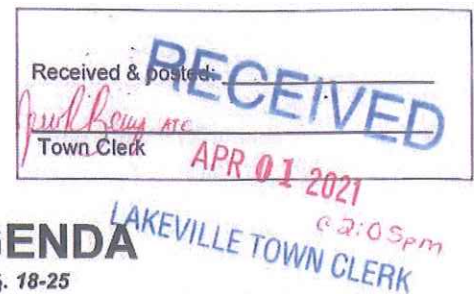




TOWN OF LAKEVILLE REMOTE MEETING NOTICE/ AGENDA

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



Name of Board, Committee or Commission:	Zoning Board of Appeals
Date & Time of Meeting:	Thursday, April 15, 2021 at 7:00 p.m.
Location of Meeting:	REMOTE MEETING
Clerk/Board Member posting notice	Cathy Murray

AGENDA

- In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G.L. c.30A, §20, relating to the 2020 novel Coronavirus outbreak emergency, the April 15, 2021, public meeting of the **Zoning Board of Appeals** shall be physically closed to the public to avoid group congregation. **However, to view this meeting in progress, please go to facebook.com/lakecam (you do not need a Facebook account to view the meeting). This meeting will be recorded and available to be viewed at a later date at <http://www.lakecam.tv/>**
- Petition hearings (Votes to be taken)**

Boston Botanical, Inc. hearing, continued – 475 Kenneth W. Welch Drive – request for a **Special Permit** under 7.4.6 to operate an adult use marijuana establishment as both a marijuana cultivator and marijuana product manufacturer.

Tetrault hearing – 7 Deneise Street – request for a **Special Permit** under 6.3.2 and 7.4.6 to place a 30' x 40' garage on a pre-existing, non-conforming lot within the setback.

Moore hearing – 6 Sandy Point Road – request for a **Special Permit** under 6.1.3 and 7.4.6 to raze rebuild a single-family dwelling on a pre-existing, non-conforming lot.

Lech-Goulart hearing – 11 Charbonneau Avenue – request for **Special Permit** under 6.1.3 and 7.4.6 to connect an existing single-family home to an existing garage on a pre-existing, non-conforming lot.

Twisted Growers LLC hearing – 415 Millennium Circle – request to modify a **Special Permit** granted on January 16, 2020, and filed with the Town Clerk on February 7, 2020, to incorporate Adult Use Marijuana operations.
- Approve Meeting Minutes for November 19, 2020, February 23, 2021, and March 18, 2021.
- Old Business
 - Sign bylaw update
- New Business
- Next meeting. . . Thursday, May 20, 2021

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

Read the following into the record:

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G.L. c.30A, §20, relating to the 2020 novel Coronavirus outbreak emergency, the April 15, 2021, public meeting of the **Zoning Board of Appeals** shall be physically closed to the public to avoid group congregation. **However, to view this meeting in progress, please go to [facebook.com/lakecam](https://www.facebook.com/lakecam) (you do not need a Facebook account to view the meeting). This meeting will be recorded and available to be viewed at a later date at <http://www.lakecam.tv/>**

(TOWN OF LAKEVILLE SEAL)

The LAKEVILLE ZONING BOARD OF APPEALS, acting in accordance with MASS GENERAL LAWS CHAPTER 40A, as amended, will conduct a public hearing on

THURSDAY, April 15, 2021, at 7:00 P.M. to hear the petition of **Dennis R. & Wendy J.**

Tetrault. A **Special Permit** under **6.3.2** and **7.4.6** is requested to place a 30' x 40' garage on a pre-existing, non-conforming lot within the setback, as provided by the Lakeville By-Laws. The property site is **7 Deneise Street.**

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

John Olivieri, Jr., Chairman

April 1, 2021 & April 8, 2021

Cathy Murray, Appeals Board Clerk

From: Edward Cullen
Sent: Monday, April 12, 2021 3:37 PM
To: Cathy Murray, Appeals Board Clerk
Subject: BOH comments meeting 4/12/21

Cathy

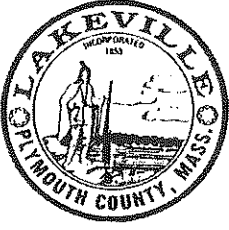
The Board of Health has the comments for the following properties.

1. **Twisted Growers** – The applicant would have to comply with Lakeville regulations concerning commercial kitchens, and undergo an inspection prior to commencement of manufacturing operation.
2. **7 Denise Street** – The Board of Health has no objections to the garage, as long as it is greater than 10 ft away from the septic field, and is on a slab.
3. **6 Sandy Point Rd** – the property currently has a deed restriction on the house stating “ Dwelling will remain a two bedroom dwelling with no increase in flow to the septic system and no further expansion”. Thus if the proposed house is any larger than the existing house, it would not be allowed. Also a title 5 inspection must be done if the applicant wishes to reuse the existing septic system
4. **11 Charbonneau Avenue** – A title 5 inspection must be done prior to any building permit being issued. Also the room above the garage can not be converted into a bedroom, nor can it be heated.

If you have any questions concerning the above comments, please let me know.

Edward Cullen
Board of Health Agent
Town of Lakeville
346 Bedford Street
Lakeville, MA 02347
Tel. 508-946-3473





Town of Lakeville

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

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

MEMORANDUM

TO: Board of Appeals

FROM: Planning Board

DATE: April 13, 2021

SUBJECT: Petition Review for Tetrault – 7 Deneise Street

At their Thursday, April 8, 2021, meeting, the Planning Board reviewed the above referenced Petition for Hearing from the Board of Appeals. The Board had no comments regarding this petition.

Petition to be
filed with Town Clerk

EXHIBIT "A"

TOWN OF LAKEVILLE
MASSACHUSETTS

ZONING BOARD OF APPEALS
PETITION FOR HEARING

Name of Petitioner: Dennis R. Tetrault & Wendy J. Tetrault

Mailing Address: 7 Deneise Street, Lakeville, MA 02347

Name of Property Owner: Dennis R. Tetrault & Wendy J. Tetrault

Location of Property: 7 Deneise Street, Lakeville, MA 02347

Property is located in a residential business industrial (zone)

Registry of Deeds: Book No. 14652 Page No. 152

Map 039 Block 002 Lot 004

Petitioner is: owner tenant licensee prospective purchaser

Nature of Relief Sought:

Special Permit under Section (s) 6.3.2 & 7.4.6 of the Zoning Bylaws

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

Appeal from Decision of the Building Inspector/Zoning Enforcement Officer

Date of Denial _____

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

We respectfully request a Special Permit to place a 30' X 40' garage within the required setback as allowed under 6.3.2 & 7.4.6 of the Town of Lakeville Zoning By-Law. We propose to be no closer than 33' to the front property line.

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: Dennis R. Tetrault & Wendy J. Tetrault Date: March 16, 2021

Signed: *Dennis R. Tetrault Wendy J. Tetrault* Telephone: 508-942-3398

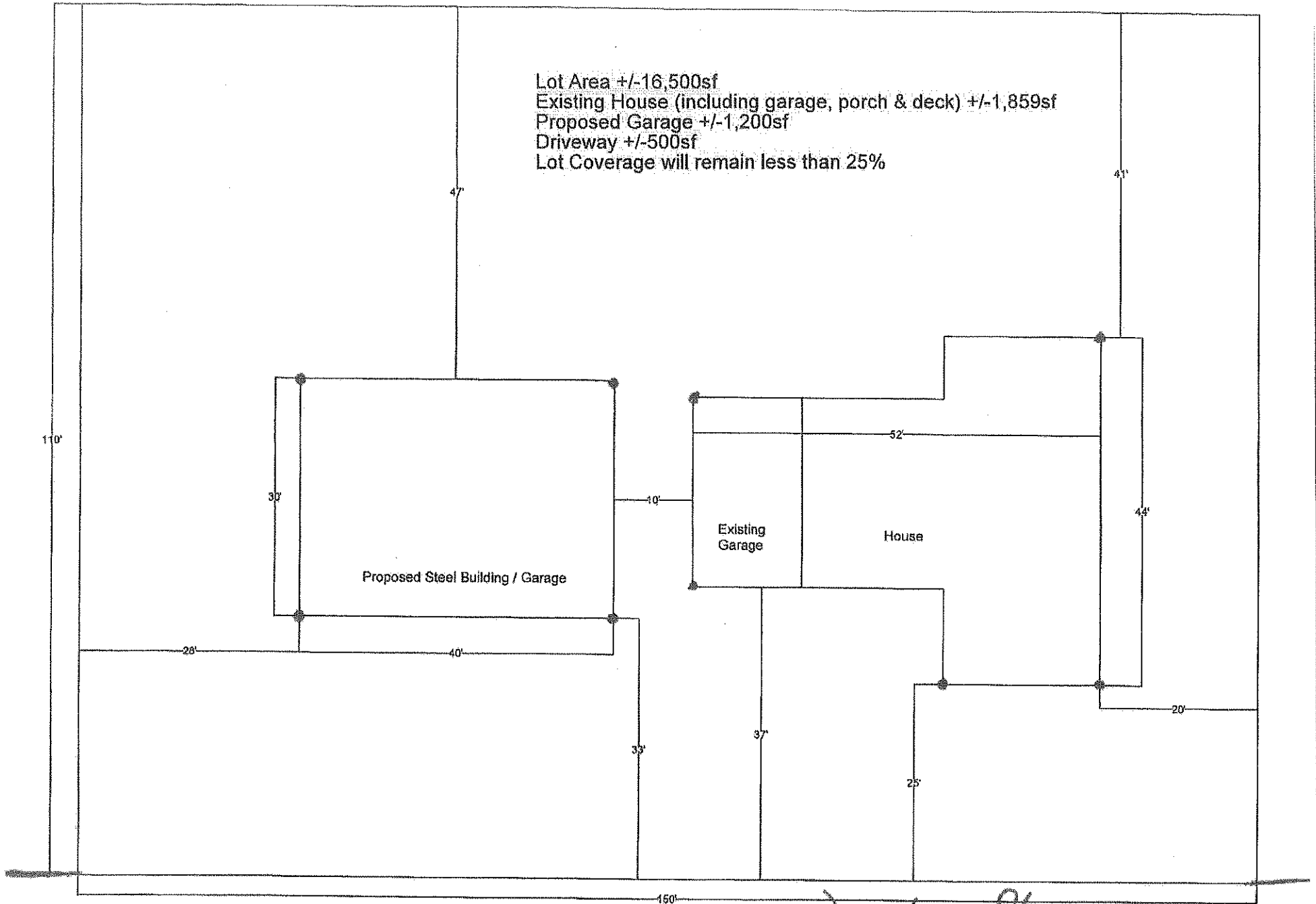
Owner Signature: N/A Owner Telephone: N/A
(If not petitioner)

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

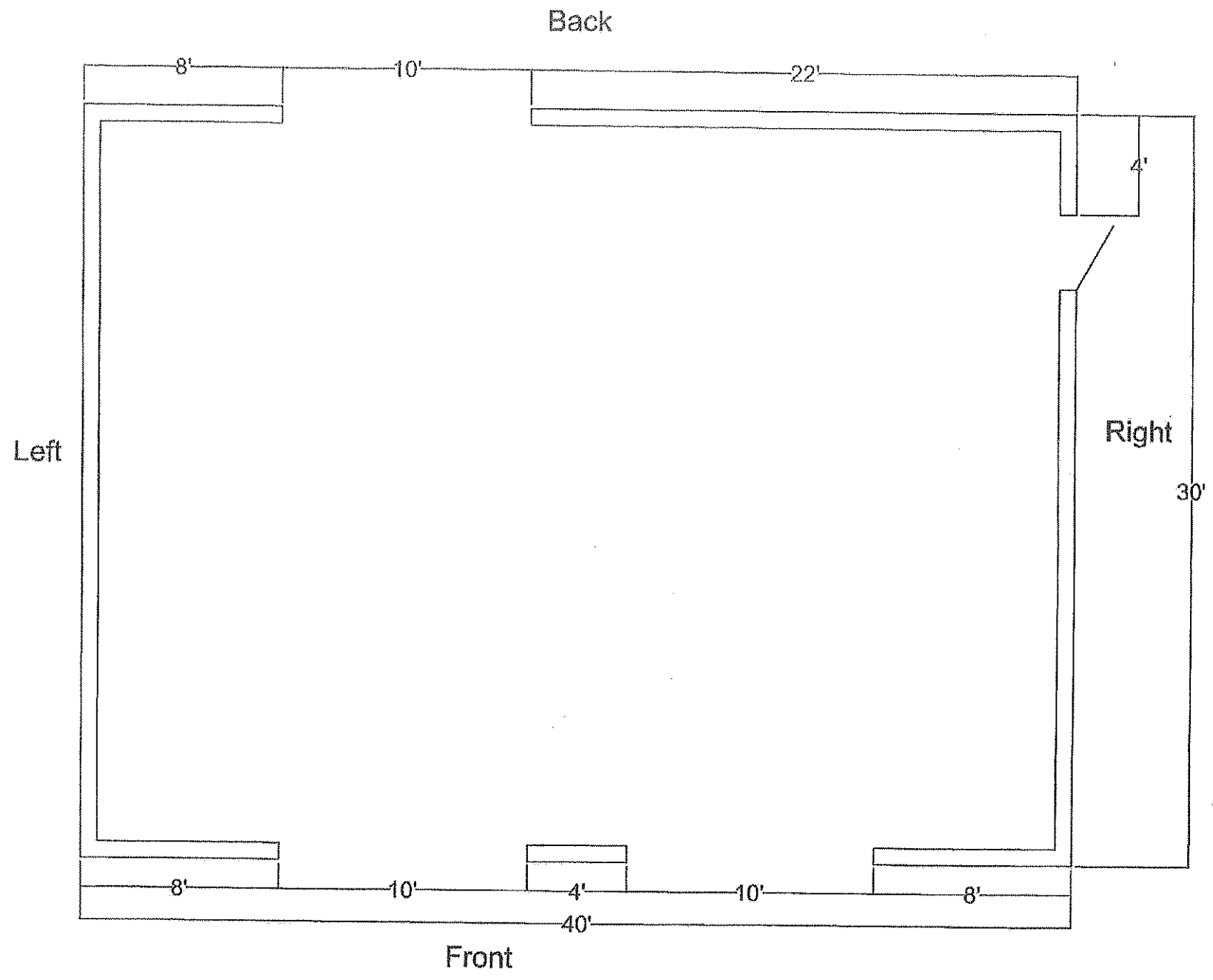
WILL YOU HAVE A REPRESENTATIVE OTHER THAN YOURSELF?

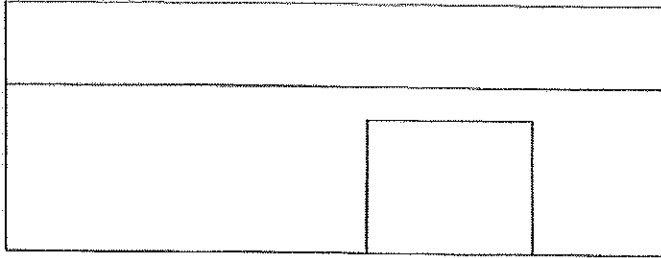
Yes No N/A
(Name and Title)

Lot Area +/-16,500sf
Existing House (including garage, porch & deck) +/-1,859sf
Proposed Garage +/-1,200sf
Driveway +/-500sf
Lot Coverage will remain less than 25%

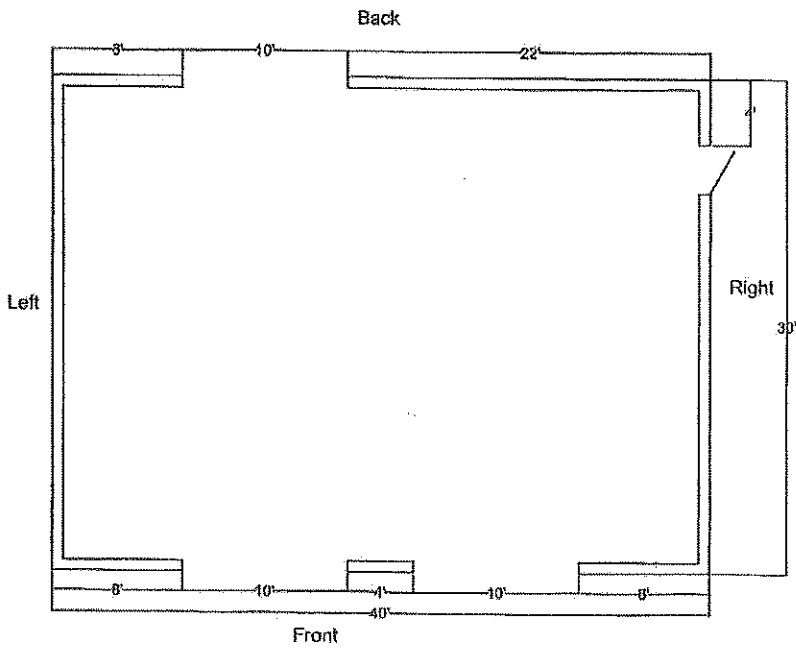


7 Deneise St.

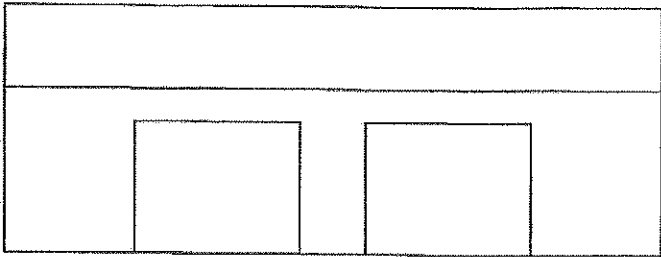




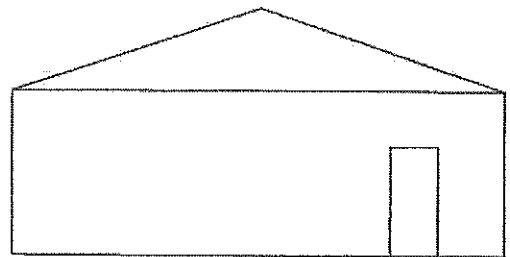
Back View



Front



Front View



Right Side View

7 DENEISE ST

Location 7 DENEISE ST Mblu 039/ 002/ 004/ /
 Acct# 2822 Owner TETRAULT DENNIS R & WENDY J
 Assessment \$288,500 Appraisal \$288,500
 PID 2476 Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2021	\$172,400	\$116,100	\$288,500
Assessment			
Valuation Year	Improvements	Land	Total
2021	\$172,400	\$116,100	\$288,500

Owner of Record

Owner TETRAULT DENNIS R & WENDY J Sale Price \$105,000
 Co-Owner Certificate 1
 Address 7 DENEISE ST Book & Page 14652/ 152
 LAKEVILLE, MA 02347 Sale Date 09/13/1996
 Instrument 00

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
TETRAULT DENNIS R & WENDY J	\$105,000	1	14652/ 152	00	09/13/1996
OSTLER EDWARD A (LFE EST)	\$0	0	8601/ 287	1F	11/01/1988

Building Information

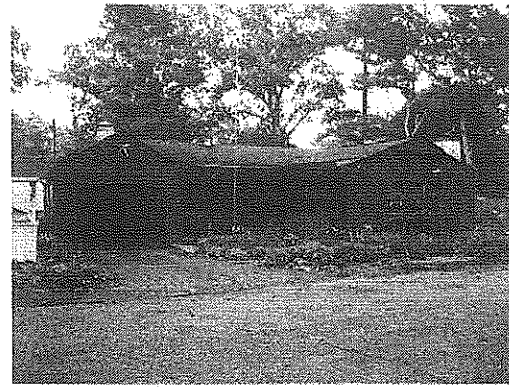
Building 1 : Section 1

Year Built: 1951
 Living Area: 1,213
 Replacement Cost: \$225,634
 Building Percent Good: 75
 Replacement Cost
 Less Depreciation: \$169,200

Building Photo

Building Attributes

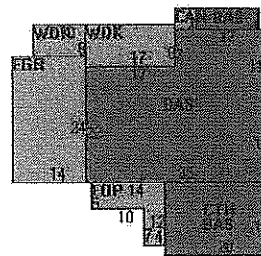
Field	Description
Style	Ranch
Model	Residential
Grade:	100
Stories:	1
Occupancy	1
Exterior Wall 1	Clapboard
Exterior Wall 2	Wood Shingle
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	Carpet
Heat Fuel	Oil
Heat Type:	Forced Air-Duc
AC Type:	Central
Total Bedrooms:	2 Bedrooms
Total Bthrms:	1
Total Half Baths:	0
Total Xtra Fixtrs:	0
Total Rooms:	4
Bath Style:	Average
Kitchen Style:	Standard
Basement	3/4 Area



(http://images.vgsi.com/photos/LakevilleMAPphotos/100100154/83.jpg)

Building Layout

UBM[844]



(http://images.vgsi.com/photos/LakevilleMAPphotos/Sketches/2476_2476.j)

Building Sub-Areas (sq ft)			Legend	
Code	Description	Gross Area	Living Area	
BAS	First Floor	1,213	1,213	
CAN	Canopy	16	0	
CTH	Cathedral Ceiling	280	0	
FGR	Garage, Attached	336	0	
FOP	Porch, Open, Finished	98	0	
UBM	Basement, Unfinished	844	0	
WOK	Deck	196	0	
		2,983	1,213	

< [http://gis.vgsi.com/lakevillema/Parcel.aspx?Pid=2476](#) >

Extra Features

Extra Features					Legend
Code	Description	Size	Value	Bldg #	
FPL1	FIREPLACE 1 ST	1 UNITS	\$1,800		1

Land

Land Use

Land Line Valuation

Use Code	1010	Size (Acres)	0.38
Description	Single Fam	Frontage	
Zone		Depth	
Neighborhood	160	Assessed Value	\$116,100
Alt Land Appr	No	Appraised Value	\$116,100
Category			

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
SHD1	SHED FRAME			108 S.F.	\$600	1
PAT1	PATIO-AVG			400 S.F.	\$600	1
PAT1	PATIO-AVG			64 S.F.	\$200	1

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2021	\$172,400	\$116,100	\$288,500
2020	\$162,000	\$112,800	\$274,800
2019	\$150,300	\$108,500	\$258,800

Assessment			
Valuation Year	Improvements	Land	Total
2021	\$172,400	\$116,100	\$288,500
2020	\$162,000	\$112,800	\$274,800
2019	\$150,300	\$108,500	\$258,800

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(TOWN OF LAKEVILLE SEAL)

The LAKEVILLE ZONING BOARD OF APPEALS, acting in accordance with MASS GENERAL LAWS CHAPTER 40A, as amended, will conduct a public hearing on THURSDAY, April 15, 2021, at 7:00 P.M. to hear the petition of **Dustin C. Moore**. A **Special Permit** under **6.1.3** and **7.4.6** is requested to raze and rebuild a single-family dwelling on a pre-existing, non-conforming lot, as provided by the Lakeville By-Laws. The property site is **6 Sandy Point Road**.

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

John Olivieri, Jr., Chairman

April 1, 2021 & April 8, 2021

Cathy Murray, Appeals Board Clerk

From: Edward Cullen
Sent: Monday, April 12, 2021 3:37 PM
To: Cathy Murray, Appeals Board Clerk
Subject: BOH comments meeting 4/12/21

Cathy

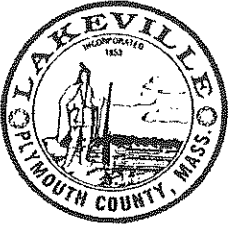
The Board of Health has the comments for the following properties.

