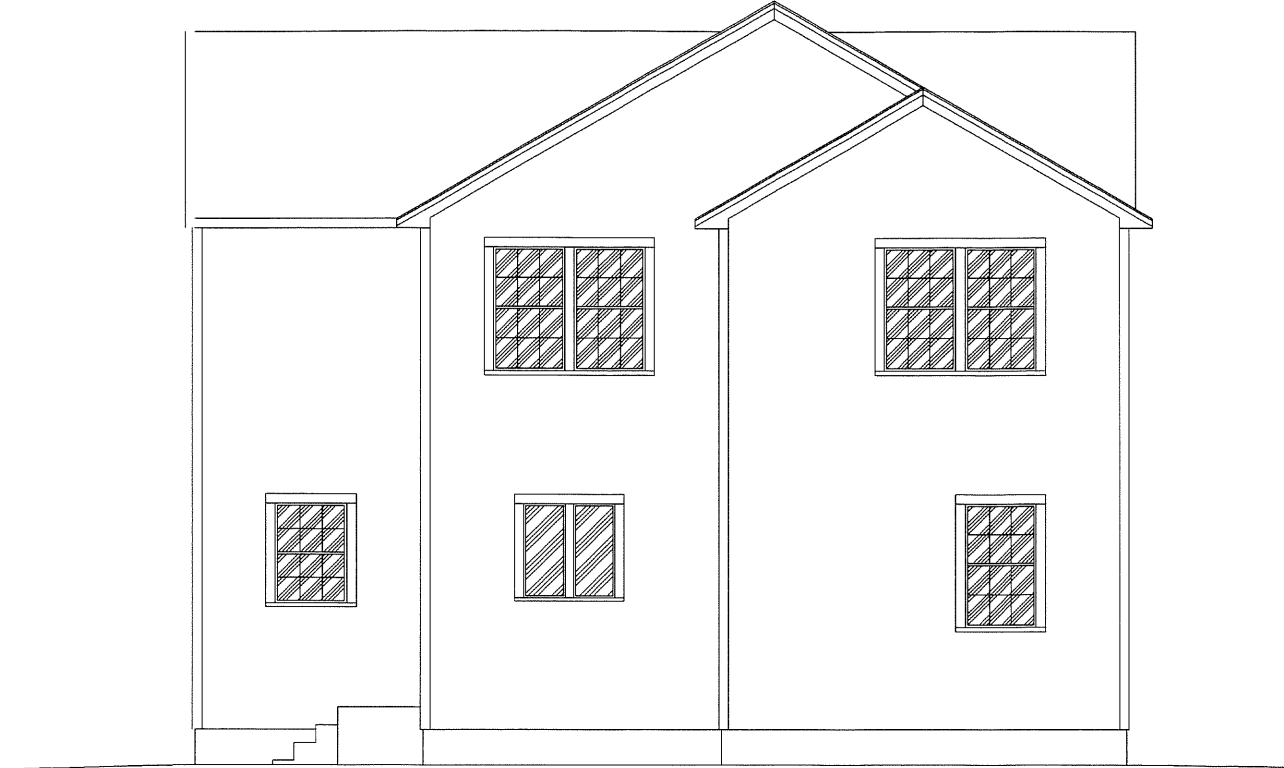
Signature of R. J. Ryan



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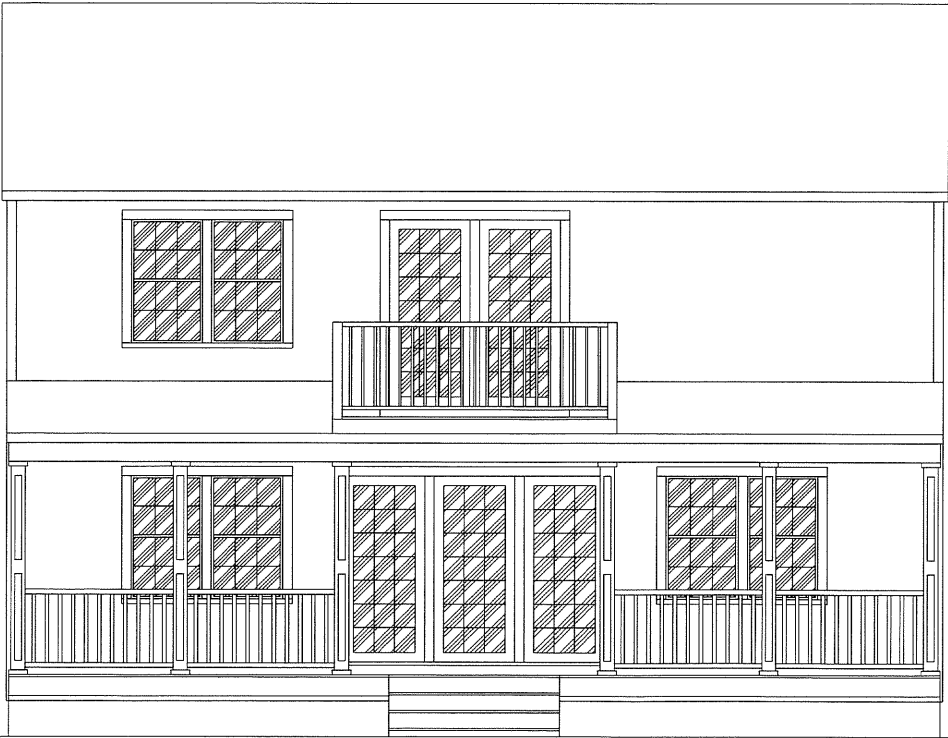


SCALE: SEE DETAIL	DRAWING TITLE PROPOSED DWELLING RECONSTRUCTION
DATE: APRIL 3, 2020	PROJECT 103 STAPLES SHORE ROAD LAKEVILLE, MASSACHUSETTS
DRAWN BY: SWL	CLIENT DON SENA LAKEVILLE, MASSACHUSETTS
DESIGNED BY: RJR	• CIVIL ENGINEERING • LAND SURVEYING • ENVIRONMENTAL ASSESSMENT 
CHECKED BY: RJR	P.O. BOX 1088 360 BEDFORD ST. LAKEVILLE, MA 02347 TEL: 508.947.0050 FAX: 508.947.2004
APPROVED BY: RJR	SHEET NO. 2 OF 2 PROJECT NO.



FRONT VIEW

SCALE: 1/4" = 1'-0"

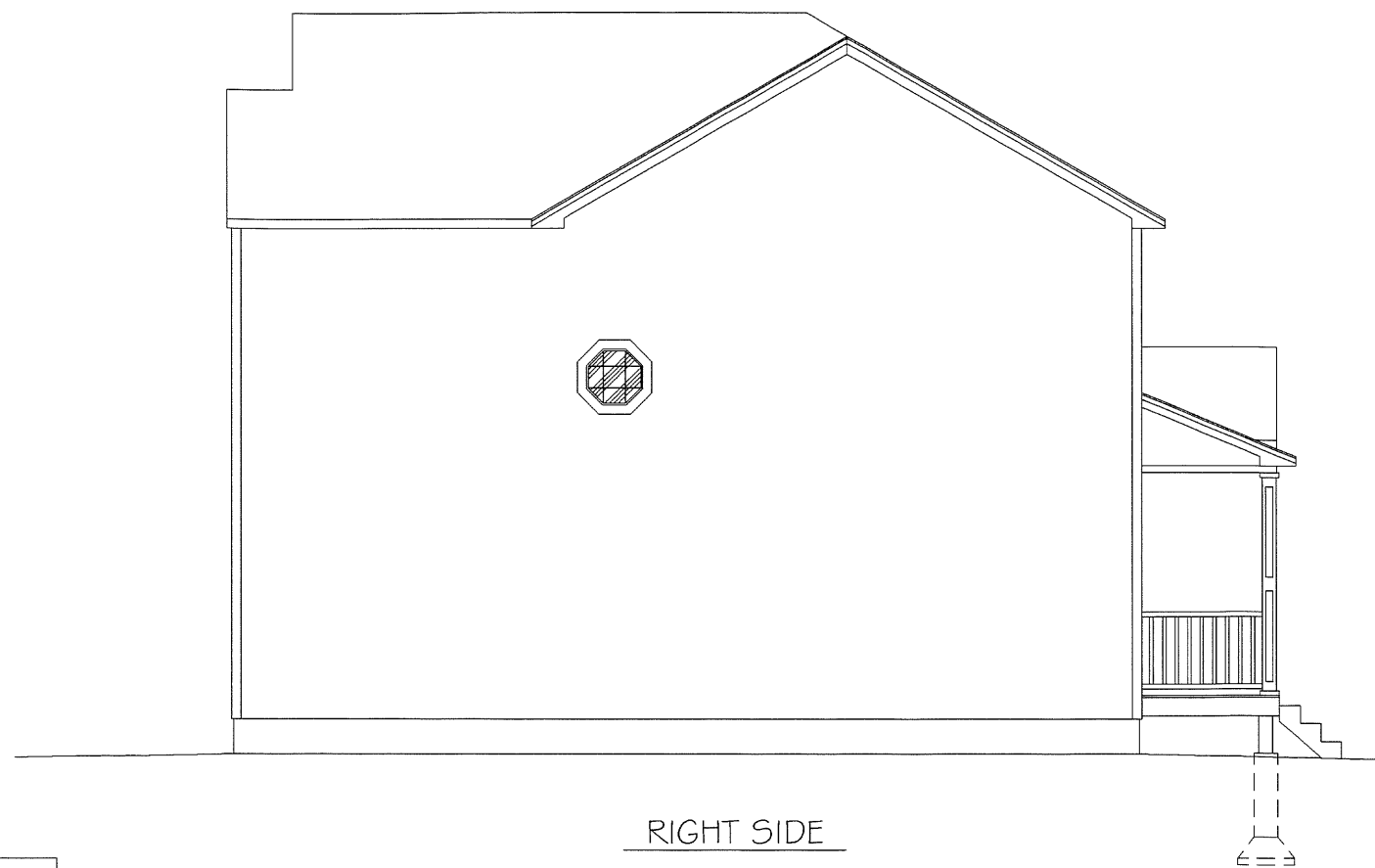


WATER SIDE (REAR)

SCALE: 1/4" = 1'-0"

DR. BY: J. ROGERS





RIGHT SIDE

SCALE: 1/4" = 1'-0"



LEFT SIDE

SCALE: 1/4" = 1'-0"



4a

Cathy Murray, Appeals Board Clerk

From: Marc Resnick
Sent: Friday, October 14, 2022 12:18 PM
To: Cathy Murray, Appeals Board Clerk
Subject: FW: The Residences at Lebaron Hills

Marc Resnick

Town Planner
Town of Lakeville
346 Bedford Street
Lakeville, Massachusetts 02347
mresnick@lakevillema.org
(774) 776-4350



From: Muhammad Itani <mitani@stonebridgehomesinc.com>
Sent: Tuesday, October 4, 2022 7:14 PM
To: Marc Resnick <mresnick@lakevillema.org>
Cc: Robert Mather <rjmather@rjmatherlaw.com>; Rami Itani <ritani@stonebridgehomesinc.com>; Jason Youngquist <jyoungquist@outback-eng.com>
Subject: RE: The Residences at Lebaron Hills

Marc, we kindly request to continue the ZBA hearing on October 20th for the Residences At Lebaron Hills to November 3rd.

We would like to separate our application into three parts.

The 1st is the modification for phase 5 to add 35 units to that phase.

The 2nd is the modification for phase three. We might withdraw that and only request lot line changes and keep the three lots that we were planning to eliminate.

The 3rd is the creation of phase 6 with three 36-unit buildings.

My Best,

Muhammad M. Itani

President

Stonebridge Homes, Inc.

32 Norfolk Avenue

South Easton, MA 02375 USA

tel: 508.230.2300 ext. 11

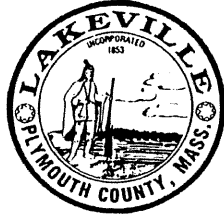
mitani@stonebridgehomesinc.com

www.stonebridgehomesinc.com



5a

Town of Lakeville
ZONING BOARD OF APPEALS
346 Bedford Street
Lakeville, MA 02347



The LAKEVILLE ZONING BOARD OF APPEALS, acting in accordance with MASS GENERAL LAWS CHAPTER 40B, as amended, will conduct a public hearing on Thursday, October 20, 2022, at 7:00 P.M. in the LAKEVILLE PUBLIC LIBRARY, 4 PRECINCT STREET, upon the petition of **North Bedford Crossing LLC. A Comprehensive Permit** pursuant to **M.G.L., Chapter 40B** is requested to construct twenty (20) three-bedroom homeownership units in ten (10) duplex style buildings. Five (5) units or twenty-five (25%) will be affordable to households earning up to eighty (80%) of the Area Median Income, in accordance with applicable state regulations and guidelines. All of the units will be sold as condominium units. The project will be located at **109 Bedford Street.**

The application and assorted documents can be viewed in the Planning Department by appointment, or on the Town of Lakeville Zoning Board of Appeals web page.

John Olivieri, Jr., Chairman

October 6, 2022 & October 13, 2022

5b



Town of Lakeville
Board of Health
241 Main Street
Lakeville, MA 02347

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

October 7, 2022

Town of Lakeville
Zoning Board of Appeals
Attn: John Olivieri, Chairman
346 Bedford Street
Lakeville, MA 02347

Re: 15 Summit Av, 109 Bedford St and 103 Staples Shore Rd

Dear Chairman Olivieri:

We received a copy of the Petition for Hearing for 15 Summit Av. Since the addition of the deck and sunroom do not encroach upon the existing septic, and the sunroom is not classified as a bedroom, the addition will not affect the existing septic system. Thus, the Board of Health has no objections to the proposed addition.

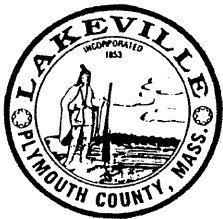
We received a copy of the Petition for Hearing for 109 Bedford St. from Zenith Consulting Engineers plans dated September 19, 2022. The soils on the lot are sufficient to sustain a septic system for the proposed 20 dwelling units on the lot, and the dwellings will be connected to municipal water eliminating the need for a well. Thus, the Board of Health has no objections to the proposed site plan.

We received a copy of the Petition for Hearing for 103 Staples Shore Road. The Prime Engineering plans dated April 3, 2020, show a proposed dwelling reconstruction to an existing three-bedroom residential dwelling with an onsite sewage disposal system. Since the onsite sewage disposal system is to remain unchanged, and the proposed dwelling remains a three-bedroom dwelling, and if the number of rooms in the proposed dwelling does not exceed eight, not including bathrooms, hallways and unheated storage areas, then the existing septic system should be sufficient for the proposed dwelling, providing it passes the required Title V inspection. 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
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
Peter Conroy, Vice Chairman
Nora Cline
Jack Lynch
Michele MacEachem

MEMORANDUM

TO: Board of Appeals

FROM: Planning Board

DATE: October 14, 2022

SUBJECT: Petition Review for North Bedford Crossing, LLC – 109 Bedford Street

At their Thursday, October 13, 2022, meeting, the Planning Board reviewed the above referenced Petition for Hearing from the Board of Appeals. The Board made a motion to recommend to the Zoning Board of Appeals that the affordable units in the proposed project be held in perpetuity as permanently affordable.

5d

Petition to be filed with Town Clerk

EXHIBIT "A"

TOWN OF LAKEVILLE MASSACHUSETTS ZONING BOARD OF APPEALS PETITION FOR HEARING

Name of Petitioner: North Bedford Crossing LLC

Mailing Address: 1 Lakeville Business Park Drive, Suite 2A, Lakeville, MA 02347

Name of Property Owner: North Bedford Crossing LLC

Location of Property: 109 Bedford Street

Property is located in a residential business industrial (zone)

Registry of Deeds: Book No. 55084 Page No. 286

Map 025 Block 003 Lot 021

Petitioner is: owner tenant licensee prospective purchaser

Nature of Relief Sought: COMPREHENSIVE PERMIT Special Permit under Section (s) of the Zoning Bylaws Variance from Section (s) of the Zoning Bylaws Appeal from Decision of the Building Inspector/Zoning Enforcement Officer Date of Denial

Brief to the Board: (See instructions on reverse side - use additional paper if necessary.) Applicant seeks a comprehensive permit under G.L. c 40B authorizing the construction of twenty (20) units in ten (10) duplex style buildings

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: North Bedford Crossing, LLC Date: 9.22.2022

Signed: Telephone: 508-947-9170

Owner Signature: Owner Telephone: 774-930-7184

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

WILL YOU HAVE A REPRESENTATIVE OTHER THAN YOURSELF?

X Yes No Michael O'Shaughnessy, Esq. (Name and Title)

BRIEF IN SUPPORT OF AN APPLICATION FOR A COMPREHENSIVE PERMIT

for the property located at

**109 Bedford Street, Lakeville, MA 02347
Lakeville Assessor's Map 25 Lot 003-021**

NORTH BEDFORD CROSSING



Applicant: North Bedford Crossing, LLC
1 Lakeville Business Park, Suite 2A
Lakeville, MA 02347

Engineer: Zenith Consulting Engineers, LLC
3 Main Street
Lakeville, MA 02347

Attorney: Michael O'Shaughnessy, Esq.
43 East Grove Street, Suite 5
Middleborough, MA 02346

RECEIVED
SEP 22 2022
BOARD OF APPEALS

I. Introduction

This memorandum is in support of an application submitted by North Bedford Crossing, LLC ("Applicant") pursuant to M.G.L. Chapter 40B, Section 20-23 for a Comprehensive Permit for the property located at 109 Bedford Street, Lakeville, MA 02347 and shown on the Town of Lakeville Assessor's Map 25 Lot 003-021. See Figure 1.

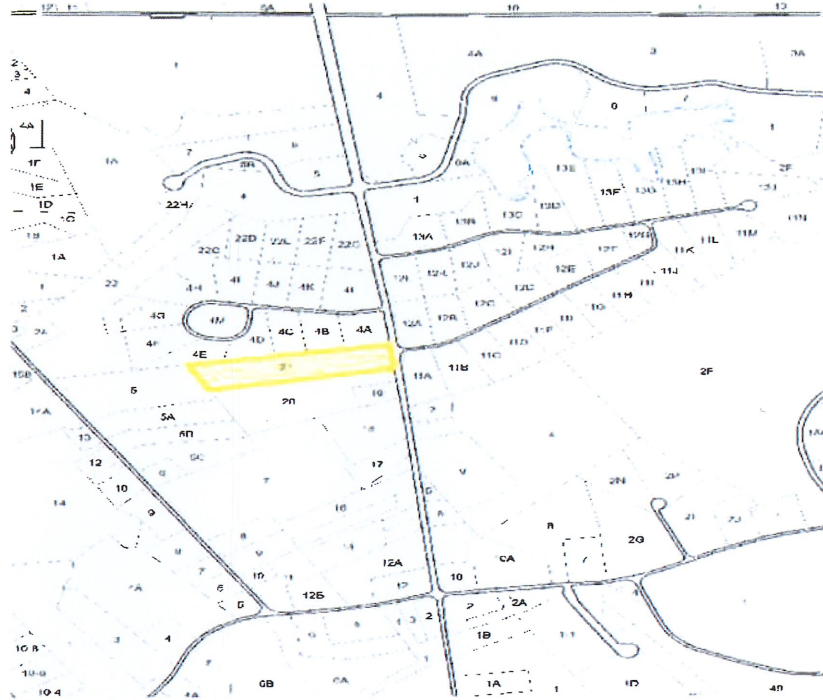


Figure 1 (Site shown in yellow)

The proposed project is called "North Bedford Crossing" consisting of twenty (20) for sale units on a 5.5 +/- acre site. There will be ten (10) duplex style buildings. Each unit will have three-bedrooms. Five (5) units (or twenty-five (25%) percent) will be affordable to households earning up to eighty percent (80%) of the Area Median Income, in accordance with applicable state regulations and guidelines. The remaining units will be market rate units.

Under M.G.L. Chapter 40B ("Statute"), when there is a substantial need for low and moderate income housing in a community, the Statute essentially creates a state mandate to local cities and towns to allow the construction of low and moderate income housing that requires relief from otherwise applicable local requirements and regulations, including but not limited to zoning bylaws, subdivision rules and regulations and local regulations that exceed state requirements under the Wetlands Protection Act and Title V. A Zoning Board of Appeals can insist on full compliance with local requirements and regulations only if they are, in the words of the Statute, "consistent with local needs." Local requirements and regulations will be considered "consistent with local needs" if they are reasonable, taking into account the "regional need for low and

moderate income housing considered with the number of low income persons in the city or town affected and the need to protect the health or safety of the occupants of the proposed housing or of the city or town, to promote better site and building design in relation to the surroundings, or to preserve open space" and if they outweigh the regional need for affordable housing.

As the Board is aware, the goal of the Statute is to make at least 10% of every Massachusetts' community's housing stock affordable for low to moderate income households. The Department of Housing and Community Development ("DHCD") tracks a community's compliance with this goal by maintaining a Subsidized Housing Inventory ("SHI"). The SHI lists the number of housing units in each municipality that qualify for the list and count towards the municipality's goal of meeting 10% of its housing stock as being affordable.

As of December 21, 2020, the Town of Lakeville is at 6.5%¹ of its required 10% affordable housing requirement. See Tab 1

II. The Applicant

The Applicant, North Bedford Crossing, LLC, is a Massachusetts limited liability company, having a business address of 1 Lakeville Business Park, Suite 2A, Lakeville, MA 02347.

III. Jurisdictional Requirements

The Applicant meets the jurisdictional requirements of the Act and has standing before the Zoning Board of Appeals because it will be a limited dividend organization, it has control of the land and it has received a project eligibility letter.

A. Limited Dividend Organization

North Bedford Crossing, LLC intends to enter into a Regulatory Agreement with the Massachusetts Housing Finance Agency ("MassHousing") under the New England Fund Program and to abide by the requisite limitation on profits. See 760 CMR 56.04(1)(a). The form of the Regulatory Agreement can be found at Tab 2.

B. Control of the Land

North Bedford Crossing, LLC is the owner of the property by deed recorded with Plymouth County Registry of Deeds in Book 55084, Page 286 (see Tab 3) and has control of the land, as required by the regulations. See 760 CMR 56.04(1)(c).

C. Project Eligibility

North Bedford Crossing, LLC has received a Project Eligibility Letter ("PEL") dated April 15, 2022 from the Massachusetts Housing Finance Agency ("MassHousing") under the New England Fund program that is a qualifying subsidy program used for the construction of affordable housing. The PEL confirms the project's eligibility and suitability of the site. A copy of the Project Eligibility Letter is submitted herewith (see Tab 4). Therefore, the Applicant fulfills the requirement of 760 CMR 56.04(1)(b), which states: "The project shall be fundable under a subsidizing agency under a low- and moderate-income subsidy program". See 760 CMR 54.04(1)(b), which states that compliance with the project eligibility requirements shall be established by issuance of a written determination of Project Eligibility by the Subsidizing Agency.

¹ MassHousing has indicated that as of April 2022 this number is 6.49%

In the PEL, MassHousing asked the Applicant to address certain issues in its application to the Board. These issues are addressed below.

IV. Response to Municipality Comments in PEL

The Municipality requests that the Applicant's site plan provide adequate screening and protection from light and noise impacts for the neighbors adjacent to the proposed access road and the proposed parking lot.

The Applicant has shifted the buildings towards the easterly portion of the site so as to reduce light and noise impacts to the neighbors and has added fencing and screening along the southerly property line. Significant plantings and a fence are proposed near Bedford Street to also mitigate any noise or light impacts.

The Municipality expressed concern that additional traffic generated by the Project would result in increased congestion on area roadways and pose heightened risks to drivers and pedestrians. The Municipality requested that the Applicant provide a traffic study to allow them to fully assess Project traffic and public safety impacts.

The Applicant has engaged Vanasse and Associates, Inc. ("Vanasse") to evaluate potential traffic impacts from the project. A copy of the traffic impact report will be submitted under separate cover.

V. Response to Mass Housing Comments in PEL

Development of this Site will require compliance with all state and federal environmental laws, regulations and standards applicable to existing conditions and to the proposed use related to building construction, stormwater management, wastewater collection and treatment, and hazardous waste safety. The Applicant should expect that the Municipality will require evidence of such compliance prior to the issuance of a building permit for the Project..

