

TOWN OF LAKEVILLE MEETING POSTING & AGENDA

Town Clerk's Time Stamp
received & posted:
K. DeGripa
LAKEVILLE TOWN CLERK
RCUD 2024 APR 11 PM 2:50
48-hr notice effective
when time stamped

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

Name of Board or Committee:	Zoning Board of Appeals
Date & Time of Meeting:	Thursday, April 25, 2024 at 7:00 p.m.
Location of Meeting:	Lakeville Public Library 4 Precinct Street, Lakeville, MA 02347
Clerk/Board Member posting notice:	Cathy Murray

Cancelled/Postponed to: _____ (circle one)

Clerk/Board Member Cancelling/Postponing: _____

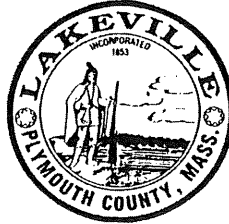
A G E N D A

Petition hearings (votes to be taken)

- Benatti hearing, continued** – Appeal from Decision of the Building Inspector/Zoning Enforcement Officer relative to business activity in the residential district at **434 Bedford Street**
- Mason hearing – 217 County Street** – request for a **Special Permit** under §270-7.4 B and §270-7.4 B (21) to demolish and existing dwelling and construct a new dwelling of similar scale that would be within the setbacks on a pre-existing, non-conforming lot.
- Buds Goods & Service MA Corp hearing – 475 Kenneth W. Welch Drive** – request for a **Special Permit** under §270-7.4 (4) to expand its existing use to incorporate a processing room and workspace area.
- Simmonds Hills LLC** – request for a **Comprehensive Permit** under M.G.L., Chapter 40B to construct two-hundred (200) units with forty-four (44) units to consist of single family homes, forty-six (46) duplex cottages catering to an older demographic, and eleven (11) ten (10) unit condominium buildings, of which not less than fifty (50) of such units shall be restricted as affordable for low-or moderate-income persons or families as required under the terms of the applicable state regulations and guidelines. The project is located off of **Freetown Street** and composed of six (6) separate Lakeville Assessor's parcels; Map 034, Block 002, Lots 001, 002, 011, 012 and Map 035, Block 001, Lots 002A and 004.
 - Discussion limited to setting the date & location for the next hearing.
 - Peer review
- Approve Meeting Minutes for March 21, 2024.
- Next meeting . . . Thursday, May 16, 2024- Location to be determined.
- Adjourn

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

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



The LAKEVILLE ZONING BOARD OF APPEALS, acting in accordance with MASS GENERAL LAWS CHAPTER 40A, as amended, will conduct a public hearing on Thursday, April 25, 2024, at 7:00 P.M. in the LAKEVILLE PUBLIC LIBRARY, 4 PRECINCT STREET, upon the petition of **Carl Mason, Aerie President**. A **Special Permit** is requested under **Section 270-7.4 B and Section 270-7.4 B (21)** for the demolition of an existing two-bedroom dwelling and the construction of a new two-bedroom dwelling of similar scale that would be within the setbacks. The applicant is also requesting to construct an exterior deck that will be attached to the second floor of the primary structure within the rear setback on a pre-existing, non-conforming lot, as provided by the Lakeville By-Laws. The property site is **217 County Street**.

The application and assorted documents can be viewed in the Planning Department by appointment.

John Olivieri, Jr., Chairman

April 11, 2024 & April 18, 2024



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

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

April 9, 2024

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

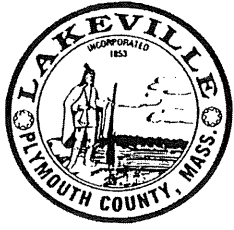
Re: 217 County Street
Dear Chairman Olivieri:

The Board of Health has received the Petition for Hearing for 217 County Street. The Plan to Accompany a ZBA Petition dated 1/23/24, shows a proposed two-bedroom dwelling in the location of an existing two-bedroom dwelling. The Board of Health would like to know where the existing septic system is and where the proposed septic system will be installed, before we can comment on the site.