1. **Twisted Growers** – The applicant would have to comply with Lakeville regulations concerning commercial kitchens, and undergo an inspection prior to commencement of manufacturing operation.
2. **7 Denise Street** – The Board of Health has no objections to the garage, as long as it is greater than 10 ft away from the septic field, and is on a slab.
3. **6 Sandy Point Rd** – the property currently has a deed restriction on the house stating “ Dwelling will remain a two bedroom dwelling with no increase in flow to the septic system and no further expansion”. Thus if the proposed house is any larger than the existing house, it would not be allowed. Also a title 5 inspection must be done if the applicant wishes to reuse the existing septic system
4. **11 Charbonneau Avenue** – A title 5 inspection must be done prior to any building permit being issued. Also the room above the garage can not be converted into a bedroom, nor can it be heated.

If you have any questions concerning the above comments, please let me know.

Edward Cullen
Board of Health Agent
Town of Lakeville
346 Bedford Street
Lakeville, MA 02347
Tel. 508-946-3473





Town of Lakeville

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

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

MEMORANDUM

TO: Board of Appeals

FROM: Planning Board

DATE: April 13, 2021

SUBJECT: Petition Review for Moore – 6 Sandy Point Road

At their Thursday, April 8, 2021, meeting, the Planning Board reviewed the above referenced Petition for Hearing from the Board of Appeals. The Board had no comments regarding this petition.

Petition to be
filed with Town Clerk

EXHIBIT "A"

TOWN OF LAKEVILLE
MASSACHUSETTS

ZONING BOARD OF APPEALS
PETITION FOR HEARING

Name of Petitioner: Dustin C. Moore

Mailing Address: 6 Sandy Point Road, Lakeville, MA 02347

Name of Property Owner: Dustin C. Moore

Location of Property: 6 Sandy Point Road, Lakeville, MA 02347

Property is located in a residential business industrial (zone)

Registry of Deeds: Book No. 45126 Page No. 272

Map 039 Block 005 Lot 002

Petitioner is: owner tenant licensee prospective purchaser

Nature of Relief Sought:

Special Permit under Section (s) 6.1.3 & 7.4.6 of the Zoning Bylaws

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

Appeal from Decision of the Building Inspector/Zoning Enforcement Officer

Date of Denial _____

Brief to the Board: (See instructions on reverse side – use additional paper if necessary.)
I respectfully request a Special Permit to raze and rebuild a single family dwelling on a pre-existing non-conforming lot as provided under 6.1.3 and 7.4.6 of the Town of Lakeville By-Law.

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: Dustin C. Moore

Date: March 17, 2021

Signed: 

Telephone: 508-525-9411

Owner Signature: N/A
(If not petitioner)

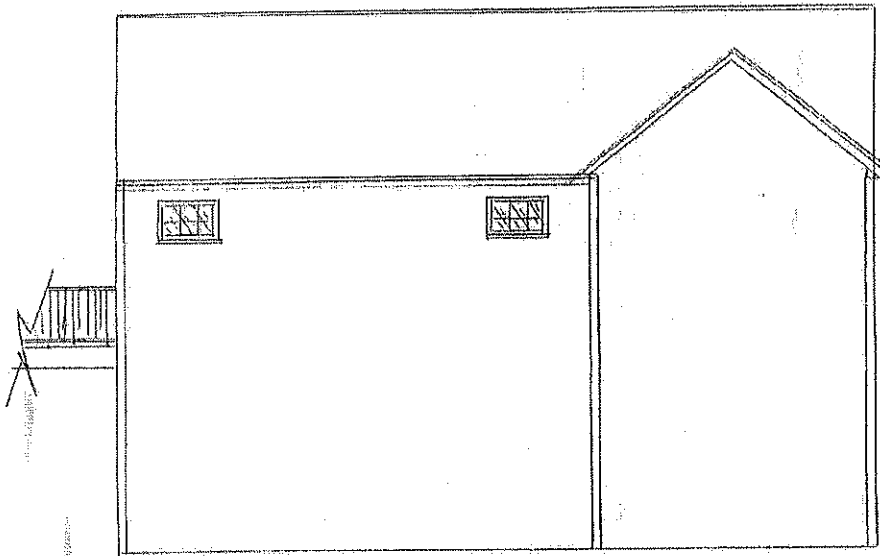
Owner Telephone: N/A

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

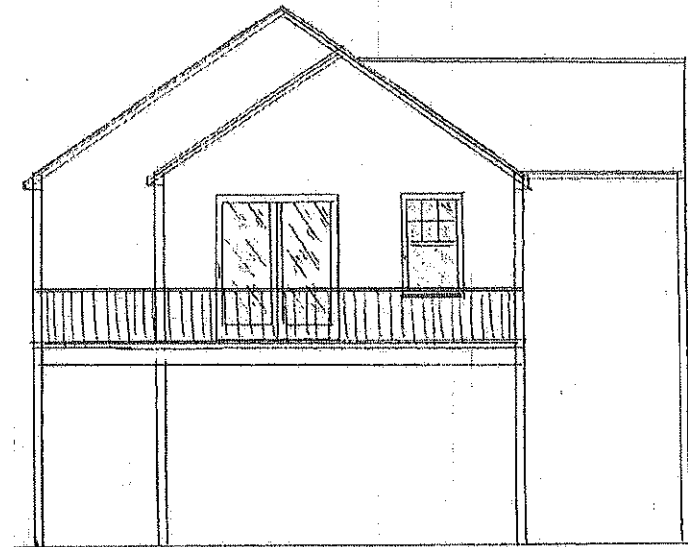
WILL YOU HAVE A REPRESENTATIVE OTHER THAN YOURSELF?

Yes No

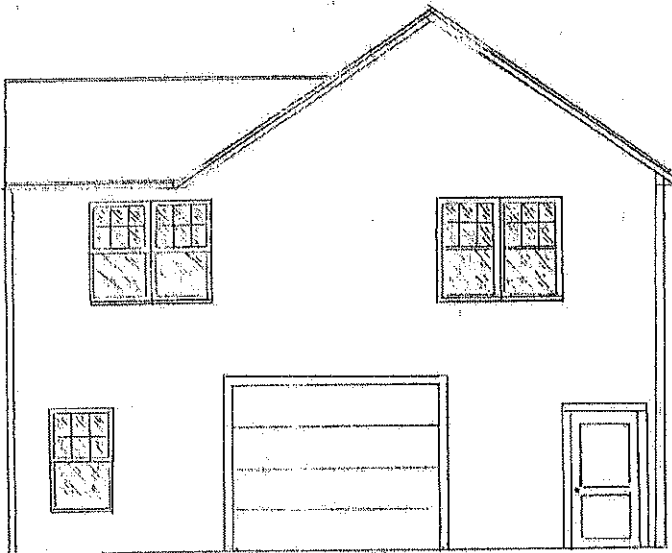
N/A
(Name and Title)



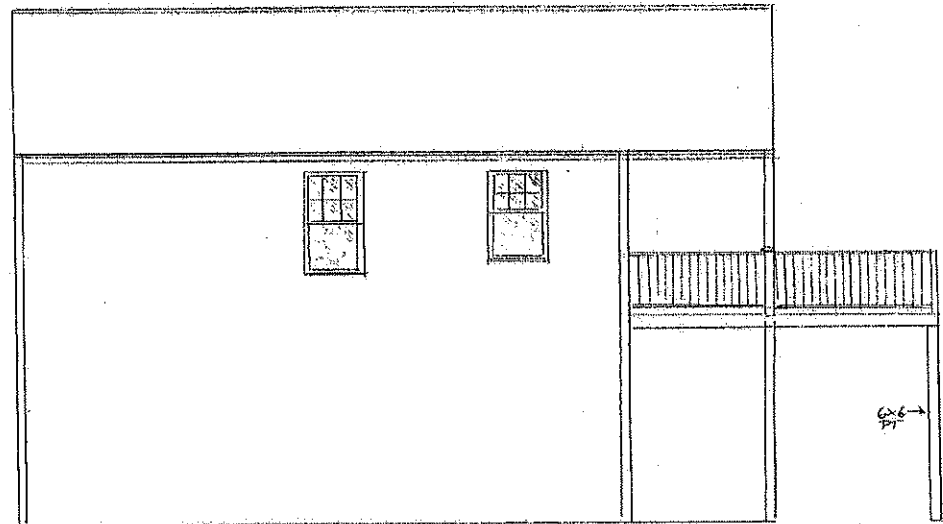
LEFT ELEVATION



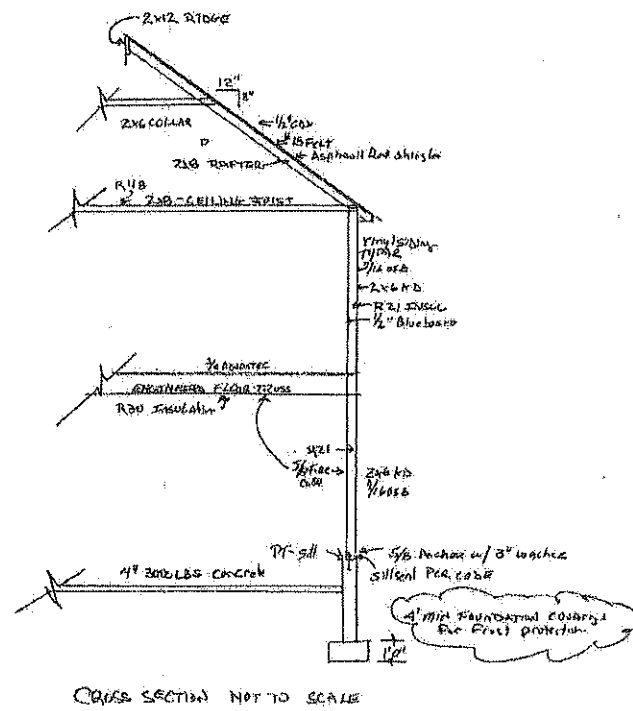
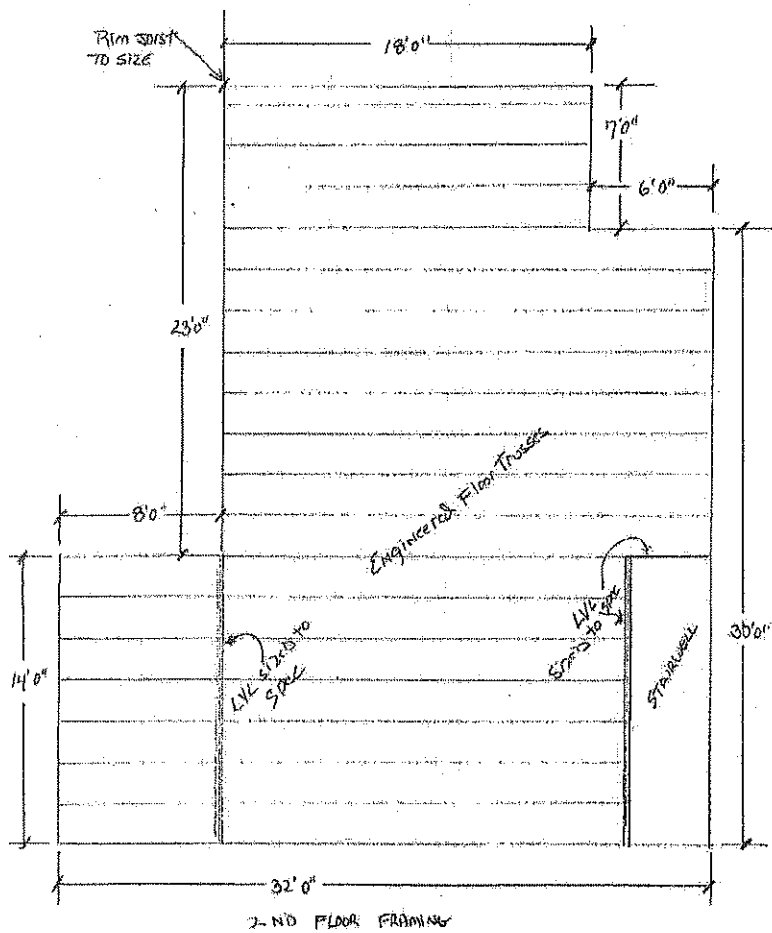
REAR ELEVATION



FRONT ELEVATION



RIGHT ELEVATION



6 SANDY POINT RD

Location 6 SANDY POINT RD

Mblu 039/ 005/ 002/ 1

Acct# 2770

Owner MOORE DUSTIN C

Assessment \$232,500

Appraisal \$232,500

PID 2495

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2021	\$118,800	\$113,700	\$232,500
Assessment			
Valuation Year	Improvements	Land	Total
2021	\$118,800	\$113,700	\$232,500

Owner of Record

Owner MOORE DUSTIN C
 Co-Owner
 Address 6 SANDY POINT RD
 LAKEVILLE, MA 02347

Sale Price \$155,000
 Certificate
 Book & Page 45126/ 272
 Sale Date 01/08/2015
 Instrument 00

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
MOORE DUSTIN C	\$155,000		45126/ 272	00	01/08/2015
SCANLON DEBORAH L	\$91,000	1	12767/ 104	00	03/30/1994
RODGERS MICHAEL S & NATA	\$105,000	0	9676/ 53	00	03/30/1990
ALLAIN DAVID A & NANCY L	\$35,500	0	5702/ 325	00	07/12/1984

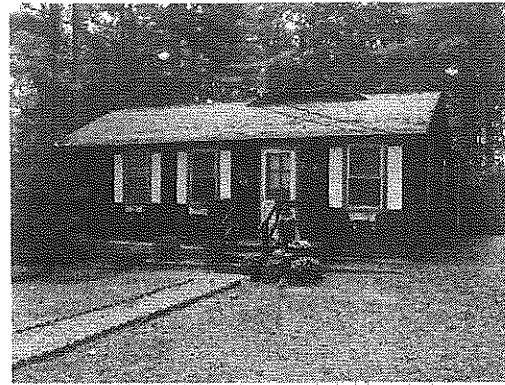
Building Information

Building 1 : Section 1

Year Built: 1940
 Living Area: 866
 Replacement Cost: \$161,901
 Building Percent Good: 73
 Replacement Cost
 Less Depreciation: \$118,200

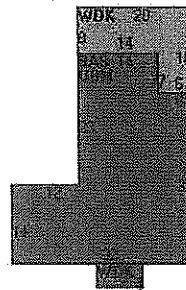
Building Photo

Building Attributes	
Field	Description
Style	Ranch
Model	Residential
Grade:	90
Stories:	1
Occupancy	1
Exterior Wall 1	Wood Shingle
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Carpet
Interior Flr 2	
Heat Fuel	Oil
Heat Type:	Forced Air-Duc
AC Type:	None
Total Bedrooms:	
Total Bthrms:	1
Total Half Baths:	0
Total Xtra Fixtrs:	0
Total Rooms:	
Bath Style:	
Kitchen Style:	
Basement	No Bsmt



(http://images.vgsi.com/photos/LakevilleMAPPhotos/0000019/52.JPG)

Building Layout



(http://images.vgsi.com/photos/LakevilleMAPPhotos/Sketches/2495_2495.j)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	866	866
UBM	Basement, Unfinished	866	0
WDK	Deck	234	0
		1,966	866

< [Navigation icons] >

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use

Use Code 1010
 Description Single Fam
 Zone
 Neighborhood 160
 Alt Land Appr No
 Category

Land Line Valuation

Size (Acres) 0.27
 Frontage
 Depth
 Assessed Value \$113,700
 Appraised Value \$113,700

Outbuildings

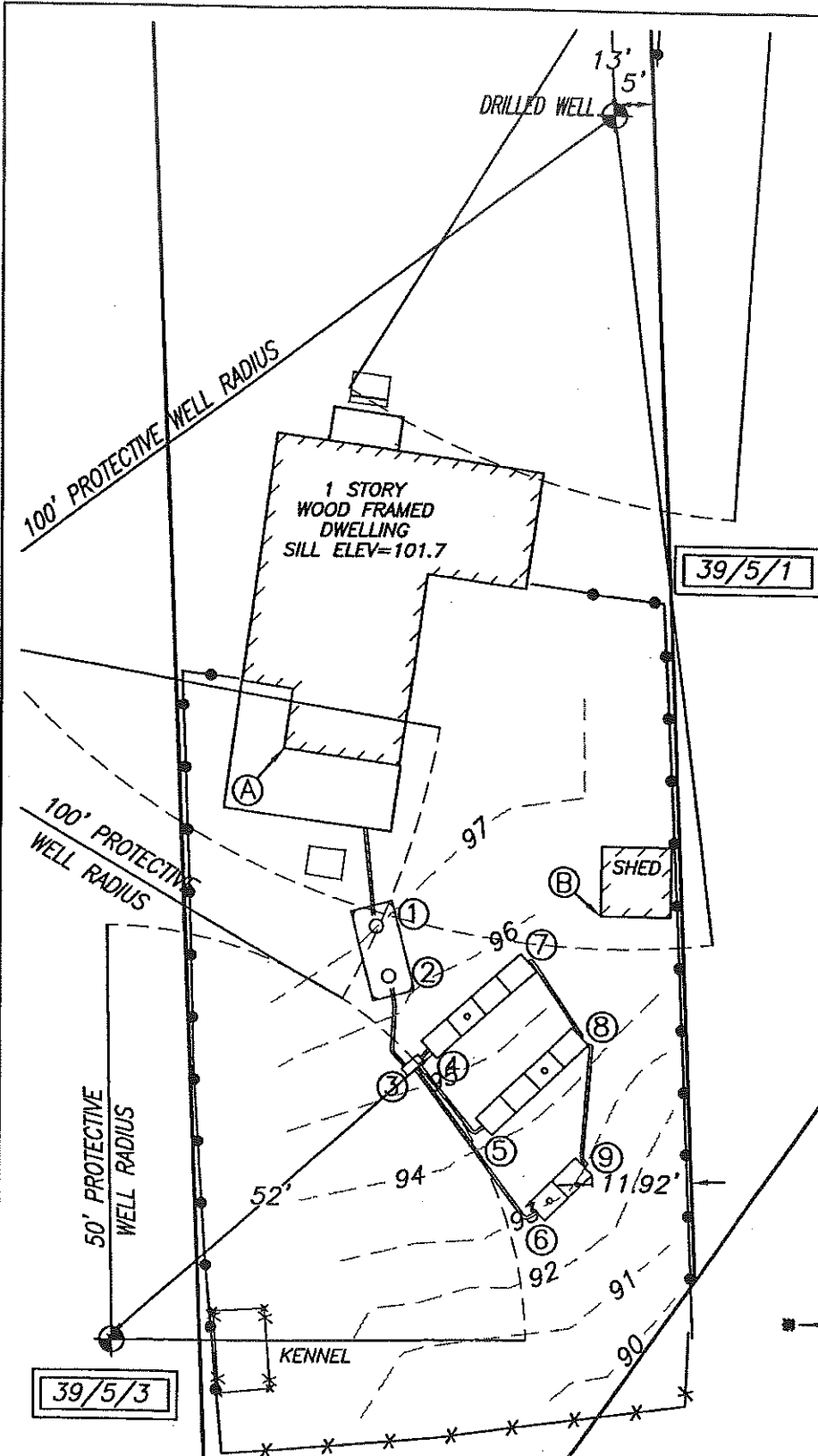
Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
SHD1	SHED FRAME			64 S.F.	\$600	1

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2021	\$118,800	\$113,700	\$232,500
2020	\$111,500	\$110,400	\$221,900
2019	\$103,300	\$106,100	\$209,400

Assessment			
Valuation Year	Improvements	Land	Total
2021	\$118,800	\$113,700	\$232,500
2020	\$111,500	\$110,400	\$221,900
2019	\$103,300	\$106,100	\$209,400

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DEED RESTRICTION:

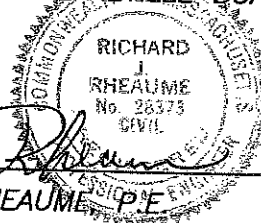
IN ACCORDANCE WITH 310 CMR 15.203, A DEED RESTRICTION DEVELOPED BY THE DEPARTMENT IS REQUIRED, LIMITING THE DWELLING TO TWO BEDROOMS AS DEFINED IN 310 CMR 15.002.

REQUEST FOR BOARD OF HEALTH UPGRADE APPROVAL:

1. A LOCAL UPGRADE APPROVAL FROM SECTION 15.223(1)(A) IN NO CASE SHALL THE EFFECTIVE LIQUID CAPACITY OF THE TANK AS MEASURED BELOW THE OUTLET INVERT ELEVATION BE LESS THAN 1,500 GALLONS. PER SECTION 15.404(2)(A) A SEPTIC TANK WITH AN EFFECTIVE LIQUID CAPACITY PROVIDING NO LESS THAN 24 HOURS OF RETENTION TIME OR 1000 GALLONS, WHICHEVER IS GREATER, SHALL BE PROVIDED. A REQUEST FOR APPROVAL FOR A 1,060 GALLON TANK IS REQUESTED.
2. A LOCAL UPGRADE APPROVAL FROM SECTION 15.211(1) REQUIRING A 100' SETBACK FROM A PRIVATE WATER SUPPLY WELL TO A SOIL ABSORPTION SYSTEM. PER SECTION 15.405(1)(G) A REDUCTION FROM 100' TO 52' IS REQUESTED FOR MAP 39 BLOCK 5 LOT 3 ON SANDY POINT RD.
3. A VARIANCE FROM THE LAKEVILLE BOARD OF HEALTH REGULATION THAT REQUIRES 150' SEPARATION FROM A SHALLOW WELL TO A SOIL ABSORPTION SYSTEM FOR MAP 39 BLOCK 5 LOT 3 SANDY POINT RD. A REDUCTION FROM 150' TO 52' IS REQUESTED.
4. A VARIANCE TO ALLOW THE PROPOSED WELL TO BE 5' AND 13' FROM THE EXISTING PROPERTY LINES AS SHOWN IS REQUESTED.

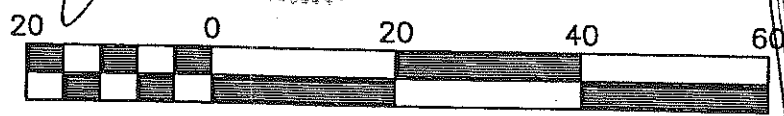
DESCRIPTION	PROPOSED ELEVATION	AS-BUILT ELEVATION
4" INV. AT BUILDING	EXISTING	95.76'
4" INV. AT SEPTIC TANK (IN) (1)	93.51'	94.82'
4" INV. AT SEPTIC TANK (OUT) (2)	93.26'	94.55'
4" INV. AT D-BOX (IN) (3)	93.14'	93.04'
4" INV. AT D-BOX (OUT)	92.97'	92.90'
4" INV. AT INFILTRATOR (IN) (4)	92.92'	92.86'
4" INV. AT INFILTRATOR BOTTOM	92.00'	91.94'
4" INV. AT INFILTRATOR (IN) (5)	91.92'	92.09'
4" INV. AT INFILTRATOR BOTTOM	91.00'	91.17'
4" INV. AT INFILTRATOR (IN) (6)	90.92'	90.92'
4" INV. AT INFILTRATOR BOTTOM	90.00'	90.00'

I, RICHARD J. RHEAUME, P.E. OF PRIME ENGINEERING, INC., HEREBY CERTIFY THAT THE SUBSURFACE DISPOSAL SYSTEM HAS BEEN CONSTRUCTED IN COMPLIANCE WITH 310 CMR 15.000, THE APPROVED DESIGN PLANS AND ALL LOCAL REQUIREMENTS AND THAT ANY CHANGES TO THE DESIGN PLANS HAVE BEEN REFLECTED ON THE AS-BUILT WHICH IS HEREBY BEING SUBMITTED TO THE LAKEVILLE BOARD OF HEALTH.