The development of the site will comply with all state and federal environmental laws regulations, and standards applicable to existing conditions and to the proposed use related to floodplain management, wetland protection, river and wildlife habitats/conservation areas, stormwater supply, wastewater collection treatment, hazardous waste, safety and public water supply. The proposed work does not require the filing of a notice of intent with the Conservation Commission. The site is not within and estimated or priority habitat areas and does not requiring the filing of an application for a Conservation Management Permit from the Division of Fisheries and Wildlife under the Natural Heritage Program. The Applicant will file an application for approval of the propose septic system with the Town of Lakeville Board of Health as required under 310 CMR 15 ("Title V"). There are no known hazardous waste issues associated with the project site and abutting sites.

The Applicant should continue to engage with municipal officials in a good-faith discussion regarding design review matters and other site related concerns, including, but not limited to issues regarding roadway design and public safety considerations.

The Applicant will engage with local officials regarding design review matters and other site related concerns, including, but not limited to roadway design and public safety considerations.

A landscaping plan should be provided, including a detailed planting plan, as well as paving, lighting, and signage details, and the location of outdoor dumpsters or other waste receptacles. The landscape plan should also include provisions for snow removal and long-term landscape maintenance options

A landscaping plan has been provided. A fence and plantings are being provided along the southern most property line to provide screening of the project from the southerly property. Landscaping is proposed along Bedford Street to provide screening. Dumpsters are not being provided as each unit will have trash and recycling barrels for individual trash pickup by the condominium association. Snow removal location is shown on the plans.

VI. The Development Team

The Applicant's development team for the project is as follows:

Civil Engineering

Zenith Consulting Engineers, LLC

Legal

Michael O'Shaughnessy, Esq.

General Contractor

South Shore Development

Traffic

Vanasse and Associates

VII. Existing Conditions of the Property and Surrounding Area (760 CMR 56.05(2)(b))

The proposed site is a 5.5 +/- acre site located in the Residential zoning district. The site is currently improved with a single-family residence. See Photo 2



Photo 2 – Existing Street View

The project is bordered to the north by a 13-lot subdivision located on Paddock Hill Drive. The property is bounded to the south by a 7.3-acre parcel of land that is improved with a single-family residence and barn. The property is bounded to the west by vacant land and Route 18 to the east. Across from the property on the east side of Bedford Street is Surrey Drive. An aerial view of the property is shown in Photo 3.

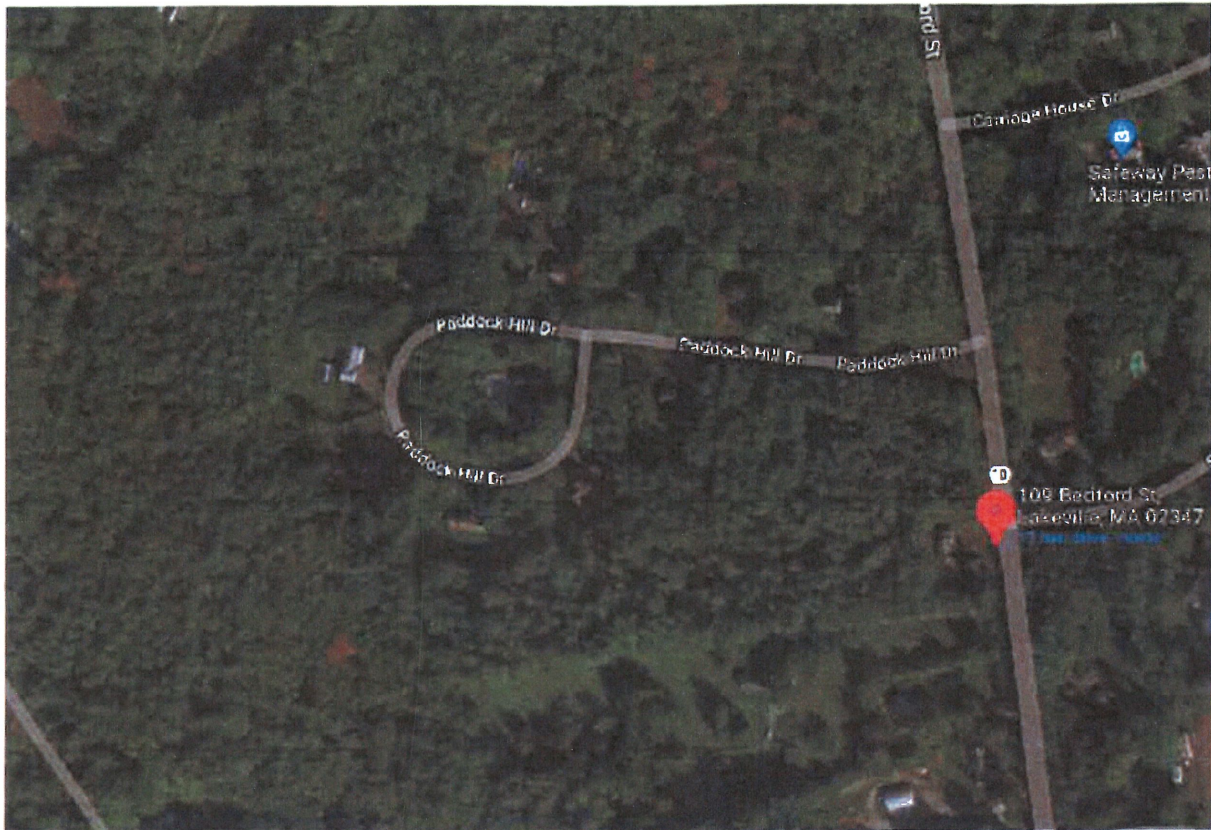


Photo 3 – Aerial View. See also Tab 5.

The existing condition of the Property is shown on the engineering plans submitted with this application.

There is a small area of wetlands near the western property line.

According to the Federal Emergency Management Agency Flood Insurance Rate Map (“FIRM Map”), the Property is located entirely within a Zone X which is a minimal flood hazard area.

The project is not located within a Natural Heritage Priority or Estimated Habitat.

A review of the National Register of Historic Places and the Massachusetts Cultural Resource Information System (MACRIS) does not reflect that the Project site is an historic property.

The Property is approximately a 5-minute drive to the Lakeville Town Hall, with its nearby stores and shops, municipal buildings, churches and schools. Additionally, the site is a short drive to the Lakeville MBTA Commuter rail station.

VIII. Description of the Proposed Project

The proposed site conditions of the Project are shown on the Engineering Plans. Proposed floorplans and elevations for the Project are shown on the architectural plans (“Architectural Plans”). The Architectural Plans fulfil the requirement of 760 CMR 56.05(2)(c) to submit preliminary, scaled architectural plans. Under the Act, plans filed with a Comprehensive Permit application may be preliminary plans, and the Applicant reserves the right to revise said plans prior to final approval of the Project. A tabular analysis of the proposed buildings and site areas, in compliance with 760 CMR 56.05(2)(d) is enclosed under Tab 6. No subdivision of the Property within the meaning of the Subdivision Control Law, M.G.L. c. 41, § 81L is proposed. So, no subdivision plan is required pursuant to 760 CMR 56.05(2)(e).

The project will consist of twenty (20) duplex style buildings. The proposed buildings will be 2 ½ stories in height. The units will range in size from approximately 1,428 to 1,564 sf in living area. All units will be three-bedroom units. Examples of the units are shown in Photo 4 and Photo 5. Each unit will have off street parking.



Photo 4 - Example of smaller unit



Photo 5 - Example of larger unit

The roadway and drainage system were designed to meet stormwater management standards.

The project has been designed to integrate a multifamily development into the existing features of the site and residential neighborhood.

As can be seen on the site plans, the units are proposed to be located closer to the Bedford Street so as to maintain as much as a buffer as possible to the Paddock Hill subdivision. Landscaping is proposed along the Bedford Street. A fence and landscaping are proposed along the southern property line. The landscaping is robust to minimize impacts to the neighborhood. In terms of architectural style, these proposed units are intended to be more contemporary in nature.

The Applicant is submitting a list of waivers for the consideration of the Zoning Board a copy of which is found under Tab 7.

IX. Construction Schedule

The proposed commencement of construction is within twelve (12) weeks of receiving a Comprehensive Permit. Completion is anticipated within twenty four (24) months of commencement of construction.

X. Community and Municipal Impact

As can be seen in the comparison charts hereunder, the proposed project meets the goals and strategies of the **Lakeville December 2020 Master Plan** and the goals of the **Lakeville 2017 Housing Production Plan**.

July 2020 Master Plan

Goal	Strategy	Synopsis	How Goals and Strategies are Satisfied
3-1 Encourage Variety to Meet Needs of First Time Buyer's and Senior Populations	3-1-1	Reduce zoning area requirements in strategic locations in town such as along Route 18 corridor. Residential Zoning District is 1.6 acres/unit.	The 40B Project allows the Zoning Board of Appeals to grant zoning waivers and allow the construction of 20 units on 5.5 acres (3.64 units on an acre of land) as compared to conventional residential zoning of 1 unit on 1.6 acres. Proposed project located along Route 18 corridor.
	3-1-2	Work in partnership to build senior housing with local developer.	Project proponent is a local developer The proposed units can be configured to allow a master bedroom on first floor. This would allow seniors who may have mobility issues to reside in a home with a first-floor bedroom and remain in the Town of Lakeville.
3-2 Increase the number of units eligible for the Subsidized Housing Inventory (SHI)		Proactively create subsidized housing that meets the requirements of M.G.L. Chapter 40B §§ 20-23 and 760 CMR 56.00 regulations.	Project will be proposed under G.L .c.40B Five (5) units from project will be eligible for inclusion on the SHI

December 2017 Housing Production Plan Comparison

Section	Goal	Synopsis	Project Meets Goals
Section 6A	#1	Produce 19 Units eligible for SHI in each calendar year	Five (5) units from the project will be eligible for inclusion on SHI
	#2	Target Multifamily housing to Village Areas	Project is a clustered development using 40B as a development tool to develop affordable housing.

	#3	Allow a diversity of housing options to allow young adults and seniors to remain in the community	Project provides opportunities for both young families and seniors who wish to remain in the Town of Lakeville.
	#4	Work with developers to encourage friendly 40B developments	The Applicant expects to work cooperatively with the Board of Appeals

In developing the project, the Applicant made certain to try to preserve as much green space on the property as possible to create a quiet development that would provide affordable housing and would provide older Lakeville residents an option to downsize their current home and stay within the Town of Lakeville in a brand-new housing unit. Alternatively, these units will be attractive to younger families who wish to remain in Lakeville.

There is no site distance issue issued related to the proposed driveway access. The traffic flow on Bedford Street will not be negatively impacted from the number of vehicle trips to and from the project. The proposed project will be serviced by an onsite septic system. The proposed project complies with storm water management standards. There will be no wetland impacts from the project.

Based upon the foregoing, The Applicant believes that the proposed project will be a positive addition to the Town of Lakeville .

XI. Conclusion

Based on all of the foregoing, the Applicant believes that the proposed project will be an asset to the Town of Lakeville It will provide much needed affordable housing. The Applicant respectfully submits that a Comprehensive Permit should be issued by the Lakeville Zoning Board of Appeals.

Respectfully Submitted,

Michael P. O'Shaughnessy, Esq.

Department of Housing and Community Development
 Chapter 40B Subsidized Housing Inventory (SHI)
 as of December 21, 2020*

Community	2010 Census Year Round Housing Units	Total Development Units	SHI Units	%
Abington	6,364	662	629	9.9%
Acton	8,475	1,440	894	10.5%
Acushnet	4,097	125	95	2.3%
Adams	4,337	324	324	7.5%
Agawam	12,090	618	618	5.1%
Alford	231	0	0	0.0%
Amesbury	7,041	787	706	10.0%
Amherst	9,621	1,262	1,215	12.6%
Andover	12,324	2,195	1,657	13.4%
Aquinnah	158	33	33	20.9%
Arlington	19,881	1,445	1,129	5.7%
Ashburnham	2,272	144	29	1.3%
Ashby	1,150	0	0	0.0%
Ashfield	793	2	2	0.3%
Ashland	6,581	936	415	6.3%
Athol	5,148	284	284	5.5%
Attleboro	17,978	1,169	1,169	6.5%
Auburn	6,808	251	251	3.7%
Avon	1,763	75	75	4.3%
Ayer	3,440	409	254	7.4%
Barnstable	20,550	1,818	1,487	7.2%
Barre	2,164	83	83	3.8%
Becket	838	0	0	0.0%
Bedford	5,322	1,243	987	18.5%
Belchertown	5,771	416	390	6.8%
Bellingham	6,341	983	801	12.6%
Belmont	10,117	673	661	6.5%
Berkley	2,169	158	40	1.8%
Berlin	1,183	308	201	17.0%
Bernardston	930	22	22	2.4%
Beverly	16,522	2,489	1,954	11.8%
Billerica	14,442	1,979	1,664	11.5%
Blackstone	3,606	165	123	3.4%
Blandford	516	0	0	0.0%
Bolton	1,729	180	69	4.0%
Boston	269,482	58,609	55,509	20.6%
Bourne	8,584	1,129	591	6.9%

Boxborough	2,062	323	266	12.9%
Boxford	2,730	80	39	1.4%
Boylston	1,765	30	30	1.7%
Braintree	14,260	1,670	1,373	9.6%
Brewster	4,803	368	268	5.6%
Bridgewater	8,288	1,216	948	11.4%
Brimfield	1,491	59	59	4.0%
Brockton	35,514	4,604	4,604	13.0%
Brookfield	1,452	13	13	0.9%
Brookline	26,201	3,525	2,674	10.2%
Buckland	866	3	3	0.3%
Burlington	9,627	1,858	1,302	13.5%
Cambridge	46,690	7,089	6,898	14.8%
Canton	8,710	1,237	1,099	12.6%
Carlisle	1,740	65	59	3.4%
Carver	4,514	142	142	3.1%
Charlemont	615	3	3	0.5%
Charlton	4,774	83	83	1.7%
Chatham	3,460	182	176	5.1%
Chelmsford	13,741	1,903	1,349	9.8%
Chelsea	12,592	2,419	2,414	19.2%
Cheshire	1,481	0	0	0.0%
Chester	585	3	3	0.5%
Chesterfield	524	14	14	2.7%
Chicopee	25,074	2,662	2,623	10.5%
Chilmark	418	0	0	0.0%
Clarksburg	706	9	9	1.3%
Clinton	6,375	547	547	8.6%
Cohasset	2,898	321	307	10.6%
Colrain	731	0	0	0.0%
Concord	6,852	926	721	10.5%
Conway	803	0	0	0.0%
Cummington	426	14	14	3.3%
Dalton	2,860	159	159	5.6%
Danvers	11,071	1,556	1,140	10.3%
Dartmouth	11,775	1,037	1,007	8.6%
Dedham	10,115	1,166	1,121	11.1%
Deerfield	2,154	33	33	1.5%
Dennis	7,653	422	390	5.1%
Dighton	2,568	427	151	5.9%
Douglas	3,147	140	140	4.4%
Dover	1,950	69	18	0.9%
Dracut	11,318	866	590	5.2%
Dudley	4,360	104	104	2.4%
Dunstable	1,085	0	0	0.0%
Duxbury	5,532	509	432	7.8%
East Bridgewater	4,897	230	176	3.6%

East Brookfield	888	0	0	0.0%
East Longmeadow	6,072	532	464	7.6%
Eastham	2,632	128	119	4.5%
Easthampton	7,567	1,036	537	7.1%
Easton	8,105	1,035	834	10.3%
Edgartown	1,962	78	73	3.7%
Egremont	596	0	0	0.0%
Erving	778	0	0	0.0%
Essex	1,477	40	40	2.7%
Everett	16,691	875	875	5.2%
Fairhaven	7,003	495	495	7.1%
Fall River	42,650	4,631	4,535	10.6%
Falmouth	14,870	1,380	1,070	7.2%
Fitchburg	17,058	1,775	1,581	9.3%
Florida	335	0	0	0.0%
Foxborough	6,853	930	878	12.8%
Framingham	27,443	3,483	2,963	10.8%
Franklin	11,350	1,819	1,357	12.0%
Freetown	3,263	104	86	2.6%
Gardner	9,064	1,361	1,361	15.0%
Georgetown	3,031	352	352	11.6%
Gill	591	24	24	4.1%
Gloucester	13,270	1,043	1,008	7.6%
Goshen	440	0	0	0.0%
Gosnold	41	0	0	0.0%
Grafton	7,160	740	381	5.3%
Granby	2,451	79	79	3.2%
Granville	630	0	0	0.0%
Great Barrington	3,072	378	243	7.9%
Greenfield	8,325	1,301	1,284	15.4%
Groton	3,930	410	224	5.7%
Groveland	2,423	145	88	3.6%
Hadley	2,200	275	275	12.5%
Halifax	2,971	36	36	1.2%
Hamilton	2,783	126	86	3.1%
Hampden	1,941	60	60	3.1%
Hancock	326	0	0	0.0%
Hanover	4,832	568	568	11.8%
Hanson	3,572	270	160	4.5%
Hardwick	1,185	3	2	0.2%
Harvard	1,982	263	114	5.8%
Harwich	6,121	333	333	5.4%
Hatfield	1,549	47	47	3.0%
Haverhill	25,557	2,959	2,744	10.7%
Hawley	137	0	0	0.0%
Heath	334	0	0	0.0%
Hingham	8,841	2,799	1,008	11.4%

Hinsdale	918	0	0	0.0%
Holbrook	4,262	436	436	10.2%
Holden	6,624	514	406	6.1%
Holland	1,051	4	4	0.4%
Holliston	5,077	515	245	4.8%
Holyoke	16,320	3,189	3,189	19.5%
Hopedale	2,278	115	115	5.0%
Hopkinton	5,087	843	725	14.3%
Hubbardston	1,627	49	49	3.0%
Hudson	7,962	1,059	901	11.3%
Hull	4,964	83	83	1.7%
Huntington	919	32	32	3.5%
Ipswich	5,735	608	527	9.2%
Kingston	4,881	359	204	4.2%
Lakeville	3,852	433	250	6.5%
Lancaster	2,544	374	250	9.8%
Lanesborough	1,365	28	28	2.1%
Lawrence	27,092	4,037	4,017	14.8%
Lee	2,702	176	176	6.5%
Leicester	4,231	176	176	4.2%
Lenox	2,473	178	172	7.0%
Leominster	17,805	1,406	1,369	7.7%
Leverett	792	2	2	0.3%
Lexington	11,946	1,565	1,334	11.2%
Leyden	300	0	0	0.0%
Lincoln	2,153	370	298	14.0%
Littleton	3,443	653	456	13.2%
Longmeadow	5,874	276	276	4.7%
Lowell	41,308	5,189	5,119	12.4%
Ludlow	8,337	292	292	3.5%
Lunenburg	4,037	315	315	7.8%
Lynn	35,701	4,307	4,307	12.1%
Lynnfield	4,319	632	494	11.4%
Malden	25,122	2,765	2,562	10.2%
Manchester	2,275	137	115	5.1%
Mansfield	8,725	1,118	953	10.9%
Marblehead	8,528	399	333	3.9%
Marion	2,014	204	162	8.0%
Marlborough	16,347	1,944	1,848	11.3%
Marshfield	9,852	1,024	821	8.3%
Mashpee	6,473	369	343	5.3%
Mattapoisett	2,626	68	68	2.6%
Maynard	4,430	595	419	9.5%
Medfield	4,220	474	406	9.6%
Medford	23,968	2,847	1,719	7.2%
Medway	4,603	830	529	11.5%
Melrose	11,714	1,463	934	8.0%

Mendon	2,072	77	40	1.9%
Merrimac	2,527	402	146	5.8%
Methuen	18,268	2,162	1,708	9.3%
Middleborough	8,921	979	799	9.0%
Middlefield	230	2	2	0.9%
Middleton	3,011	258	156	5.2%
Milford	11,379	1,483	701	6.2%
Millbury	5,592	244	221	4.0%
Millis	3,148	185	122	3.9%
Millville	1,157	26	26	2.2%
Milton	9,641	765	477	4.9%
Monroe	64	0	0	0.0%
Monson	3,406	120	120	3.5%
Montague	3,926	407	375	9.6%
Monterey	465	0	0	0.0%
Montgomery	337	0	0	0.0%
Mount Washington	80	0	0	0.0%
Nahant	1,612	48	48	3.0%
Nantucket	4,896	509	199	4.1%
Natick	14,052	1,856	1,477	10.5%
Needham	11,047	1,605	1,410	12.8%
New Ashford	104	0	0	0.0%
New Bedford	42,816	5,132	5,095	11.9%
New Braintree	386	0	0	0.0%
New Marlborough	692	0	0	0.0%
New Salem	433	0	0	0.0%
Newbury	2,699	94	94	3.5%
Newburyport	8,015	667	551	6.9%
Newton	32,346	2,745	2,509	7.8%
Norfolk	3,112	521	187	6.0%
North Adams	6,681	866	866	13.0%
North Andover	10,902	1,398	950	8.7%
North Attleborough	11,553	366	354	3.1%
North Brookfield	2,014	142	142	7.1%
North Reading	5,597	650	538	9.6%
Northampton	12,604	1,506	1,441	11.4%
Northborough	5,297	715	606	11.4%
Northbridge	6,144	483	468	7.6%
Northfield	1,290	27	27	2.1%
Norton	6,707	916	596	8.9%
Norwell	3,652	461	180	4.9%
Norwood	12,441	1,241	1,229	9.9%
Oak Bluffs	2,138	129	117	5.5%
Oakham	702	0	0	0.0%
Orange	3,461	410	410	11.8%
Orleans	3,290	326	296	9.0%
Otis	763	0	0	0.0%

Oxford	5,520	404	404	7.3%
Palmer	5,495	307	266	4.8%
Paxton	1,590	66	66	4.2%
Peabody	22,135	2,761	2,122	9.6%
Pelham	564	3	3	0.5%
Pembroke	6,477	773	618	9.5%
Pepperell	4,335	197	130	3.0%
Peru	354	0	0	0.0%
Petersham	525	0	0	0.0%
Phillipston	658	5	5	0.8%
Pittsfield	21,031	2,004	1,883	9.0%
Plainfield	283	0	0	0.0%
Plainville	3,459	624	577	16.7%
Plymouth	22,285	1,229	1,006	4.5%
Plympton	1,039	67	55	5.3%
Princeton	1,324	26	26	2.0%
Provincetown	2,122	254	206	9.7%
Quincy	42,547	4,212	4,201	9.9%
Randolph	11,980	1,294	1,294	10.8%
Raynham	5,052	604	487	9.6%
Reading	9,584	1,563	1,004	10.5%
Rehoboth	4,252	99	27	0.6%
Revere	21,956	1,735	1,725	7.9%
Richmond	706	4	4	0.6%
Rochester	1,865	8	8	0.4%
Rockland	7,030	648	453	6.4%
Rockport	3,460	135	135	3.9%
Rowe	177	0	0	0.0%
Rowley	2,226	179	94	4.2%
Royalston	523	3	3	0.6%
Russell	687	2	2	0.3%
Rutland	2,913	86	86	3.0%
Salem	18,998	2,431	2,391	12.6%
Salisbury	3,842	807	395	10.3%
Sandisfield	401	0	0	0.0%
Sandwich	8,183	461	314	3.8%
Saugus	10,754	784	756	7.0%
Savoy	318	0	0	0.0%
Scituate	7,163	482	358	5.0%
Seekonk	5,272	114	87	1.7%
Sharon	6,413	936	678	10.6%
Sheffield	1,507	30	30	2.0%
Shelburne	893	46	46	5.2%
Sherborn	1,479	41	34	2.3%
Shirley	2,417	106	106	4.4%
Shrewsbury	13,919	1,226	891	6.4%
Shutesbury	758	4	4	0.5%