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

Sincerely for the Board of Health

Edward Cullen Health Agent



Town of Lakeville

PLANNING BOARD
346 Bedford Street
Lakeville, MA 02347
774-776-4350

Michele MacEachem, Chair
John Cabral, Vice-Chair
David Lodge
Jack Lynch
Daniel Wilga

MEMORANDUM


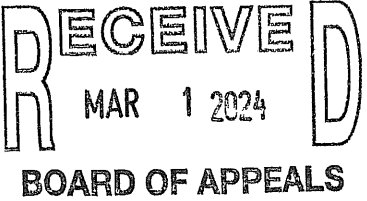
TO: Board of Appeals

FROM: Planning Board

DATE: April 19, 2024

SUBJECT: Petition Review for Mason – 217 County Street

At their Thursday, April 11, 2024, meeting, the Planning Board reviewed the above referenced Petition for Hearing from the Board of Appeals. The Planning Board voted to send a memo to the Zoning Board advising they had concerns with the proposed dwelling's proximity to the Long Pond shoreline.

Appeal Number:	 Town of Lakeville ZONING BOARD OF APPEALS 346 Bedford Street Lakeville, MA 02347 774-776-4350	Received by Town Clerk
Hearing Date:		
EXHIBIT "A"		

ZONING BOARD OF APPEALS APPLICATION
PETITION FOR HEARING

Property Address: 217 County Street

Zoning District: residential X business industrial

Map 037 Block 001 Lot 002

Registry of Deeds: Book No. 0047 Page No. 5072

Applicant (Petitioner)		Owner	
Applicant's Name:	Carl Mason, Aerie President	Owner's Name:	Lakeville Aerie #3994
Applicant's Address:	217 County Street	Owner's Address:	PO Box 517
City, State, ZIP:	Lakeville, MA 02347	City, State, ZIP:	East Freetown, MA 02717
Phone:	(508) 763-8878	Phone:	(508) 763-8878
Email:	CarlMMason@gmail.com	Email:	CarlMMason@gmail.com
Engineer (If any)			
Name:	Zenith Consulting Engineers	Phone:	(508) 947-4208
Mailing Address:	3 Main St., Lakeville, MA	Email:	Nyles@zcellc.com
Representative (If any)			
Name:	Nick Velozo	Phone:	508-889-2928
Mailing Address:	126 Cove Street, Fall River, 02720	Email:	nvelozo@starckarchitects.com

Nature of Relief Sought:

X Special Permit(s) under Section(s) 270-7.4B(5) & 270-7.4B(21) of the Zoning Bylaw.
 Variance(s) from Section(s) of the Zoning Bylaw.
 Appeal from Decision of the Building Inspector/Zoning Enforcement Officer.
 Date of Denial

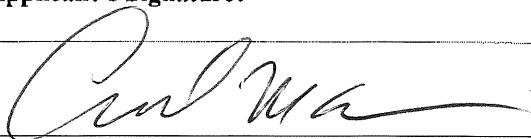
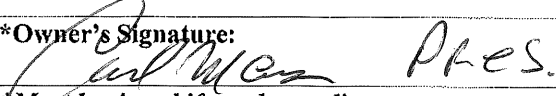
Lot area: 53,763+/- Frontage: 305.30'

Setback	Required*	Existing	Proposed
Front Setback	40.0'	40.0'+	40.0'+
Rear Setback	40.0'	13.2'	10.8'
Right Side Setback	40.0'	40.0'+	40.0'+
Left Side Setback	40.0'	3.5'	7.5'
Lot Coverage	Maximum allowed	Existing	Proposed
	50%	64.3%	64.3%

*See Lakeville Zoning Bylaw-Section 5.1-Intensity Regulations

Description of Proposal and/or Decision Being Appealed. Please attach separate narrative if additional space is needed. See attached document

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 OF THE ZONING BOARD OF APPEALS OF THE TOWN OF LAKEVILLE.