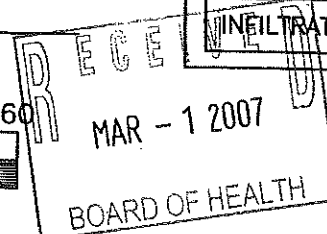


Richard J. Rheaume
RICHARD J. RHEAUME, P.E.

3/1/07
DATE



Scale 1" = 20'



DESCRIPTION	I.D.	FROM (A)	FROM (B)
TANK COVER	1	24.0'	27.0'
TANK COVER	2	30.2'	26.5'
D-BOX	3	41.1'	29.1'
INFILTRATOR END	4	40.2'	26.4'
INFILTRATOR END	5	51.5'	29.2'
INFILTRATOR END	6	63.5'	36.7'
INFILTRATOR END	7	39.2'	10.3'
INFILTRATOR END	8	49.5'	14.6'
INFILTRATOR END	9	61.7'	30.3'

REVISED

39-52

DRAWN BY: JLB PROJECT :
 DATE: 2/6/07 REV. DATE: 3/1/07 (FINAL TOPO & NOTES)
 APPROVED: RJR
 DRAWING : O:\PROJECT\LAKEVILLE\SANDY POINT ROAD\SEPTIC AS-BUILT.DWG

PRIME ENGINEERING, INC.
 CIVIL ENGINEERING—LAND SURVEYING—ENVIRONMENTAL ASSESSMENT
 P.O. BOX 1088, 350 BEDFORD STREET, LAKEVILLE, MA 02347
 TEL: (508) 947-0050 FAX: (508) 947-2004

PROJECT:
 6 SANDY POINT ROAD
 LAKEVILLE, MA

SHT. NAME:
 SEPTIC AS-BUILT
 WILL COPY

(TOWN OF LAKEVILLE SEAL)

The LAKEVILLE ZONING BOARD OF APPEALS, acting in accordance with MASS GENERAL LAWS CHAPTER 40A, as amended, will conduct a public hearing on THURSDAY, April 15, 2021, at 7:00 P.M. to hear the petition of **Christine Lech-Goulart**. A **Special Permit** under **6.1.3** and **7.4.6** is requested to connect an existing single-family home to an existing garage on a pre-existing, non-conforming lot, as provided by the Lakeville By-Laws. The property site is **11 Charbonneau Avenue**.

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

John Olivieri, Jr., Chairman

April 1, 2021 & April 8, 2021

Cathy Murray, Appeals Board Clerk

From: Edward Cullen
Sent: Monday, April 12, 2021 3:37 PM
To: Cathy Murray, Appeals Board Clerk
Subject: BOH comments meeting 4/12/21

Cathy

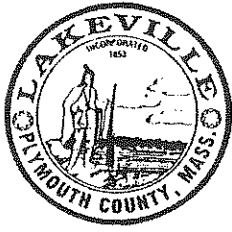
The Board of Health has the comments for the following properties.

1. **Twisted Growers** – The applicant would have to comply with Lakeville regulations concerning commercial kitchens, and undergo an inspection prior to commencement of manufacturing operation.
2. **7 Denise Street** – The Board of Health has no objections to the garage, as long as it is greater than 10 ft away from the septic field, and is on a slab.
3. **6 Sandy Point Rd** – the property currently has a deed restriction on the house stating “ Dwelling will remain a two bedroom dwelling with no increase in flow to the septic system and no further expansion”. Thus if the proposed house is any larger than the existing house, it would not be allowed. Also a title 5 inspection must be done if the applicant wishes to reuse the existing septic system
4. **11 Charbonneau Avenue** – A title 5 inspection must be done prior to any building permit being issued. Also the room above the garage can not be converted into a bedroom, nor can it be heated.

If you have any questions concerning the above comments, please let me know.

Edward Cullen
Board of Health Agent
Town of Lakeville
346 Bedford Street
Lakeville, MA 02347
Tel. 508-946-3473





Town of Lakeville

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

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

MEMORANDUM

TO: Board of Appeals

FROM: Planning Board

DATE: April 13, 2021

SUBJECT: Petition Review for Lech-Goulart – 11 Charbonneau Avenue

At their Thursday, April 8, 2021, meeting, the Planning Board reviewed the above referenced Petition for Hearing from the Board of Appeals. The Board had no comments regarding this petition.

Petition to be
filed with Town Clerk

EXHIBIT "A"

TOWN OF LAKEVILLE
MASSACHUSETTS

ZONING BOARD OF APPEALS
PETITION FOR HEARING

Name of Petitioner: Christine Lech-Goulart

Mailing Address: 11 Charbonneau Avenue, Lakeville, MA 02347

Name of Property Owner: Joseph W. Lech Jr. Trust

Location of Property: 11 Charbonneau Avenue, Lakeville, MA 02347

Property is located in a residential business industrial (zone)

Registry of Deeds: Book No. 50620 Page No. 232

Map 036 Block 002 Lot 015

Petitioner is: owner tenant licensee prospective purchaser

Nature of Relief Sought:

Special Permit under Section (s) 6.1.3 & 7.4.6 of the Zoning Bylaws

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

Appeal from Decision of the Building Inspector/Zoning Enforcement Officer

Date of Denial _____

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

I respectfully request a Special Permit to connect an existing single family home to an existing garage as shown on the plans submitted before you, on a pre-existing non-conforming lot, as provided under 6.1.3 and 7.4.6 of the Town of Lakeville Zoning By-Law.

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: Christine Lech-Goulart Date: March 18, 2021

Signed: Christine Lech-Goulart Telephone: 508-965-9682

Owner Signature: N/A Owner Telephone: N/A

(If not petitioner)

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

WILL YOU HAVE A REPRESENTATIVE OTHER THAN YOURSELF?

Yes No N/A

(Name and Title)



DATE: OCTOBER 03, 1990

X 56.08 SPOT ELEVATIONS

SCALE 1" = 20'

LONG X 52.08' POND

SHOBE LINE = 90

RETAINING WALL

PARCEL "C" 6590 S.F.
COMBILIED AREA 8750 #

SHOWN AS LOT #15 ASSESSORS
MAP. 36

SHED

APPROX. WELL SITE

WELL

WELL

N 29-15 E
90 ±

LAKEVILLE
FREETOWN

EXISTING GARAGE
24' x 30'

EXISTING HOME
28' x 30'

BENCHMARK
TOP STAIR

EL. 58.28' MEAN SEA LEVEL.

X 57.7

PARCEL D
2160 #

EXISTING SEPTIC SYSTEM

TEST PIT

100' WELL RADIUS

100' WELL RADIUS

CHARBONNEAU AVENUE

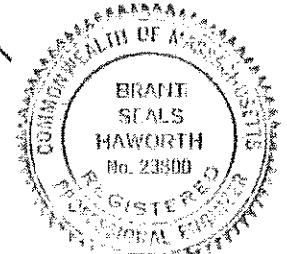
PERCOLATION TESTING

DATE: JAN 18, 1989

INSP: MERRILL NORTON

RESULTS:

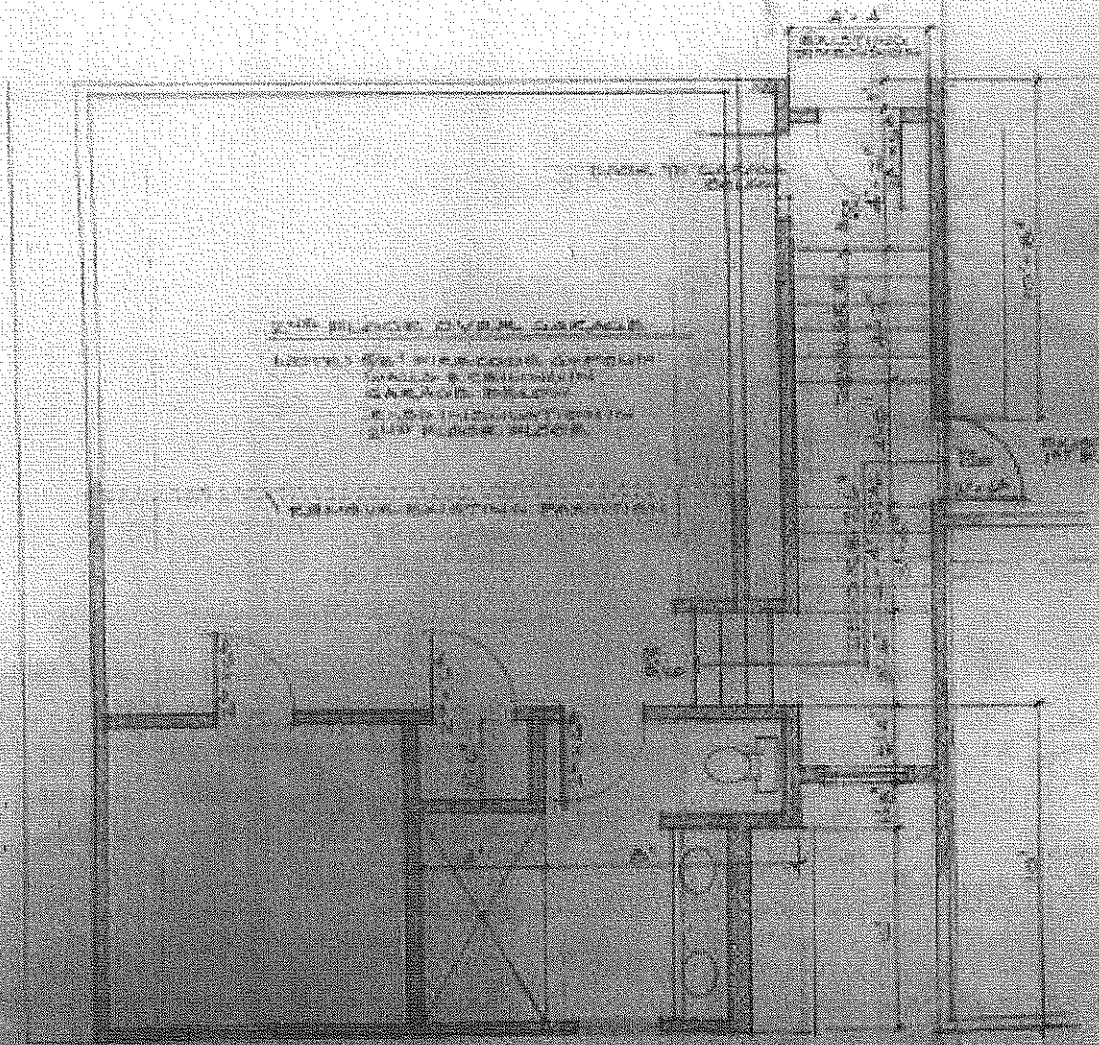
- 0-6" LOAM
- 6"-5' SUBSOIL
- 5-7' BONEY GRAVEL
- 7-10' SAND
- WATER AT 5'



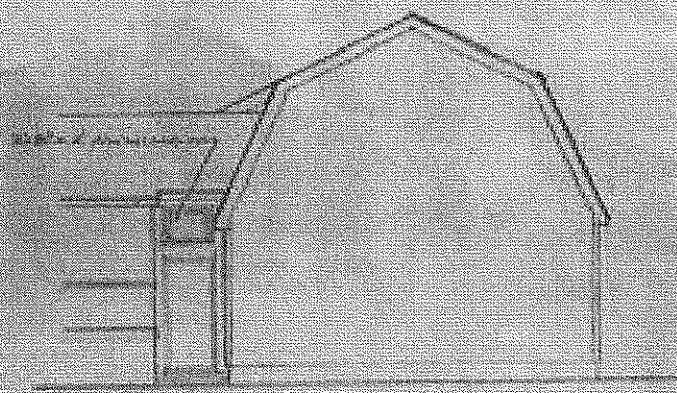
Brant Haworth

BRANT S. HAWORTH ASSOC.
30X64, TAUNTON, MA. 02780 TEL #947-1090

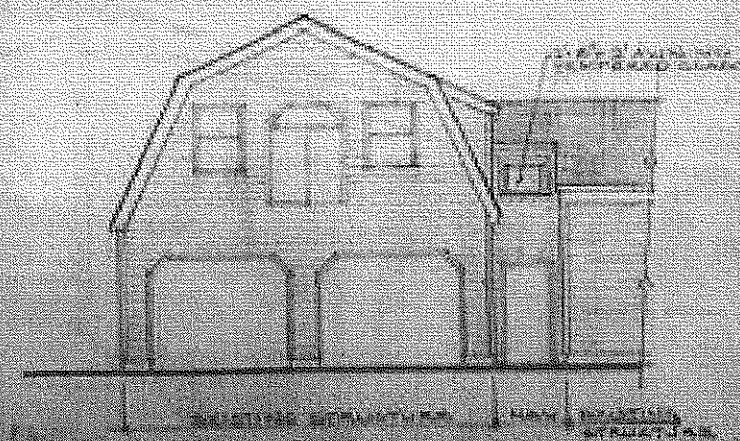
WELL



THIS PROJECT CIVIL GARAGE
 LIVING ROOM
 KITCHEN
 BATH
 HALL



BACK ELEVATION
 1/8" = 1'-0"



FRONT ELEVATION
 1/8" = 1'-0"

CONCRETE FOUNDATION
 4" REINFORCED CONCRETE
 12" WALLS
 2" ROOFING

11 CHARBONNEAU AV

Location 11 CHARBONNEAU AV

Mblu 036/ 002/ 015/ /

Acct# 3084

Owner LECH JOSEPH W JR

Assessment \$440,200

Appraisal \$440,200

PID 2380

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2021	\$140,800	\$299,400	\$440,200

Assessment			
Valuation Year	Improvements	Land	Total
2021	\$140,800	\$299,400	\$440,200

Owner of Record

Owner LECH JOSEPH W JR
 Co-Owner JOSEPH W LECH JR TRUST
 Address 11 CHARBONNEAU AV
 LAKEVILLE, MA 02347

Sale Price \$1
 Certificate
 Book & Page 50620/ 232
 Sale Date 12/12/2018
 Instrument 1F

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
LECH JOSEPH W JR	\$1		50620/ 232	1F	12/12/2018
LECH JOSEPH W JR & JEANN	\$0	1	13681/ 271	1F	07/07/1995
JOSEPH W (JR) & JEANNINE	\$0	0	13681/ 271	1F	07/06/1995
LECH JOSEPH W JR & JEANN	\$0	0	3376/ 285	1F	07/05/1987

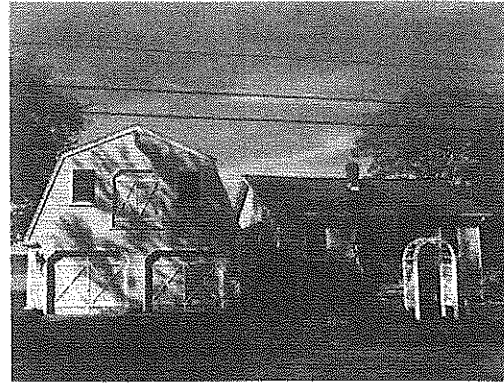
Building Information

Building 1 : Section 1

Year Built: 1945
 Living Area: 840
 Replacement Cost: \$162,133
 Building Percent Good: 75
 Replacement Cost
 Less Depreciation: \$121,600

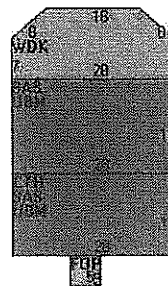
Building Photo

Building Attributes	
Field	Description
Style	Ranch
Model	Residential
Grade:	90
Stories:	1
Occupancy	1
Exterior Wall 1	Wood Shingle
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	
Heat Fuel	Oil
Heat Type:	Hot Water
AC Type:	None
Total Bedrooms:	2 Bedrooms
Total Bthrms:	1
Total Half Baths:	0
Total Xtra Fixtrs:	0
Total Rooms:	4
Bath Style:	Average
Kitchen Style:	Standard
Basement	Area Full



(http://images.vgsi.com/photos/LakevilleMAPhotos/10010018/44.JPG)

Building Layout



(http://images.vgsi.com/photos/LakevilleMAPhotos//Sketches/2380_2380.ji)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	840	840
CTH	Cathedral Ceiling	392	0
FOP	Porch, Open, Finished	25	0
UBM	Basement, Unfinished	840	0
WDK	Deck	306	0
		2,403	840

< ... >

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use

Use Code 1013
 Description Sfr Water
 Zone

Land Line Valuation

Size (Acres) 0.15
 Frontage
 Depth

Neighborhood 345
 Alt Land Appr No
 Category

Assessed Value \$299,400
 Appraised Value \$299,400

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
FSG4	FGR/FUS			720 S.F.	\$18,900	1
SHD1	SHED FRAME			70 S.F.	\$300	1

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2021	\$140,800	\$299,400	\$440,200
2020	\$134,900	\$290,700	\$425,600
2019	\$126,400	\$249,600	\$376,000

Assessment			
Valuation Year	Improvements	Land	Total
2021	\$140,800	\$299,400	\$440,200
2020	\$134,900	\$290,700	\$425,600
2019	\$126,400	\$249,600	\$376,000

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(TOWN OF LAKEVILLE SEAL)

The LAKEVILLE ZONING BOARD OF APPEALS, acting in accordance with MASS GENERAL LAWS CHAPTER 40A, as amended, will conduct a public hearing on THURSDAY, April 15, 2021, at 7:00 P.M. to hear the petition of **Twisted Growers LLC**. They request to modify their **Special Permit** under **7.4.6 (A)** that was granted on January 16, 2020, and filed with the Town Clerk on February 7, 2020 to incorporate Adult Use Marijuana operations on the premises of **415 Millennium Circle**, as provided by the Lakeville By-Laws. The property owner is **D F C of Lakeville 415 LLC**.

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

John Olivieri, Jr., Chairman

April 1, 2021 & April 8, 2021

Cathy Murray, Appeals Board Clerk

From: Edward Cullen
Sent: Monday, April 12, 2021 3:37 PM
To: Cathy Murray, Appeals Board Clerk
Subject: BOH comments meeting 4/12/21

Cathy

The Board of Health has the comments for the following properties.

1. **Twisted Growers** – The applicant would have to comply with Lakeville regulations concerning commercial kitchens, and undergo an inspection prior to commencement of manufacturing operation.
2. **7 Denise Street** – The Board of Health has no objections to the garage, as long as it is greater than 10 ft away from the septic field, and is on a slab.
3. **6 Sandy Point Rd** – the property currently has a deed restriction on the house stating “ Dwelling will remain a two bedroom dwelling with no increase in flow to the septic system and no further expansion”. Thus if the proposed house is any larger than the existing house, it would not be allowed. Also a title 5 inspection must be done if the applicant wishes to reuse the existing septic system
4. **11 Charbonneau Avenue** – A title 5 inspection must be done prior to any building permit being issued. Also the room above the garage can not be converted into a bedroom, nor can it be heated.

If you have any questions concerning the above comments, please let me know.

Edward Cullen
Board of Health Agent
Town of Lakeville
346 Bedford Street
Lakeville, MA 02347
Tel. 508-946-3473





Town of Lakeville

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

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

MEMORANDUM

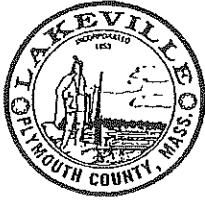
TO: Board of Appeals

FROM: Planning Board

DATE: April 13, 2021

SUBJECT: Petition Review for Twisted Growers – 415 Millennium Circle

At their Thursday, April 8, 2021, meeting, the Planning Board reviewed the above referenced Petition for Hearing from the Board of Appeals. The Board had no comments regarding this petition.



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

Special Permit Application
Petition for hearing
Marijuana Uses only

Name of Petitioner: TWISTED GROWERS LLC

Mailing Address: 415 Millennium Circle, Lakeville, MA 02347

Name of Property Owner: D F C of Lakeville 415 LLC

Location of Property: 415 Millennium Circle, Lakeville, MA 02347

Registry of Deeds: Book No. 45540 Page No. 112

Map 022 Block 001 Lot 003-02

Petitioner is: _____ owner tenant licensee _____ prospective purchaser

Marijuana Use(s) applying for: **AMENDMENT TO EXISTING PERMIT**

- Marijuana Retailer
 - Marijuana Research Facility
 - Independent Testing Laboratory
 - Marijuana Cultivator
 - Registered Marijuana Dispensary (RMD)
 - Craft Marijuana Cooperative
 - Marijuana Product Manufacturer
 - Craft Marijuana Cooperative
 - Marijuana Transporter
 - Microbusiness
- *(Must also complete Tiers of Marijuana Cultivator)

Tiers of Marijuana Cultivator

Each licensee (except a Craft Marijuana Cooperative) may have three licenses, but the total canopy authorized by the licenses added together may not exceed 100,000 square feet.

Please indicate all Tiers that are licensed (L) or are in process (✓) from the Cannabis Control Commission.

- Tier 1-up to 5,000 square feet
- Tier 2-5,001 to 10,000 sq. ft.
- Tier 3-10,001 to 20,000 sq. ft.
- Tier 4-20,001 to 30,000 sq. ft.
- Tier 5-30,001 to 40,000 sq. ft.
- Tier 6-40,001 to 50,000 sq. ft.
- Tier 7-50,001 to 60,000 sq. ft.
- Tier 8-60,001 to 70,000 sq. ft.
- Tier 9-70,001 to 80,000 sq. ft.
- Tier 10-80,001 to 90,000 sq. ft.
- Tier 11-90,001 to 100,000 sq. ft.

Please include a brief to the Board along with all documents required from the attached Special Permit Checklist with your application. Use additional paper if necessary.

Please see the enclosed letter and exhibits.

I HEREBY REQUEST A HEARING BEFORE THE ZONING BOARD OF APPEALS WITH REFERENCE TO THE ABOVE PETITION. ALL OF THE INFORMATION ON THIS PETITION, TO THE BEST OF MY KNOWLEDGE, IS COMPLETE AND ACCURATE AND CONFORMS TO THE REQUIREMENTS OF THE MARIJUANA USES SUBMITTAL CHECKLIST AND THE TOWN OF LAKEVILLE ZONING BY-LAW.

Petitioner: Dominick DeMartino as Manager of Twisted Growers LLC

Date: March 17, 2021

Signed: *Dominick DeMartino*

Telephone: 203-410-7649

Email: dominick@twistedgrowers.com

Owner Signature: *Dominick DeMartino*
(If not petitioner) Dominick DeMartino as Manager of D F C of Lakeville 415 LLC

Owner Telephone: 203-410-7649

WILL YOU HAVE A REPRESENTATIVE OTHER THAN YOURSELF?

Yes No

Attorney Phil Silverman, Counsel, Vicente Sederberg LLP
Name and Title

617-752-7878
Telephone

philsilverman@vicesederberg.com
Email

March 25, 2021

Chair John Olivieri, Jr.
Zoning Board of Appeals
Town of Lakeville
346 Bedford Street
Lakeville, MA 02347

RE: Twisted Growers LLC -

Dear Chair Olivieri:

Please accept this correspondence on behalf of Twisted Growers LLC (“**Twisted Growers**”) in response to feedback received from the Lakeville Zoning Board of Appeals (the “**Board**”) relative to its application to modify its existing Special Permit to operate a Marijuana Establishment at 415 Millennium Circle in Lakeville (the “**Site**”).

1. **Board Feedback:** Please indicate what equipment is proposed as a result of the Product Manufacturing addition.