Somerset	7,335	269	269	3.7%
Somerville	33,632	3,261	3,250	9.7%
South Hadley	7,091	424	424	6.0%
Southampton	2,310	44	44	1.9%
Southborough	3,433	809	294	8.6%
Southbridge	7,517	384	384	5.1%
Southwick	3,852	131	131	3.4%
Spencer	5,137	312	311	6.1%
Springfield	61,556	10,307	10,041	16.3%
Sterling	2,918	285	72	2.5%
Stockbridge	1,051	113	113	10.8%
Stoneham	9,399	504	498	5.3%
Stoughton	10,742	1,500	1,284	12.0%
Stow	2,500	393	179	7.2%
Sturbridge	3,759	357	209	5.6%
Sudbury	5,921	888	669	11.3%
Sunderland	1,718	183	183	10.7%
Sutton	3,324	176	55	1.7%
Swampscott	5,795	256	212	3.7%
Swansea	6,290	275	243	3.9%
Taunton	23,844	1,874	1,683	7.1%
Templeton	3,014	511	233	7.7%
Tewksbury	10,803	1,379	1,062	9.8%
Tisbury	1,965	147	107	5.4%
Tolland	222	0	0	0.0%
Topsfield	2,157	205	187	8.7%
Townsend	3,356	184	145	4.3%
Truro	1,090	25	25	2.3%
Tyngsborough	4,166	847	469	11.3%
Tyringham	149	0	0	0.0%
Upton	2,820	190	145	5.1%
Uxbridge	5,284	427	257	4.9%
Wakefield	10,459	1,394	703	6.7%
Wales	772	25	25	3.2%
Walpole	8,984	661	649	7.2%
Waltham	24,805	2,709	1,819	7.3%
Ware	4,539	363	363	8.0%
Wareham	9,880	875	745	7.5%
Warren	2,202	76	76	3.5%
Warwick	363	0	0	0.0%
Washington	235	0	0	0.0%
Watertown	15,521	2,770	1,212	7.8%
Wayland	4,957	460	330	6.7%
Webster	7,788	707	707	9.1%
Wellesley	9,090	1,160	1,044	11.5%
Wellfleet	1,550	38	38	2.5%
Wendell	419	5	5	1.2%

Wenham	1,404	196	128	9.1%
West Boylston	2,729	413	223	8.2%
West Bridgewater	2,658	175	121	4.6%
West Brookfield	1,578	67	67	4.2%
West Newbury	1,558	150	43	2.8%
West Springfield	12,629	426	426	3.4%
West Stockbridge	645	0	0	0.0%
West Tisbury	1,253	26	11	0.9%
Westborough	7,304	1,253	960	13.1%
Westfield	16,001	1,173	1,170	7.3%
Westford	7,671	1,487	1,057	13.8%
Westhampton	635	17	17	2.7%
Westminster	2,826	138	87	3.1%
Weston	3,952	467	331	8.4%
Westport	6,417	480	290	4.5%
Westwood	5,389	922	598	11.1%
Weymouth	23,337	1,903	1,628	7.0%
Whately	654	4	4	0.6%
Whitman	5,513	208	208	3.8%
Wilbraham	5,442	306	305	5.6%
Williamsburg	1,165	55	55	4.7%
Williamstown	2,805	261	213	7.6%
Wilmington	7,788	1,059	766	9.8%
Winchendon	4,088	326	326	8.0%
Winchester	7,920	439	296	3.7%
Windsor	387	0	0	0.0%
Winthrop	8,253	638	638	7.7%
Woburn	16,237	2,121	1,706	10.5%
Worcester	74,383	10,023	10,017	13.5%
Worthington	553	22	22	4.0%
Wrentham	3,821	597	431	11.3%
Yarmouth	12,037	786	599	5.0%
Totals	2,692,186	315,591	273,004	10.1%

*This data is derived from information provided to the Department of Housing and Community Development (DHCD) by individual communities and is subject to change as new information is obtained and use restrictions expire. Community percentages will be based upon 2020 Census data upon the release of such data by the U.S. Census Bureau.

REGULATORY AGREEMENT

For Comprehensive Permit Projects in Which Funding is Provided Through Other than a State Entity

This Regulatory Agreement (this "Agreement") is made as of the ___ day of _____ 20___, by and between the Massachusetts Housing Finance Agency, a body politic and corporate organized and operated under the provisions of Chapter 708 of the Acts of 1966 of the Commonwealth of Massachusetts, as amended, acting as Subsidizing Agency as defined under the provisions of 760 CMR 56.02 (the "Subsidizing Agency"), and _____, a Massachusetts _____, having an address at _____, and its successors and assigns (the "Developer").

RECITALS

WHEREAS, the Developer intends to construct a housing development known as _____ consisting of _____ homeownership [*condominium units/single-family*] residences (the "Project") on a _____-acre site located at _____ in the [*City/Town*] of _____ (the "Municipality"), which real property is more particularly described in Exhibit A attached hereto and made a part hereof; and

WHEREAS, _____, a non-governmental entity (the "NEF Lender"), is making a \$ _____ construction loan for the Project, which is equal to or greater than twenty-five percent (25%) of the construction financing for the Project; and

WHEREAS, the Massachusetts Housing Finance Agency acts as Subsidizing Agency for the Project, on behalf of the Department of Housing and Community Development of the Commonwealth of Massachusetts ("DHCD"), pursuant to Massachusetts General Laws Chapter 40B Sections 20-23 (the "Act"), the regulations at 760 CMR 56.00, and the Comprehensive Permit Guidelines issued pursuant thereto (collectively, the "Comprehensive Permit Rules"); and

WHEREAS, the Zoning Board of Appeals of the Municipality has issued a comprehensive permit for the Project in accordance with the Act (including any and all amendments issued by the Zoning Board of Appeals prior to the date of this Agreement, the "Comprehensive Permit"), which has been [*revise as applicable ("Registry" is defined below to include filings at the Land Court):*] [recorded with the Registry in Book _____, Page _____] [and] [filed as Document No. _____] [*if amendment(s), add: , as amended by the amendment*] [recorded with the Registry in Book _____, Page _____] [and] [filed as Document No. _____]; and

WHEREAS, pursuant to the requirements of the Comprehensive Permit Rules, twenty-five percent (25%) of the units in the Project (___ units) (the “Affordable Units”) will be sold at prices specified in this Agreement to Eligible Purchasers (as defined herein) and will be subject to resale restrictions as set forth herein; and

WHEREAS, the Subsidizing Agency may delegate to an affordability monitoring agent (the “Affordability Monitoring Agent”) certain administration, monitoring and enforcement services regarding compliance of the Project with the Comprehensive Permit, the Comprehensive Permit Rules and this Agreement during the period of affordability of the Affordable Units; and

WHEREAS, the parties recognize that Affirmative Fair Marketing (as defined herein) is an important precondition for sale of Affordable Units and that local preference is only applicable at initial sale of the units and cannot be granted in a manner which results in a violation of applicable fair housing laws, regulations and subsidy programs;

NOW, THEREFORE, in consideration of the agreements hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Subsidizing Agency and the Developer hereby agree as follows:

1. Definitions. Capitalized terms used and not defined herein shall have the same meaning as set forth in the Affordable Housing Restriction attached hereto as Exhibit B and incorporated herein by reference (the “Affordable Housing Restriction”). In addition to the defined terms in the Affordable Housing Restriction and the capitalized terms defined in the Recitals above, the following terms shall have the meanings set forth below:

Affordability Monitoring Services Agreement shall have the meaning set forth in Section 5 hereof.

Affordability Requirement shall mean the obligations of the Developer described in Section 3 hereof.

Affirmative Fair Marketing means the marketing of the Affordable Units in accordance with the AFHMP and all applicable fair housing laws, regulations and subsidy programs.

AFHMP shall have the meaning set forth in Section 3(c) hereof.

Allowable Profit shall have the meaning set forth in Section 4(a) hereof.

Cost Examination shall have the meaning set forth in Section 4(b) hereof.

DHCD means the Department of Housing and Community Development.

Eligible Purchaser shall have the meaning set forth in the Affordable Housing Restriction attached hereto as Exhibit B, and, in addition, must also (i) be a First-Time Homebuyer, and (ii) own assets not in excess of the limit set forth in the Comprehensive Permit Rules.

Excess Profit shall have the meaning set forth in Section 4(e) hereof.

Event of Default shall have the meaning set forth in Section 10(a) hereof.

Limited Dividend Requirement shall mean the obligations of the Developer described in Section 4 hereof.

Limited Dividend Monitoring Services Agreement shall have the meaning set forth in Section 4 hereof.

Marketing Documentation shall have the meaning set forth in Section 3(c) hereof.

Maximum Initial Sale Price means the purchase price for which a credit-worthy Eligible Purchaser earning seventy percent (70%) of the Area Median Income for an Appropriate Size Household (as defined in the Affordable Housing Restriction) could obtain mortgage financing as determined by the Subsidizing Agency using the same methodology then used by DHCD for its Local Initiative Program or similar comprehensive permit program.

Plans and Specifications shall have the meaning set forth in Section 2 hereof.

Registry means, as applicable, the Registry of Deeds and/or the Registry District of the Land Court in which the Project located, and references to "recording" means recording with such Registry of Deeds and/or filing with such Registry District of the Land Court, as applicable.

Resale Price Certificate means the certificate in recordable form issued by the Subsidizing Agency and recorded with the first deed of each Affordable Unit from the Developer to the initial Eligible Purchaser, which certificate sets forth the Resale Price Multiplier to be applied on the resale of such Affordable Unit, according to the terms of the Affordable Housing Restriction applicable to such unit, for so long as the restrictions set forth in such Affordable Housing Restriction continue, and any subsequent certificate issued by the Affordability Monitoring Agent in accordance with the terms of such Affordable Housing Restriction.

Substantial Completion shall have occurred for purposes of this Agreement when the construction of the Project is sufficiently complete so that all of the units may be occupied and amenities may be used for their intended purpose (including, as applicable, issuance of an unconditional certificate of occupancy or other evidence of unconditional approval for occupancy if and as required by the Municipality), except for designated punch list items and seasonal work which does not interfere with the residential use of the Project.

Term shall have the meaning set forth in Section 14(a) hereof.

Total Development Costs means the total budget for the acquisition and construction of the Project (including both hard and soft costs and such other sums as the Subsidizing Agency may determine constitute the Developer's contribution to the Project, but not including any fee paid to the Developer), as approved by Subsidizing Agency pursuant to the

Comprehensive Permit Rules, this Agreement, and the Limited Dividend Monitoring Services Agreement, using the standards of the Subsidizing Agency applicable to comprehensive permit projects in accordance with the Comprehensive Permit Rules.

2. Construction Obligations.

(a) The Developer agrees to construct the Project in accordance with plans and specifications approved by the Subsidizing Agency and the Municipality (the “Plans and Specifications”), which are consistent with the minimum design and construction standards of the Subsidizing Agency applicable to comprehensive permit projects in accordance with the Comprehensive Permit Rules, in accordance with all on-site and off-site construction, design and land use conditions of the Comprehensive Permit, and in accordance with the information describing the Project provided by the Developer to the Subsidizing Agency in its Application for Final Approval.

(b) The Subsidizing Agency shall monitor compliance with the construction obligations set forth in this section in such manner as the Subsidizing Agency may deem reasonably necessary. In furtherance thereof, the Developer shall provide to the Subsidizing Agency (i) evidence that the final Plans and Specifications for the Development comply with the requirements of the Comprehensive Permit and that the Development was built substantially in accordance with such Plans and Specifications; and (ii) such information as the Subsidizing Agency may reasonably require concerning the expertise, qualifications and scope of work of any construction monitor proposed by the NEF Lender, and if such information is acceptable to the Subsidizing Agency, the Developer shall provide to the Subsidizing Agency prior to commencement of construction a certification from the NEF Lender concerning construction monitoring in form and substance acceptable to the Subsidizing Agency. Such certification shall also include a representation that the NEF Lender will maintain certain minimum funding levels to meet the subsidy requirements of the Act.

3. Affordability Requirement. The Developer shall comply with the following requirements in connection with the sale of the Affordable Units (collectively, the “Affordability Requirement”):

(a) The Developer shall sell the Affordable Units only to Eligible Purchasers at no greater than the Maximum Initial Sale Price. There shall be Affirmative Fair Marketing and the Developer shall comply with the lottery procedures set forth in the Comprehensive Permit Rules prior to the selection of an Eligible Purchaser. At the time of sale of each Affordable Unit by the Developer, the Developer shall execute and shall as a condition of the sale cause the purchaser of the Affordable Unit to execute and record in the Registry an Affordable Housing Restriction in the form of Exhibit B attached hereto and incorporated herein by reference. Such Affordable Housing Restriction shall be attached to and made a part of the deed from the Developer to the initial purchaser of the Affordable Unit and each subsequent deed of such unit so that the affordability of the Affordable Unit will be preserved each time a resale of the Affordable Unit occurs. The initial purchaser, and any and each subsequent purchaser acquiring an Affordable Unit during the period that the Affordable Housing Restriction remains in effect shall also execute and record in the

Registry with the deed and Affordable Housing Restriction a mortgage securing such purchaser's obligations thereunder in the form of Exhibit C attached hereto and incorporated herein by reference (the "Affordable Housing Restriction Mortgage").

(b) Prior to marketing or otherwise making available for sale any of the Affordable Units, the Developer shall request the Subsidizing Agency to calculate the Maximum Initial Sale Price for each Affordable Unit and shall advertise the price so calculated in the Marketing Documentation for the Affordable Units. Prior to the delivery of the first deed for each Affordable Unit, the Developer shall notify the Subsidizing Agency of the actual purchase price for each Affordable Unit (which shall in no event be greater than the Maximum Initial Sale Price calculated by the Subsidizing Agency), and the Subsidizing Agency shall issue a Resale Price Certificate to the Developer calculating the Resale Price Multiplier. The Developer shall, as a condition of the initial sale of each Affordable Unit, cause the Eligible Purchaser purchasing such unit to record at the Registry, immediately after the recording of the deed conveying such Affordable Unit from the Developer to the Eligible Purchaser: (i) the Resale Price Certificate, (ii) the Affordable Housing Restriction, (iii) the Affordable Housing Restriction Mortgage executed by such purchaser, and (iv) and the Compliance Certificate (as defined in the Affordable Housing Restriction) executed by the Affordability Monitoring Agent.

(c) Prior to marketing or otherwise making available for sale any of the Affordable Units, the Developer must prepare an Affirmative Fair Housing Marketing Plan (the "AFHMP") for the Affordable Units. The Developer shall submit the proposed AFHMP to the Affordability Monitoring Agent and the Subsidizing Agency, and the Affordability Monitoring Agent shall recommend approval or disapproval thereof to the Subsidizing Agency, as set forth in the Affordability Monitoring Services Agreement. The Developer shall make such modifications as may be appropriate to address any issues raised by the Affordability Monitoring Agent and/or the Subsidizing Agency, and the Subsidizing Agency shall confirm its approval of the final AFHMP in writing. The AFHMP, including, but not limited to, the site plan laying out the location of Affordable Units which is attached hereto as Exhibit D and incorporated herein by reference, as so approved, may not be amended thereafter without the Subsidizing Agency's consent to any such amendment, in accordance with the foregoing review and approval procedure.

(d) If required under the Comprehensive Permit and approved by the Subsidizing Agency, the AFHMP may also include a preference for local residents, which in no event may exceed more than seventy percent (70%) of the Affordable Units; provided that, in the event a local resident preference is established, use of the preference shall not violate applicable fair housing laws and regulations.

(e) The Affordability Monitoring Agent shall be responsible for ensuring compliance with the AFHMP obligations, including, without limitation, all requirements with respect to outreach, location and selection of the Eligible Purchasers for the initial sale and any subsequent resale(s) of the Affordable Units, as part of its services under the Affordability Monitoring Services Agreement. The Subsidizing Agency is responsible for paying the Affordability Monitoring Agent the fees for such services as provided in the Affordability Monitoring Services Agreement.

(f) The Developer agrees to maintain for at least five (5) years following the initial sale of the last Affordable Unit to be sold, a record of all newspaper ads, outreach letters, translations, leaflets, and all Affirmative Fair Marketing efforts (collectively, the "Marketing Documentation") as described in the AFHMP. The Marketing Documentation may be inspected at any time by the Affordability Monitoring Agent, the Subsidizing Agency and the Municipality. If at any time prior to or during the process of marketing the Affordable Units for the initial sale to Eligible Purchasers, the Subsidizing Agency determines that the Developer or the Affordability Monitoring Agent has not adequately complied with the approved AFHMP, the Developer or Affordability Monitoring Agent, as the case may be, shall take such additional corrective measures as shall be specified by the Subsidizing Agency.

4. Limited Dividend Requirement.

(a) The Developer agrees that the aggregate profit from the Project which shall be payable to the Developer or to the partners, shareholders or other owners of Developer or the Project shall not exceed twenty percent (20%) of Total Development Costs (the "Allowable Profit"), which development costs have been approved by the Subsidizing Agency pursuant to the Comprehensive Permit Rules, this Agreement, and the Limited Dividend Monitoring Services Agreement attached hereto as Exhibit E and incorporated herein by reference (the "Limited Dividend Monitoring Services Agreement"). Notwithstanding the foregoing, the Subsidizing Agency shall have the sole right to approve the Cost Examination and to determine the Allowable Profit. For so long as the Developer complies with the requirements of this section, the Developer shall be deemed to be a limited dividend organization within the meaning of the Act.

(b) Within one hundred-eighty (180) days after Substantial Completion of the Project, or, if later, within ninety (90) days of the date on which all units in the Project are sold, the Developer shall deliver to the Subsidizing Agency an itemized statement of Total Development Costs together with a statement of gross income from the Project received by the Developer to date in the format provided in the Subsidizing Agency's Cost Examination Program applicable to the Project, together with all other documents required by the Cost Examination Program (the "Cost Examination"). The Cost Examination must be prepared and certified by a certified public accountant in accordance with the attestation standards established by the American Institute of Certified Public Accountants. The certified public accountant preparing the Cost Examination must be acceptable to the Subsidizing Agency and the Cost Examination, including any update as described herein, shall be subject to the Subsidizing Agency's review and approval. If all units in the Project have not been sold as of the date the initial Cost Examination is delivered to the Subsidizing Agency, the Developer shall, at least once every ninety (90) days thereafter until such time as all of the units are sold, deliver to the Subsidizing Agency an updated Cost Examination. If all units have not been sold within twenty-four (24) months of Substantial Completion, a sale price for the remaining unsold units shall be imputed in an amount equal to the average of the last three (3) arm's-length sales of comparable units, and a final Cost Examination shall be required within ninety (90) days thereafter. The Subsidizing Agency may allow additional time for submission of the Cost Examination if significant issues are

determined to exist which prevent the timely submission of the Cost Examination, and may in certain circumstances (such as a halt in construction for a significant period of time) require submission of an interim Cost Examination within ninety (90) days of written notice to the Developer.

(c) All related party transactions resulting in Project costs or income must be disclosed in the Cost Examination, and documentation must be provided identifying, where applicable, what portion of costs were paid to non-related third parties (e.g., subcontractors) and what portion were retained by related parties. In the event that any unit sales are made to related parties, the amount of income to be included in the Cost Examination for such sales shall be the greater of (i) the actual sales price of the unit, and (ii) the average sales price of the highest three (3) arm's-length sales of comparable units.

(d) If any unit is sold prior to the date the final Cost Examination is approved by the Subsidizing Agency, the Developer shall, promptly upon the request of the Subsidizing Agency, provide evidence reasonably satisfactory to the Subsidizing Agency that any profit distributed to the Developer or to any partner(s) or shareholder(s) of the Developer and/or other person(s) or party(ies) holding any direct or indirect ownership interest in the Developer or the Project in connection with such sale, combined with the reasonably projected total profits from the Project, will not exceed the Allowable Profit.

(e) All profits from the Project in excess of the Allowable Profit, as finally determined by the Subsidizing Agency (the "Excess Profit"), shall be paid by the Developer to the Municipality promptly after such determination.

5. Affordability Monitoring Agent. The Subsidizing Agency shall assign an Affordability Monitoring Agent for purposes of administration, monitoring and enforcement under this Agreement pursuant to an agreement substantially in the form of the Affordability Monitoring Services Agreement attached hereto as Exhibit F and incorporated herein by reference (the "Affordability Monitoring Services Agreement"). All notices and reports required to be submitted under this Agreement shall be submitted simultaneously to the specified entity and to the Affordability Monitoring Agent. The Affordability Monitoring Services Agreement may be terminated by the Subsidizing Agency or the Affordability Monitoring Agent as provided in the Affordability Monitoring Services Agreement. In the event of such termination, the Subsidizing Agency shall select a successor monitoring agent in accordance with the provisions of the Affordability Monitoring Services Agreement, and thereafter such successor shall be the Affordability Monitoring Agent for the Project.

6. Developer's Representations, Covenants and Warranties. The Developer hereby represents, covenants and warrants as follows:

(a) The Developer (i) is a [limited liability company] [corporation] [limited partnership] duly organized under the laws of the Commonwealth of Massachusetts, and is qualified to transact business under the laws of said Commonwealth, (ii) has the power and authority to own its properties and assets and to carry on its business as now being

conducted, and (iii) has the full legal right, power and authority to execute and deliver and perform its obligations under this Agreement.

(b) The execution, delivery and performance of this Agreement by the Developer (i) will not violate (and, to the extent applicable, has not violated) any provision of law, rule or regulation, or any order of any court or other agency or governmental body, and (ii) will not violate (and, to the extent applicable, has not violated) any provision of any indenture, agreement, mortgage, mortgage note, or other instrument to which the Developer is a party or by which it or the Project is bound, and (iii) will not result in the creation or imposition of any prohibited encumbrance of any nature.

(c) The Developer will, at the time of execution and delivery of this Agreement, have good and marketable title to the premises constituting the Project free and clear of any lien or encumbrance other than encumbrances created pursuant to this Agreement, and any other documents executed in connection with the loan from the NEF Lender [*if applicable*: , the subordinate loan(s) identified in Exhibit G attached hereto] and any other encumbrances permitted by the Subsidizing Agency in writing.

(d) There is no action, suit or proceeding at law or in equity or by or before any governmental instrumentality or other agency now pending, or, to the knowledge of the Developer, threatened against or affecting it, the Project, or any of its other properties or rights, which, if adversely determined, would materially impair its right to carry on business substantially as now conducted and as contemplated by this Agreement or would materially adversely affect its financial condition.

7. No Discrimination. The Developer shall ensure that the Project is at all times in full compliance with the provisions of all applicable federal, state and local laws and regulations prohibiting discrimination in housing. The Developer shall not discriminate in the selection of purchasers for Affordable Units and other units, or in connection with the employment or application for employment of persons for the construction, operation and/or management of the Project, on the basis of age, physical or mental disability or handicap, sex, sexual orientation, gender identity, genetic information, race, color, national origin, ancestry, alien or citizenship status, religion, creed, pregnancy, children, marital status, familial status, veteran status or membership in the armed services, the receipt of public assistance, or any other characteristic protected by applicable federal, state or local laws.

8. Restrictions on Transfers and Junior Encumbrances. Except for sales of Affordable Units and any other units to homebuyers as permitted by the terms of this Agreement, Developer shall not sell, convey, transfer, ground lease, lease, exchange, pledge, assign, mortgage or otherwise transfer its interest, or any portion of its interest, in the Project or any portion thereof without the prior written consent of the Subsidizing Agency. In the event the Subsidizing Agency grants such consent, the Developer agrees, prior to any transfer of ownership of the Project or any portion thereof or interest therein, to secure from the transferee a written agreement, in form and substance acceptable to the Subsidizing Agency in its discretion, stating that the transferee will assume in full the Developer's obligations and duties under this Agreement.

9. Casualty. Until such time as decisions regarding repair of damage due to fire or other casualty, or restoration after taking by eminent domain, shall be made by a condominium association or trust not controlled by the Developer (or if the Project consists of detached dwellings, by homebuyers), Developer agrees that if the Project, or any part thereof, shall be damaged or destroyed or shall be condemned or acquired for public use, the Developer shall use its best efforts to repair and restore the Project to substantially the same condition as existed prior to the event causing such damage or destruction, or to relieve the condemnation, and thereafter to operate the Project in accordance with the terms of this Agreement, subject to the approval of the Subsidizing Agency.