Applicant's Signature: 	*Owner's Signature:  <i>*Must be signed if not the applicant</i>
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Lakeville Eagles, Aerie #3994
217 County Street

Applicable section of Town of Lakeville Zoning By-Law, 1994 Revision (*readopted in their entirety 5-8-2023 ATM by Art. 12, AG approved 11-13-2023.*)

§ 270-6.1 Nonconforming uses, structures and lots.

- C. Extension. Preexisting nonconforming structures or uses may be changed, extended or altered by special permit from the Board of Appeals, finding that such change, extension or alteration is not substantially more detrimental than the existing nonconforming structures or uses.
 - 1. Changes, extensions or alterations to preexisting nonconforming structures on lots zoned residential of 15,000 square feet or more shall be exempt from the special permit requirement, except where the Building Commissioner determines that the proposed change, extension or alteration will intensify the nonconformity.
 - 2. Additions to existing nonconforming residential structures shall be allowed on lots of 70,000 square feet or more, providing the addition complies to the setback requirements or is no closer to the property lines than the existing nonconforming residential structure.

§ 270-6.3 Accessory uses.

- A. Uses accessory to a permitted principal use are permitted on the same premises.
- B. No accessory building or structure shall be located within the required front, side or rear setback unless a special permit is granted by the Zoning Board of Appeals. Where a special permit is sought under **§ 270-7.4B** for an accessory building or structure within the setback on a lawfully preexisting, nonconforming lot, the Zoning Board of Appeals shall additionally make a finding that the accessory building or structure shall not be substantially more detrimental to the neighborhood than the existing nonconformity.

§ 270-7.4 Special permits.

- A. General provisions.
 - 1. Certain specific uses, buildings and structures identified in other sections of this bylaw shall be allowed to be located, relocated, altered or substantially expanded in specified districts only upon the issuance of a special permit by the special permit granting authority, as designated herein.
 - a. Special permits shall only be issued for uses, buildings and structures which are in harmony with the general purpose and intent of this bylaw and subject to its general or specific provisions and only if the special permit granting authority finds that the following conditions are met:
 - 1. The use is not noxious, harmful or hazardous, is socially and economically desirable and will meet an existing or potential need.

2. The advantages of the proposed use outweigh any detrimental effects, and such detrimental effects on the neighborhood and the environment will not be greater than could be expected from development which could occur if the special permit were denied.
 3. The applicant has no reasonable alternative available to accomplish this purpose in a manner more compatible with the character of the immediate neighborhood.
- b. The special permit granting authority shall determine that the proposal generally conforms to the principles of good engineering, sound planning, and correct land use, and that the applicant has the means to implement the proposal if a special permit is granted.
- B. Specific uses by special permit. No special permit shall be issued except in accordance with the following conditions and requirements for each specific use:
5. Accessory building or structure located within the required front, side or rear setback.
 - a. SPGA: Board of Appeals; all districts.
 - b. The Board of Appeals may impose certain restrictions, including but not limited to size, height and/or number of buildings or structures
21. Nonconforming use, extensions or alteration.
- a. SPGA: Board of Appeals; all districts.
 - b. Such extension or alteration must not be substantially more detrimental than the existing nonconforming use.

Lakeville Eagles, Aerie #3994
217 County Street

Applicable section of Town of Lakeville Zoning By-Law, 1994 Revision (*readopted in their entirety 5-8-2023 ATM by Art. 12, AG approved 11-13-2023.*)

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 3. The applicant has no reasonable alternative available to accomplish this purpose in a manner more compatible with the character of the immediate neighborhood.
- b. The special permit granting authority shall determine that the proposal generally conforms to the principles of good engineering, sound planning, and correct land use, and that the applicant has the means to implement the proposal if a special permit is granted.
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 - a. SPGA: Board of Appeals; all districts.
 - b. Such extension or alteration must not be substantially more detrimental than the existing nonconforming use.