Twisted Growers Response: Twisted Growers anticipates incorporating the following additional equipment within the manufacturing and packaging rooms of the facility:

- Luna Tech IO Extractor
- Modular C1D1 Room
- Chemical Reactor
- Deep Freeze Standard Chillers
- High Pressure Liquid Chromatography and Gas Chromatography Analyzers
- Vacuum Ovens
- Laboratory Hot Plates / Magnetic Stirrers
- Hydraulic Press
- Hot Water Baths / Hot Bead Baths
- Walk-in Freezer
- Vacuum Pumps
- Fractional Distillation Still
- Roto Evaporator
- Three-Bay Sink
- Closed Vent Lab Hood
- Sanitizing Dishwasher
- Hand Washing Station

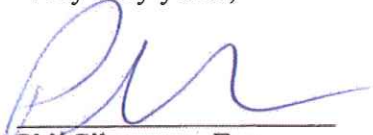
- Eye Washing Station
- Joint Rolling Machine
- Large Chemical Filters

2. **Board Feedback:** Please also indicate if this will affect the hours of operation or the number of employees.

Twisted Growers Response: This will not affect the hours of operation or the number of employees.

Should you seek additional information, please do not hesitate to contact me directly via email at philsilverman@vicentesederberg.com.

Very truly yours,



Phil Silverman, Esq.

PCS/rjr

February 17, 2021

Chairman John Olivieri, Jr.
Lakeville Zoning Board of Appeals
347 Bedford Street
Lakeville, MA 02347

RE: Twisted Growers LLC – Amendment to Zoning Board of Appeals (“ZBA”) Special Permit 20-01

Dear Chairman Olivieri:

Please accept this correspondence on behalf of Twisted Growers LLC (“Twisted Growers”), which obtained a Special Permit from the ZBA on February 7, 2020 to operate an Adult Use Marijuana Cultivator at 415 Millennium Circle in Lakeville (the “Original Permit”). A copy of the Original Permit is attached hereto as **Exhibit A**.

Twisted Growers seeks to amend the Original Permit to incorporate Adult Use Marijuana Product Manufacturing operations on the premises along with the existing permitted Adult Use Marijuana Cultivation operations. Such a modification would be completely contained within the existing scope of the project, including anticipated number of employees, exterior site layout, traffic impact, and odor mitigation. The only proposed modification would be to incorporate a designated manufacturing area within the second floor footprint, demonstrated through the enclosed floor plan attached hereto as **Exhibit B**.

Should you seek additional information, please do not hesitate to contact me directly via email at philsilverman@vicentesederberg.com.

Very truly yours,



Phil Silverman, Esq.

PCS/rjr



Town of Lakeville
Lakeville Town Office Building
346 Bedford Street
Lakeville, Massachusetts 02347

OFFICE OF
ZONING BOARD OF APPEALS
Secretary: Cathy Murray

February 7, 2020

Twisted Growers, LLC
415 Millennium Circle
Lakeville, MA 02347

To Whom it May Concern:

The By-Law requires you to file our decision with the recorder of the Land Court where registered land is involved. Enclosed are the decision packet and a copy of the filing procedure.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald A. Foster".

The Board of Appeals
Donald A. Foster, Chairman

Enclosures:

Decision Packet
Decision Filing Procedure

THE COMMONWEALTH OF MASSACHUSETTS
LAKEVILLE
CITY OR TOWN

ZONING BOARD OF APPEALS

Date Feb. 7, 2020

NOTICE OF SPECIAL PERMIT

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

Notice is hereby given that a Special Permit has been granted

To Twisted Growers, LLC
Owner or Petitioner
Address 415 Millennium Circle
City or Town Lakeville, MA 02347
Identify Land Affected

by the town of Lakeville Board of Appeals affecting the
rights of the owner with respect to the use of the premises on
415 Millennium Circle Lakeville
Street City or Town
the record title standing in the name of
DFC of Lakeville 415, LLC

whose address is 920 South Colony Road Wallingford MA
Street City or Town State

by a deed duly recorded in the Plymouth County Registry of Deeds in
Book 45540, Page 112, Registry District of the Land Court
Certificate No. _____ Book _____ Page _____

The decision of said Board is on file with the papers in Decision or Case No. 20-01,
in the office of the Town Clerk Lillian M. Drane
Certified February 7, 2020.

THE APPEALS BOARD

Daniel R. [Signature] Chairman
[Signature] Clerk

_____ 20 _____ at _____ o'clock and _____ minutes _____ M.

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

Attest

Register of Deeds

Notice to be recorded by Land Owner.

F

Place as First page for Register of Deeds copy

20-01

TOWN OF LAKEVILLE
MASSACHUSETTS

Received

ZONING BOARD OF APPEALS

FEB 07 2020

NOTICE OF DECISION

Lakeville Town Clerk

ON A SPECIAL PERMIT

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

Applicant Date: February 7, 2020

Twisted Growers, LLC Case No: 20-01

Owner Address: 920 South Colony Road

DFC of Lakeville 415, LLC Wallingford, CT 06492

Premises Affected
415 Millennium Circle

Special Permit Application to permit:

An Adult Use Marijuana Cultivator pursuant to Section 7.4.6 of the Zoning Bylaw.

A required public hearing on this application was properly advertised, abutters were properly noticed and a public hearing was opened on November 21, 2019, continued to January 16, 2020 and closed on January 16, 2020.

The Zoning Board of Appeals at its meeting on January 16, 2020 VOTED TO GRANT a Special Permit under Article 7.0 – Special Regulations, Section 7.4.6 – Marijuana Uses of the Zoning Bylaw, subject to the conditions set forth in the Board’s Record of Proceedings.

Decision filed with Town Clerk on February 7, 2020.

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

THE APPEALS BOARD

James M. Swanson
Clerk

TOWN OF LAKEVILLE
MASSACHUSETTS

ZONING BOARD OF APPEALS

RECORD OF PROCEEDINGS

ON APPLICATION FOR A SPECIAL PERMIT

PETITION No. 19-23 DATE FILED October 9, 2019

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

Twisted Growers, LLC of 415 Millennium Circle, Lakeville, MA 02347

(Name and address of Applicant)

for a Special Permit under Section 7.4.6 of the Zoning Bylaw for the siting of an an Adult Use Marijuana Cultivator to be located at 415 Millennium Circle, Lakeville, MA within the Industrial District, in which use requires a Special Permit from the Appeals Board.

1. On October 2, 2019 an application of which a true copy marked "A" is made a part of this record was presented to the Appeals Board.
2. Thereupon, an advertisement, a true copy of which marked "B" is made a part of this record, was published in the Middleboro Gazette a newspaper published in Middleboro, MA on 11/07/19 and on 11/14/19.
3. Notice of the hearing, a copy of which is marked "C" is made a part of this record, were mailed postpaid to the petitioner, abutter, and owners of the land within 300 feet of the property line, being the same persons named in the Assessors certificate which was a part of the petition heretofore referred to and marked "A", and to the Board of Selectmen, Building Inspector, and the planning boards of every abutting municipality.
4. On November 21, 2019 and January 16, 2020, hearings were held at the Lakeville Public Library, 4 Precinct Street, at which opportunity was given to all those interested, those to be heard in favor or opposition to said petition, at which hearing the following individuals were present:

On behalf of the Applicant: Atty. Brian Salisbury, Mr. Jamie Bissonnette, Mr. Scott Baker, Mr. Mitch Suzan, Mr. Derek Stucki, Mr. Dominick Demartino, and Mr. Dennis Karjanis were present.

ZBA Members present:

D. Foster - CH , D. Curtis - VCH ,
J. Olivieri, - CLK , J. Swanson - VCLK ,
J. Gouveia , G. Noble ,
J. Urbanski .

5. Materials submitted as part of this application included the following:
 - a. Zoning Board of Appeals Petition for Hearing, submitted by Twisted Growers, LLC, dated October 2, 2019;
 - b. Legal advertisement as published in the Middleboro Gazette on 11/07/19 and on 11/14/19;
 - c. Tax Collector Form, dated October 2, 2019;
 - d. Certified Abutters List, dated October 8, 2019;
 - e. Site Plans:
 - i. "Site Plan Layout – Sheet 1 of 3", prepared by Zenith Consulting Engineers, LLC, dated February 26, 2019, endorsed by the Planning Board on March 28, 2019;
 - ii. "Landscaping Plan – Sheet 2 of 3", prepared by Zenith Consulting Engineers, LLC, dated February 26, 2019, endorsed by the Planning Board on March 28, 2019;
 - iii. "Detail Plan – Sheet 3 of 3", prepared by Zenith Consulting Engineers, LLC, dated February 26, 2019, endorsed by the Planning Board on March 28, 2019
 - iv. "Office/Warehouse Building, Sheet A-1", prepared by David Elias, dated March 8, 2019;
 - v. "Office/Warehouse Building, Sheet A-2", prepared by David Elias, dated March 7, 2019
 - f. Twisted Growers, LLC's Application to the Cannabis Control Commission;
 - g. Employee Security Policy
 - h. Under 21 Policy and Procedure
 - i. Host Community Agreement executed with the Town, dated April 2, 2019
 - j. Board of Health correspondence of November 21, 2019
 - k. Conservation Commission correspondence of November 13, 2019
 - l. Planning Board correspondence of November 18, 2019

6. Following the hearings the Board found the proposed use as an Adult Use Marijuana Cultivator is in harmony with the general purpose and intent of the Bylaw based on the following findings, pursuant to Section 7.4.1:
 - a. Twisted Growers, LLC seeks to renovate an existing 24,000 s.f. industrial warehouse located at 415 Millennium Circle, Lakeville, Massachusetts (the "Property") and operate an Adult Use Marijuana Cultivation Facility (the "Facility") within the entirety of the warehouse.
 - b. The Property is located within the Industrial Zoning District and currently contains an approximately 24,000 s.f. warehouse occupied by New England Shelving and American Building Systems, Inc.
 - c. Twisted Growers, LLC has applied to the Cannabis Control Commission for a license to operate an adult use marijuana cultivation facility at the property and is seeking a Tier 11 designation, with the intent of expanding its operations in the future.
 - d. Pursuant to Section 4.1.3 and 7.4.6 of the Zoning Bylaw, the use of the Property for an Adult Use Marijuana Cultivator is allowed by Special Permit within the Industrial Zoning District.

- e. The use is not noxious, harmful or hazardous, is socially and economically desirable and will meet an existing or potential need.
- i. The Facility proposes a double wall fiberglass 10,000 gallon wastewater holding tank for the industrial wastewater generated by the Facility. The Facility will buy 2,000 gallons of water per day from the City of Taunton for the Facility's usage.
 - ii. The Facility will not use harmful pesticides on the marijuana products.
 - iii. Water usage will be controlled through micro-irrigation to avoid the production of water run-off and reduce the amount of the Facility's water consumption.
 - iv. The Facility will dispose of liquid waste in accordance with all applicable federal, state and local laws, regulations, rules and other requirements.
 - v. The Facility will dispose of product waste with an industrial chipper machine in accordance with the requirements of the Cannabis Control Commission.
 - vi. Twisted Growers, LLC has proposed industry best management practices to minimize odor emissions by modifying the Facility to be as airtight as possible, placing carbon filtration systems in all building exhaust vents to reduce odor emitted from the facility; placing carbon filtration units at all entrance and exit doors; and replacing all carbon filters regularly to ensure adequate performance. Grow rooms are independent labs that are self-contained, air flow is continuous but contained within the grow-pod to control airborne microorganisms. The grow rooms will include carbon filter and machine called Photox to eliminate all pathogens and assist as back-up for odor control. To control the odor outside the grow rooms, within the Facility's hallways, an oxidative odor elimination process will be utilized.
 - vii. The Facility will operate discretely and will not contain signage identifying its operations as a marijuana cultivator, thereby avoiding undesirable social impacts on the Town.
 - viii. The Facility is not anticipated to produce much noise or traffic within the neighborhood.
 - ix. The Facility will have positive economic and community impacts on the Town by hiring 25 full time, ideally local, employees; giving priority to local business/suppliers/contractors/builders/vendors for its renovation, maintenance and operations; and a part of the Host Community Agreement, Twisted Growers, LLC will provide charitable donations, impact fees and benefit payments to the Town.
 - x. The use will be highly secured with a security system designed and implemented in accordance with the Cannabis Control Commission regulations, subject to the review and approved by the local Police Department. Twisted Growers, LLC will also provide on-site security personnel to monitor operations with two security guards minimum 24 hours per day/ 7 days a week.
 - xi. The Facility has purchased a natural gas generator, which will supply the electricity for one-third of the Facility's operations. Its main purpose will be for the Facility's security cameras and general lighting.
- f. The advantages of the proposed use outweigh any detrimental effects, and such detrimental effects on the neighborhood and the environment will not be greater than could be expected from development, which could occur if the special permit were denied.

- i. The Board finds that the Facility will not present new impacts to the character of the neighborhood and existing natural resources because the Facility will be contained within an existing structure, subject to interior renovations, and the cultivation operations will occur within said structure.
 - ii. The proposed use of the Facility is keeping in kind with the character of the neighborhood, which is currently all industrial uses. The proposed use will be less impactful on the neighborhood because it will produce less noise and less traffic than the existing industrial use of the Property.
 - iii. Twisted Growers, LLC does not intend to expand the footprint of the existing warehouse during renovations.
 - iv. The Board finds that the social, economic and community impacts proposed by the Facility are advantages that outweigh any detrimental effects to the neighborhood an environment.
 - v. Twisted Growers, LLC is proposing beneficial impacts to the neighborhood to mitigate any potential detriments including security measures, back-up generation, energy efficient technologies and odor mitigation measures.
- g. Twisted Growers, LLC has no reasonable alternative available to accomplish this purpose in a manner more compatible with the character of the immediate neighborhood.
 - i. The Board finds that the Facility, an adult use marijuana cultivator, is allowed in the Industrial District by special permit and therefore, the Board has determined that the use is most compatible with the character of the Industrial District and no reasonable alternative is available to accomplish this purpose.
- h. The Special Permit Granting Authority shall determine that the proposal generally conforms to the principals of good engineering, sound planning, and correct land use, and that Twisted Growers, LLC has the means to implement the proposal if a Special Permit is granted.
 - i. The Board finds that Twisted Growers, LLC is required to meet rigorous state regulations and therefore, the proposed use generally conforms to the principal of good engineering, sound planning, and correct land use, and that Twisted Growers, LLC has the means to implement the proposal if the Special Permit is granted.
- i. The Special Permit Granting Authority shall have the power to impose reasonable conditions and modifications, including limitations of time and use, as a condition of a Special Permit, and may secure compliance or performance by requiring the posting of a bond or other safeguards.
 - i. The Board approves this Special Permit subject to the following conditions set forth below.
 - ii. The findings and conditions of the Site Plan Approval received from the Planning Board on March 28, 2019 shall be incorporated into this Special Permit by reference.

The Board reviewed the Site Plan submitted pursuant to Section 7.4.6 of the Zoning Bylaw and made the following findings with respect to the Facility:

- a. Consistent with Section 7.4.6.B, the Board finds that the proposed Facility is not located within 500 feet of a public or private school providing education in kindergarten or grades 1-12.
- b. Consistent with Section 7.4.6.C, the Board finds that the proposed Facility is separated from adjacent uses by at least a 50-foot buffer strip.
- c. Consistent with Section 7.4.6.D, the Board finds that the proposed Facility will be located within a fully enclosed structure.
- d. The floor plans identify the square footage available and describes the functional areas of the Facility.
- e. The site plans demonstrate compliance with the requirements for parking and loading spaces. Since the use is proposed to be located within an existing industrial building for which there will be no new exterior building construction, the Board was not required to address lot size, frontage, yards and heights and coverage of buildings.
- f. The site plans address the convenience and safety of vehicular and pedestrian movement on the site to provide secure and safe access and egress to and from the site and will provide for an adequate arrangement and number of parking and loading spaces in relation to the proposed use of the premises.
- g. The parking configuration, number of parking spaces and loading spaces are adequate in relation to the Facility.
- h. The site design is such that it provides convenient, secure and safe access and egress for clients and employees arriving to and from the site.
- i. The location of this use within a pre-existing building does not raise concerns with respect to the design and appearance of proposed buildings, structures, freestanding signs, screening and landscaping.
- j. There is adequate water supply, surface and subsurface drainage and light for the proposed use.
- k. Subject to the conditions below, Twisted Growers, LLC has provided written operating procedures, in accordance with the requirements of the Cannabis Control Commission and Section 7.4.6.E.3 of the Zoning Bylaw.

7. The Board voted at its meeting on January 16, 2020, as detailed below, to

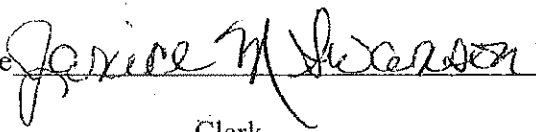
DENY the application based on findings as recorded herein for the following reasons:

X GRANT the application subject to the following conditions:

1. The Application is approved in accordance with the Site Plans identified in Paragraph 5 above, which plans shall be incorporated herein by reference.
2. Given the use of the Facility as a marijuana cultivator, the limited hours of operation as proscribed in Section 7.4.6.F, shall not apply to the Facility. The Facility may operate 24 hours per day, 7 days a week for adult use marijuana cultivation.
3. This Special Permit is limited to the operation of the Facility as an adult use marijuana cultivator and for activities inherent in those authorized uses. This permit does not authorize operation of an adult use marijuana retailer establishment or, the sale of adult recreational marijuana and marijuana products directly to consumers.
4. The Facility shall not generate any outside odors from the cultivation of marijuana at the Facility and if for some reason the proposed HVAC systems are not capable of managing this, the permit holder must address ambient odors. Twisted Growers, LLC shall install and maintain at all times effective odor control technology to prevent the generation of outside odors from the cultivation of marijuana. Twisted Growers, LLC shall ensure proper operation and maintenance of all odor mitigation equipment to ensure maximum efficiency and effectiveness and shall repair and upgrade the air filtration systems, as necessary, to ensure the effectiveness of the odor control technology in meeting the Zoning Bylaw standard for odor mitigation.
5. The Zoning Enforcement Officer, in enforcing the conditions herein, may require additional odor investigation and/or odor mitigation measures or sound investigations and/or sound mitigation measures should concerns and complaints develop about plant odor or sound generation from the facility which are, in the opinion of the Building Commissioner his/her designee, legitimate in nature. Twisted Growers, LLC shall be required to address such issues with Building Commissioner and the Board to its satisfaction.
6. The Security Plan and Emergency Procedures shall be approved by the Police Chief and Fire Chief prior to commencing operations. The permit holder shall be required to certify to Police Chief and Fire Chief on an annual basis, that there are no changes to the Security Plan and Emergency Procedures for the Facility. Any certification shall be copied to the Zoning Enforcement Officer to ensure compliance with this condition.
7. The permit holder shall provide to the Zoning Enforcement Officer and Chief of the Police Department, the name, telephone number and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder.
8. The Facility may not operate, and this Special Permit shall not take effect, until the permit holder has obtained all final license approvals from the Cannabis Control Commission. Prior to commencing operations on the Property to cultivate, process and manufacture marijuana for adult recreational use, Twisted Growers, LLC shall provide the Building Commissioner, Health Agent, Fire Chief, Police Chief and the Board with a copy of the applicable Final License from the Cannabis Control Commission for an adult use Marijuana Cultivator.

9. The permit holder shall be required, at all times, to have a Host Community Agreement with the Town relative to this Facility.
10. The term of this Special Permit shall be limited to the duration of the permit holder's ownership and use of the Property for marijuana cultivation. This Special Permit may only be transferred with the approval of the Zoning Board of Appeals in the form of an amendment to the Special Permit.
11. This Special Permit shall lapse upon the expiration or termination of the permit holder's license by the Cannabis Control Commission.
12. The permit holder shall notify the Zoning Enforcement Officer and Zoning Board of Appeals in writing within 48 hours of the cessation of operation, expiration or termination of the permit holder's license or certificate of registration with the Cannabis Control Commission for any Marijuana Use.
13. The permit holder shall undertake best efforts to employ energy efficient technologies to curb the Facility's energy consumption and provide for more energy efficient practices.
14. Twisted Growers, LLC shall provide an annual report of its operations to the Board and other Town officials no later than January 31st of each year, including a copy of all current state licenses and demonstrating continued compliance with the conditions of this special permit. Any change in ownership of Twisted Growers, LLC or change in management staff and individuals with key access to the Facility shall also be reported within 30 days of such change.
15. Smoking, burning and consumption of marijuana or marijuana infused products on the premises for personal or consumer use is prohibited.

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

Signature 
Clerk

TWISTED GROWERS

415 MILLENNIUM CIRCLE
LAKEVILLE, MA

SCHEMATIC DESIGN

02/01/2020

2WR # D20-280



7430 E. Caley Ave
Suite 280E
Centennial, CO 80111
P. (720) 258-4780
F. (720) 258-4762

TWISTED GROWERS

415 MILLENNIUM CIRCLE
LAKEVILLE, MA

INDEX TO DRAWINGS

GENERAL	ARCHITECTURAL				
T1.1 COVER SHEET T1.3 GENERAL NOTES & LEGENDS T1.4 WALL TYPES	D1.1 FIRST FLOOR DEMOLITION PLAN D1.2 SECOND FLOOR DEMOLITION PLAN A1.1 FIRST FLOOR PLAN A1.2 SECOND FLOOR PLAN A4.1 EXTERIOR ELEVATIONS				

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Checked By: SA
Revisions:

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Sheet Description

COVER SHEET

Sheet Number

T1.1

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ABBREVIATIONS table listing various construction abbreviations and their corresponding symbols.

ARCHITECTURAL SYMBOLS table defining symbols for drawing titles, interior elevations, exterior elevations, sections, column gridlines, elevation points, drawing numbers, center lines, north arrows, slope down directions, room names, room labels, ceiling labels, keynotes, toilet accessories, revisions, wall types, window types, hollow metal frame types, door numbers, and drainage slopes.

GENERAL NOTES section containing 11 numbered notes regarding drawing standards, coordination, and construction requirements.

WALL TYPE GENERAL NOTES section containing 7 numbered notes detailing wall construction, fire ratings, and material requirements.

WALL TAG LEGEND table defining wall tags with core composition, nominal core size, and subtype (e.g., W 4 F-2).

WALL TYPE NOMINAL SIZING table providing core composition and nominal core size for various wall types.



AREA CALCULATIONS table showing existing and proposed total area for the site, building footprint, and levels.

Table showing existing and proposed total area for the site, building footprint, and levels.