10. Defaults; Remedies.

(a) Any default, violation, or breach of obligations of the Developer hereunder shall constitute an Event of Default hereunder (an "Event of Default") if such default, violation, or breach is not cured to the satisfaction of the Subsidizing Agency within thirty (30) days after the Subsidizing Agency or the Affordability Monitoring Agent gives notice to the Developer (or, with respect to any matter for which this Agreement expressly specifies a different term for performance after notice, within such specified term). At any time after the occurrence of an Event of Default, at the Subsidizing Agency's option, and without further notice, the Subsidizing Agency may apply to any state or federal court for specific performance of this Agreement, exercise any other remedy at law or in equity and/or take any other action(s) as the Subsidizing Agency may deem necessary or desirable to correct non-compliance with this Agreement, including without limitation drawing upon the Additional Security described in Section 11 below. The Affordability Monitoring Agent shall have the same rights as the Subsidizing Agency to exercise remedies hereunder, but shall notify the Subsidizing Agency before exercising any such rights and remedies (except that, in the event of an emergency, the Affordability Monitoring Agent may so notify the Subsidizing Agency as soon as reasonably practicable).

(b) The Developer shall pay all fees and expenses (including legal fees) of the Subsidizing Agency and the Affordability Monitoring Agent incurred in connection with enforcement of the Developer's obligations hereunder. The Developer hereby grants to the Subsidizing Agency and the Affordability Monitoring Agent a lien on the Project, junior to the lien securing the loan from the NEF Lender, to secure payment of such fees and expenses. The Subsidizing Agency and/or the Affordability Monitoring Agent may, at any time and from time to time, perfect a lien on the Project by recording at the Registry one or more certificates setting forth the amount of the costs and expenses due and owing. A purchaser of the Project or any portion of the Project shall be liable for the payment of any unpaid costs and expenses which were the subject of such a recorded with the Registry prior to the purchaser's acquisition of the Project or any portion thereof.

(c) The Subsidizing Agency and the Affordability Monitoring Agent shall have access during normal business hours to all books and records of the Developer and the Project in order to monitor the Developer's compliance with the terms of this Agreement.

building permit for the Project or any portion thereof; (iii) Substantial Completion; (iv) sale of the first unit in the Project; (v) sale of the first Affordable Unit; (vi) sale of the last Affordable Unit; and (vii) sale of the last unit in the Project.

14. Term.

(a) The term of this Agreement (the "Term") shall continue until the date the Affordability Monitoring Agent and the Subsidizing Agency have determined that the Developer has fully complied with the Affordability Requirement and the limitation on Allowable Profit, including all substantive and reporting requirements hereunder. A discharge of this Agreement duly executed by the Subsidizing Agency and recorded at the Registry shall constitute conclusive evidence of the end of the Term hereof as of the date set forth in such discharge.

(b) The Developer intends, declares and covenants on behalf of itself and its successors and assigns that this Agreement and the covenants, agreements and restrictions contained herein (i) shall be and are covenants running with the land, encumbering the Project for the Term, and are binding upon the Developer's successors in title, (ii) are not merely personal covenants of the Developer, and (iii) shall bind the Developer, its successors and assigns, and inure to the benefit of the Subsidizing Agency and its successors and assigns for the Term. Developer hereby agrees that any and all requirements of the laws of the Commonwealth of Massachusetts to be satisfied in order for the provisions of this Agreement to constitute restrictions and covenants running with the land shall be deemed to be satisfied in full and that any requirements of privity of estate are also deemed to be satisfied in full.

(c) This Agreement and the use and resale restrictions contained in each of the Affordable Housing Restrictions which are to encumber each of the Affordable Units at the Project pursuant to the requirements of this Agreement shall constitute an affordable housing restriction as that term is defined in Section 31 of Chapter 184 of the Massachusetts General Laws. Such restrictions shall be for the benefit of the Subsidizing Agency (and the Affordability Monitoring Agent, as agent for the Subsidizing Agency), and the Municipality, and the Subsidizing Agency (and the Affordability Monitoring Agent, as agent for the Subsidizing Agency) shall be deemed to be the holders of the affordable housing restriction created by the restrictions in each of the Affordable Housing Restrictions.

15. Subsidized Housing Inventory. The Affordable Units shall be included in the Subsidized Housing Inventory as that term is described in 760 CMR 56.03(2) in accordance with rules and regulations issued by DHCD, as amended from time to time.

16. Recording. Promptly upon execution, the Developer shall cause this Agreement and any amendment(s) hereto to be recorded with the Registry, and the Developer shall pay all fees and charges incurred in connection therewith. Upon such recording, the Developer shall promptly transmit to the Subsidizing Agency and the Affordability Monitoring Agent evidence of such recording, including the date and, as applicable, the instrument, book and page or document number thereof.

17. Intent and Effect. The terms and conditions of this Agreement have been freely accepted by the parties. The provisions and restrictions contained herein exist to further the mutual purposes and goals of DHCD, the Subsidizing Agency, the Municipality and the Developer set forth herein to create and preserve access to land and to decent and affordable homeownership opportunities for eligible families who are often denied such opportunities for lack of financial resources.

18. Miscellaneous.

(a) The rights and obligations of the Subsidizing Agency under this Agreement shall continue for the Term, regardless of whether the loan from the NEF Lender is still outstanding.

(b) Neither the Subsidizing Agency nor the Affordability Monitoring Agent shall be held liable for any action taken or omitted under this Agreement so long as it shall have acted in good faith and without gross negligence.

(c) The Developer, for itself and its successors and assigns, agrees to indemnify and hold harmless the Subsidizing Agency and the Affordability Monitoring Agent from and against all damages, costs and liabilities, including reasonable attorney's fees, asserted against the Subsidizing Agency and/or the Affordability Monitoring Agent by reason of its relationship to the Project under this Agreement; provided, however, that such indemnification shall not apply with respect to any act(s) of bad faith and/or gross negligence by the Subsidizing Agency and/or the Monitoring Agent.

(d) If, at any time during the Term, there is no Affordability Monitoring Agent, the Subsidizing Agency shall have all the rights and obligations set forth herein as rights and obligations of the Affordability Monitoring Agent.

19. Conflict. In the event of any conflict or inconsistency (including without limitation more restrictive terms) between the terms of the Comprehensive Permit, any other document relating to the Project and this Agreement, the terms of this Agreement shall control. In the event of any conflict or inconsistency (including, without limitation, more restrictive terms) between the terms of the Affordable Housing Restriction, this Agreement or any other document relating to the Project, the terms of the Affordable Housing Restriction shall control.

[Remainder of page intentionally left blank.]

Executed as a sealed instrument as of the date first above written.

DEVELOPER:

By:

Name (Print):

Title:

COMMONWEALTH OF MASSACHUSETTS

County of _____, ss.

On this ___ day of _____, 20___, before me, the undersigned notary public, personally appeared the above-named _____, proved to me through satisfactory evidence of identification, which was:

a driver's license or other state or federal governmental document bearing the photographic image of the signatory's face and signature,
the oath or affirmation of a credible witness unaffected by the attached document or the transaction described therein who is personally known to me and who personally knows the signatory, or
my own personal knowledge of the identity of the signatory,
to be the person whose name is signed on the preceding or attached document, and acknowledged to me that [he][she] signed it voluntarily for its stated purpose, as [general partner of _____, a partnership] [_____ of _____, a corporation] [[manager/managing member] of _____, a limited liability company]

Notary Public

Name:

My Commission Expires:

ATTACHMENTS:

Acknowledgement of Zoning Board of Appeals

Exhibit A – Legal Description

Exhibit B – Form of Affordable Housing Restriction

Exhibit C – Form of Affordable Housing Restriction Mortgage

Exhibit D – Unit Location Plan

Exhibit E -- Form of Limited Dividend Monitoring Services Agreement

Exhibit F – Form of Affordability Monitoring Services Agreement

[if applicable: Exhibit G – List of Approved Subordinate Loans]

AGENCY:
MASSACHUSETTS HOUSING FINANCE
AGENCY

By: _____
Name: Jessica Malcolm
Title: Manager, Planning and Programs

COMMONWEALTH OF MASSACHUSETTS

County of _____, ss.

On this ___ day of _____, 20___, before me, the undersigned notary public, personally appeared the above-named Jessica Malcolm, proved to me through satisfactory evidence of identification, which was:

a driver's license or other state or federal governmental document bearing the photographic image of the signatory's face and signature,
the oath or affirmation of a credible witness unaffected by the attached document or the transaction described therein who is personally known to me and who personally knows the signatory, or
my own personal knowledge of the identity of the signatory,
to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, as Director of Planning and Programs of the Massachusetts Housing Finance Agency, a body politic and corporate organized and operated under the provisions of Chapter 708 of the Acts of 1966 of the Commonwealth of Massachusetts, as amended.

Notary Public
Name:
My Commission Expires:

ACKNOWLEDGEMENT OF ZONING BOARD OF APPEALS
OF THE [CITY] [TOWN] OF _____

The undersigned, being the duly [appointed] [elected] Chairman and members of the Zoning Board of Appeals of the [City] [Town] of _____ (the "Board"), hereby acknowledge that, after due consideration of the Developer's request, pursuant to the requirements of 760 CMR 56.05(11), the Board hereby agrees that the foregoing Regulatory Agreement, including the terms and conditions of the form of Affordable Housing Restriction, Affordability Monitoring Services Agreement, and Limited Dividend Monitoring Services Agreement attached thereto, satisfy the requirements of the Comprehensive Permit as defined therein. Without limiting the generality of the foregoing, (i) the units in the Project required to be affordable under the Comprehensive Permit shall be affordable if such units are subject to an Affordable Housing Restriction in the form attached to the foregoing Regulatory Agreement; (ii) any local preference set forth in the Comprehensive Permit shall be implemented only at initial sale of the unit and only to the extent in compliance with applicable state and federal fair housing rules; and (iii) compliance with the Allowed Profit requirement shall be determined solely by the Subsidizing Agency (as defined at 760 CMR 56.02) under the Regulatory Agreement using the standards of the Subsidizing Agency applicable to comprehensive permit projects in accordance with the Comprehensive Permit Guidelines. In addition, the conflict provision of the Regulatory Agreement shall control over any conflict provision of the Comprehensive Permit.

_____ ZONING BOARD OF APPEALS

Chairman

Member

Member

Member

Member

COMMONWEALTH OF MASSACHUSETTS

County of _____, ss.

On this ___ day of _____, 20___, before me, the undersigned notary public, _____ personally appeared, proved to me through satisfactory evidence of identification, which was: [] at least one current document issued by a federal or state government agency bearing the photographic image of the signatory's face and signature, [] the oath or affirmation of a credible witness unaffected by the document or transaction who is personally known to me and who personally knows the signatory, or [] identification of the signatory based on my personal knowledge of the identity of the signatory, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that [he][she] signed it voluntarily for its stated purpose, [*revise if individual notary acknowledgements*: as, respectively, Chairman and Members of the Zoning Board of Appeals of the [Town][City] of _____.

Notary Public

My Commission Expires:

EXHIBIT A

Legal Description

EXHIBIT B

Affordable Housing Restriction

(see attached)

EXHIBIT C

Affordable Housing Restriction Mortgage

(see attached)

EXHIBIT D

Unit Location Plan

EXHIBIT E

Limited Dividend Monitoring Services Agreement

(see attached)

if applicable:

EXHIBIT F

Affordability Monitoring Services Agreement

(see attached)

EXHIBIT G

Approved Subordinate Loans

<u>Lender/Funding Source</u>	<u>Amount</u>	<u>Priority</u>
	\$	
	\$	
	\$	

MASSACHUSETTS EXCISE TAX
Plymouth District ROD #11 001
Date: 06/02/2021 03:50 PM
Ctrl# 146510 04606
Fee: \$1,299.60 Cons: \$285,000.00

QUITCLAIM DEED

Kathleen E. Mann and Bonnie L. Cruz, 109 Bedford St., Lakeville, MA

for two hundred eighty-five thousand dollars (\$285,000.00) consideration paid

grants to **North Bedford Crossing, LLC**, a Massachusetts limited liability company with a principal office at 1 Lakeville Business Park Drive, Lakeville, MA 02347

with quitclaim covenants

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

Beginning at a point in the Westerly side line of Bedford Street, said point being also a corner of land now or formerly of William D. Osborne, being approximately 331.2 feet Southerly from a cement bound, said cement bound being 3.8 feet Northerly from an iron pipe in said Westerly side line;

Thence Westerly approximately 1200 feet in line of land of said Osborne and land now or formerly of N. Merrill Sampson to a set stone in a swamp, being also a corner of land now or formerly of Aaron H. Beech;

Thence Southerly in said Beech's line 220 feet to an iron bar driven in the ground;

Thence Easterly in line of land now or formerly of Howard S. Maher and parallel with the first mentioned line approximately 1100 feet to an iron bar driven in the Westerly side line of said Bedford Street;

Thence Northerly 200 feet in said Westerly side line of said Bedford Street to the point of beginning.

Property Address: 109 Bedford St., Lakeville, MA 02347

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.

Grantors hereby affirm under oath that the property was not homestead property whether recorded or automatic, and no person claims the benefit of the Massachusetts Homestead Act, MGL, Ch. 188, and the property was not the principal residence of the Grantors or any other person.

Meaning and intending to convey the same premises set forth in a deed from William L. Mann dated March 29, 2013, recorded at the Plymouth County Registry of Deeds in Book 42962, Page 208.

PROPERTY ADDRESS: 109 Bedford St., Lakeville, MA 02347

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.
THE NEXT PAGE IS A SIGNATURE PAGE.

Witness my hand and seal this 2^d day of June, 2021.


Bonnie L. Cruz

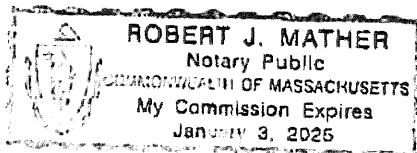
THE COMMONWEALTH OF MASSACHUSETTS

Plymouth: ss

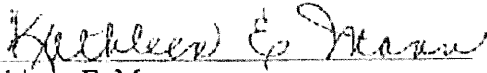
On this 2^d day of June, 2021, before me, the undersigned notary public, personally appeared Bonnie L. Cruz proved to me through satisfactory evidence of identification, which was a Massachusetts driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose and free act and deed.


Notary Public: Robert J. Mather

My commission expires: 1/3/2025




Witness my hand and seal this 27th day of May, 2021.


Kathleen E. Mann

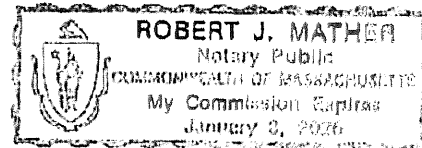
THE COMMONWEALTH OF MASSACHUSETTS

Plymouth: ss

On this 27th day of May, 2021, before me, the undersigned notary public, personally appeared Kathleen E. Mann proved to me through satisfactory evidence of identification, which was a Massachusetts driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose and free act and deed.


Notary Public: Robert J. Mather

My commission expires: Jan. 3, 2025



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THE NEXT PAGE IS AN ADDITIONAL SIGNATURE PAGE.



Massachusetts Housing Finance Agency
One Beacon Street, Boston, MA 02108

Tel: 617.854.1000
Fax: 617.854.1091 • www.masshousing.com
Videophone: 857.266.4157 or Relay: 711

April 15, 2022

North Bedford Crossing, LLC
1 Lakeville Business Park
Lakeville, MA 02347
Attention: Robert Poillucci

**Re: North Bedford Crossing
Project Eligibility/Site Approval
MassHousing ID No. 1136**

Dear Mr. Poillucci:

This letter is in response to your application as “Applicant” for a determination of Project Eligibility (“Site Approval”) pursuant to Massachusetts General Laws Chapter 40B (“Chapter 40B”), 760 CMR 56.00 (the “Regulations”) and the Comprehensive Permit Guidelines issued by the Department of Housing and Community Development (“DHCD”) (the “Guidelines” and, collectively with Chapter 40B and the Regulations, the “Comprehensive Permit Rules”), under the New England Fund (“NEF”) Program (“the Program”) of the Federal Home Loan Bank of Boston (“FHLBank Boston”).

North Bedford Crossing, LLC has submitted an application with MassHousing pursuant to Chapter 40B. You have proposed to build twenty (20) homeownership units (the “Project”) on 5.5 acres of land located at 109 Bedford Street (the “Site”) in Lakeville (the “Municipality”).

In accordance with the Comprehensive Permit Rules, this letter is intended to be a written determination of Project Eligibility by MassHousing acting as Subsidizing Agency under the Guidelines, including Part V thereof, “Housing Programs In Which Funding Is Provided By Other Than A State Agency.”

MassHousing has performed an on-site inspection of the Site and has reviewed the pertinent information for the Project submitted by the Applicant, the Municipality and others in accordance with the Comprehensive Permit Rules.

Municipal Comments

Pursuant to the Regulations, the Municipality was given a thirty (30) day period in which to review the Site Approval application and submit comments to MassHousing. The Lakeville Town Administrator submitted a letter expressing the Select Board’s support for the Applicant’s proposal with a few identified areas of concern:

The following concerns were identified in the letter:

- The Municipality requests that the Applicant's site plan provide adequate screening and protection from light and noise impacts for the neighbors adjacent to the proposed access road and the proposed parking lot.
- The Municipality expressed concern that additional traffic generated by the Project would result in increased congestion on area roadways and pose heightened risks to drivers and pedestrians. The Municipality requested that the Applicant provide a traffic study to allow them to fully assess Project traffic and public safety impacts.

MassHousing Determination and Recommendation

MassHousing staff has determined that the Project appears generally eligible under the requirements of the Program, subject to final review of eligibility and to Final Approval.¹ As a result of our review, we have made the findings as required pursuant to 760 CMR 56.04(1) and (4). Each such finding, with supporting reasoning, is set forth in further detail on Attachment 1 hereto. It is important to note that Comprehensive Permit Rules limit MassHousing to these specific findings in order to determine Project Eligibility. If, as here, MassHousing issues a determination of Project Eligibility, the Applicant may apply to the Zoning Board of Appeals ("ZBA") for a comprehensive permit. At that time local boards, officials and members of the public are provided the opportunity to further review the Project to ensure compliance with applicable state and local standards and regulations.

Based on MassHousing's site and design review, and considering feedback received from the Municipality, the following issues should be addressed in the application to the ZBA, and the Applicant should be prepared to explore them more fully during the public hearing process:

- Development of this Site will require compliance with all state and federal environmental laws, regulations and standards applicable to existing conditions and to the proposed use related to building construction, stormwater management, wastewater collection and treatment, and hazardous waste safety. The Applicant should expect that the Municipality will require evidence of such compliance prior to the issuance of a building permit for the Project.
- The Applicant should continue to engage with municipal officials in a good-faith discussion regarding design review matters and other Site-related concerns, including, but not limited issues regarding roadway design and public safety considerations.
- A landscaping plan should be provided, including a detailed planting plan, as well as paving, lighting, and signage details, and the location of outdoor dumpsters or other waste receptacles. The landscape plan should also include provisions for snow removal and long-term landscape maintenance options.

MassHousing has also reviewed the application for compliance within the requirements of 760 CMR 56.04(2) relative to Application requirements and has determined that the material provided by the Applicant is sufficient to show compliance.

¹ MassHousing has relied on the Applicant to provide truthful and complete information with respect to this approval. If at any point prior to the issuance of a comprehensive permit MassHousing determines that the Applicant has failed to disclose any information pertinent to the findings set forth in 760 CMR 56.04 or information requested in the Certification and Acknowledgment of the Application, MassHousing retains the right to rescind this Site Approval letter.

This Site Approval is expressly limited to the development of no more than twenty (20) homeownership units under the terms of the Program, of which not less than five (5) of such units shall be restricted as affordable for low- or moderate-income persons or families as required under the terms of the Guidelines. It is not a commitment or guarantee of financing and does not constitute a site plan or building design approval. Should you consider, prior to obtaining a comprehensive permit, the use of any other housing subsidy program, the construction of additional units or a reduction in the size of the Site, you may be required to submit a new Site Approval application for review by MassHousing. Should you consider a change in tenure type or a change in building type or height, you may be required to submit a new site approval application for review by MassHousing.

For guidance on the comprehensive permit review process, you are advised to consult the Guidelines. Further, we urge you to review carefully with legal counsel the M.G.L. c.40B Comprehensive Permit Regulations at 760 CMR 56.00.

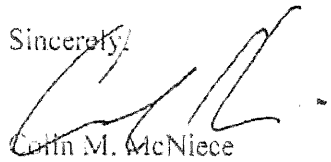
This approval will be effective for a period of two (2) years from the date of this letter. Should the Applicant not apply for a comprehensive permit within this period this letter shall be considered to be expired and no longer in effect unless MassHousing extends the effective period of this letter in writing. In addition, the Applicant is required to notify MassHousing at the following times throughout this two-year period: (1) when the Applicant applies to the local ZBA for a Comprehensive Permit, (2) when the ZBA issues a decision and (3) if applicable, when any appeals are filed.

Should a comprehensive permit be issued, please note that prior to (i) commencement of construction of the Project or (ii) issuance of a building permit, the Applicant is required to submit to MassHousing a request for Final Approval of the Project (as it may have been amended) in accordance with the Comprehensive Permit Rules (see especially 760 CMR 56.04(07) and the Guidelines including, without limitation, Part III thereof concerning Affirmative Fair Housing Marketing and Resident Selection). Final Approval will not be issued unless MassHousing is able to make the same findings at the time of issuing Final Approval as required at Site Approval.

Please note that MassHousing may not issue Final Approval if the Comprehensive Permit contains any conditions that are inconsistent with the regulatory requirements of the New England Fund Program of the FHLBank Boston, for which MassHousing serves as Subsidizing Agency, as reflected in the applicable regulatory documents. In the interest of providing for an efficient review process and to avoid the potential lapse of certain appeal rights, the Applicant may wish to submit a "final draft" of the Comprehensive Permit to MassHousing for review. Applicants who avail themselves of this opportunity may avoid significant procedural delays that can result from the need to seek modification of the Comprehensive Permit after its initial issuance.

If you have any questions concerning this letter, please contact Michael Busby at (617) 854-1219.

Sincerely,



Colin M. McNiece
General Counsel

cc: Jennifer Maddox, Undersecretary, DHCD
The Honorable Michael J. Rodrigues
The Honorable Norman J. Orrall
Evagelia Fabian, Chair, Select Board
John Olivieri, Jr. Chair, Zoning Board of Appeals
Ari J. Sky, Town Administrator

Attachment 1

760 CMR 56.04 Project Eligibility: Other Responsibilities of Subsidizing Agency
Section (4) Findings and Determinations

North Bedford Crossing, Lakeville, MA #1136

MassHousing hereby makes the following findings, based upon its review of the application, and taking into account information received during the site visit and from written comments:

(a) that the proposed Project appears generally eligible under the requirements of the housing subsidy program, subject to final approval under 760 CMR 56.04(7);

The Project is eligible under the NEF housing subsidy program and at least 25% of the units will be available to households earning at or below 80% of the Area Median Income, adjusted for household size, as published by the U.S. Department of Housing and Urban Development ("HUD"). The most recent HUD income limits indicate that 80% of the current median income for a four-person household in Lakeville is \$79,900.

The Applicant submitted a letter of financial interest from Blue Stone Bank, a member bank of the FHLBank Boston under the NEF Program.

(b) that the site of the proposed Project is generally appropriate for residential development, taking into consideration information provided by the Municipality or other parties regarding municipal actions previously taken to meet affordable housing needs, such as inclusionary zoning, multifamily districts adopted under c.40A, and overlay districts adopted under c.40R, (such finding, with supporting reasoning, to be set forth in reasonable detail);

Based on a site inspection by MassHousing staff, internal discussions, and a thorough review of the application, MassHousing finds that the Site is suitable for residential use and development and that such use would be compatible with surrounding uses and would address the local need for housing.

The Town of Lakeville does have a DHCD-approved Housing Production Plan. According to DHCD's Chapter 40B Subsidized Housing Inventory (SHI), updated through March 14, 2022, Lakeville has 250 Subsidized Housing Inventory (SHI) units (6.49% of its housing inventory), which is 135 units short of the statutory minima of 10%.