Narrative

Introduction:

The Fraternal Order of Eagles is a non-profit organization uniting fraternally in the spirit of liberty, truth, justice, and equality, to make human life more desirable by lessening its ills and promoting peace, prosperity, gladness and hope.

Scope of the project:

The scope of the proposed project consists of the demolition and construction of a two-bedroom dwelling and the construction of an exterior deck attached to the primary building's second floor.

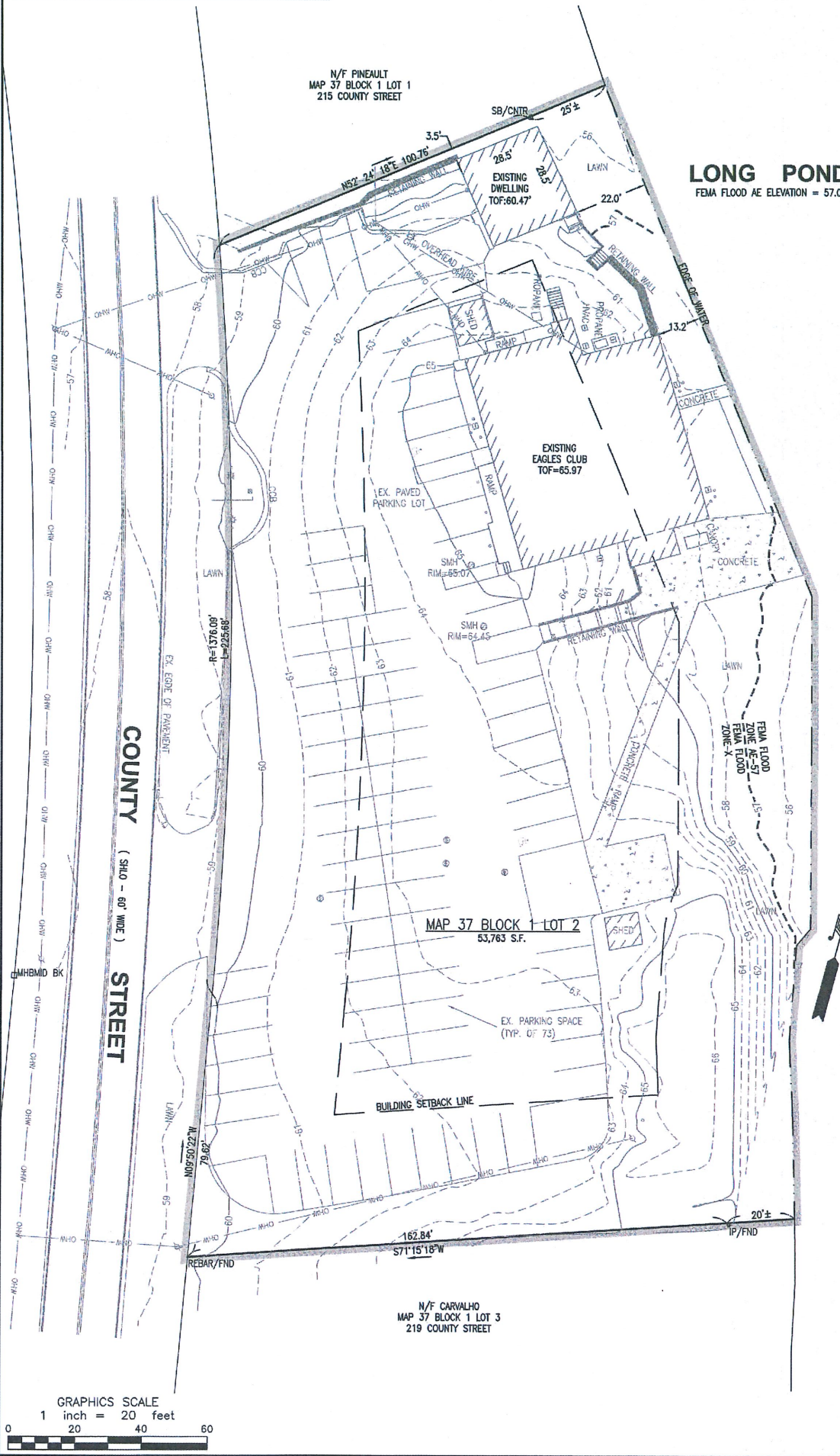
The demolition of an existing dilapidated two-bedroom dwelling is required for the construction of the new two-bedroom dwelling. The proposed dwelling will be used and rented to a member of the Fraternal Eagles. The monies earned on the dwelling will help the Fraternal Order further their donations to local communities, charities, and scholarships. Currently, the existing dwelling is 28.5 feet by 28.5 feet (812.25 s.f.) and sits 3.5 feet from the existing side property line. We propose to locate the new structure 4 feet further from the property line to 7.5 feet. We propose the distance from the rear property line (Long Pond) to remain the same.