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TWISTED GROWERS

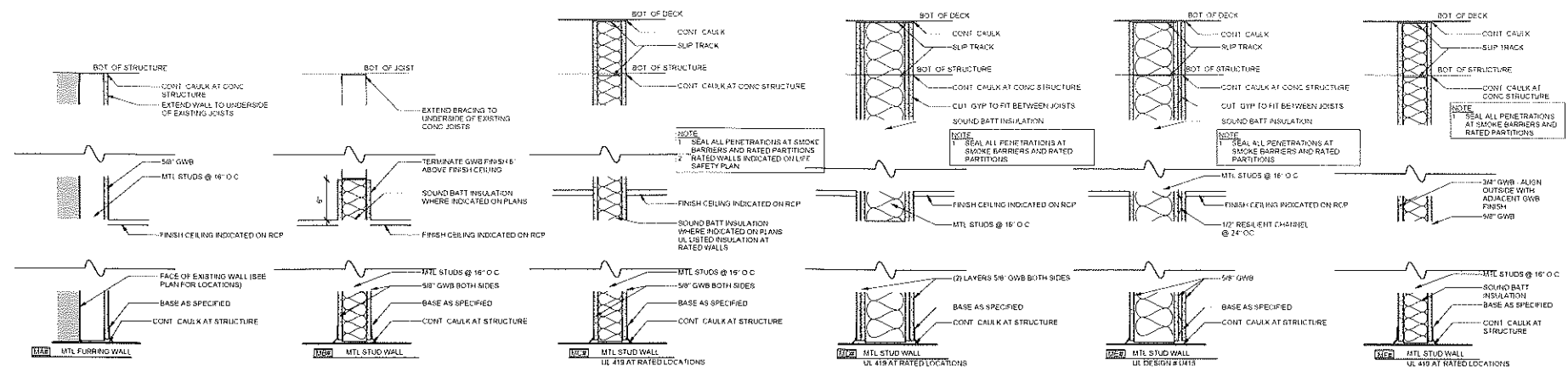
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Project Number: 020-280 Date: 02/01/2020


Sheet Description GENERAL NOTES & LEGENDS T1.3

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1 METAL WALL TYPES
T1.4
SCALE: 1/2" = 1'-0"



11 North Street
Suite 120
Columbus, GA 31901
P. (706) 571-6923
F. (706) 571-6928

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TWISTED GROWERS

415 MILLENNIUM CIRCLE
LAKEVILLE, MA

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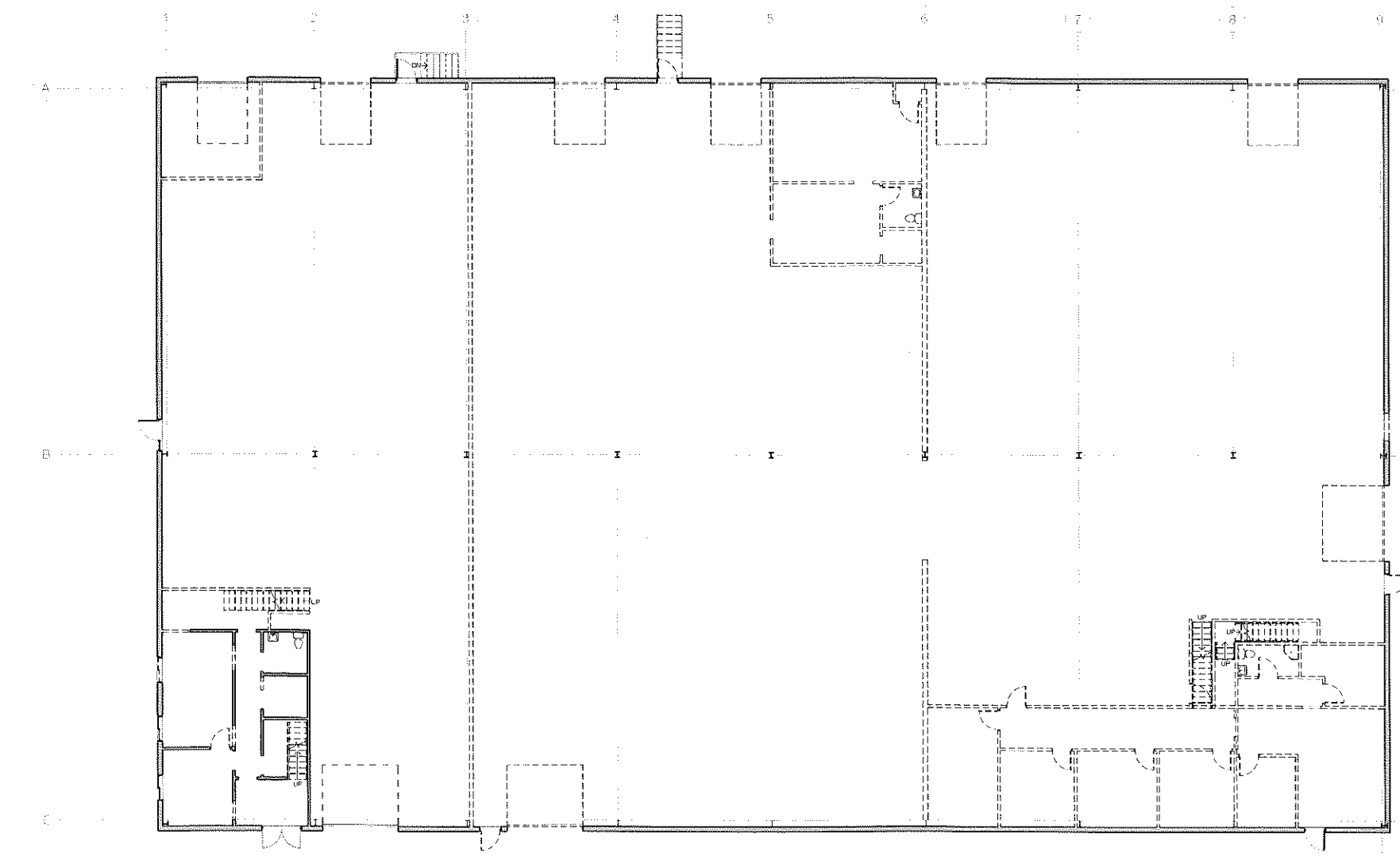
WALL TYPES

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T1.4

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1 DEMO FIRST FLOOR PLAN
 D1.1 SCALE: 1/8" = 1'-0"

DEMO LEGEND




GENERAL DEMOLITION NOTES

1. ALL DEMOLITION WORK SHALL COMPLY WITH THE REQUIREMENTS OF THE 2013 EDITION OF NFPA 704, STANDARD FOR SAFEGUARDING CONSTRUCTION ALTERATION AND DEMOLITION OPERATIONS.
2. CONTRACTOR SHALL COORDINATE SEQUENCE OF DEMOLITION WITH PHASES OF CONSTRUCTION AGREED TO WITH OWNER AND ARCHITECT. COORDINATE ALL DEMOLITION WITH NEW CONSTRUCTION DRAWINGS.
3. THE CONTRACTOR SHALL FILE ALL NECESSARY CERTIFICATES OF INSURANCE. PAY ALL FEES, OBTAIN ALL PERMITS AND PROVIDE ANY AND ALL BONDS REQUIRED BY ANY AGENCY IN ORDER TO DO THE WORK HEREIN DESCRIBED.
4. NO STRUCTURAL ELEMENTS SHALL BE REMOVED UNLESS PORTIONS AFFECTED ARE ADEQUATELY SUPPORTED BY OTHER TEMPORARY SHORING OR NEW STRUCTURAL ELEMENTS AS REQUIRED TO PROTECT THE STABILITY AND INTEGRITY OF THE EXISTING STRUCTURE.
5. THE CONTRACTOR SHALL PROVIDE ADEQUATE WEATHER PROTECTION FOR THE BUILDING AND ITS CONTENTS DURING THE COURSE OF THE WORK. ALL OPENINGS IN ANY WALL OR ROOF SHALL BE PROTECTED FROM ALL FORMS OF WEATHER OR WATER.
6. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS IN FIELD PRIOR TO DEMOLITION. DIMENSIONS INDICATED ON DEMOLITION PLAN ARE FOR REFERENCE ONLY.
7. CONTRACTOR SHALL COORDINATE EXTENT OF DEMOLITION WITH OTHER DRAWINGS IN THIS SET. NOTIFY ARCHITECT PRIOR TO PROCEEDING WITH DEMOLITION IN CASE OF A CONFLICT.
8. CONTRACTOR SHALL PERFORM ALL OPERATIONS OF DEMOLITION AND REMOVAL INDICATED ON THE DRAWINGS AND AS MAY BE REQUIRED BY THE WORK. ALL WORK SHALL BE DONE CAREFULLY AND NEATLY IN A SYSTEMATIC MANNER.
9. DEMOLITION DRAWINGS AND NOTATIONS ARE GENERAL IN NATURE. PRIOR TO BEGINNING THE WORK CONTRACTORS SHOULD PERFORM FIELD VISUAL INSPECTION AND MAKE FIELD MEASUREMENTS TO ASCERTAIN THE EXTENT AND QUANTITY OF WORK TO BE PERFORMED.
10. THE CONTRACTOR SHALL PROVIDE, ERECT AND MAINTAIN ALL TEMPORARY BARRIERS AND GUARDS AND ALL TEMPORARY SHORING AND BRACINGS AS REQUIRED BY ALL APPLICABLE CODES.
11. ALL ADJOINING PROPERTY AFFECTED BY ANY OPERATIONS OF DEMOLITION SHALL BE PROTECTED PER ALL APPLICABLE CODES.
12. CONTACT ARCHITECT IMMEDIATELY IF DURING THE COURSE OF DEMOLITION CIRCUMSTANCES ARE ENCOUNTERED IN WHICH THE EXTENT OR INTENT OF DEMOLITION INDICATED IN THE CONTRACT DOCUMENTS IS IN QUESTION. DO NOT PROCEED WITH DEMOLITION IN THESE AREAS IN QUESTION UNTIL CLARIFICATION IS GIVEN BY ARCHITECT.
13. ALL EXISTING SURFACES AND EQUIPMENT TO REMAIN SHALL BE FULLY PROTECTED FROM DAMAGE. THE CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR DAMAGE AND SHALL MAKE REPAIRS REQUIRED WITHOUT ADDITIONAL COST TO THE OWNER.
14. NO DEBRIS SHALL BE ALLOWED TO ACCUMULATE ON THE SITE. DEBRIS SHALL BE REMOVED BY THE CONTRACTOR AS THE JOB PROCEEDS. THE SITE SHALL BE LEFT BROOM CLEAN AT THE COMPLETION OF THE DEMOLITION.
15. REFER TO MECHANICAL, PLUMBING, ELECTRICAL, CIVIL, AND STRUCTURAL SHEETS FOR DEMOLITION OF ITEMS RELATED TO EACH DISCIPLINE. **ALL EXISTING PENETRATIONS FOR BUILDING SYSTEMS NOT BEING REMOVED SHALL BE DEMOLISHED AND HOLES FILLED TO MATCH ADJACENT CONSTRUCTION.**
16. WHERE EXISTING WALLS ARE PARTIALLY DEMOLISHED, FINISH EDGES OF REMAINING WALLS TO MATCH ADJACENT CONSTRUCTION AND PROVIDE SMOOTH, EVEN SURFACES AT JAMBS OF NEW OPENINGS.

KEYED DEMOLITION NOTES

- A) TYPE YOUR NOTE HERE
- B) TYPE YOUR NOTE HERE



11 Ninth Street
 Suite 120
 Columbus, GA 31901
 P. (706) 571-8923
 F. (706) 571-6928

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TWISTED GROWERS

415 MILLENNIUM CIRCLE
 LAKEVILLE, MA

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Revisions:	

No.	Date	Description

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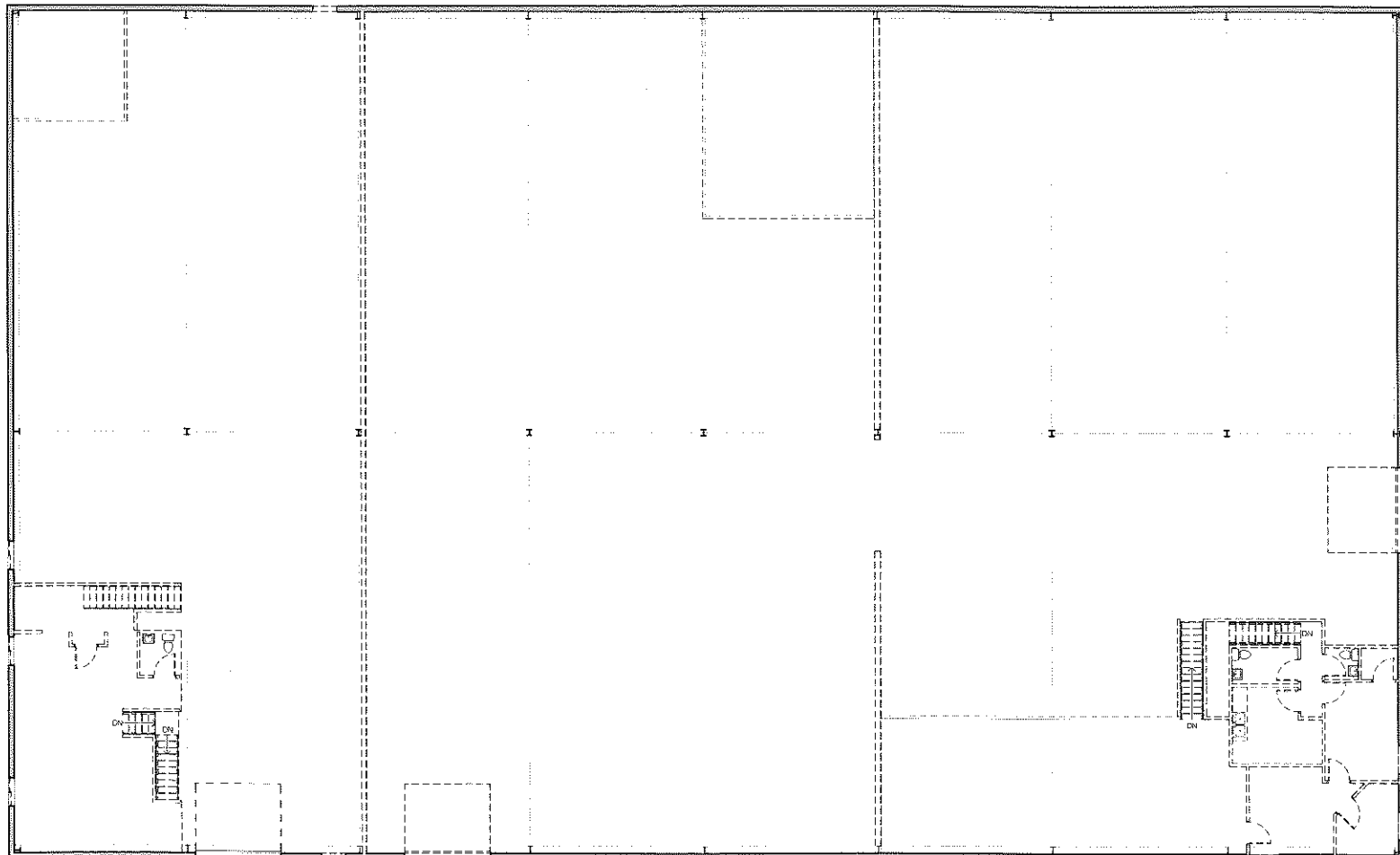
FIRST FLOOR DEMOLITION PLAN

Sheet Number

D1.1

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1 DEMO SECOND FLOOR PLAN
 D12 SCALE 1/8" = 1'-0"

DEMO LEGEND

GENERAL DEMOLITION NOTES

1. ALL DEMOLITION WORK SHALL COMPLY WITH THE REQUIREMENTS OF THE 2013 EDITION OF NFPA 241 STANDARD FOR SAFEGUARDING CONSTRUCTION ALTERATION AND DEMOLITION OPERATIONS
2. CONTRACTOR SHALL COORDINATE SEQUENCE OF DEMOLITION WITH PHASES OF CONSTRUCTION AGREED TO WITH OWNER AND ARCHITECT. COORDINATE ALL DEMOLITION WITH ANY CONSTRUCTION DRAWINGS.
3. THE CONTRACTOR SHALL FILE ALL NECESSARY CERTIFICATES OF INSURANCE, PAY ALL FEES, OBTAIN ALL PERMITS AND PROVIDE ANY AND ALL BONDS REQUIRED BY ANY AGENCY IN ORDER TO DO THE WORK HEREIN DESCRIBED.
4. NO STRUCTURAL ELEMENTS SHALL BE REMOVED UNLESS PORTIONS AFFECTED ARE ADEQUATELY SUPPORTED BY EITHER TEMPORARY SHORING OR NEW STRUCTURAL ELEMENTS AS REQUIRED TO PROTECT THE STABILITY AND INTEGRITY OF THE EXISTING STRUCTURE.
5. THE CONTRACTOR SHALL PROVIDE ADEQUATE WEATHER PROTECTION FOR THE BUILDING AND ITS CONTENTS DURING THE COURSE OF THE WORK. ALL OPENINGS IN ANY WALL OR ROOF SHALL BE PROTECTED FROM ALL FORMS OF WEATHER OR WATER.
6. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS IN FIELD PRIOR TO DEMOLITION. DIMENSIONS INDICATED ON DEMOLITION PLAN ARE FOR REFERENCE ONLY.
7. CONTRACTOR SHALL COORDINATE EXTENT OF DEMOLITION WITH OTHER DRAWINGS IN THIS SET. NOTIFY ARCHITECT PRIOR TO PROCEEDING WITH DEMOLITION IN CASE OF A CONFLICT.
8. CONTRACTOR SHALL PERFORM ALL OPERATIONS OF DEMOLITION AND REMOVAL INDICATED ON THE DRAWINGS AND AS MAY BE REQUIRED BY THE WORK. ALL WORK SHALL BE DONE CAREFULLY AND NEATLY IN A SYSTEMATIC MANNER.
9. DEMOLITION DRAWINGS AND NOTATIONS ARE GENERAL IN NATURE. PRIOR TO BIDDING THE WORK CONTRACTORS SHOULD PERFORM IN FIELD VISUAL INSPECTION AND MAKE FIELD MEASUREMENTS TO ASCERTAIN THE EXTENT AND QUANTITY OF WORK TO BE PERFORMED.
10. THE CONTRACTOR SHALL PROVIDE, ERECT AND MAINTAIN ALL TEMPORARY BARRIER AND GUARDS, AND ALL TEMPORARY SHORING AND BRACING AS REQUIRED BY ALL APPLICABLE CODES.
11. ALL ADJOINING PROPERTY AFFECTED BY ANY OPERATIONS OF DEMOLITION SHALL BE PROTECTED PER ALL APPLICABLE CODES.
12. CONTACT ARCHITECT IMMEDIATELY IF DURING THE COURSE OF DEMOLITION CIRCUMSTANCES ARE ENCOUNTERED IN WHICH THE EXTENT OR INTENT OF DEMOLITION INDICATED IN THE CONTRACT DOCUMENTS IS UNUSUAL. DO NOT PROCEED WITH DEMOLITION IN THESE AREAS IN QUESTION UNTIL CLARIFICATION IS GIVEN BY ARCHITECT.
13. ALL EXISTING SURFACES AND EQUIPMENT TO REMAIN SHALL BE FULLY PROTECTED FROM DAMAGE. THE CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR DAMAGE AND SHALL MAKE REPAIRS REQUIRED WITHOUT ADDITIONAL COST TO THE OWNER.
14. NO DEBRIS SHALL BE ALLOWED TO ACCUMULATE ON THE SITE. DEBRIS SHALL BE REMOVED BY THE CONTRACTOR AS THE JOB PROCEEDS. THE SITE SHALL BE LEFT BROOM CLEAN AT THE COMPLETION OF THE DEMOLITION.
15. REFER TO MECHANICAL, PLUMBING, ELECTRICAL, CIVIL AND STRUCTURAL SHEETS FOR DEMOLITION OF ITEMS RELATED TO EACH DISCIPLINE. **ALL EXISTING PENETRATIONS FOR BUILDING SYSTEMS NOT BEING REMOVED SHALL BE FRANKLISHED AND HOLES INFILLED TO MATCH ADJACENT CONSTRUCTION.**
16. WHERE EXISTING WALLS ARE PARTIALLY DEMOLISHED, FINISH ENDS OF REMAINING WALLS TO MATCH ADJACENT CONSTRUCTION AND PROVIDE SMOOTH, EVEN SURFACES AT JAMBS OF NEW OPENINGS.

KEYED DEMOLITION NOTES

- A TYPE YOUR NOTE HERE
- B TYPE YOUR NOTE HERE



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SCHEMATIC DESIGN

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Project Number: 020-280
 Date: 02/01/2020
 Drawn By: JV
 Checked By: SA
 Revisions:

No.	Date	Description
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Sheet Description

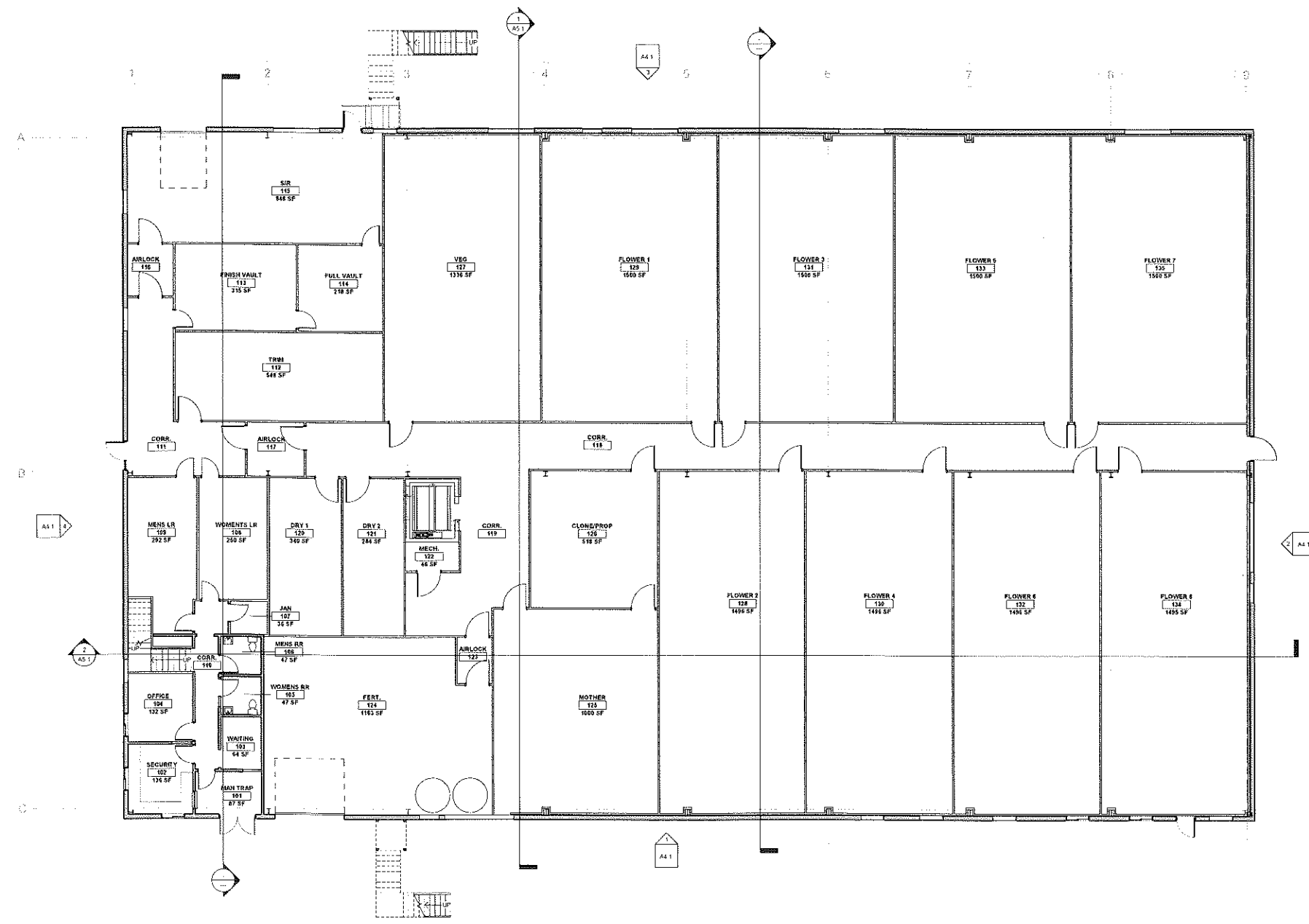
SECOND FLOOR DEMOLITION PLAN

Sheet Number

D1.2

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2 FIRST FLOOR PLAN
SCALE: 1/8"=1'-0"

GENERAL CONSTRUCTION NOTES

- DIMENSIONS TO NEW CONSTRUCTION ARE MEASURED FROM FACE OF STUD OR FACE OF MASONRY. TYP AND/DIMENSIONS TO EXISTING ELEMENTS ARE MEASURED FROM FINISH FACE TYP (L&V).
- REFER TO FINISH PLAN FOR FREE STANDING FURNISHINGS (J&C).
- REFER TO REFLECTED CEILING PLANS FOR ADDITIONAL FRAMING INFORMATION.
- REFER TO SHEET T12 FOR TYPICAL WALL TYPES.
- REFER TO WALL SECTIONS FOR EXTERIOR AND SPECIALTY WALL ASSEMBLIES.
- REFER TO LIFE SAFETY PLANS FOR LOCATIONS OF FIRE AND SMOKE WALLS AND COMPARTMENTATION DESIGNATIONS AND FOR CONSTRUCTION INFORMATION RELATED TO SMOKE WALLS.
- REFER TO DEMOLITION PLANS FOR ADDITIONAL FRAMING INFORMATION.
- UNTAGGED INTERIOR WALLS ARE TYPE _____ UNLESS NOTED OTHERWISE.