(c) that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns (such finding, with supporting reasoning, to be set forth in reasonable detail);

In summary, based on evaluation of the site plan using the following criteria, MassHousing finds that the proposed conceptual Project design is generally appropriate for the Site. The following plan review findings are made in response to the conceptual plan, submitted to MassHousing:

Relationship to Adjacent Building Typology (Including building massing, site arrangement, and architectural details)

The existing streetscape is protected by locating the proposed duplex-style housing off the roadway. The area of a proposed development is suitable for dense development and the clustered style layout. The cluster-style design approach is preferred by the Applicant because there is less land disturbance, fewer environmental impacts and less infrastructure associated compared with a traditional subdivision design approach. The duplex units have been laid out to avoid the buildings from facing one another. The buildings have been orientated so they face the street with an attractive building wall and facade facing the public side of the property. The Applicant is using architectural detailing, and changes in surface materials, colors, textures and roof lines to create façade divisions to modulate building mass and scale.

Relationship to adjacent streets/Integration into existing development patterns

The immediate neighborhood is primarily heavily wooded with large tracts of vacant land, along with established low-density residential developments, typically sited on one-to-two-acre house lots. Examples of nearby residential subdivisions include Paddock Hill Road, immediately to the north, Surrey Drive immediately to the east, and Carriage House Drive just north of the Site. The location has easy access to major highways, including I-495, about two miles to the east, and Route 44, about 1.5 miles to the north. Boston is about 50 minutes by car. There is an MBTA commuter rail station about two miles to the east.

Density

The Applicant proposes to build twenty (20) homeownership units on approximately 5.5 acres, of which, approximately 5 acres are buildable. The resulting density is 4 units per buildable acre, which is acceptable given the proposed housing type.

Conceptual Site Plan

Each duplex unit will have its own entrance from the street. Entrances are designed on the facades that front on and have a principal pedestrian access to the proposed streetway. Landscaping will be added around the buildings and walkways to create a sense of entry into the site through landscaping.

Environmental Resources

The Site does not contain any area of critical concern or areas of estimated or priority habitat of rare species, wildlife or vernal pools.

Topography

The Site is generally level throughout the property. The topographic features of the Site have been considered in relationship to the proposed development plans and do not constitute an impediment to development of the Site.

(d) that the proposed Project appears financially feasible within the housing market in which it will be situated (based on comparable rentals or sales figures);

The Project appears financially feasible based on a comparison of sales submitted by the Applicant.

(e) that an initial pro forma has been reviewed, including a land valuation determination consistent with the Department's Guidelines, and the Project appears financially feasible and consistent with the Department's Guidelines for Cost Examination and Limitations on Profits and Distributions (if applicable) on the basis of estimated development costs;

The initial pro forma has been reviewed for the proposed residential use, and the Project appears financially feasible with a projected profit margin of 11.66%. In addition, a third-party appraisal commissioned by MassHousing has determined that the "As Is" land value for the Site of the proposed Project is \$300,000.

(f) that the Applicant is a public agency, a non-profit organization, or a Limited Dividend Organization, and it meets the general eligibility standards of the housing program; and

MassHousing finds that the Applicant must be organized as a Limited Dividend Organization. MassHousing sees no reason this requirement could not be met given information reviewed to date. The Applicant meets the general eligibility standards of the NEF housing subsidy program and has executed an Acknowledgment of Obligations to restrict their profits in accordance with the applicable limited dividend provisions.

(g) that the Applicant controls the site, based on evidence that the Applicant or a related entity owns the site, or holds an option or contract to acquire such interest in the site, or has such other interest in the site as is deemed by the Subsidizing Agency to be sufficient to control the site.

The Site is owned by the Applicant, North Bedford Crossing LLC, who acquired title to the property on June 2, 2021, for \$285,000, recorded at the Plymouth County Registry of Deeds in Book 55084, Page 286.



**Town of Lakeville Zoning Board of Appeals
Comprehensive Permit Application
North Bedford Crossing Site Tabulation**

I. Site Information

	<u>Square Feet (+/-)</u>	<u>% of Lot</u>
Total Area	249,539	100
Upland	238,236	95
Wetland	11,303	5

II. Lot Coverage Summary

	<u>Square Feet (+/-)</u>	<u>% of Lot Coverage</u>
Buildings	17,784	7
Pavement/Sidewalk	33,283	13
Usable Open Space	179,169	72
Unusable Open Space	19,303	8
Total	249,539	100.00

III. Parking

Interior (Garage)	8
Exterior	<u>52</u>
Total	60

IV. Density

Gross (units/acre)	$20/5.7 = 3.5$ units/acre
Net (units/buildable acre)	$20/5.5 = 3.6$ units/acre

V. Units

	<u>Units</u>	<u>BR</u>
Market 3BR units	15	45
Affordable 3 BR Units	5	15
	20 units	60 Bedrooms

VI. Ten (10) Duplex Buildings

VII. Proposed Buildings

	Living Area (sf)	Bedrooms	Baths
	1,428	3	2.5
	1,564	3	2.5

**Town of Lakeville Zoning Board of Appeals
Comprehensive Permit Application
Bedford Crossing
109 Bedford Street, Lakeville, MA
Requested Waivers**

LIST OF WAIVERS

The Applicant seeks waivers from the Town of 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 Board of Health, Board of Selectmen, Historic Commission, Planning Board, Conservation Commission, Department of Public Works and Water 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.

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 department fees, as to the affordable units.

Bedford Crossing – List of Requested Waivers

TOWN OF LAKEVILLE ZONING BYLAWS 1994 Revision with Amendments Through May 16, 2022)			
BY-LAW	SUBJECT	REQUIREMENT	WAIVER REQUEST
<u>Section 1.0 Purpose and Scope</u>			
1.2	Applicability of Zoning By-Law	No building or structure in the Town of Lakeville shall hereafter be erected, reconstructed, altered, enlarged, moved or changed in use, nor shall the use of any land be changed, except in conformity with the provisions of this By-Law for the district in which such building, structure or land is or shall be located. All buildings, structures and uses not hereby specifically or generally permitted in a district, nor permitted by Special Permit, nor exempt by State Laws or legally non-conforming, are hereby expressly prohibited.	Waive, subject to the conditions of the comprehensive permit decision
<u>Section 4.0 Use Regulations</u>			
4.0	Use Regulations	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.	Multifamily dwelling use is not listed as an allowed use. Waive the requirement that “Any use not listed shall be construed to be prohibited” and allow multifamily dwellings as a use in the Residential zoning district
<u>Section 5.0 Intensity Regulations</u>			
5.0	Number of Principal Structures on a lot	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.	Waive requirement of no more than one (1) principal structure shall be built upon any lot and allow multiple principle structures to be constructed on a single lot.
5.1	Residential Dimensional Requirements	Side Yard in feet - 20 feet	Allow side yard setbacks as follows: Building 1 Unit A 13 feet Unit B 17 feet

			<p>Building 2 Unit A 18 feet Unit B 14 feet</p> <p>Building 3 Unit A 14 feet Unit B 19 feet</p> <p>Building 4 Unit A 19 feet Unit B 15 feet</p> <p>Building 5 Unit A 16 feet</p> <p>Building 6 Unit A 14 feet Unit B 18 feet</p> <p>Building 7 Unit A 18 feet Unit B 14 feet</p> <p>Building 8 Unit A 15 feet Unit B 19 feet</p> <p>Building 9 Unit A 19 feet Unit B 15 feet</p> <p>Building 10 Unit A 15 feet</p>
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TOWN OF LAKEVILLE ZONING BYLAWS (1994 Revision with Amendments Through May 16, 2022)

<u>BYLAW</u>	<u>SUBJECT</u>	<u>REQUIREMENT</u>	<u>WAIVER REQUEST</u>
SECTION 6.7 SITE PLAN REVIEW			
6.7.3	Site Plan Review	Applicants for a building permit for new construction of or for modification or addition to any residential structure which will disturb more than 43,560 square feet of ground shall submit three (3) copies of a site plan as described herein to the Town Clerk for Planning Board approval. Failure of the Planning Board to act within twenty-one (21) days of receipt of a site plan shall be deemed lack of opposition thereto.	Waive in its entirety. Under G.L. c. 40B, the Zoning Board of Appeals acts as the Planning Board. Additionally, the Zoning Board of Appeals will undertake site plan review as the issuing authority for a comprehensive permit.

SITE NOTES:

1. THE SITE IS LISTED ON THE TOWN OF LAKEVILLE ASSESSORS PROPERTY RECORD CARDS AS PARCEL ID 025-003-021.
2. PROPERTY LINE AND EXISTING CONDITIONS INFORMATION WAS TAKEN FROM A FIELD SURVEY BY ZENITH LAND SURVEYORS, LLC.
3. PLYMOUTH COUNTY REGISTRY OF DEEDS: DEED REFERENCE: BOOK 55084 PAGE 226
4. THE SUBJECT PROPERTY IS LOCATED IN ZONE X, AS SHOWN ON THE FLOOD INSURANCE RATE MAP (F.I.R.M.) OF PLYMOUTH COUNTY, MASSACHUSETTS, MAP NUMBER 25023003141, MAP REVISED JULY 17, 2012.
5. THE SITE IS NOT LOCATED IN A PRIORITY HABITAT AND ESTIMATED HABITAT AS SHOWN ON THE MASSACHUSETTS NATURAL HERITAGE ATLAS 15TH EDITION EFFECTIVE DATE AUGUST, 2021.
6. WETLANDS SHOWN WERE DELINEATED BY BOB GRAY OF SABATIA, INC. IN JUNE 2021.
7. THE PROJECT IS NOT LOCATED WITHIN AN AREA OF CRITICAL ENVIRONMENTAL CONCERN (ACEC).
8. THE SITE IS NOT LOCATED IN A ZONE II TO A PUBLIC WATER SUPPLY WELL.
9. THE SITE IS NOT IN A ZONE A TO A SURFACE WATER SUPPLY AREA.
10. THE SITE IS NOT LOCATED IN AN OUTSTANDING RESOURCE WATER AREA (ORW).

CONSTRUCTION NOTES:

1. A NPDES FILING MUST BE SUBMITTED FOR THIS PROJECT PRIOR TO CONSTRUCTION.
2. CONTRACTOR TO VERIFY BENCHMARKS FOR CONSISTENCY PRIOR TO CONSTRUCTION AND SHALL NOTIFY ZENITH CONSULTING ENGINEERS, LLC OF ANY DISCREPANCIES.
3. CONTRACTOR SHALL VERIFY WATER TABLE ELEVATIONS AND NOTIFY THE DESIGN ENGINEER OF ANY DISCREPANCIES FROM THE PLAN. IT IS THE CONTRACTORS' RESPONSIBILITY TO CONTACT DIG SAFE (1-888-DIG SAFE) PRIOR TO THE COMMENCEMENT OF WORK AND ALL UNDERGROUND UTILITY COMPANIES TO CONFIRM LOCATIONS AND ELEVATIONS.
4. SITE IS TO BE SERVICED BY MUNICIPAL WATER AND ON-SITE SEPTIC SYSTEMS.
5. ALL PAVEMENT MARKING AND SIGNAGE SHALL CONFORM TO MUTCD STANDARDS.
6. PROPOSED UTILITIES AND CONSTRUCTION METHODS UNDER AREAS SUBJECT TO TRAFFIC LOADING SHALL BE INSTALLED TO WITHSTAND H-20 LOADING TRAFFIC STANDARDS. CONTRACTOR SHALL VERIFY THAT ALL STRUCTURES COMPLY TO THIS STANDARD.
7. WHERE ALL CONCRETE STRUCTURES INTERCEPT THE SEASONAL HIGH GROUNDWATER TABLE, THE CONTRACTOR SHALL SEAL THE ENTIRE STRUCTURE WITH WATERPROOF SEALER.
8. IF APPLICABLE, ANY RETAINING WALLS SHALL BE DESIGNED BY A MASSACHUSETTS REGISTERED PROFESSIONAL STRUCTURAL ENGINEER.
9. ALL WORK SHALL CONFORM TO THE TOWN OF LAKEVILLE RULES AND REGULATIONS AND THE MASSACHUSETTS DEPARTMENT OF TRANSPORTATION SPECIFICATIONS FOR HIGHWAY AND BRIDGES, MOST CURRENT VERSION OF PLAN SET.

BENCHMARK NOTE:

1. THE CONTRACTOR SHALL CHECK BETWEEN THE BENCHMARKS PROVIDED AND NOTIFY THE DESIGN ENGINEER OF ANY DISCREPANCIES FOUND PRIOR TO THE START OF CONSTRUCTION.
 BM #1: MAG NAIL IN PAVEMENT, EL.=75.67 (NAVD-88)
 BM #2: MAG NAIL IN PAVEMENT, EL.=76.93 (NAVD-88)

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.

DATE _____ FOR REGISTRY USE ONLY

LAKEVILLE ZONING BOARD OF APPEALS

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

APPROVED: _____

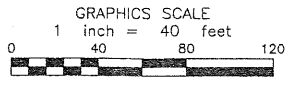
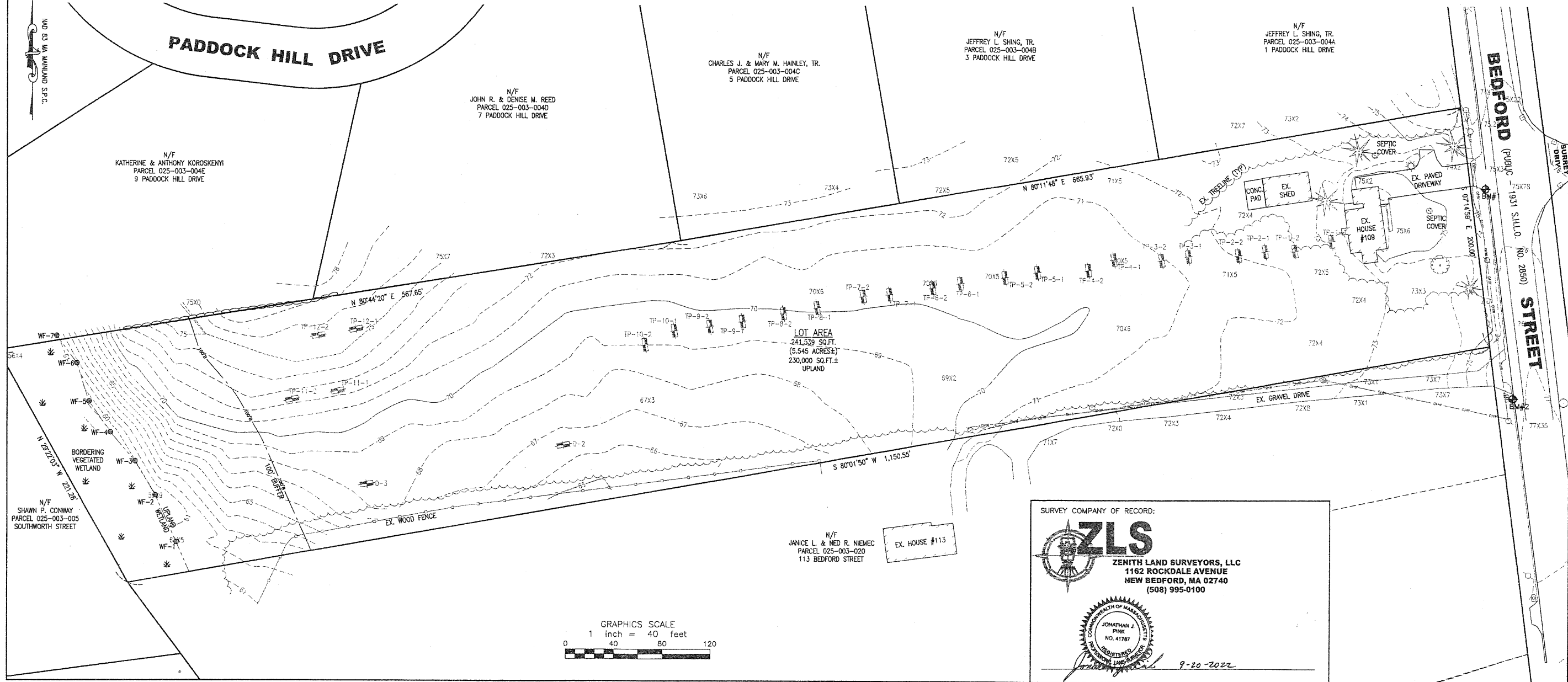
ENDORSED: _____

9-20-22

P.E. STAMP

ZCE

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



SURVEY COMPANY OF RECORD:

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

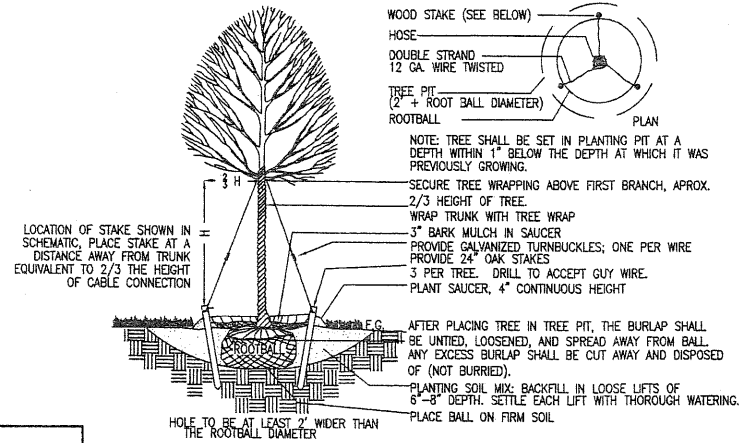
9-20-2022

SHEET NAME:	DATE:	REV.	DESCRIPTION	BY:	APP.
EXISTING CONDITIONS PLAN	9/19/2022				
PROJECT SITE:	PROJECT NUMBER:				
109 BEDFORD STREET LAKEVILLE, MASSACHUSETTS	0143-13-01				
CLIENT INFO:	SCALE:				
NORTH BEDFORD CROSSING LLC. 1 LAKEVILLE BUSINESS PARK DRIVE LAKEVILLE, MASSACHUSETTS	1"=40'				
	SHEET ID				
	X				

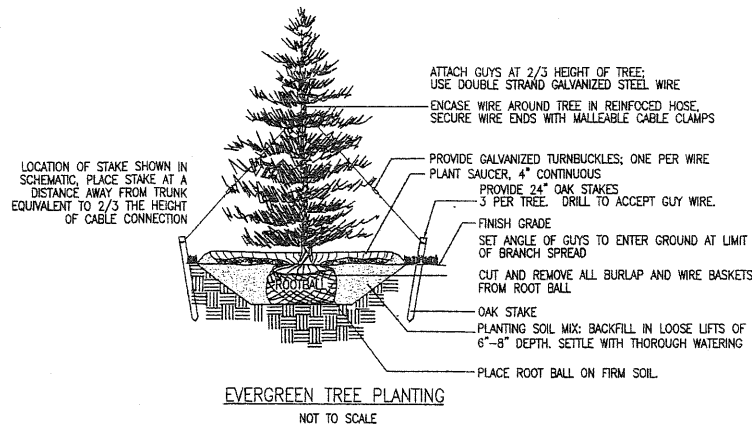
PLANTING SCHEDULE

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE
	CORNUS KOUSA	KOUSA DOGWOOD	10' HEIGHT (MIN.) 3" CALIPER (MIN.)
	ACER SACCHARUM	SUGAR MAPLE	10' HEIGHT (MIN.) 3" CALIPER (MIN.)
	Azalea "Delaware Valley"	Delaware Valley White Azalea	2' HEIGHT (MIN.)
	JUNIPERUS PFTIZERIANA	PFTIZER JUNIPER	18" - 24" HEIGHT (MIN)

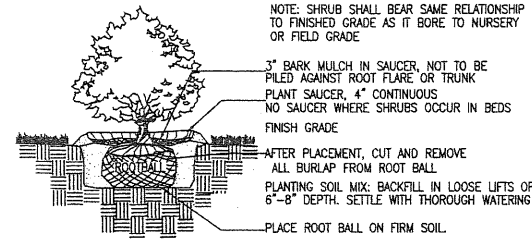
NOTE:
 1. THE FOLLOWING TREES MAY BE SUBSTITUTED FOR THE SPECIES LISTED IN THIS SCHEDULE: GREEN ASH, RED SUNSET MAPLE, LINDEN, LONDON PLAN TREE, NORTHERN RED OAK, AND LOCUST.
 2. ALTERNATE SHRUB SPECIES MAY ALSO BE CONSIDERED AS LONG AS THEY ARE A MINIMUM OF 2 FEET IN HEIGHT AND DO NOT OBSTRUCT VEHICLE SITE LINES.



DECIDUOUS TREE PLANTING AND STAKING
NOT TO SCALE



EVERGREEN TREE PLANTING
NOT TO SCALE



TYPICAL SHRUB PLANTING
NOT TO SCALE

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 _____

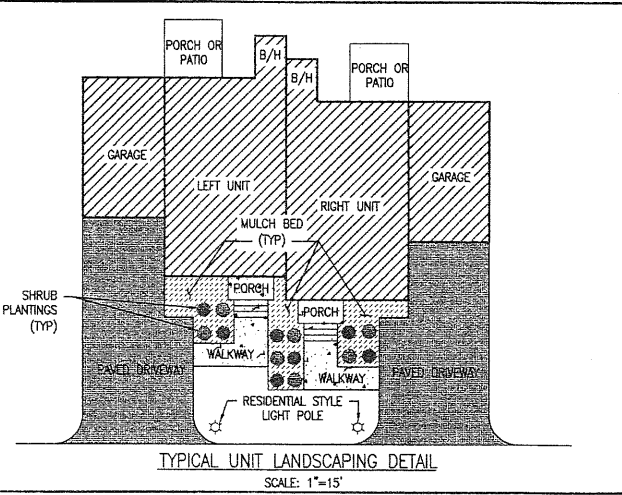
I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

DATE _____ FOR REGISTRY USE ONLY

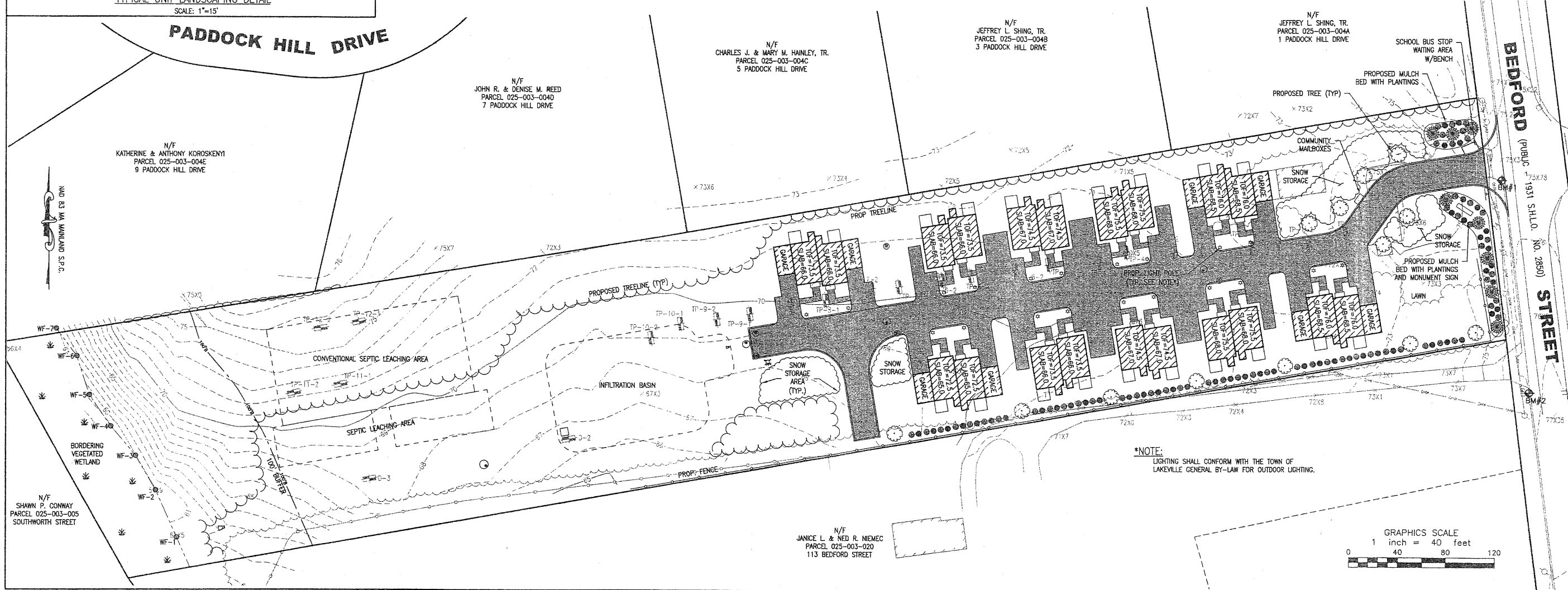
LAKEVILLE ZONING BOARD OF APPEALS

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

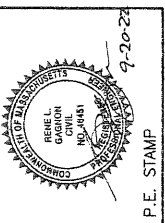
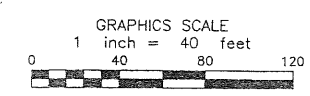
APPROVED: _____
 ENDORSED: _____



TYPICAL UNIT LANDSCAPING DETAIL
SCALE: 1"=15'



***NOTE:**
LIGHTING SHALL CONFORM WITH THE TOWN OF LAKEVILLE GENERAL BY-LAW FOR OUTDOOR LIGHTING.



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

REV.	DATE	DESCRIPTION
1	9/19/2022	PROJECT NUMBER 0143-13-01
2		SCALE: 1"=40'
3		SHEET ID: V

DRAWN BY: RLG
 DESIGNED BY: RLG
 CHECKED BY: RMF
 APPROVED BY: JLB

LANDSCAPING PLAN
109 BEDFORD STREET
LAKEVILLE, MASSACHUSETTS
CLIENT INFO:
NORTH BEDFORD CROSSING LLC.
1 LAKEVILLE BUSINESS PARK DRIVE
LAKEVILLE, MASSACHUSETTS

EROSION AND SEDIMENTATION CONTROL NOTES

THE FOLLOWING MEASURES SHALL BE MAINTAINED THROUGHOUT THE SITE CONSTRUCTION PHASE OF THE PROJECT.