The construction of the dwelling will be of a similar scale to the existing. The materials used for the construction will be of traditional residential building materials that will not make the appearance a detriment to the neighborhood.

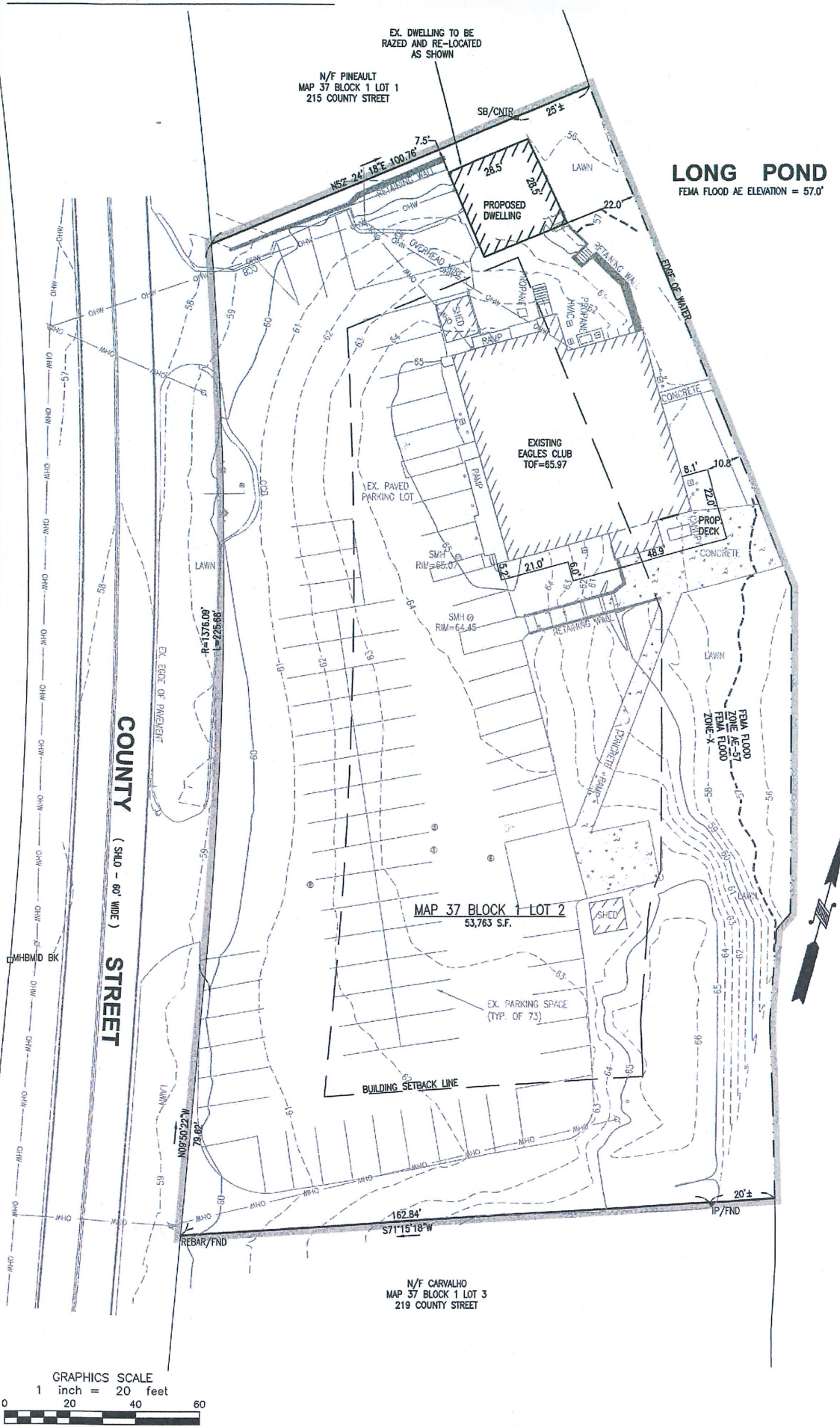
The deck addition will be located more than 40.0 feet away from the side property lines and 10.8 feet from the rear property line. The existing primary building sits 13.8 feet away from the property line and is non-conforming. This unenclosed deck structure will not be a detriment to the property or the neighborhood but will match the character and use of the current building.