KEYED CONSTRUCTION NOTES

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Project Number: D20-280
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Sheet Description

FIRST FLOOR PLAN

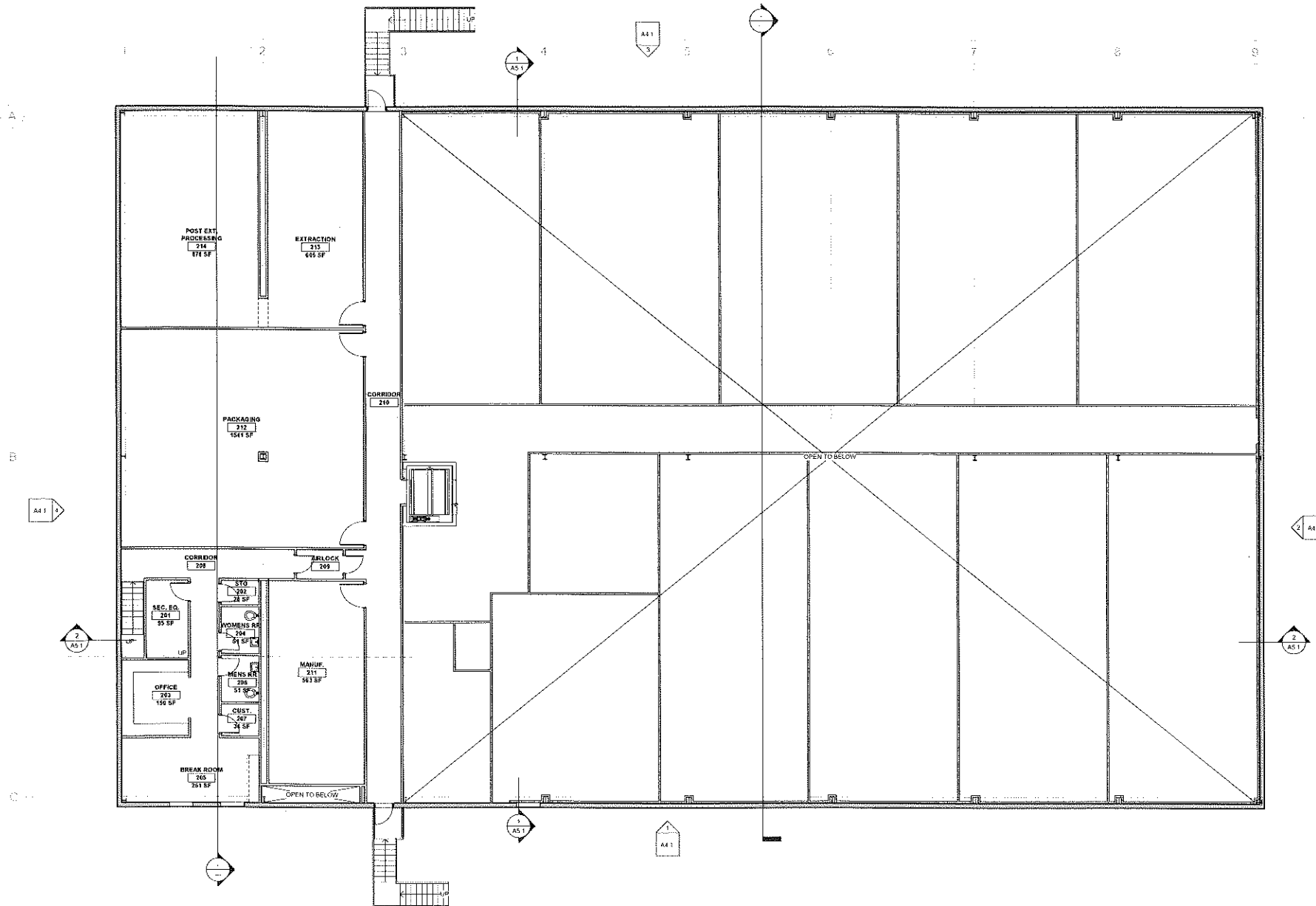
Sheet Number

A1.1

PRINTED: 26/02/21 3:57:39 PM

FILE PATH: C:\Users\lshua\OneDrive\Documents\020-280 Twisted Growers R20_26/02/21\020-280.rvt

2 SECOND FLOOR PLAN
A1.2 SCALE 1/8"=1'-0"



GENERAL CONSTRUCTION NOTES

- A. DIMENSIONS TO NEW CONSTRUCTION ARE MEASURED FROM FACE OF STUD OR FACE OF MASONRY. TYP. DIMENSIONS TO EXISTING ELEMENTS ARE MEASURED FROM FINISH FACE, TYP. (N/C)
- B. REFER TO FINISH PLAN FOR FREE STANDING FURNISHINGS (P/C)
- C. REFER TO REFLECTED CEILING PLANS FOR ADDITIONAL FRAMING INFORMATION
- D. REFER TO SHEET T1.2 FOR TYPICAL WALL TYPES
- E. REFER TO WALL SECTIONS FOR EXTERIOR AND SPECIALTY WALL ASSEMBLIES
- F. REFER TO LIFE SAFETY PLANS FOR LOCATIONS OF FIRE AND SMOKE WALLS AND COMPARTMENT FLOOR PENETRATIONS AND FOR CONSTRUCTION INFORMATION RELATED TO SMOKE WALLS
- G. REFER TO DEMOLITION PLANS FOR ADDITIONAL FRAMING INFORMATION
- H. UNTAGGED INTERIOR WALLS ARE TYPE _____ UNLESS NOTED OTHERWISE

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Date: 02/01/2020

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SECOND FLOOR PLAN

Sheet Number

A1.2



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SCHEMATIC DESIGN

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 Revisions:

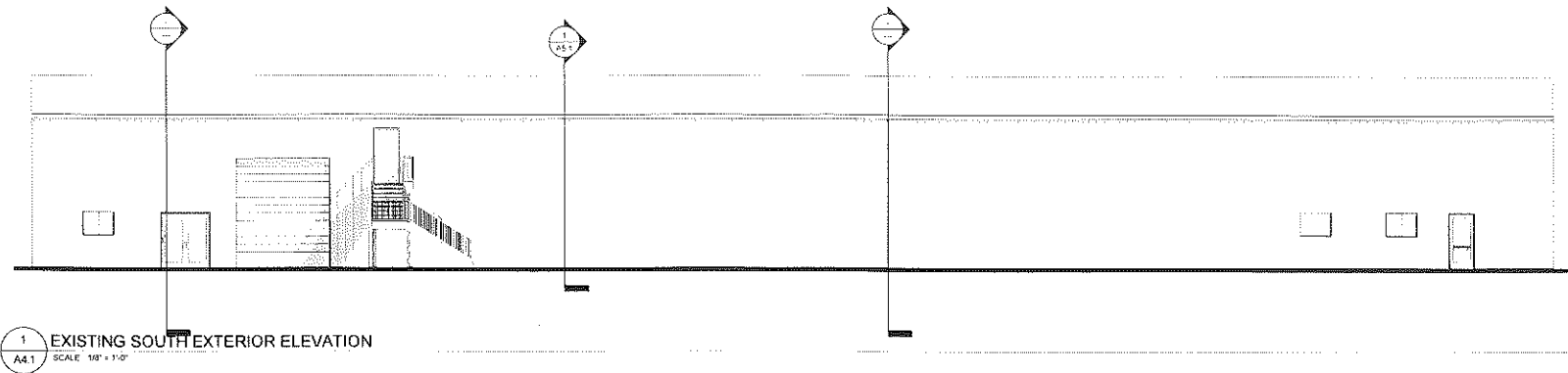
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Sheet Description

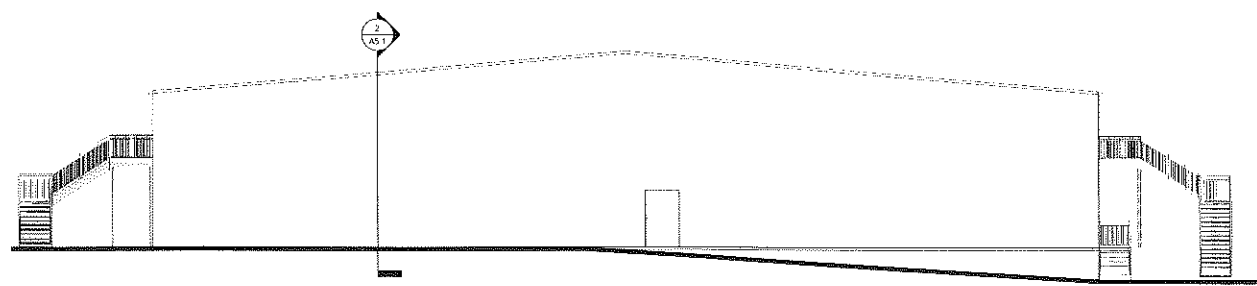
EXTERIOR ELEVATIONS

Sheet Number

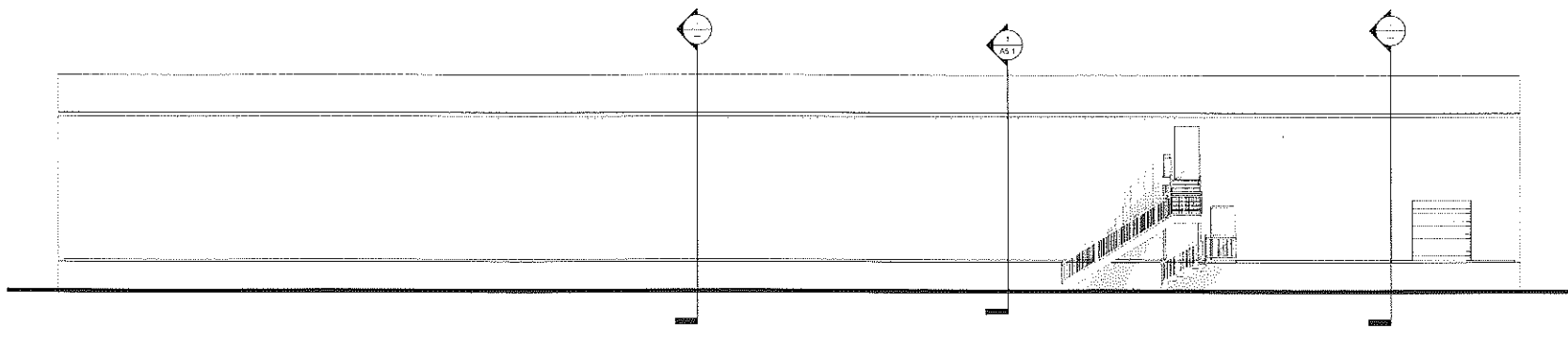
A4.1



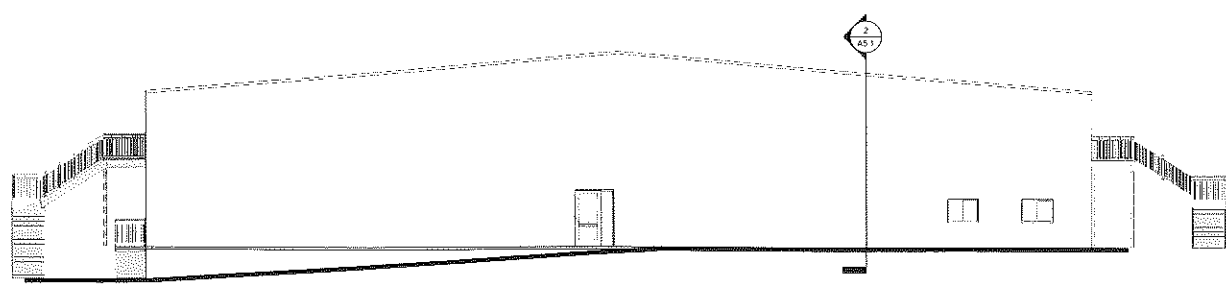
1 EXISTING SOUTH EXTERIOR ELEVATION
 SCALE: 1/8" = 1'-0"



2 EXISTING EAST EXTERIOR ELEVATION
 SCALE: 1/8" = 1'-0"



3 EXISTING NORTH EXTERIOR ELEVATION
 SCALE: 1/8" = 1'-0"



4 EXISTING WEST EXTERIOR ELEVATION
 SCALE: 1/8" = 1'-0"

PRINTED: 2/6/2020 3:57:46 PM

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**Zoning Board of Appeals
Lakeville, Massachusetts
Minutes of Meeting
November 19, 2020
Remote meeting**

On November 19, 2020, the Zoning Board held a remote meeting. It was called to order by Chairman Olivieri at 7:04. LakeCam was recording, and it was streaming on Facebook Live.

Members present:

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

Also present:

Atty. Amy Kwesell, Town Counsel; Michael and Maureen Martowska, applicants, Bill and Mary Tribou, Jess Leary, Marie & Kenneth Scarpelli, abutters; Bob Bouchard, Conservation Agent; Kathryn Pink, Janice Pink, Carolyn Goudreau, applicants; Kevin Snarksy, Nancy Henderson; Madelyn Maksy, applicant, Jamie Bissonnette, Zenith Consulting Engineers (ZCE), Bob Messier, Liam Conway, Chris Chapin, applicant

Agenda item #1

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

Martowska hearing, continued - 2 Edgewater Drive

Mr. Olivieri opened the continued Martowska hearing at 7:05. He advised that at the last meeting they had gone through some of the concerns the Board and neighbors had. He then turned it over to the Martowskas to explain what they had done so far. Mr. Martowska said he put together a slide presentation because a lot of comments made against this project stated it would not fit into the neighborhood. He advised the Board should have the most recent drawing dated October 15, 2020, that showed the water flow mitigation efforts that will be taken with this project. They also should have received a letter today from Outback that explained how the water was being mitigated.

Mr. Martowska then shared his screen for his presentation which detailed the concerns that had been raised. He did have a section that spoke to the character of the neighborhood. It noted there was a variety of house styles, building heights, and

setbacks. He displayed pictures of some of the abutting homes. Mr. Martowska next discussed the size of the garages in the neighborhood. In this regard, there was also a variety of garages, sizes, and accessory structures. He displayed two that he felt were comparable in size to what he was requesting.

Mr. Olivieri said he appreciated the presentation. However, he was not sure that at this point the Zoning Board was going to base their decision on strictly if they were in the character of the neighborhood. One of the issues was the encroachment into the setback and the possibility of adjusting the plans to some degree to make it less non-conforming into the setback. The other issue was water and where it was going to flow. Mr. Olivieri asked that the focus be on those two points as it was obvious it has been established that there are other properties in the neighborhood that have oversized and larger garages.

Mr. Martowska said Mr. Olivieri's comments suggest that he would reduce the size of the garage, and he did review that option. They have decided to keep the same garage size and if this permit is denied to move it back 20 feet from the sideline and 40 feet from the street. Maybe the Board can consider moving it closer to the street, but not closer to the sideline. If he was forced to go to a two-car garage, he would have to do multiple structures.

Mr. Martowska then continued his presentation with the next section devoted to setbacks in the neighborhoods. There were both new construction and old pre-existing structures within the side setback and street setback on nearby non-conforming lots. Mr. Olivieri noted he believed when their bylaw refers to keeping in character of the neighborhood, it has to do with the structure and its appearance. It does not mean when someone else has a pre-existing potentially grandfathered structure that is within the setback, that a new setback is created for the neighborhood. Mr. Martowska said he understood. His last point was that a well-designed garage will enhance his property value which tends to raise the value of neighboring properties.

Ms. Cline noted that going back to their last meeting. The Board had requested engineered plans that showed the water impact and the corrected impervious coverage percentage. Did they have that information? Mr. Martowska replied the latest drawing dated October 15, 2020, should have that information. She would like to have that spoken to at this point rather than all the pictures that are now being presented. Mr. Martowska said that plan was submitted at the last meeting. A letter from Outback Engineering was submitted today. Mr. Martowska said the letter summarized the mitigation that would be done.

After discussion, Mr. Carmichael said he thought a Site Plan they could all view on the screen so they could have a conversation about 2 Edgewater Drive, not any other location, would help them move in the right direction. Mr. Olivieri agreed. He asked if the Site Plan they had been given provided enough information to determine or understand the water issue. It was suggested they continue this hearing until the end of the meeting to allow Mr. Martowska time to get the Site Plan and letter from Outback.

Mr. Carmichael made a motion, seconded by Mr. Sheedy, to continue the Martowska hearing until the end of the meeting.

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

Pink hearing – 119 Hemlock Street

Mr. Olivieri opened the Pink hearing at 7:30 and read the legal ad into the record. Mr. Jamie Bissonnette from ZCE was present for the applicants. He shared his screen and displayed the plan. Mr. Bissonnette advised they were here tonight for the razing of an existing accessory structure and for the reconstruction of it. He advised this property is going to have some work done to it as far as stabilization on the slope being with the seawall. As a means to be able to get to the front of that water side of the house and construct that seawall, the existing outbuilding is in the way. Contractors have looked at it, but it is not something that can be moved, so it was decided to take the building down and reconstruct it after construction is complete. They would like to add an additional four feet onto the building just for some extra capacity. They are not going to be getting any closer to the existing property lines. They are currently about three quarters of a foot, and they would be roughly about a foot off the edge. Mr. Bissonnette stated they would maintain the same angle, and it is the back side where they want to extend the additional four feet.

Mr. Olivieri then read the November 3, 2020, letter from the Board of Health into the record. It stated as the plan showed a proposed tight tank on the lot and the existing dwelling remains unchanged, they had no reason to recommend denial due to public health issues. The November 17, 2020, memo from the Planning Board had no comment regarding the petition. The November 18, 2020, memo from the Conservation Commission indicated a hearing had been held and an Order of Conditions had been issued. Some special conditions that had also been issued included notifying the Agent for a pre-construction meeting, review the erosion control and siltation barrier, and determine if a turbidity barrier is required.

Mr. Carmichael asked where the structures were on the adjacent lot. Mr. Bissonnette displayed on the plan where the existing house was. He noted the lots were very small and long in length and about 50 feet in width. Mr. Carmichael asked if they had more than ten feet. He was unsure. Mr. Carmichael said that he was concerned about fire jumping from one roof line to another. He would suggest spinning or twisting the existing shed so as to pull it a few feet back from the lot line. Mr. Olivieri asked if that accommodation could be met. Ms. Janice Pink said her only concern would be the access depending which way they wanted to turn it. They do have a proposed access to the existing path. Mr. Carmichael suggested moving it so it would be more perpendicular to the lot line, and then getting that roof line away from the existing structure. They could also move it forward or back but whatever has to be done to get it away from the neighbor's roof line. He could see how it slopes down but that would be his suggestion.

Mr. Bissonnette asked if they could have an approval conditioned to verify that they position the shed at a minimum of ten feet from the adjacent structure. Mr. Carmichael said that he would not want it any closer than three feet from the lot line. He was not concerned with the size of the building. Ms. Pink asked if she understood it to be they will move it three feet from the property line. Mr. Carmichael said that was correct. Mr. Bissonnette said it would be two feet closer to the path that is proposed. Mr. Olivieri asked how much flexibility there would be to spin it, or was there a reason it is at that particular angle.

Mr. Carmichael said they would be looking at the gable end from the street. Even though they might be used to looking at it from a certain perspective, they would still have their additional storage area, and it would be safer for the neighborhood. Ms. Pink asked if the other option would be to move it over three feet from the property line? Mr. Bissonnette replied it would be two feet as they were already one foot from the line. Mr. Bissonnette clarified, if they held the back corner where it was and spun the building so it was parallel with the property line, that would satisfy Mr. Carmichael. Mr. Olivieri added you are turning the structure so it would be parallel to the property line, as opposed to the front being parallel to the road. Mr. Bissonnette agreed, and said it would be close to a 20 degree turn.

Ms. Kathryn Pink wanted to make sure that would not compromise the need for putting in the tight tank. Mr. Bissonnette said it would not. Ms. Goudreau was also okay with the change. Mr. Olivieri asked Mr. Sheedy to participate in the vote. Mr. Olivieri then asked if anyone had any comments regarding the petition. No one spoke.

Mr. Carmichael made a motion to approve the petition with a setback of three feet for the accessory structure which will be made parallel to the side setback. The motion was seconded by Ms. Cline.

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

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

The hearing closed at 7:46.

Documents distributed for the hearing:

- Petition packet
- Legal ad
- Board of Health correspondence of November 3, 2020
- Conservation Commission correspondence of November 18, 2020
- Planning Board correspondence of November 17, 2020

Maksy hearing – 149 Bedford Street

Mr. Olivieri opened the Maksy hearing at 7:47 and read the legal ad into the record. It was noted Mr. Olivieri read the address as 194 but the correct address was 149. Mr. Jamie Bissonnette from ZCE was presenting for the applicant. He then shared his screen and displayed the plan. He advised they were in front of the Board tonight with a Special Permit request for two items although three sections are referenced. The first item they are looking for a Special Permit is to reconstruct a building that is not meeting the required setbacks for new construction. Presently, at the site there is a building that is very close to the roadway. The applicant is looking to raze the existing structure and construct a new commercial building as shown. The setbacks would increase from approximately two to three feet off the property line to 15'+. The second request is for a sign that is approximately 9.25 square feet larger than what is allowed by right. He believed the applicant and sign specialist were present for the Board's questions.

Mr. Olivieri asked Mr. Bissonnette to first give the Board a rundown on the Site design. Mr. Bissonnette advised they had their second meeting with the Planning Board last night. They seem to be leaning favorably towards an approval with the building. He believed the Planning Board had sent the ZBA some comments in regards to the sign and to have the Board look at it from a safety perspective. He advised they presently have a curb cut on Route 79, Rhode Island Road, and have access off of Bedford Street. They are not using the access on Rhode Island Road. They are looking to close off the access on Bedford Street and move it down to a safer spot past the guardrail and closer to the liquor store. That will give a much longer site distance, and better reaction time for people to be able to get in and out.

Mr. Bissonnette added this does give them a longer entrance in, which has a greater expense for site construction costs but it is definitely a move in the right direction for safety. They presently have a little less than 1,500 square feet of area proposed so they will provide six parking spaces which will satisfy the bylaw requirement. They will be doing drainage on site so they will be meeting stormwater management requirements. They will also be installing a new septic system to meet the Board of Health requirements. They will be looking to tie into Taunton's municipal water on the roadway.

Mr. Bissonnette said in speaking with the Fire Chief, the State Fire Marshall has a dead end without a turnaround limit of 150 feet. In this case, when you pull down to the end, it is roughly 250 feet so the Fire Chief has expressed a concern in regards to that. Since they don't have the ability to turn around and back up in the area because of easements on Site and the lack of width, it was discussed to provide a 15-foot emergency access only, which will be gated and locked with a knox box padlock. The Chief also wants Do not Enter and Emergency Only signs erected, and he wants the gate locked and it to be plowed and maintained as conditions.

Mr. Bissonnette said this is to be an office building with one of the primary functions to be a real estate office. There is also going to be an advertising type of business. The

proposed sign is 9.25 square feet larger than what is allowed by right and goes hand in hand with the business.