CATCH BASIN PROTECTION

PROPOSED CATCH BASINS SHALL BE PROTECTED WITH SILT SACKS PRIOR TO THE COMPLETION OF PAVING. IF EXCESSIVE SILTATION IS DISCOVERED TO BE ENTERING THE CATCH BASIN INLETS, THEN HAY BALES SHALL ALSO BE PLACED AROUND GRATES AND CATCH BASINS WITHIN THE CONSTRUCTION/DEMOLITION AREAS TO ENSURE THAT RUNOFF ENTERING THE CATCH BASIN HAS BEEN FILTERED THROUGH THE BALES PRIOR TO DISCHARGE.

STABILIZED CONSTRUCTION ENTRANCE

A TEMPORARY STABILIZED CONSTRUCTION ENTRANCE SHALL BE INSTALLED AT THE LOCATIONS SHOWN ON THE EROSION CONTROL PLAN. THE PURPOSE OF THE CONSTRUCTION ENTRANCE IS TO REMOVE SEDIMENT ATTACHED TO VEHICLE TIRES AND MINIMIZE ITS TRANSPORT AND DEPOSITION ONTO PUBLIC ROAD SURFACES. THE CONSTRUCTION ENTRANCE SHALL BE COMPOSED OF A 6-INCH THICK (MINIMUM) BED OF 2-INCH DIAMETER CRUSHED STONE THAT EXTENDS A MINIMUM OF 50 FEET. THE CONSTRUCTION ENTRANCE SHALL BE A MINIMUM OF 25 FEET WIDE, AND SHALL FLARE TO A MINIMUM WIDTH OF 45 FEET WIDE AT THE JUNCTION WITH THE ROADWAY. THE CRUSHED STONE BED SHALL BE REMOVED AND REPLENISHED AS NECESSARY TO MAINTAIN THE PROPER FUNCTION.

EROSION AND SEDIMENT CONTROL - MAINTENANCE

THE PROJECT GENERAL CONTRACTOR SHALL HAVE PRIMARY RESPONSIBILITY FOR IMPLEMENTING TEMPORARY AND PERMANENT CONTROLS DESCRIBED IN THE PLAN AND SHALL BE RESPONSIBLE FOR ASSURING CONTRACTOR COMPLIANCE WITH CONTRACT DOCUMENTS INCLUDING ALL EROSION AND SEDIMENT CONTROL MEASURES.

- DAMAGED OR DETERIORATED ITEMS SHALL BE REPAIRED OR REPLACED IMMEDIATELY AFTER IDENTIFICATION.
- THE UNDERSIDE OF HAYBALES SHOULD BE KEPT IN CLOSE CONTACT WITH THE EARTH AND RESET AS NECESSARY.
- SILT SOCKS SHALL BE INSPECTED AFTER EVERY MAJOR RAINFALL RUNOFF EVENT (OVER 1/2" DEPTH OF PRECIPITATION) OR EVERY 14 DAYS, WHICHEVER OCCURS FIRST. ALL DAMAGED OR MISALIGNED FENCES SHALL BE IMMEDIATELY REPAIRED. SILT SHALL BE IMMEDIATELY REMOVED FROM ALL AREAS OF THE SILT FENCE WHEN DEPTH OF ACCUMULATION EXCEEDS 9 INCHES. EACH REPORT SHALL BE DOCUMENTED ON THE FORM ENCLOSED IN APPENDIX E.
- SUMPS SHALL BE INSPECTED AFTER EVERY MAJOR RAINFALL RUNOFF EVENT (OVER 1/2" DEPTH OF PRECIPITATION) OR EVERY 14 DAYS, WHICHEVER OCCURS FIRST. SILT SHALL BE IMMEDIATELY REMOVED FROM ALL SUMPS WHERE THE DEPTH OF ACCUMULATION EXCEEDS 9 INCHES.
- ALL EXPOSED CONSTRUCTION AREAS SHALL BE STABILIZED UPON COMPLETION IN ORDER TO MINIMIZE THE TIME THAT THESE AREAS ARE UNSTABILIZED.

MATERIALS MANAGEMENT PRACTICES

THE FOLLOWING ARE THE MATERIAL MANAGEMENT PRACTICES THAT SHALL BE USED TO REDUCE THE RISK OF SPILLS OR OTHER ACCIDENTAL EXPOSURE OF MATERIALS AND SUBSTANCES TO STORMWATER RUNOFF. THE CONTRACTOR'S SUPERINTENDENT SHALL BE RESPONSIBLE FOR ENSURING THAT THESE PROCEDURES ARE FOLLOWED:

- GOOD HOUSEKEEPING**
THE FOLLOWING GOOD HOUSEKEEPING PRACTICES SHALL BE FOLLOWED ON-SITE DURING CONSTRUCTION:
 - AN EFFORT SHALL BE MADE TO STORE ONLY ENOUGH PRODUCTS REQUIRED TO DO THE JOB.
 - ALL MATERIALS STORED ON-SITE SHALL BE STORED IN A NEAT, ORDERLY MANNER AND, IF POSSIBLE, UNDER A ROOF OR IN A CONTAINMENT AREA. AT A MINIMUM, ALL CONTAINERS SHALL BE STORED WITH THEIR LIDS ON WHEN NOT IN USE. DRIP PANS SHALL BE PROVIDED UNDER ALL DISPENSERS.
 - PRODUCTS SHALL BE KEPT IN THEIR ORIGINAL CONTAINERS WITH THE ORIGINAL MANUFACTURER'S LABEL IN LEGIBLE CONDITION.
 - SUBSTANCES SHALL NOT BE MIXED WITH ONE ANOTHER UNLESS RECOMMENDED BY THE MANUFACTURER.
 - WHenever possible, ALL OF A PRODUCT SHALL BE USED UP BEFORE DISPOSING THE CONTAINER.
 - MANUFACTURER'S RECOMMENDATIONS FOR PROPER USE AND DISPOSAL SHALL BE FOLLOWED.
 - THE CONTRACTOR'S SUPERINTENDENT SHALL BE RESPONSIBLE FOR DAILY INSPECTIONS TO ENSURE PROPER USE AND DISPOSAL OF MATERIALS.
- HAZARDOUS SUBSTANCES**
THESE PRACTICES SHALL BE USED TO REDUCE THE RISKS ASSOCIATED WITH HAZARDOUS SUBSTANCES. MATERIAL SAFETY DATA SHEETS (MSDS'S) FOR EACH PRODUCT WITH HAZARDOUS PROPERTIES THAT IS USED AT THE PROJECT SHALL BE OBTAINED AND USED FOR THE PROPER MANAGEMENT OF POTENTIAL WASTES THAT MAY RESULT FROM THESE PRODUCTS. AN MSDS

SHALL BE POSTED IN THE IMMEDIATE AREA WHERE SUCH PRODUCT IS STORED AND/OR USED AND ANOTHER COPY OF EACH MSDS SHALL BE MAINTAINED IN THE JOB TRAILER AT THE PROJECT. EACH EMPLOYEE WHO MUST HANDLE A HAZARDOUS SUBSTANCE SHALL BE INSTRUCTED ON THE USE OF MSDS SHEETS AND THE SPECIFIC INFORMATION IN THE APPLICABLE MSDS FOR THE PRODUCT HE/SHE IS USING, PARTICULARLY REGARDING SPILL CONTROL TECHNIQUES.

- PRODUCTS SHALL BE KEPT IN ORIGINAL CONTAINERS WITH THE ORIGINAL LABELS IN LEGIBLE CONDITION.
- ORIGINAL LABELS AND MSDS'S SHALL BE PROCURED AND USED FOR EACH PRODUCT.
- IF SURPLUS PRODUCT MUST BE DISPOSED, MANUFACTURER'S AND LOCAL/STATE/FEDERAL REQUIRED METHODS FOR PROPER DISPOSAL MUST BE FOLLOWED.

HAZARDOUS WASTE

IT IS IMPERATIVE THAT ALL HAZARDOUS WASTE BE PROPERLY IDENTIFIED AND HANDLED IN ACCORDANCE WITH ALL APPLICABLE HAZARDOUS WASTE STANDARDS, INCLUDING THE STORAGE, TRANSPORT AND DISPOSAL OF THE HAZARDOUS WASTES. THERE ARE SIGNIFICANT PENALTIES FOR THE IMPROPER HANDLING OF HAZARDOUS WASTES. IT IS IMPORTANT THAT THE SITE SUPERINTENDENT SEEKS APPROPRIATE ASSISTANCE IN MAKING THE DETERMINATION OF WHETHER A SUBSTANCE OR MATERIAL IS A HAZARDOUS WASTE. FOR EXAMPLE, HAZARDOUS WASTE MAY INCLUDE CERTAIN HAZARDOUS SUBSTANCES, AS WELL AS PESTICIDES, PAINTS, PAINT SOLVENTS, CLEANING SOLVENTS, PESTICIDES, CONTAMINATED SOILS, AND OTHER MATERIALS, SUBSTANCES OR CHEMICALS THAT HAVE BEEN DISCARDED (OR ARE TO BE DISCARDED) AS BEING OUT-OF-DATE, CONTAMINATED, OR OTHERWISE UNUSABLE, AND CAN INCLUDE THE CONTAINERS FOR THOSE SUBSTANCES; OTHER MATERIALS AND SUBSTANCES CAN ALSO BE OR BECOME HAZARDOUS WASTES, HOWEVER, THE CONTRACTOR'S SUPERINTENDENT IS ALSO RESPONSIBLE FOR ENSURING THAT ALL SITE PERSONNEL ARE INSTRUCTED AS TO THESE HAZARDOUS WASTE REQUIREMENTS AND ALSO THAT THE REQUIREMENTS ARE BEING FOLLOWED.

PRODUCT SPECIFIC PRACTICES

THE FOLLOWING PRODUCT SPECIFIC PRACTICES SHALL BE FOLLOWED ON THE JOB SITE:

PETROLEUM PRODUCTS

ALL ON-SITE VEHICLES SHALL BE MONITORED FOR LEAKS AND RECEIVE REGULAR PREVENTATIVE MAINTENANCE TO REDUCE THE CHANCE OF LEAKAGE. PETROLEUM PRODUCTS SHALL BE STORED IN TIGHTLY SEALED CONTAINERS WHICH ARE CLEARLY LABELED. PETROLEUM STORAGE TANKS SHALL BE LOCATED AT MINIMUM 100 LINEAR FEET FROM DRAINAGE WAYS, INLETS AND SURFACE WATERS. ANY PETROLEUM STORAGE TANKS STORED ON-SITE SHALL BE LOCATED WITHIN A CONTAINMENT AREA THAT IS DESIGNED WITH AN IMPERVIOUS SURFACE BETWEEN THE TANK AND THE GROUND. THE SECONDARY CONTAINMENT MUST BE DESIGNED TO PROVIDE A CONTAINMENT VOLUME THAT IS EQUAL TO 110% OF THE VOLUME OF THE LARGEST TANK. ANY MOBILE PETROLEUM TANK SHALL BE PARKED IN A VEHICULAR SERVICE AREA SURROUNDED BY A BERM THAT PROVIDES A CONTAINMENT VOLUME THAT IS EQUAL TO 110% OF THE VOLUME OF THE LARGEST TANK. CONTAINMENT MUST PROVIDE SUFFICIENT VOLUME TO CONTAIN EXPECTED PRECIPITATION AND 110% VOLUME OF THE LARGEST TANK. ACCUMULATED RAINWATER OR SPILLS FROM CONTAINMENT AREAS ARE TO BE PROMPTLY PUMPED INTO A CONTAINMENT DEVICE AND DISPOSED PROPERLY BY A LICENSED HAZARDOUS WASTE TRANSPORTER. DRIP PANS SHALL BE PROVIDED FOR ALL DISPENSERS. ANY ASPHALT SUBSTANCES USED ON-SITE SHALL BE APPLIED ACCORDING TO THE MANUFACTURER'S RECOMMENDATIONS. THE LOCATION OF ANY FUEL TANKS AND/OR EQUIPMENT STORAGE AREAS MUST BE IDENTIFIED ON THE EROSION CONTROL PLAN BY THE CONTRACTOR ONCE THE LOCATIONS HAVE BEEN DETERMINED.

FERTILIZERS

FERTILIZERS SHALL BE APPLIED ONLY IN THE MINIMUM AMOUNTS RECOMMENDED BY THE MANUFACTURER. ONCE APPLIED, FERTILIZER SHALL BE WORKED IN THE SOIL TO LIMIT EXPOSURE TO STORMWATER. THE CONTENTS OF ANY PARTIALLY USED BAGS OF FERTILIZER SHALL BE TRANSFERRED TO A SEALABLE PLASTIC BIN TO AVOID SPILLS.

CLEANING SOLVENTS

ALL CONTAINERS SHALL BE TIGHTLY SEALED AND STORED WHEN NOT IN USE. EXCESS SOLVENTS SHALL NOT BE DISCHARGED TO THE STORM SEWER SYSTEM, BUT SHALL BE PROPERLY DISPOSED OF ACCORDING TO MANUFACTURER'S INSTRUCTIONS OR STATE AND FEDERAL REGULATIONS.

CONCRETE WASTES

CONCRETE TRUCKS SHALL BE ALLOWED TO WASH OUT OR DISCHARGE SURPLUS CONCRETE OR DRUM WASH WATER ON THE PROJECT SITE, BUT ONLY IN SPECIFICALLY DESIGNATED DIKED AND IMPERVIOUS WASHOUTS WHICH HAVE BEEN PREPARED TO PREVENT CONTACT BETWEEN THE CONCRETE WASH AND STORMWATER. WASTE GENERATED FROM CONCRETE WASH WATER SHALL NOT BE ALLOWED TO FLOW INTO DRAINAGE WAYS, INLETS, RECEIVING WATERS OR ANY LOCATION OTHER THAN THE DESIGNATED CONCRETE WASHOUT. WASTE CONCRETE MAY BE POURED INTO FORMS TO MAKE RIP-RAP OR OTHER USEFUL CONCRETE PRODUCTS. CONCRETE WASHOUTS SHALL BE LOCATED AT MINIMUM 100 LINEAR FEET FROM DRAINAGE WAYS, INLETS, SURFACE WATERS AND WETLAND RESOURCE AREAS.

THE HARDENED RESIDUE FROM THE CONCRETE WASHOUT DIKED AREAS SHALL BE DISPOSED IN THE SAME MANNER AS OTHER NON-HAZARDOUS CONSTRUCTION WASTE MATERIALS OR MAY BE BROKEN UP AND USED ON SITE AS DEEMED APPROPRIATE BY THE CONTRACTOR. MAINTENANCE OF THE WASHOUT IS TO INCLUDE REMOVAL OF HARDENED CONCRETE. FACILITY SHALL NOT BE FILLED BEYOND 95% CAPACITY AND SHALL BE CLEANED OUT ONCE 75% FULL UNLESS A NEW FACILITY IS CONSTRUCTED. THE CONTRACTOR'S SUPERINTENDENT SHALL BE RESPONSIBLE FOR SEEING THAT THESE PROCEDURES ARE FOLLOWED. SAW-CUT PORTLAND CEMENT CONCRETE (PCC) SLURRY SHALL NOT BE ALLOWED TO ENTER STORM DRAINS OR WATERCOURSES. SAW-CUT

RESIDUE SHOULD NOT BE LEFT ON THE SURFACE OF PAVEMENT OR BE ALLOWED TO FLOW OVER AND OFF PAVEMENT. RESIDUE FROM SAW-CUTTING AND GRINDING SHALL BE COLLECTED BY VACUUM AND DISPOSED OF IN THE CONCRETE WASHOUT FACILITY.

SOLID AND CONSTRUCTION WASTES

ALL WASTE MATERIALS SHALL BE COLLECTED AND DISPOSED OF AT AN APPROPRIATE SOLID WASTE DISPOSAL AREA.

SANITARY WASTES

A MINIMUM OF ONE PORTABLE SANITARY UNIT SHALL BE PROVIDED FOR EVERY TEN (10) WORKERS ON THE SITE. ALL SANITARY WASTE SHALL BE COLLECTED FROM THE PORTABLE UNITS A MINIMUM OF ONE TIME PER WEEK BY A LICENSED PORTABLE FACILITY PROVIDER IN COMPLETE COMPLIANCE WITH LOCAL AND STATE REGULATIONS.

ALL SANITARY WASTE UNITS SHALL BE LOCATED IN AN AREA WHERE THE LIKELIHOOD OF THE UNIT CONTRIBUTING TO STORMWATER DISCHARGES IS NEGLIGIBLE. ADDITIONAL CONTAINMENT BMPs MUST BE IMPLEMENTED, SUCH AS GRAVEL BAGS OR SPECIALLY DESIGNED PLASTIC SKID CONTAINERS AROUND THE BASE, TO PREVENT WASTES FROM CONTRIBUTING TO STORMWATER DISCHARGES.

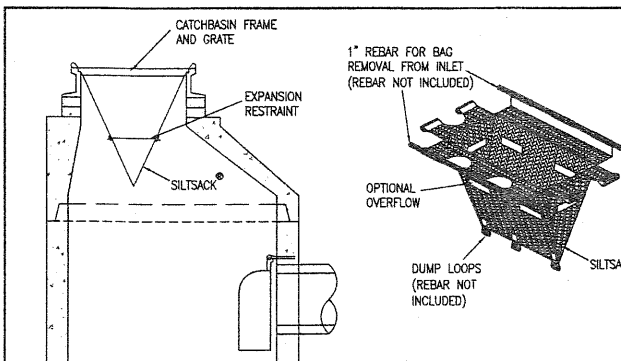
CONTAMINATED SOILS

ANY CONTAMINATED SOILS (RESULTING FROM SPILLS OF HAZARDOUS SUBSTANCES OR OIL OR DISCOVERED DURING THE COURSE OF CONSTRUCTION) WHICH MAY RESULT FROM CONSTRUCTION ACTIVITIES SHALL BE CONTAINED AND CLEANED UP IMMEDIATELY IN ACCORDANCE WITH THE PROCEDURES GIVEN IN THE MATERIAL MANAGEMENT PLAN AND IN ACCORDANCE WITH APPLICABLE STATE AND FEDERAL REGULATIONS. CONTAMINATED SOILS NOT RESULTING FROM CONSTRUCTION ACTIVITIES, OR WHICH PRE-EXISTED CONSTRUCTION ACTIVITIES, BUT WHICH ARE DISCOVERED BY VIRTUE OF CONSTRUCTION ACTIVITIES, SHOULD BE REPORTED IN THE SAME MANNER AS SPILLS, BUT WITH SUFFICIENT INFORMATION TO INDICATE THAT THE DISCOVERY OF AN EXISTING CONDITION IS BEING REPORTED. IF THERE IS A RELEASE THAT OCCURS BY VIRTUE OF THE DISCOVERY OF EXISTING CONTAMINATION, THIS SHOULD BE REPORTED AS A SPILL, IF IT OTHERWISE MEETS THE REQUIREMENTS FOR A REPORTABLE SPILL.

CONSTRUCTION OPERATION AND MAINTENANCE SCHEDULE

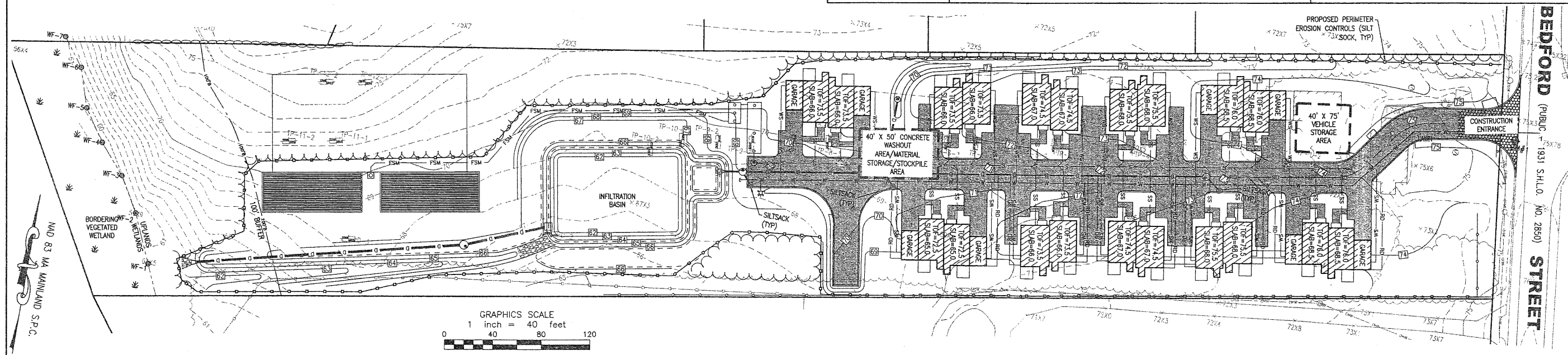
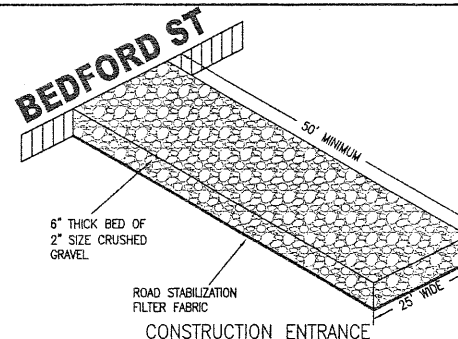
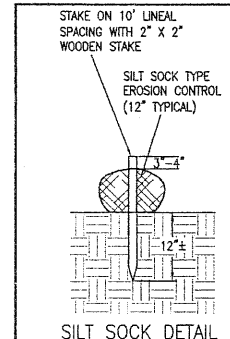
THE OPERATION AND MAINTENANCE (O&M) SCHEDULE DURING THE CONSTRUCTION PHASE IS THE RESPONSIBILITY OF THE DEVELOPER AND/OR SITE CONTRACTOR. THE OUTLINE BELOW SHALL BE ADHERED TO AS CLOSELY AS POSSIBLE TO ENSURE THE PROPER CONSTRUCTION AND FUNCTION OF THE DRAINAGE SYSTEM.