We feel the proposed construction at 217 County Street is not substantially more detrimental than the existing nonconforming use and request approval of the special permit.

EXISTING LAYOUT PLAN



PROPOSED LAYOUT PLAN



- SITE NOTES:**
- THE SITE IS LISTED ON THE TOWN OF LAKEVILLE ASSESSORS PROPERTY RECORD CARDS AS MAP 37 BLOCK 1 LOT 2.
 - PROPERTY LINE AND EXISTING CONDITIONS INFORMATION WAS TAKEN FROM A FIELD SURVEY BY ZENITH LAND SURVEYORS, LLC.
 - PLYMOUTH COUNTY REGISTRY OF DEEDS.
DEED REFERENCE: BOOK 5072 PAGE 47
 - THE SUBJECT PROPERTY IS LOCATED IN ZONE X AND ZONE AE-57, AS SHOWN ON THE FLOOD INSURANCE RATE MAP (F.I.R.M.) OF PLYMOUTH COUNTY, MASSACHUSETTS, MAP NUMBER 2502300437K, MAP REVISED 7/16/2023.
 - THE SITE IS PARTIALLY LOCATED IN A PRIORITY HABITAT AND ESTIMATED HABITAT AS SHOWN ON THE MASSACHUSETTS NATURAL HERITAGE ATLAS 15TH EDITION EFFECTIVE DATE AUGUST, 2021.
 - THE PROJECT IS NOT LOCATED WITHIN AN AREA OF CRITICAL ENVIRONMENTAL CONCERN (ACEC).
 - THE SITE IS NOT LOCATED IN A ZONE II TO A PUBLIC WATER SUPPLY WELL.
 - THE SITE IS LOCATED IN AN IMPA.
 - THE SITE IS IN A ZONE A TO A SURFACE WATER SUPPLY AREA.
 - THE SITE IS LOCATED IN AN OUTSTANDING RESOURCE WATER AREA (ORW).
 - THE EDGE OF LONG POND WAS FIELD LOCATED BY ZENITH LAND SURVEYORS, LLC. IN DECEMBER 2023.