Atty. Kwessel then stated that 6.6.3.4 states unless permitted elsewhere in this bylaw, no sign may exceed 32 square feet in area. She did not understand why the application is for a Special Permit. Mr. Bissonette said in the 7.4 section, it has the relief in it. She said she did see that, but it requires a business to have an unusual requirement or a long name which would require the larger sign. Mr. Olivieri asked what is the unique circumstance that requires the additional square feet. Mr. Bissonette said he believed it was the nature of the business and also the nature of the sign itself. On the top of the sign is the address, but the bottom is where the advertising would be. He noted this was the smallest sign they could get for this purpose.

Ms. Maksy said there were two signs offered but the lighting on this one made the pictures clearer on this size screen. She said they could always take out the address if they need to make it smaller. Atty. Kwessel said there are two criteria; you have to show that the business has unusual requirements or a long name. If getting rid of the address would reduce the sign by nine square feet, they would be much better off or they would have to prove one of the two criteria.

Mr. Bob Messier, the sign manufacturer, was present to answer any questions. He advised the sign is a high-resolution digital display they can advertise on. Daktronics is a world leader in manufacturing these types of products. All their products use a photocell that will automatically dim that display down to an industry standard of no more than .3 candles above ambient light, which is far less typically than any street lighting or porch lights on a house. It then brightens up during the day. It goes from 100% to about 4% automatically. The sign is not flashing, animated, or scrolling. It is a static image that changes every eight to ten second or whatever that hold time is determined to be.

Mr. Messier advised Mass Highway has done numerous studies and a pilot program many years ago. They came up with that ten second hold time which is a State ordinance where any of the digital displays under this pilot program can only change every ten seconds with no flashing, no animation, must dim automatically to no more than .3 candles above ambient light. As far as the square footage, that would be Ms. Maksy's decision to eliminate the address portion, typically it's never a bad idea to have the address there.

Mr. Olivieri said it sounds like the size that is being proposed is standard or probably the minimal size in order to get the clarity you would want. Mr. Messier said that was correct. They look at the viewing distance, the traffic, the speed of the traffic, and the time that they can read and see it clearly without having to struggle. Mr. Olivieri said they did want people to be able to see it. He asked if there were any questions in regards to the sign.

Mr. Carmichael had a concern with the size, the closeness to the road, and its placement at a four-way intersection with a light. He did not think it fit in with the nature of the

Town and the rural setting. He could not support the sign. Ms. Cline agreed. She asked if Police and Fire have reviewed the sign. She is concerned with its close proximity to a major road that is getting a major overhaul and also having anything flashing coming into that intersection.

Mr. Olivieri asked where this is a State highway, do they have to go through Mass DOT to get approval too? Mr. Bissonnette said he did not believe so. The State does have their own division for billboards which they have worked on with them. They will have to permit the curb cut with Mass DOT. He did meet with them this week and showed them these plans, but they can't officially file until they have all local approvals in hand. In regard to the issue of Fire and Police reviewing the project, they did review it and issued comments to Planning Board. He advised the Fire Chief wanted to make sure he had the ability to turn around or exit because of the State Fire Marshall's 150-foot dead end length. The Police Chief had some concerns about the ability of somebody to be able to crash into the building. There were no comments about the sign.

Mr. Carmichael asked what the elevation of the sign was. He advised he had just gone through a billboard permitting process in another Town where State requirements were required. He didn't know why being on a State road this also wouldn't have to be signed off on by the State. Atty Kwessel said that because it is a State road she would think they would have to have some kind of input, but she didn't know for sure. She thought the concerns were valid and Police and Fire should take a look to make sure they're comfortable with it.

Mr. Campeau asked in regards to the advertising, was there any intent to advertise other types of businesses or services not related to real estate, and what governs that going forward. Ms. Maksy replied that is exactly what their new business is going to do. Exposure Marketing Group, LLC is the formal name of the business. She and Liam Conway will have the ability to display advertisements and public bulletins on their sign. They hope to offer public messages, in addition to having other businesses that may want to advertise and be a member of the Exposure Marketing Group Company. They are offering it as a membership so they can have some wall space, shared conference room, and shared secretarial offices. They would be part of this business and one of the benefits would be to be able to advertise on the sign.

Atty. Kwessel noted the content of the sign cannot be considered by the Board. Mr. Campeau just wanted a confirmation that the sign did not have to be in direct relationship to the established business. Atty. Kwessel replied from the Zoning bylaw, it would appear to her they do. Included in the bylaw, is a section that applies to signs that are off premises. However, the bylaw doesn't actually state that advertising for something off premises is not allowed. It is complicated but usually when you have an off-premise sign, you are dealing with a billboard and they are rented out. Technically, this could be considered a small billboard because it appears that is what's happening.

Mr. Noble asked about the proposed construction on Route 79. Mr. Bissonnette said that he had checked with the company that had done the conceptual, but he didn't think it had

progressed since the last time he had reached out to them. He did fully anticipate that there was going to be work on Route 79. Mr. Noble said none of that was taken into consideration to the designs on the backside. Mr. Bissonnette said no. Mr. Sheedy said the proximity to the intersection and having that kind of distraction is a big concern. Nine square feet doesn't sound like much but it's actually 28% larger, and it sounds to him like it's a small mini version of a billboard. He would like to know the opinions of the Fire and Police Departments considering distracted driving is such an issue.

Mr. Olivieri asked if the Police Department was looking for something to protect the building and how the Planning Board had left that. Mr. Bissonnette replied he believed their opinion had been that the sliding of the building further away from the road is an improvement over what is there. They have not been asked to provide anything. Mr. Olivieri said it seems like the vast majority of the Board would like to receive Police and Fire comments, specifically in regards to the sign, or if they have no opinion. The other question is what is the role of Mass Highway in their authority or oversight of the project in general with sight lines and things of that nature, or the sign specifically.

Mr. Bissonnette replied his experience so far with signs on Bedford Street have not involved any permitting with Mass DOT, but he would be more than willing to reach out and confirm that. Atty. Kwessel recommended when he did that, he should disclose it is a changing sign that will be advertising businesses that are not on site. Mr. Bissonnette said that it is his understanding the zoning regulations give the Building Inspector and the Police Chief the ability to shut the sign down if it is a danger because they feel it is changing too quickly, too bright, or even the content.

Ms. Cline asked if the applicant should also be seeking relief under 6.6.2.2 which talks about the general sign prohibitions. Atty. Kwessel said that would be a variance; there is no relief from that. Mr. Bissonnette added their intention is this is not a flashing, moving, or dangerous sign in that aspect. Mr. Olivieri said his recollection is it's a digital sign but it is stagnant for eight to ten seconds or whatever is decided or conditioned. Atty. Kwessel added that most zoning bylaws have not kept up with sign technology but 6.6.2.2 appears to be concerned with glare. Ms. Cline said she is still concerned with that being so close to the intersection as it exists today, and with the improvements to be made to Route 79. Mr. Bissonnette said if the Board was amenable to it, he would like to get some answers to their questions.

Mr. Carmichael said if they were going to continue this, he would like to request some kind of elevation especially from the intersection or from both angles so they could see what the sign will look like, and know how many luminaires it's going to have. He would also like to see the written comments from Police and Fire.

Ms. Barbara Mancovsky of 17 Johnson Drive wanted them to know that residents consistently say that they want them to maintain the rural character of the community. She would like them to keep that in mind as they think about this plan or anything else as their community is undergoing tremendous change right now. Ms. Maksy said she appreciated what Ms. Mancovsky said but would like to add that the Master Plan for the

Town wants to grow business. Mr. Carmichael agreed but a digital billboard illuminating at a four-way intersection might not be the right location or the right place for that. Ms. Maksy asked if she should discuss with Mr. Bissonnette the possibility of moving the sign. Mr. Carmichael replied they still need to see an elevation because right now they don't even know what they are looking at.

Mr. Bissonnette then displayed what the sign would look like and the placement of it on Bedford Street. He estimated they were approximately 45 feet from the intersection. Mr. Carmichael suggested moving it as far as possible from that intersection. Mr. Olivieri reviewed for their next meeting he would like Mr. Bissonnette to reach out to Mass Highway for their involvement, if any, in this process and to also give the Board some different options as far as to the sign's placement. The ZBA will reach out to Fire and Police to get their comments on it. Mr. Carmichael would like an elevation of the Site in whole or some type of 3-D rendering. Mr. Olivieri said it should show what it would look like coming down Route 18.

After further discussion, it was agreed to continue the hearing. Before a motion was made, Mr. Olivieri asked if there were any questions in regard to the building. Mr. Carmichael asked if the building could be moved further down. Mr. Bissonnette replied they did look at that but some factors affecting the placement are a Mass DOT drainage easement, keeping the septic utilities out of the easement, maintaining the 100-foot setback from the existing well that is on the abutting property, and trying to stay out of the buffer zones to the resource area to be in compliance for Conservation is what pushed them into this layout. Mr. Carmichael said he understood that but a two-story building is going to create a bad sight line at that intersection. If they could get that building back feet or even inches, that would help them.

Ms. Maksy noted that Mr. Bird who lived in the abutting property would like to tie into Town water. If he could, that would change the distances for the well. Mr. Bissonnette said that could change the placement of the septic enabling them to slide the building down. Mr. Bissonnette said this was all new information to him so they could look at some alternatives.

Ms. Cline then made a motion, seconded by Mr. Carmichael, to continue the Maksy hearing until December 15, 2020, at 7:00 p.m.

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

The hearing closed at 7:42

Documents distributed for the hearing:

Petition packet

Legal ad

Board of Health correspondence of November 3, 2020

Conservation Commission correspondence of November 18, 2020
Planning Board correspondence of November 17, 2020

Chapin hearing – 15 South Avenue

Mr. Olivieri opened the Chapin hearing at 7:43 and read the legal ad into the record. Mr. Bissonnette was present for the applicant. He then shared his screen. He advised the application is for the razing and reconstruction of an existing dwelling, and the construction of a new accessory building, a garage on a slab. This is on Long Pond so the property has a relatively new tight tank, and it is connected into the seasonal water system. They would not be changing the number of bedrooms.

Mr. Chapin said they had been to Conservation but the hearing was continued because they needed additional information. The secondary structure was re-located. He also noted the existing dwelling is not being taken down but they are adding a second floor to it. Mr. Olivieri asked if they were here only because the size of the lot. Mr. Bissonnette replied it was also because they don't meet the front setback for an accessory structure.

Mr. Carmichael made a motion, seconded by Mr. Noble, to approve the petition as submitted.

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

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

The hearing closed at 8:48.

Documents distributed for the hearing:

- Petition packet
- Legal ad
- Plan to accompany a Notice of Intent Filing
- Board of Health correspondence of November 3, 2020
- Conservation Commission correspondence of November 18, 2020
- Planning Board correspondence of November 17, 2020

Martowska hearing, continued - 2 Edgewater Drive

Mr. Olivieri reopened the Martowska hearing at 8:48. Mr. Olivieri believed that some correspondence had been received from Outback Engineering, and it had been brought in to be submitted. Ms. Murray replied she had not received anything except for a PowerPoint presentation. Mr. Martowska thought the document had been emailed but apparently, that was not the case. Ms. Martowska then shared the letter from Outback Engineering and members took the opportunity to read it for themselves. Mr. Olivieri

then asked Board members if they were confident that the water mitigation has potentially been satisfied.

Ms. Cline said she would like to see some numbers behind this as to what it is capable of managing. She had gone out after the horrific rain storm they just had and looked at the water run-off. She would like a quantification of this, and how much it handles. Mr. Olivieri said the letter refers to mitigate, which in his opinion is not a definitive word. There are water issues in that neighborhood, and they want to make sure they are not going to change with the scope of the project. Ms. Cline said if they could get Outback to explain this to them, it would be helpful.

Mr. Carmichael agreed. He would also like to see a Site Plan. Ms. Martowska then displayed the Site Plan on the screen. Mr. Carmichael said they are proposing a 10-foot setback on one side and a 17-foot setback on the other. He asked if they had moved it further back from their last discussion. Mr. Martowska said they had not. Mr. Carmichael said he had the same concerns about the size of the structure and how close it was. He would like to hear from the neighbors. Mr. Olivieri said that there was room to move it but that was a decision to be made by the Martowskas. He thought they had left it last time with potentially seeing if anything could be done to shift it a little further away, but earlier it had been said that Mr. Martowska wanted this size garage and was not going to move it because he likes where it sits. He had no interest in reducing it a little bit as an offset to get a little closer to the property line. Was that his understanding? Mr. Martowska replied a two-car garage would not work. He still thought this was the ideal location. If they gave him a number, he would adjust the drawing to that but if he moves the garage into the 20 feet, his neighbors will get the garage the way it is, and they will not get all the mitigation that he is offering.

Mr. Sheedy said he did not understand why the garage can't be pivoted approximately 15 degrees and then slide it in a northerly direction. He would be right in that 20-foot setback, and this whole discussion becomes moot. 7.4.1.3 states the applicant has no reasonable alternative available, but he saw that there was an option to either reduce the size of the structure or to move the garage. He was struggling with the fact that Mr. Martowska is choosing a location that benefits his aesthetic desire and the neighbor is suffering the consequences with a building that is ten feet from their property.

Mr. Olivieri said the question is why does the petitioner need this relief and is it strictly a preference. Mr. Martowska replied the primary benefit is aesthetically and open space but it also goes into the driveway. He set the driveway up to have enough room to park cars outside the garage, but not pulled into the garage to still have a place to turn around on a relatively flat area. As he moves it further in, he is having less space and aesthetically, if his house looks bad that lowers his value and affects the neighbors. He noted that if he did move the garage, it would block more of the water view for his neighbors. He was the primary beneficiary of this, but part of his goal was to make things better for everybody else.

Mr. Olivieri asked if Board members had any additional questions regarding the placement of the garage. Mr. Carmichael said Mr. Martowska had said that if he pushes the garage in he would not have to address the water drainage, but he absolutely will have to. It is against the law to divert any water from his property onto anybody else's. He is also required to do drainage around his foundation so that includes the downspouts. Mr. Olivieri agreed and said the mitigation Mr. Martowska is referring to isn't necessarily mitigation, but what he is going to have to address no matter what.

Mr. Olivieri noted there had been some comments on Facebook but they had all been addressed. Mr. Tribou said as had been discussed at the last meeting, they signed in good faith the Settlement Agreement and in that the garage was never expected to be bigger than 24' x 28'. They have other options, so why are they were pursuing this. He noted that on the new plan the coverage was down to 24.9%, but he would like to know how that was able to be reduced. He would also like to know what makes up that number. Mrs. Tribou said that she had also submitted some information regarding the neighborhood with pictures. She did not think it is in keeping with the neighborhood. There is only one structure, a horse barn, that is larger than what is requested. She said they couldn't be happier with the stormwater and drainage but as far as the positioning of the garage, they see no benefit.

Ms. Jess Leary said her main concern remains the same with the water runoff. What are the detailed plans for drainage? Ms. Marie Scarpelli asked the Martowskas how this would enhance the neighborhood. Mr. Martowska replied that when anybody improves their property, it increases the value and its good for the neighborhood and everybody in general. Ms. Scarpelli said she understood but with the positioning of the garage almost on the street, it doesn't seem to be consistent with what they see in the neighborhood. It was noted that the placement of the garage would decrease Ms. Scarpelli's view, and would not be an enhancement.

Mr. Olivieri said although they have been focusing on the garage, there is a second part to the petition. It has to do with the 16' x 12' pavilion/patio. What did Board members think about that portion of the petition? The site plan was then shared again. There was a roof but it was open on all four sides. Members had no objection to the pavilion. Mr. Carmichael said if the pavilion was approved he would like the caveat that the drainage be approved through Conservation to be run into the lake and not on the neighbor's property. Mr. Martowska said that he has already viewed this plan with the Conservation Commission, and they did not give him any constraints beyond what he has there now.

Mr. Olivieri said there are two main issues here. One is the relief requested is more to do with a personal preference. A lot of the water mitigation that was discussed would have to be dealt with anyways when putting a structure of that size on your property, even if going directly to the Building Commissioner. He thought their major concern is they are unsure of the runoff, and their questions haven't been fully answered. The petitioners may be better served by having their engineer present to answer the Board's questions and have them be comfortable that the neighbors will not be impacted. He could call for

a vote, but they would need four out of the five board members to vote in favor in order to grant the Special Permit.

Mr. Martowska replied he had asked Outback to be present but they couldn't make it. He was getting the impression that he won't get the setback that he is requesting but there might be a chance with the additional input that they may grant something. His other option is to move forward with a vote and work with a mitigating system later on. If he is going to pay for that system then he would rather do it with a chance to get it closer to the property line and/or closer to the street as he has asked. For those reasons, he is willing to continue to the next meeting and get some people in to answer any other questions the Board may have.

Ms. Martowska asked if they continued regarding the garage portion of the petition, could they vote tonight on the pavilion/patio. Mr. Olivieri replied because this is one petition, they should vote everything at the same time as opposed to breaking it out separately like that. Atty. Kwesell agreed.

Ms. Cline made a motion, seconded by Mr. Sheedy, to continue the Martowska hearing until December 15, 2020, at 7:00 p.m.

Roll Call Vote: Mr. Noble-Aye, Ms. Cline-Aye, Mr. Olivieri-Aye, Mr. Carmichael-Nay, Mr. Sheedy-Nay. The motion passes.

The hearing closed at 9:39.

Meeting Minutes

Ms. Cline made a motion, seconded by Mr. Carmichael, to approve the minutes from the October 1, 2020, meeting.

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

Ms. Cline made a motion, seconded by Mr. Noble, to approve the minutes from the October 15, 2020, meeting.

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

Old Business

There was no old business.

New Business

Mr. Olivieri advised there were some CPTC e-fall workshops, if anyone would like to attend a class.

Mr. Carmichael noted that there had been a lot of last-minute information put out today, and then they were trying to review all this information. He would suggest they have a one-week deadline for any submittal so they could have time to review it. Mr. Olivieri asked Atty. Kwesell for an opinion if they could put a restriction on submittals. She replied they can put a restriction and what that would mean is it wouldn't necessarily be considered that night. The problem they might have is when they run into instances where they have a simple project and the applicant submits a minor change to the Board that night. They wouldn't want to hold them off until the next meeting because it's minor.

Atty. Kwesell thought there should be a policy that all new information should be submitted a week ahead of time, but at the same time they should be flexible. Mr. Olivieri was correct that they could not reject a document at a meeting, but it doesn't mean that the Board is ready to vote on it that night. If they ask the applicant for a continuance and they don't agree to a continuance, it would be part of the record that they gave the information that night but the Board did not have enough time to review it.

Mr. Carmichael then made a motion, seconded by Ms. Cline, that they impose a one-week deadline for submittals with the caveat that the Board has the discretion of asking for a continuance and/or whether to consider the submittal that night or not.

Mr. Olivieri asked how do they make that determination of what they are going to accept or aren't going to accept. Atty. Kwesell replied for example, if someone comes in with a new plan because another Board asked for changes, they didn't have that chance to have it in a week ahead of time. In this case, the Outback letter and plan should have been in a week ahead of time. The applicants had two months to get everything in. He would have to just be flexible.

Mr. Noble asked when this could go into effect. Did it require a notice? Atty. Kwesell said it did not as it was just a policy. Mr. Carmichael amended his motion to include that any future submittals after this date would require a one-week deadline.

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

Mr. Campeau then made a motion, seconded by Mr. Noble, to adjourn the meeting.

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

Meeting adjourned at 9:52.

**Zoning Board of Appeals
Lakeville, Massachusetts
Minutes of Meeting
February 23, 2021
Remote meeting**

On February 23, 2021, the Zoning Board held a remote meeting. It was called to order by Chairman Olivieri at 7:05 p.m. LakeCam was recording, and it was streaming on Facebook Live.

Members present:

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

Others present:

Atty. Amy Kwesell, Town Counsel; James Bauer, applicant; David Doyle, representative for the Furtado hearing; Jeffrey Cornell, applicant; Alan Hoffman, applicant; Edward Phipps, applicant, Atty. Brandon Kurtzman, Tony Capachietti from Hayes Engineering

Agenda item #1

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

Bauer hearing - 4 Pilgrim Road

Mr. Olivieri opened the Bauer hearing at 7:07. Ms. Murray read the legal ad into the record. Mr. Bauer was present. He advised he was requesting a Special Permit to build a 14' x 20' shed on his property. After he applied for a building permit, he learned that this property was a non-conforming lot which he had not been aware of. He then applied for this Special Permit based on the guidance of the Building Commissioner. The two sections of the Zoning bylaws they do not meet is setback distances, and the second was the 25% lot coverage.

Mr. Bauer stated when they look at their lot size today there are two numbers, 7,150 square feet and then 6,970 square feet. He was using the smaller number based on a worst case. This would allow 1,743 square feet to use on the property. He noted that the house, current shed, and screen porch is 1,690 square feet or 24%. The new shed at 280 square feet would put the lot at 1,970 square feet or 28% coverage. He would request the Zoning Board allow them to have an additional 227 square feet of non-livable space.

Mr. Olivieri then read the February 12, 2021, letter from the Board of Health into the record. It stated that no structure shall be within five feet of any septic component. The proposed location for the shed appears to be within three feet of the leaching pit. Mr. Bauer said that he had spoken to Mr. Cullen about the two feet and looked at the options. He could either move the structure by two feet or go for a Variance. He was fine with meeting the regulation and moving the shed two feet closer to the back edge of the property. Mr. Olivieri also read the February 18, 2021, memo from the Planning Board into the record. They had no comment regarding the petition.

Mr. Olivieri said what they are looking at is if they should allow Mr. Bauer to exceed the 25% lot coverage. He noted that on undersized lots they tend to be a little more lenient toward setback issues and things of that nature, but he would defer to the Board to comment and ask questions.

Mr. Youngquist asked Mr. Bauer why he was saving that 10' x 11' shed. Mr. Bauer replied the shed was part of the property when they purchased it. It is an older shed but it is used for lawn equipment and gasoline. It has a very strong smell of that. Mr. Youngquist said he noticed that he was putting the new shed on blocks in the corners with frame construction. Mr. Bauer said that was correct. There will be no slab or foundation. It will be crushed stone with four by four timbers and then a full decking on top of that. Mr. Youngquist asked what its proposed use was. Mr. Bauer replied it was still a usable structure for lawn equipment and things of that nature. The new structure will be for boat equipment, patio furniture, and other seasonal items. They did not have a basement so they had limited storage capacity.

Mr. Sheedy asked if the house had a basement or crawl space storage. Mr. Bauer replied it did have an approximately 5' x 8' crawl space where their water filtration system is. It includes the hot water induction and the water system which is just about all that fits. Mr. Noble said the drawing shows a six-foot setback on the side of the property, but did that go all the way down. Mr. Bauer said he believed that the six feet is strictly for where the shed would be located up against the neighboring property, but it was consistent all the way through the back side of the shed. Mr. Noble asked what the proposal was to move the existing structure over to the corner. Mr. Bauer said there is a company that has a machine called the mule that actually will transport the shed around the property making sure that it is not going over sensitive areas such as septic, etc.

Mr. Campeau asked for clarification regarding the calculation of the lot size. Mr. Bauer said on the drawing it shows 7,150 square feet which is from the Town. However, the Purchase and Sales Agreement that they signed in June the number came in at 6,970 square feet. He was using that lower number to base his calculations on. If he could go with the larger number he would gain 180 square feet which would get him closer to the 25%, but going with the lower number is what put them at 28%.