- PRIOR TO CONSTRUCTION, SILT SOCK SHALL BE INSTALLED PER THE APPROVED PLANS. THE SILT SOCK SHALL BE INSPECTED PRIOR TO A LARGE STORM EVENT TO ENSURE THAT THE EROSION CONTROL WILL FUNCTION AS REQUIRED AND FOLLOWING A STORM TO INSPECT FOR DAMAGE TO THE EROSION CONTROL ELEMENTS. ANY DAMAGE OR IMPROPER INSTALLATION THAT IS NOTICED PRIOR TO OR FOLLOWING A STORM EVENT SHALL BE PROMPTLY REPLACED OR REPAIRED IN A SATISFACTORY MANNER SO AS TO PREVENT SEDIMENT FROM BYPASSING THE EROSION CONTROL BARRIER.
- THE LIMIT OF CLEARING SHOWN ON THE APPROVED PLAN SHALL BE STRICTLY ADHERED TO. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THE LEVEL OF SAFETY OF STANDING TREES.
- IN CONJUNCTION WITH THE SITE CONSTRUCTION, ALL DRAINAGE STRUCTURES, INCLUDING THE STORMTRAP SYSTEM, SHALL BE CONSTRUCTED AND STABILIZED AS SOON AS POSSIBLE. METHODS OF STABILIZATION INCLUDE, BUT ARE NOT LIMITED TO, HYDROSEED, LOAM AND SEED, STRAW MULCH, EROSION CONTROL BLANKETS, ETC.
- THE CATCH BASINS, DRAINAGE MANHOLES, AND SEDIMENT FOREBAY SHALL BE INSPECTED WEEKLY DURING CONSTRUCTION. ANY SEDIMENT BUILDUP OF EIGHT (8) INCH DEPTH IN EITHER OF THE STRUCTURES SHALL BE PROMPTLY REMOVED BY HAND OR MECHANICAL METHODS AND ALL DEBRIS REMOVED IN ACCORDANCE WITH ALL LOCAL, STATE, AND FEDERAL REGULATIONS.



SILT SOCK REGULAR FLOW

PROPERTIES	TEST METHOD	UNITS	TEST RESULTS
GRAB TENSILE	ASTM D-4632	LBS	167.5X300
GRAB ELONGATION	ASTM D-4632	%	10X15
PUNCTURE STRENGTH	ASTM D-4533	LBS.	900
TRAPEZOID TEAR	ASTM D-4533	LBS.	65X90
UV RESISTANCE (#500 HRS)	ASTM D-4355	%	96
AOS	ASTM D-4751	US SIEVE	50
FLOW RATE	ASTM D-4491	GAL/MIN/FT ²	66
PERMITTIVITY	ASTM D-4491	SEC-1	0.852



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.

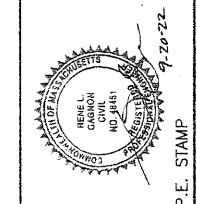
DATE _____ FOR REGISTRY USE ONLY

LAKEVILLE ZONING BOARD OF APPEALS

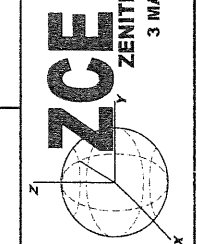
APPROVED AND ENDORSED UNDER M.G.L.C. 40B BY THE LAKEVILLE ZONING BOARD OF APPEALS

APPROVED: _____

ENDORSED: _____



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



REV.	DATE	DESCRIPTION

DATE:	9/19/2022
PROJECT NUMBER:	0143-13-01
SCALE:	1"=40'
SHEET ID:	E

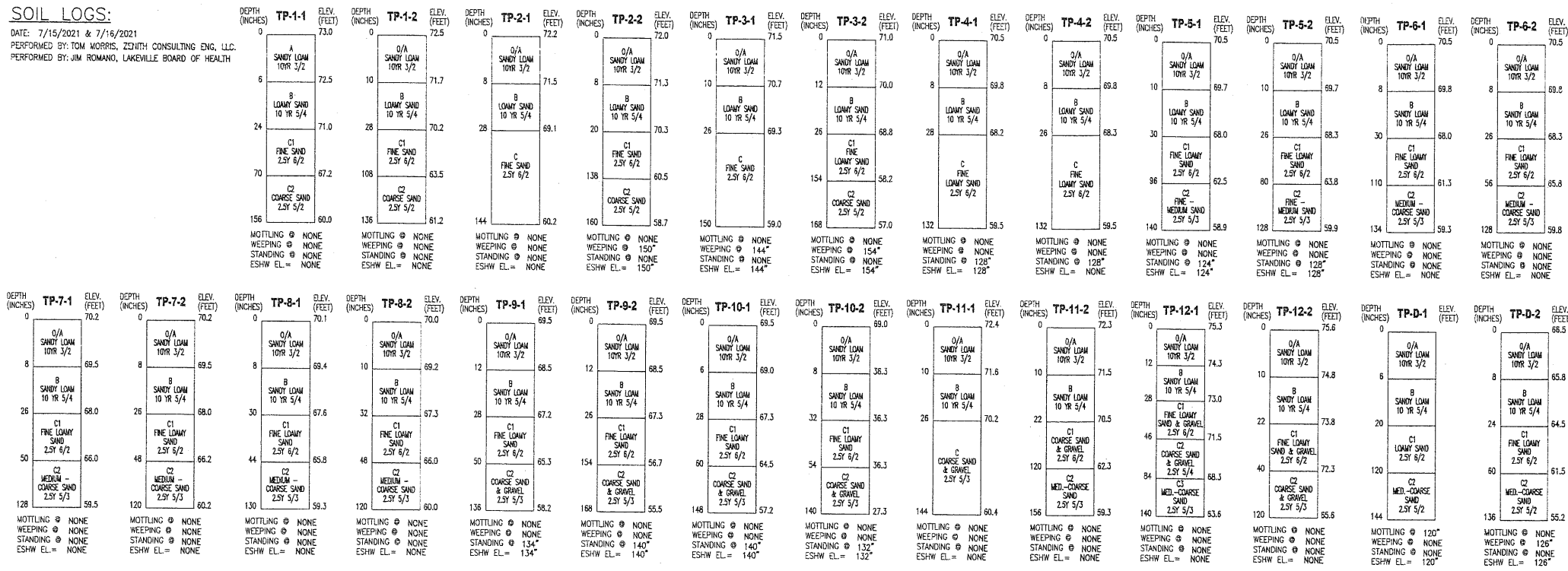
EROSION CONTROL PLAN

PROJECT SITE: 109 BEDFORD STREET, LAKEVILLE, MASSACHUSETTS

CLIENT INFO: NORTH BEDFORD CROSSING LLC, 1 LAKEVILLE BUSINESS PARK DRIVE, LAKEVILLE, MASSACHUSETTS

DRAWN BY: RLG
DESIGNED BY: RLG
CHECKED BY: RLF
APPROVED BY: JLB

SOIL LOGS:
 DATE: 7/15/2021 & 7/16/2021
 PERFORMED BY: TOM MORRIS, ZENITH CONSULTING ENG., LLC.
 PERFORMED BY: JIM ROMANO, LAKEVILLE BOARD OF HEALTH



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.

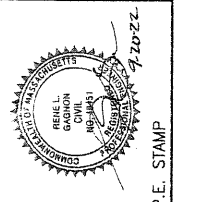
TOWN CLERK, LAKEVILLE, MA DATE _____

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

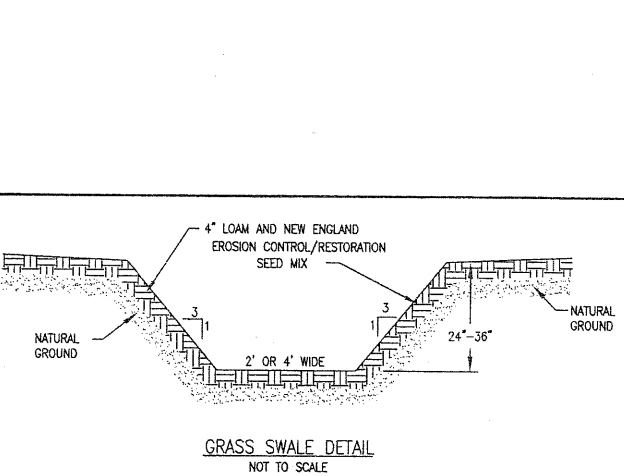
DATE _____ FOR REGISTRY USE ONLY

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

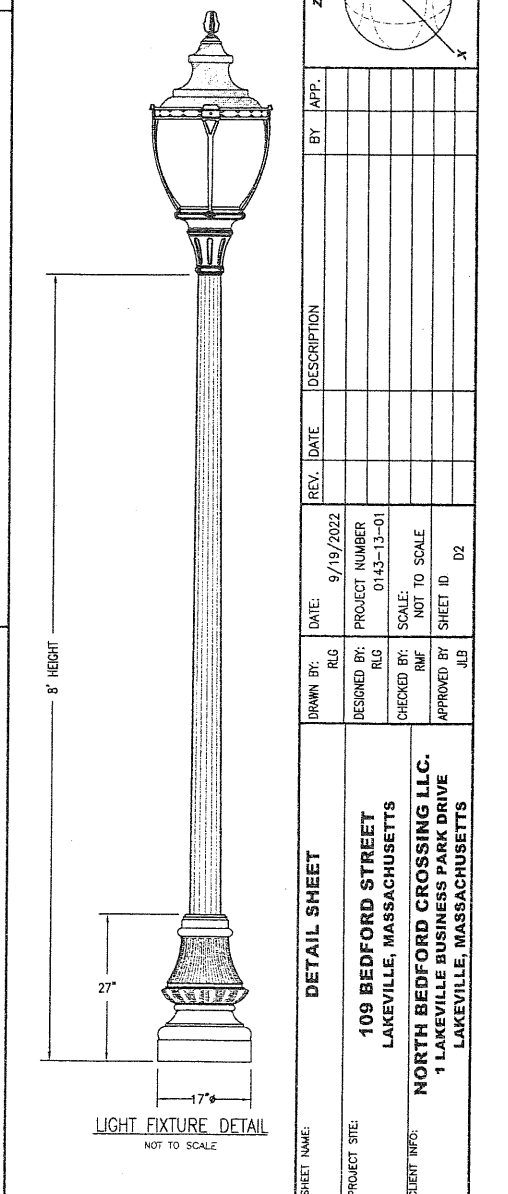
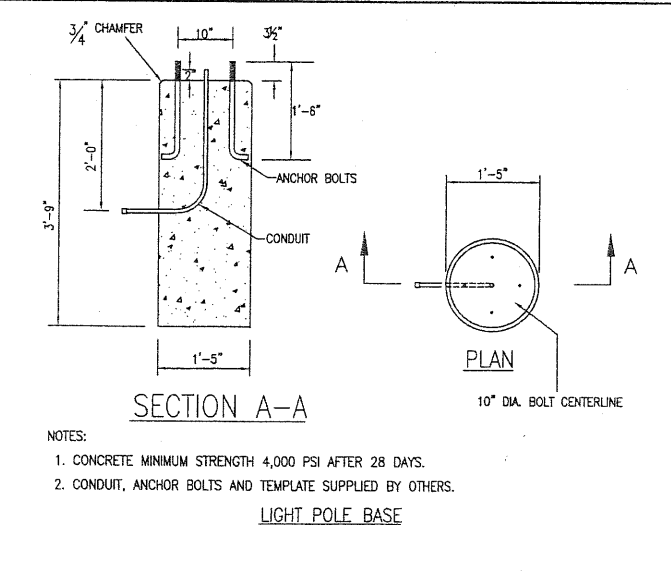
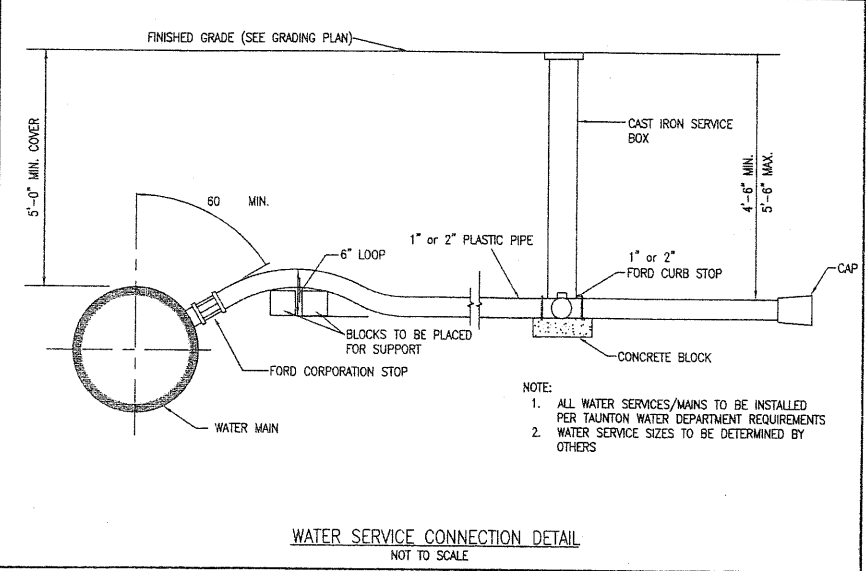
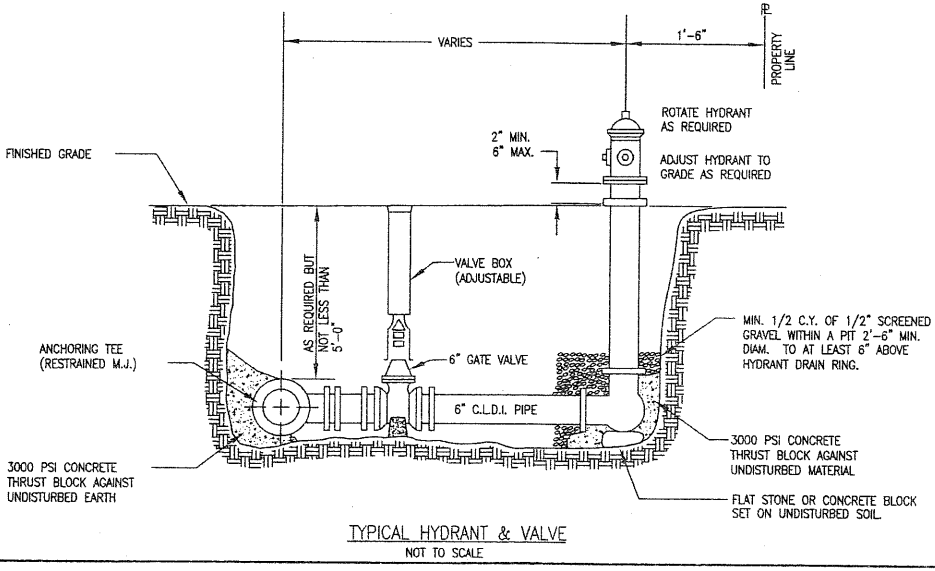
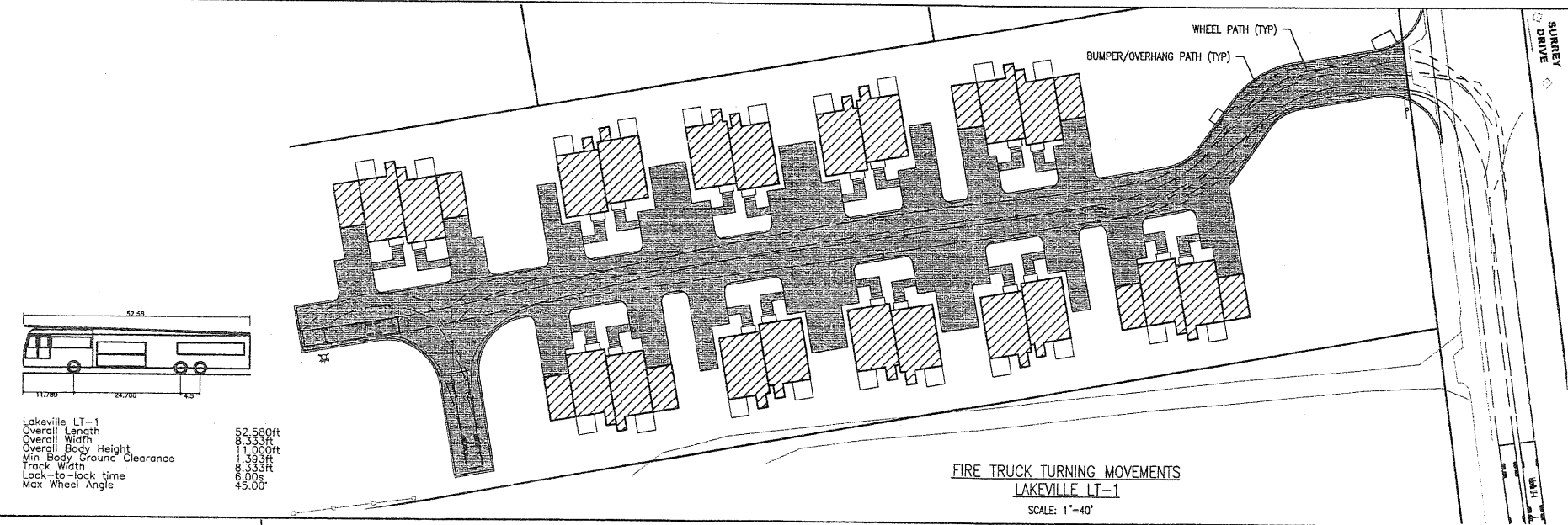
APPROVED: _____
 ENDORSED: _____



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 PHONE: (508) 947-4208



SWALE TO BE STABILIZED WITH EROSION CONTROL BLANKETS UNTIL STABILIZED
 EXISTING TOP AND SUBSOIL BENEATH SWALE TO BE REMOVED TO A DEPTH OF NATURALLY OCCURRING PERVIOUS SOIL AND REPLACED WITH CLEAN WASHED SAND TO THE DEPTH REQUIRED.



REV.	DATE	DESCRIPTION	BY	APP.

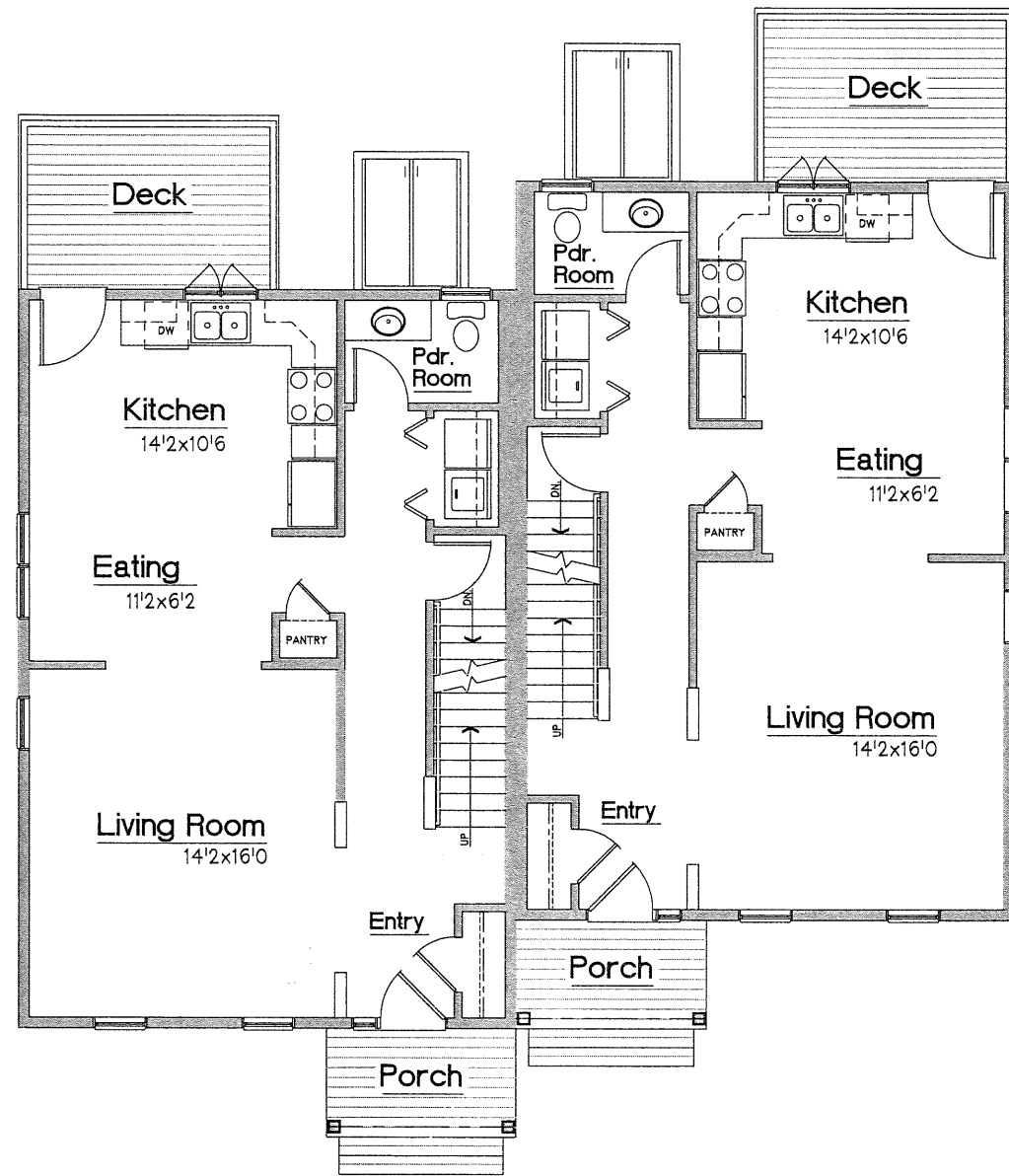
DATE: 9/19/2022
 PROJECT NUMBER: 0143-13-01
 SCALE: NOT TO SCALE
 SHEET ID: D2

DRAWN BY: RLG
 DESIGNED BY: RLG
 CHECKED BY: RMF
 APPROVED BY: JLB

DETAIL SHEET
 109 BEDFORD STREET
 LAKEVILLE, MASSACHUSETTS
 NORTH BEDFORD CROSSING LLC.
 1 LAKEVILLE BUSINESS PARK DRIVE
 LAKEVILLE, MASSACHUSETTS

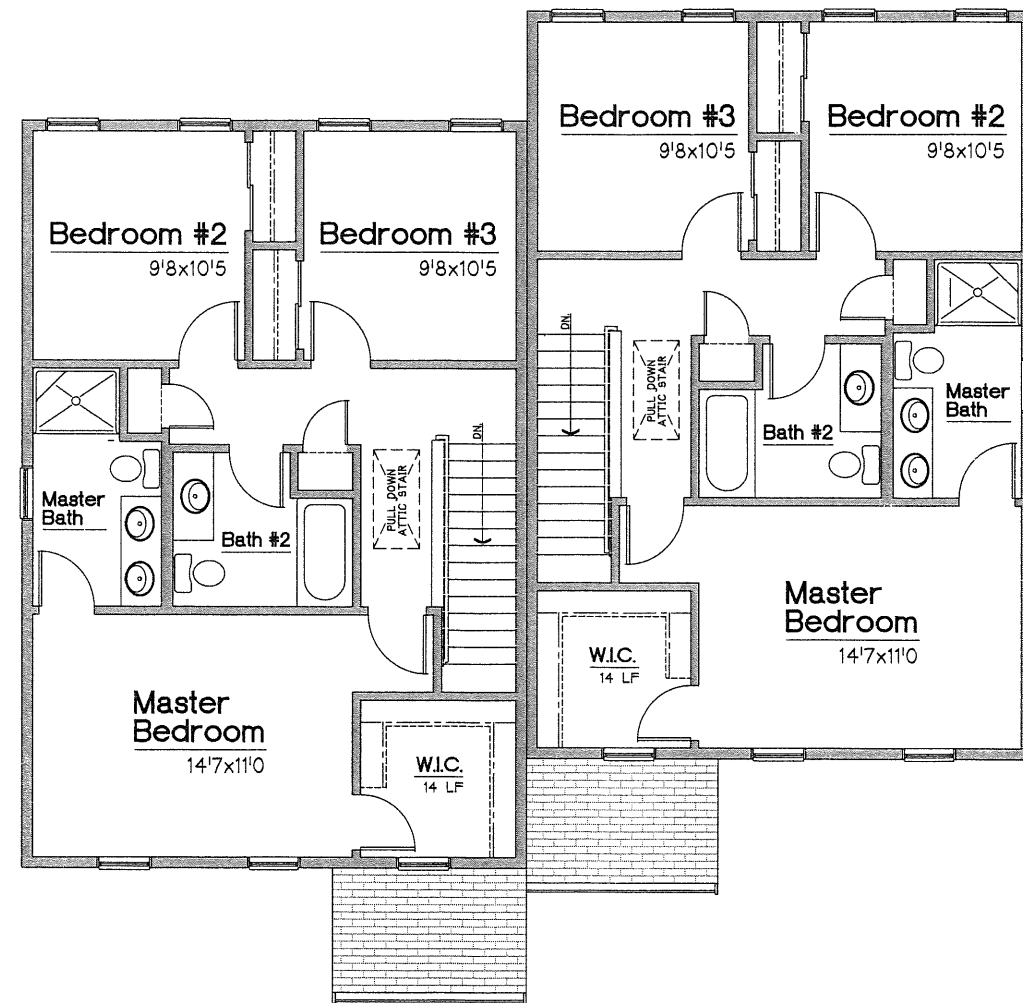


109 Bedford Street
Lakeville, MA



First Floor Plan SCALE: 1/4" = 1'-0"