SURVEY COMPANY OF RECORD:

ZLS
ZENITH LAND SURVEYORS, LLC
1162 ROCKDALE AVE. NEW BEDFORD, MA 02740
PHONE: (508) 995-0100

1-29-24

PROFESSIONAL LAND SURVEYOR, PLS DATE

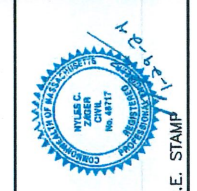
1-29-24

ZONING SUMMARY AND COMPLIANCE TABLE (BUSINESS DISTRICT)

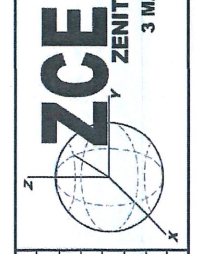
CRITERIA	REQUIRED	EXISTING	PROPOSED
LOT AREA	70,000 S.F.	53,763± S.F.	53,763± S.F.
FRONTAGE	175'	305.30'	305.30'
FRONT BUILDING SETBACK	40'	40'+	40'+
SIDE BUILDING SETBACK	40'	3.5'	7.5'
REAR BUILDING SETBACK	40'	13.2'	10.8'
IMPERVIOUS COVER	50%	64.3% (34,556± S.F.)	64.3% (34,556± S.F.)

LEGEND

---	EXISTING CONTOURS
x 98.5	EXISTING SPOT ELEVATION
TP #1	EXISTING TESTPIT
---	PROPOSED CONTOURS
100x2	PROPOSED SPOT ELEVATION
---	EXISTING TREELINE
---	EXISTING OVERHEAD WIRES



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

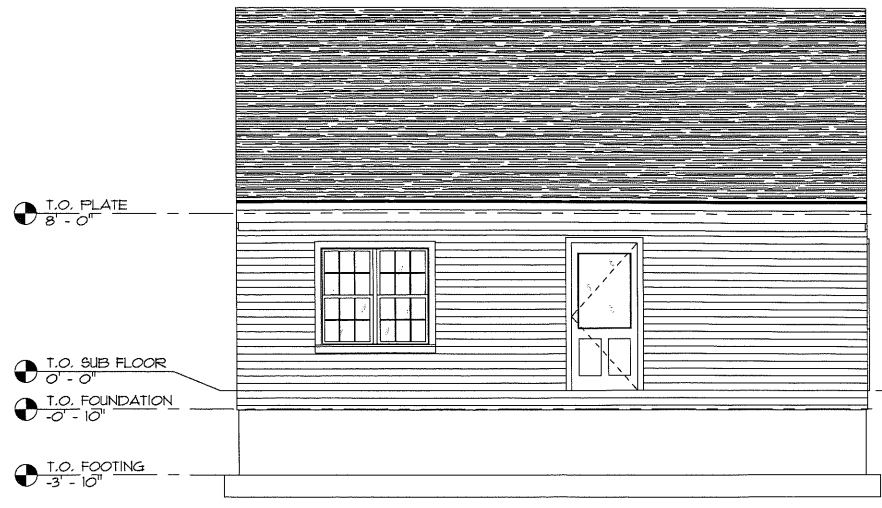


REV.	DATE	DESCRIPTION	BY	APP.
1-23-24	1-23-24	DATE		
1163-02-01	1163-02-01	PROJECT NUMBER		
1"-20"	1"-20"	SCALE		
		SHEET ID	ZBA	