Mr. Olivieri asked if there were any neighbors or abutters present that would like to speak to the petition. No one spoke. Mr. Olivieri said it is coming down to whether they want to grant the relief, and it sounds like it is an extra 3% worth of lot coverage. Personally,

he was a little more hesitant on these types of requests, but it doesn't appear that it is really out of character from what he knows about the neighborhood. There are a lot of properties that are probably covering a little more than they are supposed to. Mr. Bauer has agreed that he will comply with the Board of Health's regulation so he did not see an issue. He asked if anyone would like to make a motion.

Mr. Noble then made a motion to approve the Special Permit for the new structure but exclude the existing structure from the Special Permit. He would not be able to keep the old shed. Mr. Olivieri asked Atty. Kwesell if they should be dealing with the specific structures of the percentage of lot coverage. She replied if the new structure is allowed and the existing structure is removed, she thought they were still at 25% or under. Mr. Olivieri noted that his point was if they are saying to get rid of the old shed and the Board will grant him a new one, then he really didn't need to be in front of the Board because at that point, he would be in compliance with the 25%. Atty. Kwesell said that was correct. The motion would then be to deny the Variance for over 25%. There was no second to Mr. Noble's motion.

Atty. Kwesell said the application is a bit confusing. It says Special Permit/Variance. At this point, the Board can deny the Variance for over 25%, and then approve a Special Permit to allow that one structure within the setback provided that structure does not increase that coverage to over 25%. Ms. Murray noted that she did not advertise for a Variance. Atty. Kwesell clarified that the Special Permit can be granted for putting a shed in the setback but the Building Commissioner could not issue a building permit for that until he's at 25% lot coverage.

Ms. Cline then made the motion, seconded by Mr. Youngquist, to allow the 14' x 20' accessory structure within the setback provided that the 25% lot coverage is not exceeded.

Mr. Olivieri clarified to Mr. Bauer if they voted on this and it passed, he would be able to put the shed up but he would have to figure out whether to downsize it or get rid of the other shed, or he would have to return to the Board and request a Variance for going over the 25% lot coverage. He could say yes to this and move forward, but he could also continue this or even withdraw without prejudice. He wanted him to know that he did have options. Mr. Bauer said that what he was understanding was that the 14' x 20' shed can go in the location that's stated on the map plan, provided it's in the same location that they have it depicted, but he would have to remove the existing 10' x 12' that was to be relocated. Mr. Olivieri said to keep in mind that they are not specifying certain structures because all he needs to be concerned about is the 25%. He could take a piece out of his house, deck, etc. but just find something else on the property as long as it was limited to the 25% maximum impervious coverage. Atty. Kwesell added that was correct.

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

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

The hearing closed at 7:34.

Documents distributed for the hearing:

- Petition packet
- Legal ad
- Board of Health correspondence of February 12, 2021
- Conservation Commission correspondence of February 19, 2021
- Planning Board correspondence of February 18, 2021

Furtado hearing – 17 South Avenue

Mr. Olivieri opened the Furtado hearing at 7:34. Ms. Murray read the legal ad into the record. Mr. David Doyle was present. He advised he was a retired contractor and was acting on behalf of Mr. & Mrs. Furtado. They would like to build a deck on the front of the cottage. The lot is very narrow so it does not conform to the setbacks. It will not exceed the existing footprint as far as the width of the existing cottage. He noted that coverage should not be a problem as this lot was approximately 9,000 square feet and the cottage was maybe 500 square feet plus the deck. The cottage is towards the front near the water with a lot of space toward the rear of the structure.

Mr. Olivieri then read the comments from the various Town Boards into the record. The February 12, 2021, letter from the Board of Health requested a sketch that showed the location of the septic components in relation to the proposed deck. Mr. Doyle said that a tight tank had just been installed on the property a couple of months ago. That information should be in the record, but the septic system is in the rear of the cottage and not in the front. The deck will be a fair distance away from the septic system. The Planning Board memo of February 18, 2021, had no comment regarding the petition.

Mr. Olivieri asked Board members if there were any comments or questions. Ms. Cline asked where the deck was going. Mr. Doyle replied it will be on the water side of the cottage right off the front porch. The deck is 12 feet off the cottage and approximately 26 feet in length. Mr. Olivieri said personally he did not see an issue with it as long as it was in compliance with the Board of Health. Mr. Youngquist said that there was a site map included in the packet from Zenith dated October 22, 2020, and shows the tight tank design and location. Mr. Doyle said the location of the deck is depicted on a separate sketch that he had submitted with the packet. There were no additional questions.

Mr. Youngquist made a motion, seconded by Ms. Cline, to grant the Special Permit with the following condition:

1. Approval is also required from the Board of Health and Conservation Commission.

Roll Call Vote: Ms. Cline-Aye, Mr. Youngquist-Aye, Mr. Carmichael-Aye, Mr. Noble-Aye, Mr. Olivieri-Aye

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

The hearing closed at 7:49.

Documents distributed for the hearing:

Petition packet

Legal ad

Board of Health correspondence of February 12, 2021

Conservation Commission correspondence of February 19, 2021

Planning Board correspondence of February 18, 2021

Cornell hearing – 15 Morrison Way

Mr. Olivieri opened the Cornell hearing at 7:50 and read the legal ad into the record. Mr. Cornell was present. He advised he was building a 12' x 20' three season room. It will be on an existing deck. It would be approximately 200 square feet. His lot is 7,441 square feet, and his house is approximately 880 square feet so it would meet the guidelines for the 25%.

Ms. Cline then said in the packet there was a Quitclaim Deed that is marked cancelled. Does this mean this document is not in effect? Atty. Kwesell replied that usually means that the fees have been cancelled. Ms. Cline said that it states *the property shall remain a year-round one-bedroom dwelling with no further expansion and no increase in flow to the septic system*. Would this be considered an expansion which the deed is not permitting. Mr. Olivieri said that he thought that had to do with increasing the flow of the system with additional bedrooms. Atty. Kwesell added that the term in the deed was unfortunate. The term no increase in flow to the septic system was what they could rely on. At the same time, that is not an issue for the ZBA because this is a deed restriction. Mr. Olivieri said if he was increasing the flow, that was the purview of the Board of Health.

Mr. Olivieri then read the comments from the various Town Boards into the record. The February 12, 2021, letter from the Board of Health requested a sketch that shows the location of the septic components in relation to the proposed deck. It was noted that the deck was existing. Mr. Cornell said the tight tanks were on the other side of the property. The Planning Board memo of February 18, 2021, had no comment on the petition.

Mr. Noble asked for a clarification of the location of the deck. Was it located on the Pilgrim side of the property? Mr. Cornell said that was correct. There were no other questions from the Board.

Mr. Youngquist made a motion, seconded by Mr. Noble, to approve the petition as applied for.

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

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

The hearing closed at 7:58.

Documents distributed for the hearing:

- Petition packet
- Legal ad
- Board of Health correspondence of February 12, 2021
- Conservation Commission correspondence of February 19, 2021
- Planning Board correspondence of February 19, 2021

Hoffman hearing – 5 Merigold Lane

Mr. Olivieri opened the Hoffman hearing at 7:58 and read the legal ad into the record. Mr. Hoffman was present. He advised that he just wanted to have a shed delivered for storage purposes. He did not think that he would exceed the 25% lot coverage. Mr. Olivieri then asked if Board members had any questions. Mr. Carmichael asked if an Order of Conditions would be required as the property was on the water. Mr. Hoffman said they had come by and looked at the property but they found no issues as no digging was to be done.

Ms. Cline then read the February 19, 2021, letter from Conservation. They had found the placement of the shed would not impact the resource and no further action was required. The homeowner was to contact the Conservation office at installation. There were no further questions.

Ms. Cline then made the motion, seconded by Mr. Youngquist, to approve the Special Permit to construct a 10' x 16' shed within the side setback as requested.

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

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

The hearing closed at 8:03.

Documents distributed for the hearing:

- Petition packet
- Legal ad
- Board of Health correspondence of February 12, 2021
- Conservation Commission correspondence of February 19, 2021
- Planning Board correspondence of February 19, 2021

Boston Botanical, Inc. hearing – 475 Kenneth W. Welch Drive

Mr. Olivieri opened the Boston Botanical, Inc. hearing at 8:03 and read the legal ad into the record. Mr. Olivieri noted that this was the first marijuana facility coming in front of this Zoning Board. He asked Atty. Kwesell if she could walk them through the process of what their role is in this type of an application. Atty. Kwesell replied the Zoning bylaw had a specific section for marijuana uses. Boston Botanical is requesting a Permit for two uses, cultivation and product manufacturing. She would first note that Boston Botanical has a Host Community Agreement (HCA) with the Town of Lakeville.

Atty. Kwesell said there were a couple of comments from other Boards. The Fire Department was looking for better access to the property. It appears to her that they have provided a gravel road which will provide that access to three sides of the building. The Planning Board had recommended a fenced in loading area. They have agreed to put that in, and it is shown on their updated plan. With regard to the Special Permit, they are looking at it being not more detrimental to the neighborhood, but they also have a list of requirements in the Zoning bylaw. It appears that they meet most of them.

Atty. Kwesell noted that because this is a cultivation facility, they have to be separated by adjacent uses by a 50-foot buffer strip, unless they can find that adequate buffering can be provided. That is one thing she had flagged as being unsure if that was met. They did provide in their application the numerous items that are required by the bylaw. There are a couple of items the Board should entertain tonight. The first is to confirm that they have a buffer between the adjacent properties. They will also have to determine the hours of operation. The applicant should address odors coming from the facility and make sure they have adequate HVAC systems to prevent that.

Atty. Kwesell said they have provided a security system plan which will sufficiently provide security at this facility. She noted that they will have to get a license from the Cannabis Control Commission (CCC) which is not necessarily focused on the location but more on the company and its business's practices and their regulations are pretty stringent, in her opinion. They will also make sure that the term of this Special Permit follows the applicant. Mr. Olivieri then asked who would be presenting.

Atty. Brandon Kurtzman was present for Boston Botanical. He was an attorney with Vicente Sederberg which is a national firm that specializes in representing cannabis companies in states where marijuana has been legalized. In the Commonwealth, they represent over 100 companies and help them get their state and local approval for cannabis licenses. They also help them to remain compliant with state laws and local regulations. He then turned the floor over to Edward Phipps, CEO and president of Boston Botanical.

Mr. Phipps advised he was originally from Massachusetts, and has a background as a financial accountant. Eight years ago, he moved to Maine and since that time has successfully built and operated a 5,000 square foot cultivation and manufacturing facility in Casco, Maine; a 10,000 square foot cultivation facility in Sanford, Maine; and a

licensed beverage plant in Portland, Maine. They have created a very scalable concept and an effective set of standard operating procedures to produce high quality, clean cannabis consistently. The plan has been to bring back their blueprints to their home State of Massachusetts.

Atty. Kurtzman explained they had submitted their Site Plan Review to the Planning Board, and it was approved subject to two recommendations. One from the Planning Board relating to the parking and loading area. The other from the Fire Chief relating to the access road. They revised the plan and submitted it to the ZBA this morning.

Mr. Tony Capachietti from Hayes Engineering then shared his screen and displayed the Site Plan. He advised what they have is an existing concrete block and metal frame approximately 20,000 square foot building. The proposed development plan includes constructing 26 parking spaces, two of which will be a fenced in closed loading area at the two lower doors, which lead in to the shipping and receiving area. The CCC has restricted distribution to one-ton passenger vans which he compared to Amazon delivery. That is why standard 9' x 20' spaces can work. He advised there are very limited changes to the existing site, but the work would consist of striping the parking lot, closing those two spaces in, and constructing the enclosed dumpster area. He noted that dumpster area would be for regular rubbish and trash. All marijuana containing trash product is governed by CCC regulations and has to be destroyed in the proper manner.

Mr. Capachietti said they have done an analysis on stopping sight distance and there is adequate sight distance for both approaches from the east and west. There is a small amount of tree clearing that needs to occur to the northwest, consisting of overhanging branches but nothing major in the way, just good practice. They would be open to any condition that requires that to continue to be maintained through operations. The comment they had received from the Fire Chief was he wanted to have access to three sides of the building which they have provided. They will go with a ten-inch gravel base and three-inch fresh stone or stone dust wearing course above that. They will be providing edging of some sort of colored concrete on both sides so that area will be visible. They will provide delineations for where that access road is as well as ongoing maintenance.

Mr. Capachietti said in regards to the buffer zone, the existing building is 40.4 feet and 40.9 feet off the westerly property line, and they don't control the full 50 feet. However, there is a 40-foot side setback in the Industrial Zone so no structure could be placed within that 40 feet, which essentially provides an 80-foot buffer. Within that 80-foot buffer is the bordering vegetated wetlands (BVW.) Atty. Kwesell said that the 50-foot buffer is from adjacent uses. How far would this building be from another building. Mr. Capachietti said it would be a minimum of 80 feet to another building. He said on that property line, it is wooded. They will have to clear some minor vegetation, approximately 15 to 20 feet in some areas just to provide that fire road. They will be going in front of Conservation for a Request for Determination (RDA) for that work. They also are proposing two red maples along the street to replace what they have to take out and provide some additional screening of the building.

Atty. Kurtzman then displayed the interior layout of the facility so he could speak to some of the operational features. This facility is set on 3.4 acres and it is a 20,000 square foot building. The hours of operation are proposed to be 8:00 a.m. to 6:00 p.m., Monday through Sunday. He noted this business is not open to the public and anyone accessing the facility will need to have either an employee identification or visitor identification in order to get inside. That is checked prior to entry. Atty. Kurtzman said this is a cultivation and a manufacturing facility, and he indicated the various rooms on the floor plan.

Atty. Kurtzman said as required by the State, Boston Botanicals will be implementing a seed to sale tracking system. As soon as the plants reach eight inches they are tagged with an RFID tag and then tracked throughout the cultivation process until they are harvested. Part of the marijuana that isn't sold as flower is going to be manufactured and processed into infused products. Boston Botanicals will be using a solvent-less extraction process in order to produce the oils. They will not be using butane or CO₂ but will use water or ice in order to do the extractions and create the oil. They anticipate potentially going to a solvent based extraction process in the future using most likely CO₂.

Atty. Kurtzman said one of the updates to the plan is the secure loading zone. Shipping and receiving will be done in a fenced-in and secure area. No trucks will be involved in the delivery or shipping process. Goods will come in to be used for cultivation and finished products and marijuana will be shipped out to consumers. He described that process and noted it is coordinated with security and randomized at all times. He estimated it to take about five minutes.

Atty. Kurtzman said some of the security features are comprised of limited access areas that have already been discussed. Within the facility, areas are limited to the employees that are necessary to do the jobs in those areas. There are security cameras throughout the interior and exterior of the facility. There is also an alarm system, consisting of both a primary system and a backup system. He also advised that no on-site consumption is permitted at the facility, and they have a strict anti-diversion policy.

Mr. Phipps then spoke about the odor mitigation. All the cultivation rooms will be sealed which will prevent any ambient air from escaping or limiting it greatly. No outside air is going to be imported to any of the cultivation rooms to prevent diffusion of ambient air, and no air will be exported out. In addition, all cultivation areas and areas adjacent to cultivation will be outfitted with a carbon filtration system. That will be engineered to filter the air the cubic footage of the room in a matter of minutes. Those will be kept on 24/7. The filters will be changed regularly. Their lifespan is about eight months, but they will change them every six months. These are systems they use now with great success. Both of their facilities in Maine are close to residents and hotels, and they have never had a complaint.

Atty. Kurtzman asked if there were any questions. Mr. Olivieri thanked Atty. Kurtzman for his presentation. He said he had spoken about all the items Atty. Kwesell had questioned. In regards to security, he knew from past applicants and others in the industry he had spoken to, the CCC has strict guidelines and their Police Chief looks through them as well. He was confident that the security systems, protections, and issues will be taken care of and addressed. They were well outside of the buffer zone and their proposed hours were standard. He asked if there was any intention of having additional shifts coming on. Mr. Phipps said they don't foresee anything. They will be building up the entire facility at once with no immediate plans for expansion. There is no need for them to have a midnight shift unless there is an emergency.

Atty. Kwesell asked how many trucks or vans a day they were expecting to come in and out. Mr. Phipps said in terms of outgoing products, once a week, and for incoming product, probably once every two weeks. They don't plan on a large amount of traffic. Atty. Kwesell then asked what the status of their license was with the CCC. Mr. Phipps replied there was an existing license holder at this location, so they are acquiring those licenses. The application has been submitted and they expect that to take anywhere between two and four months. Atty. Kwesell advised that the Bylaw and the CCC do not allow operation to begin until the license is actually received. The term of the Special Permit will be contingent upon their license which will be a condition. Atty. Kwesell asked if there was any intention of looking into whole delivery. Mr. Phipps replied no, not for them.

Atty. Kwesell advised the applicant has entered into a Host Community Agreement (HCA) with the Town where there is a community impact fee and an annual charitable donation. They have also agreed to look into local vendors and local employment first. The HCA also provides for odor and things of that nature. Mr. Olivieri then read the February 19, 2021, letter from Conservation. They have requested more details to determine if a Notice of Intent (NOI) or a Request for Determination of Applicability (RDA) will be required. Mr. Capachietti said Conservation would be the last Board they would go to. The design revisions are going to get finalized between the ZBA and the Planning Board, and now they know that they are in the buffer zone to the wetlands with the fire lane, they will be filing with Conservation.

Atty. Kurtzman said it is the applicant's preference to have the Special Permit be conditioned on Conservation approval, understanding that if Conservation says they need to make changes, then they would have to come back if the plan is different than what is before the Board today and what was approved by the Planning Board. Mr. Olivieri then read the February 12, 2021, letter from the Board of Health. They had no reason to recommend denial due to public health issues but a Title V inspection would be required prior to occupancy. The Planning Board memo of February 18, 2021, recommended a fenced in area for vehicle loading or that sufficient security measures be implemented for parking lot loading, which Mr. Olivieri indicated had already been addressed in the presentation.

Mr. Carmichael asked if they would be okay with a condition stating there would be no retail at this site. Atty. Kurtzman said that would be fine as the Special Permit would only be for cultivation and manufacturing, and they had no intention of doing retail sales. Mr. Carmichael asked if the Fire Department had yet reviewed the amended Site Plan. He would also recommend impact statements from Fire, Conservation, and Police. Ms. Murray advised that she had forwarded the Plan to Chief O'Brien but had not yet heard back from him. Mr. Olivieri noted that they typically would have more than one meeting on this type of application. He asked Atty. Kwesell to compose a list of the items that needed to be followed up on.

Mr. Carmichael said with limited deliveries, did they need to work on Saturdays and Sundays or were they prepared to eliminate some of their weekend work hours? He could see employees going in to maintain the plants, but he would be concerned about weekend deliveries. Atty. Kurtzman said it is necessary to continue operations on the weekends as the plants need to be tended to. He did not anticipate that there were going to be deliveries that would create an impact to traffic on the weekends and pointed out that deliveries would be once or twice a month. They could look into reducing weekend deliveries but he supposed that most would occur during business hours of the week.

Mr. Carmichael then asked if they were prepared to put up rooftop screening for their rooftop units. Atty. Kurtzman said they are prepared to do that so any units on the roof aren't visible from the exterior of the facility and to address potential noise issues. Mr. Phipps added at their current facilities, these units don't produce a lot of noise, and they also have never received a complaint in regards to noise. Mr. Carmichael said that has not been his experience. He would ask for screening on the back side towards Carriage House Lane and then the side abutment towards the other residential property.

Mr. Carmichael also asked about the composting. Mr. Phipps replied they do like to repurpose a lot of things relative to composting, but they do aerobic composting versus anaerobic composting. It also helps them to reduce waste. Mr. Carmichael said it is an increased fire load so as long as the Fire Department is okay with it and they were not composting outside, he would be fine with it. He asked that they then update their narrative. Mr. Carmichael asked if they were prepared to put solar arrays on the rooftop to cut down on the energy use. Atty. Kurtzman said they are considering a number of measures to reduce the energy use. The CCC does have a regulation that limit how much wattage they can have per plant. They will work with local energy providers to find any programs that are available to limit their energy consumption.

Mr. Olivieri asked if the Board would have more oversight on things like where they get their energy from. Would that be within their purview? Atty. Kwesell replied that is not specifically laid out in the bylaw. However, with a Special Permit which is not more detrimental, having renewable energy would be a plus for both the company and the Town, but in her opinion, not something that would be cause for denial if they were not doing that.

Mr. Noble asked if there would be backup generation or a generator on site in case of a loss of power. Atty. Kurtzman said as a State requirement you need to have a back up power source. They will have a generator on site. Mr. Noble said that he did not see that on any of the drawings submitted. Atty. Kurtzman said he was not sure where the generator is going to be located within the facility. Mr. Capachietti said it would be within the existing parking lot. His thought is there is an area of existing pavement that would be south of three spaces two of which are in the fenced in loading area. Those designs haven't been completed and are not usually embarked upon until the Special Permit and CCC permits are issued or at least the preliminary ones.

Mr. Noble asked if they could speak to the water quality and treatment they plan to incorporate into their manufacturing. Mr. Phipps replied soil ecology and what that allows them to do for irrigation, fertigation is what really limits the wastewater for repurposing. They capture it and filter it to a small extent and then reuse a lot of the water. It also allows them to limit inputs. They have the system where they are feeding and re-feeding, and recapturing a lot of things. They will be capturing condensate from A/Cs and also that wastewater that will be filtered in that fertigation area, and then put in a tank to be repurposed through the use of their additional fertilizer.

Mr. Noble then asked about the use of solvents in the future. Mr. Phipps said that would likely be the case. Solvent less is what they are going to be doing immediately. As that is not a decision they are making right now, its an assumption. Mr. Noble asked if they did go forward with that in the future, what would be the plan? Mr. Phipps replied he didn't have a plan in place for that but it something where he imagined they would be repurposing the carbon dioxide to some extent.

Ms. Cline asked for clarification between the narrative and something that was just said as it relates to parking. In the narrative, it states there are 34 spaces, but later in the narrative there are 26 spots. In the securing of the parking lot, two spaces would be used, so they would be down to 24 spots. Atty. Kurtzman replied the plan was originally submitted with 34 spaces which was contemplated based on a potential expansion of the building that would have added an additional 5,000 square feet. That expansion is no longer going forward, so the actual number of parking spaces is 26, which he believed was in addition to the loading area. Pursuant to zoning, 25 spaces are required so they meet the zoning requirement and feel they have ample parking.

Ms. Cline then questioned the total amount of employees at the facility. Mr. Phipps said that it will be 22 maximum on site at one time, given the spread over Saturday and Sunday and needing to cover those days as well. The expect no more than 22 and less than that on any given shift. Ms. Cline also asked what the waste disposable process would be. Atty. Kurtzman said marijuana waste has to be disposed of in accordance with the CCC's regulations. It is separated from the regular waste, put into a locked dumpster, and then hauled away by a Commission approved marijuana waste vendor. Everything is regulated at the State level.

Mr. Olivieri recapped the following items that needed action:

- Planning Board approval
- Fire Chief's opinion on the updated and revised plans
- Hours of operation
- Noise mitigation for some of the mechanicals and screening

Atty. Kwesell added the following:

- Fire Department approval on the gravel road
- Reducing deliveries on weekends, if possible
- Noise from the rooftop units
- Update the narrative regarding no outside composting
- The location of the backup generator on the plan
- The size of the generator and that the siting of it will not be on the residential side
- Update the narrative in regards to the parking spots

Mr. Carmichael requested a statement from Conservation in regards to the proposed access road.

Mr. Carmichael then made a motion, seconded by Ms. Cline, to continue the Boston Botanical, Inc. hearing until March 18, 2021, at 7:00 p.m.

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

Meeting minutes

Ms. Cline made a motion, seconded by Mr. Youngquist, to approve the minutes from the January 19, 2021, meeting.

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

Adjourn

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

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

Meeting adjourned at 9:20.