UNIT LIVING AREA _____ 782 GSF
 TOTAL BUILDING FOOTPRINT _____ 1564 GSF



Second Floor Plan SCALE: 1/4" = 1'-0"

UNIT LIVING AREA _____ 782 GSF
 TOTAL BUILDING FOOTPRINT _____ 1564 GSF



Left Side Elevation SCALE: 1/4" = 1'-0"



Front Elevation SCALE: 1/4" = 1'-0"



Right Side Elevation SCALE: 1/4" = 1'-0"



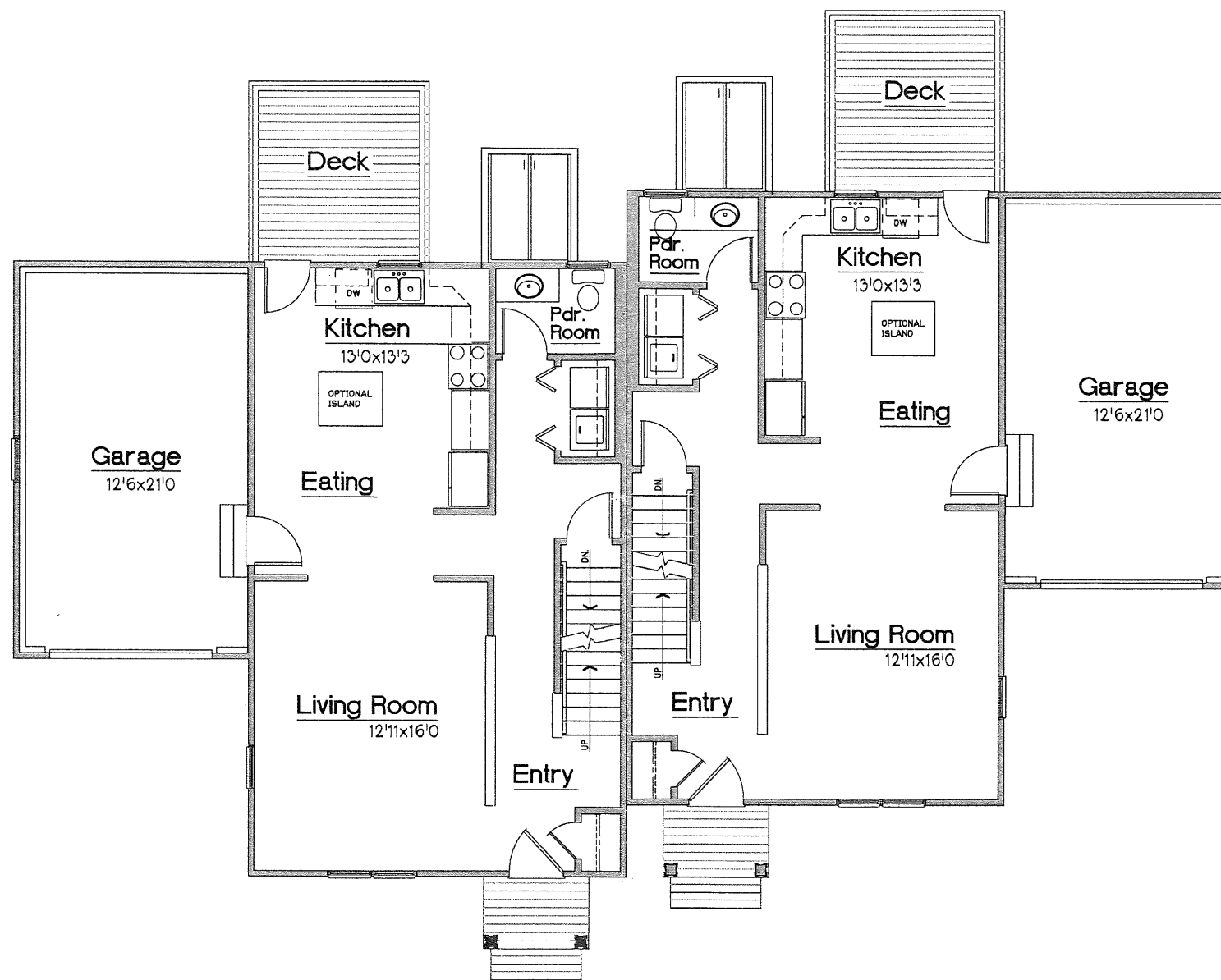
Rear Elevation SCALE: 1/4" = 1'-0"

shown with optional garage



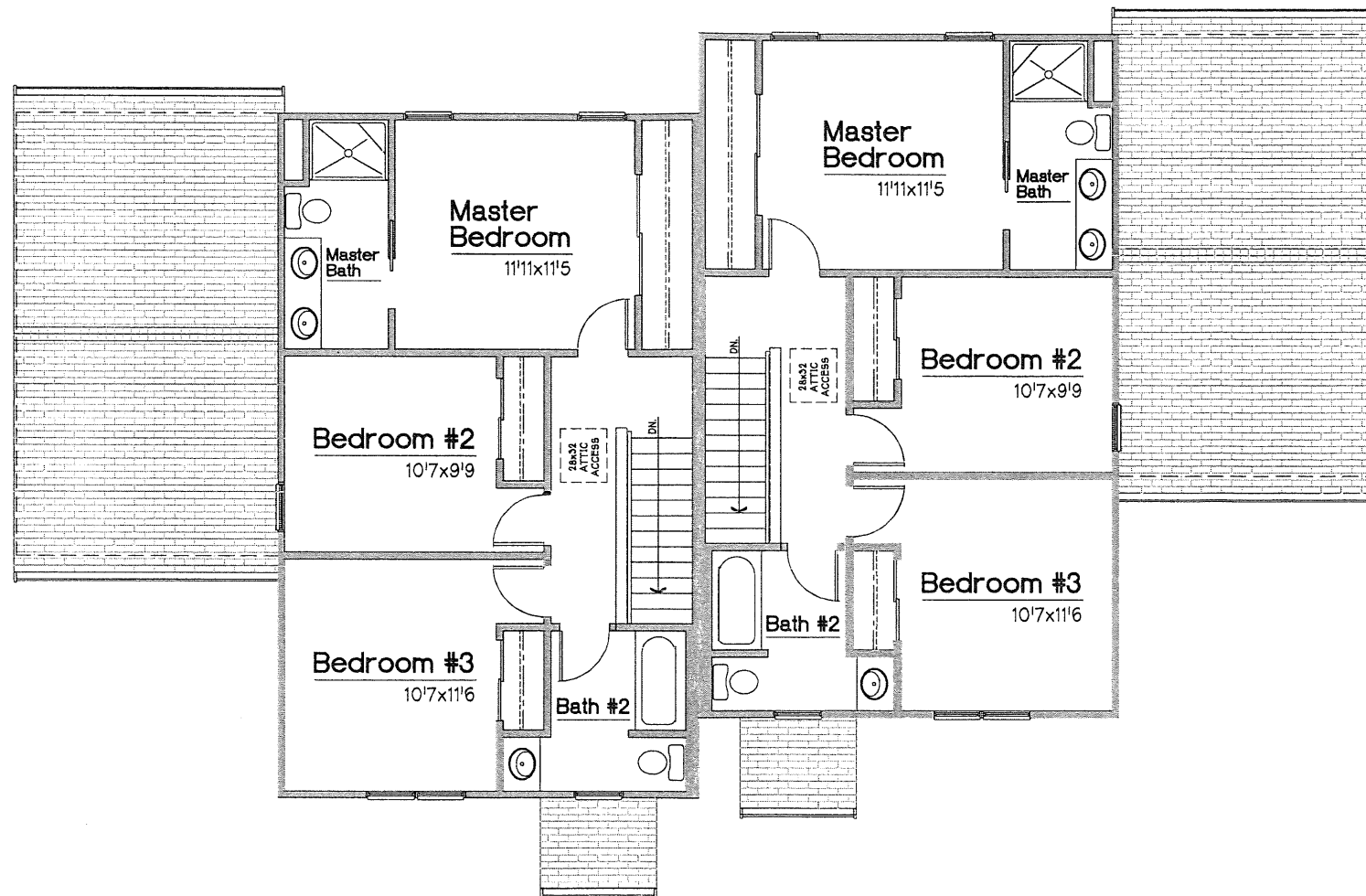
109 Bedford Street

Unit Type A1 Lakeville, MA



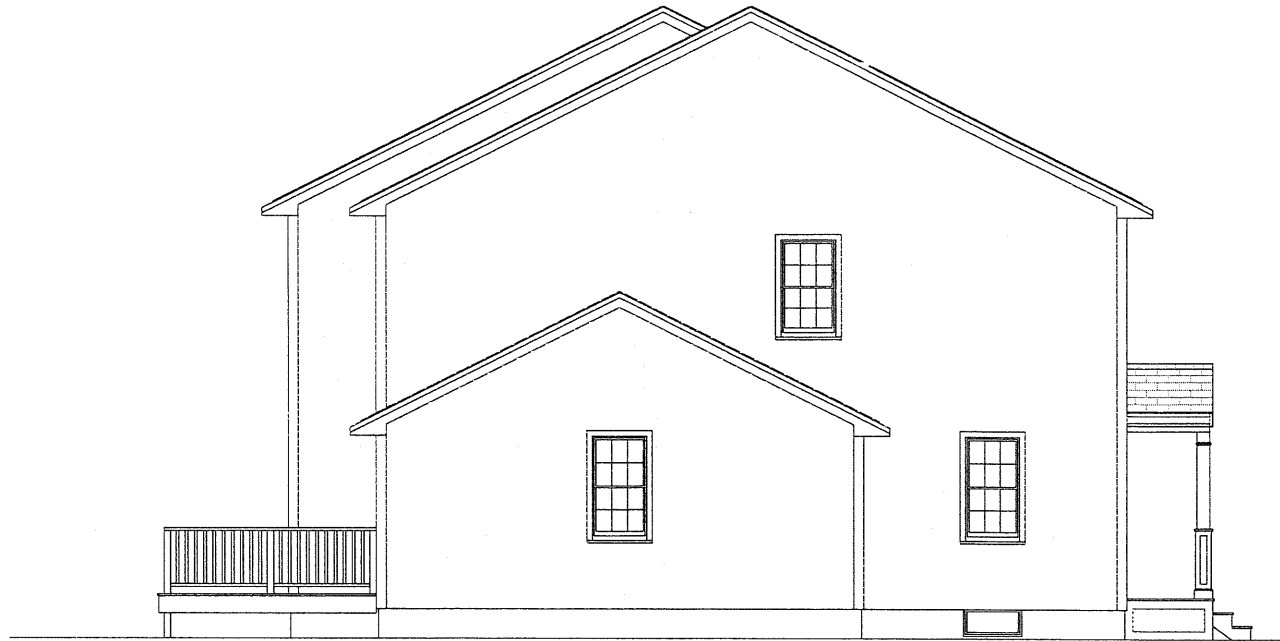
Unit Type A1 First Floor Plan

UNIT LIVING AREA	714 GSF
UNIT GARAGE AREA	286 GSF
TOTAL BUILDING FOOTPRINT	2000 GSF



Unit Type A1 Second Floor Plan

UNIT LIVING AREA ————— 714 GSF
 TOTAL BUILDING FOOTPRINT ————— 1428 GSF



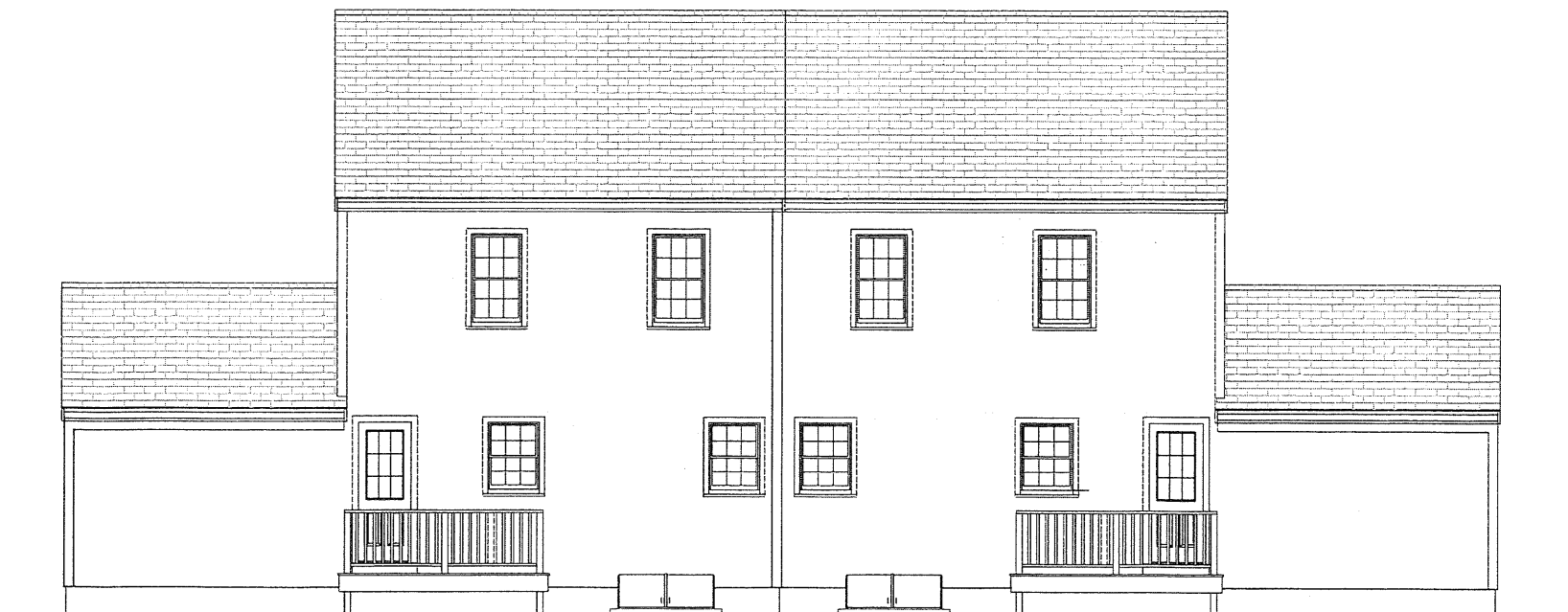
Unit Type A1 Left Side Elevation



Unit Type A1 Front Elevation



Unit Type A1 Right Side Elevation



Unit Type A1 Rear Elevation

**Zoning Board of Appeals
Lakeville, Massachusetts
Minutes of Meeting
September 15, 2022**

On September 15, 2022, the Zoning Board held a meeting at the Lakeville Public Library. The meeting was called to order by Chairman Olivieri at 7:02 p.m. He asked if anyone present was recording the meeting. There was no response. LakeCam was making a video recording. Mr. Olivieri said that he would be taking items from the agenda out of order this evening.

Members present:

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

Others present:

Marc Resnick, Town Planner

Dixon hearing, continued – 36 Main Street

Mr. Olivieri advised there was an email from the applicant requesting to continue and be placed on their next agenda. Mr. Youngquist then made a motion, seconded by Mr. Noble, to continue the Dixon hearing until October 20, 2022 at 7:00 p.m. The **vote** was **unanimous for**.

Scott hearing – 9 Rush Pond Road

Mr. Olivieri opened the Scott hearing at 7:03 and read the legal ad into the record. Mr. Scott was present and advised that had wanted to put a shed on his lot. He has taken seven trees down and hired a surveyor to make sure of all the exact locations. He has discovered that Lakeville owns more land on his setback from the street than he realized, which is why he is intruding 10 feet into the 40-foot front setback. If he was to move the shed, it would not look aesthetically pleasing and he would also have to take down additional trees so he is requesting a Special Permit.

Mr. Olivieri then read the September 7, 2022, letter from the Board of Health into the record. They had no objection to the proposed shed. The September 13, 2022, memo from the Planning Board had no comment regarding the petition. Mr. Olivieri asked Board members if they had any questions or comments. There were none. Mr. Olivieri then discussed the paved Town roadway and right of way. It was noted that there was approximately ten feet from the actual paved surface. Mr. Olivieri asked if anyone in the audience would like to speak to this petition. No one spoke.

Mr. Yougquist then made a motion, seconded by Mr. Noble, to grant the Special Permit. The **vote** was **unanimous for**.

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

The hearing closed at 7:12.

Documents distributed for the hearing:

Petition packet

Legal ad

Board of Health correspondence of September 7, 2022

Planning Board memo of September 13, 2022

TAC VEGA MA Owner, LLC hearing, continued – 310 Kenneth W. Welch Drive

Mr. Olivieri opened the continued TAC VEGA MA Owner hearing at 7:12. Mr. Terrence Russell from Epstein Global was present. He advised they had been working with the building owners for a number of months trying to get the parking issue resolved and satisfy the Planning Board. They went back and looked at the plan and found if they could increase the site coverage to approximately 77%, they could add another 41 spots bringing the total number of parking on site to 250 spots. He said the problem with that is that they are in the wetlands, so that will have to be mitigated and they will have to go through the Conservation Commission. They have not started any of that work as they would need the approval of both the Planning and Zoning Boards.

Mr. Olivieri said so they were now asking for an additional 7% or a 4% increase from what had been submitted. He asked if this will take care of the parking issue. If they were to go forward, they don't want to see this back before them because they still have cars parked on the road and where they are not supposed to be. Mr. Russell replied the lease is stated that the building owner will provide x number of spots per tenant and if the tenant requires any additional spots beyond that it is up to the tenant to find the sports for their employees. They are confident that this is good progress in solving the issue. Going forward, it would fall to the building tenants to address any additional spots, such as leasing space and providing a shuttle.

Mr. Olivieri asked Mr. Resnick if it was uncommon for other Towns to go over 70% coverage. He replied that it was not. Some Towns go up to 80% and some have no lot coverage requirement but have setback and buffering requirements which are intended to protect the abutters. Mr. Youngquist felt that, although not their purview, the septic system could be an issue. Mr. Russell said that is not part of his contract but that the owner was working with another consultant on the septic system. Mr. Carmichael asked if the Fire Department had seen the Plan and if they could get their vehicles in there. Mr. Russell replied they have not seen it, but they have run it through their software and the fire trucks can be maneuvered through there safely. Mr. Carmichael asked if it would be okay with him to issue this based on final Fire Department, Stormwater, and Conservation approval if they so move to. Mr. Resnick said when they get stormwater and the other revisions, they will submit them to the other Boards before the Planning Board issues final Site Plan approval.

Mr. Olivieri asked what could be done to reassure the Town as a whole that they have alleviated the parking across the street and on other properties going forward. Could there be some type of condition if they were so inclined to grant the Variance? Mr. Resnick said that since the building owner is providing an adequate number of spaces on site, he suggested they require them to do

something to ensure that people don't park where they are not supposed to. He would recommend that the Board upon completion of the parking lot require the building owner install a guard rail along that side of Kenneth W, Welch Drive to prevent parking on that side. Permission would also need to be granted by the Select Board because it is a Town road. This ongoing issue will hopefully then be resolved.

Mr. Russell asked about no parking signs. Mr. Olivieri replied that people have been parking there for quite a while. Even though there will be spots for them, they might not want to walk and find that parking on the street has been easier. This puts an impediment to that and could be the solution to solving this permanently. Mr. Olivieri asked Mr. Russell if he would like to confirm this with his client that they would be agreeable. The Board would make this a condition of the Special Permit. It was noted if the Select Board did not want to approve any barrier, the applicant would have to come back and have discussion because they could not meet that condition. After discussion, it was suggested to postpone the hearing so Mr. Russell could try to contact the building owner for this approval of the proposed condition.

The Residences at LeBaron Hills, LLC – Accept peer review update and proposal

Mr. Olivieri said that it was decided after the last meeting in August, they were going to do some research and start the process of looking for peer review on a number of items in the project. Mr. Resnick said that he had a list of other engineering firms, many of which provide a comprehensive review of services such as traffic, wetlands, civil, etc. He has spoken to a couple of these firms and is now waiting for proposals for their cost breakdowns. When he receives that information, they can review them at the hearing and he will forward them to Mr. Itani. He has also spoken to a local engineering firm that provides inspectional services for construction inspections. Mr. Olivieri said that right now they are researching and doing their due diligence, with the goal to have the potential firms that would be available for them at their next meeting. Mr. Resnick said that was correct.

Meeting minutes

Mr. Noble made a motion, seconded by Mr. Carmichael, to approve the meeting minutes from the August 18, 2022 meeting. The **vote** was **unanimous for**.

Discuss adoption of the Mullin Rule

Mr. Resnick advised the Mullin Rule is a statute that was passed that allows a Board member of a Board that holds hearings such as the Zoning Board, Planning Board, and Conservation Commission to miss a meeting, but yet still vote if they review all the submitted documentation, minutes of the meeting or view the video. They then go to the Town Clerk's Office and sign a form certifying that they have reviewed all the information that had been presented at the meeting. They will then be allowed to vote on that application. He stated that you could only miss one meeting.

Mr. Olivieri noted that they do sometimes have hearings that go on for several months and if a meeting is missed by someone it could create a little havoc. He thought it made sense to adopt this rule. Members agreed. Mr. Resnick said the Planning Board has sent an Article for the adoption of the Mullin Rule to the Selectmen to be placed on the Warrant. If the Zoning Board votes in favor of this, they will send a memo to the Select Board asking them to add the Zoning Board to that Article.

Mr. Youngquist made a motion, seconded by Mr. Carmichael, to request the Selectmen add the Zoning Board as one of the Boards that is able to adopt the Mullin Rule. The **vote** was **unanimous for**.

Meet with Anthony Zucco regarding application for an opening on the ZBA.

Mr. Olivieri said that everyone should have received a resume email from Mr. Zucco regarding his interest in an opening for an Associate member on the Board. He was under the assumption that he would be here, but Mr. Zucco was not present. The Board will invite him to their next meeting.

TAC VEGA MA Owner, LLC hearing, continued – 310 Kenneth W. Welch Drive

Mr. Russell returned to the meeting. He advised the building owner will agree to the condition of a guardrail. The material of the guardrail was also discussed. Mr. Russell said that they will look at some options. They have a roadway division in the company, so they can determine what is right. He clarified that this would not be an impact guardrail. Mr. Olivieri said that was correct. This would only be something simple to prevent people from parking.

Mr. Carmichael made a motion to approve the application as amended to 77%. It is subject to approval by other Town Boards and Departments and any local, state, and federal ordinances. It is further conditioned with a guardrail as approved by the Board of Selectmen. It was seconded by Mr. Youngquist. The **vote** was **unanimous for**.

The hearing closed at 7:53.

Next meeting

The next meeting is scheduled for October 20, 2022, at 7:00 p.m.

Adjourn

Mr. Carmichael made a motion, seconded by Mr. Campeau, to adjourn the meeting. The **vote** was **unanimous for**.

Meeting adjourned at 7:54.