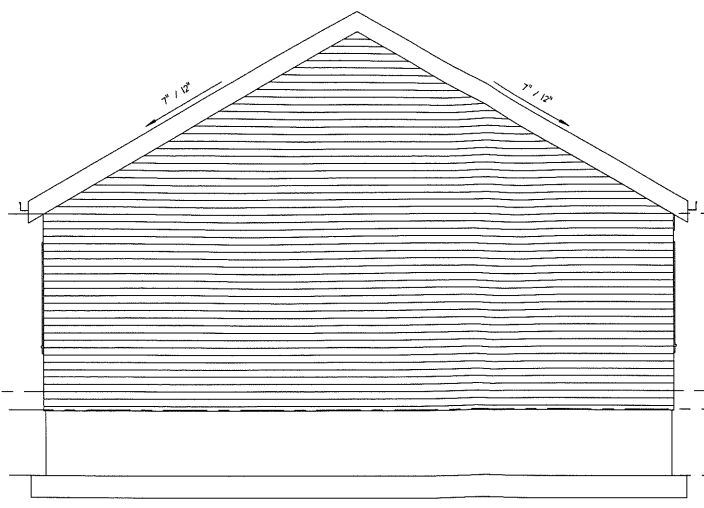
PLAN TO ACCOMPANY A ZBA PETITION

217 COUNTY STREET
LAKEVILLE, MASSACHUSETTS
NICHOLAS VELOZO
126 COVE STREET
FALL RIVER, MA 02720

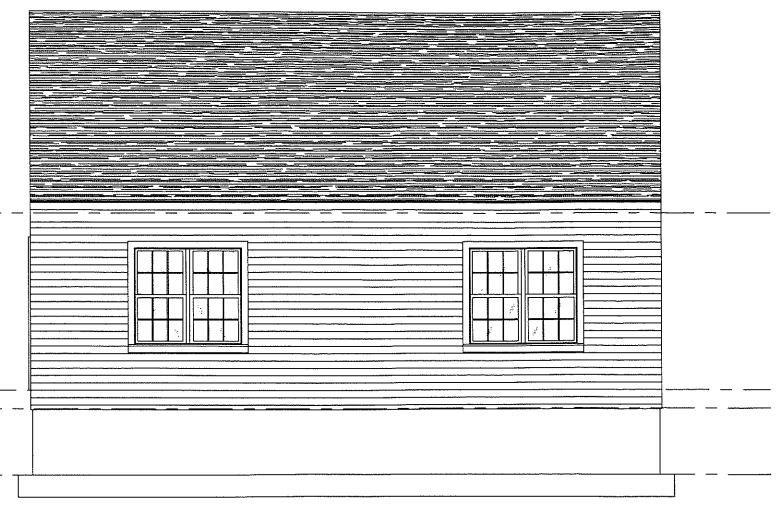
S:\Cell Engineering Projects\Lakeville\County Street\217 County Street\Plan - 217 County Street - Lakeville.dwg



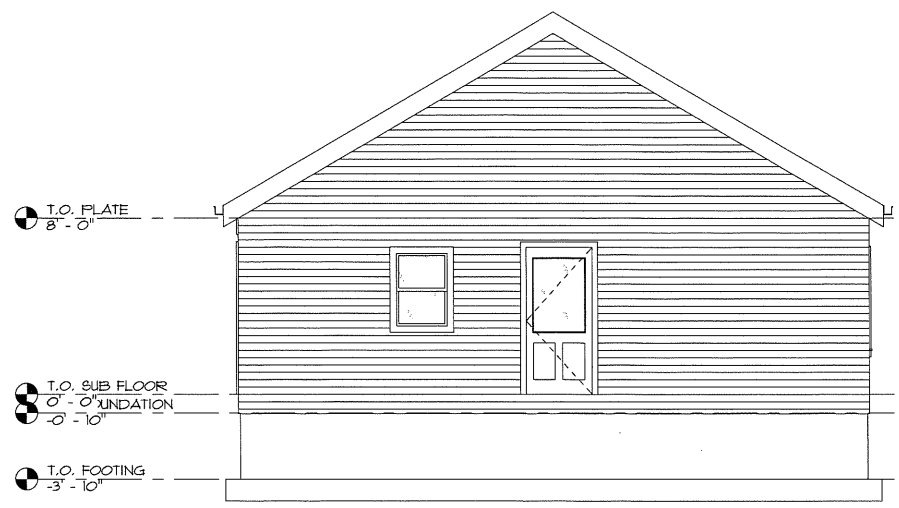
2 FRONT ELEVATION
AI 1/4" = 1'-0"



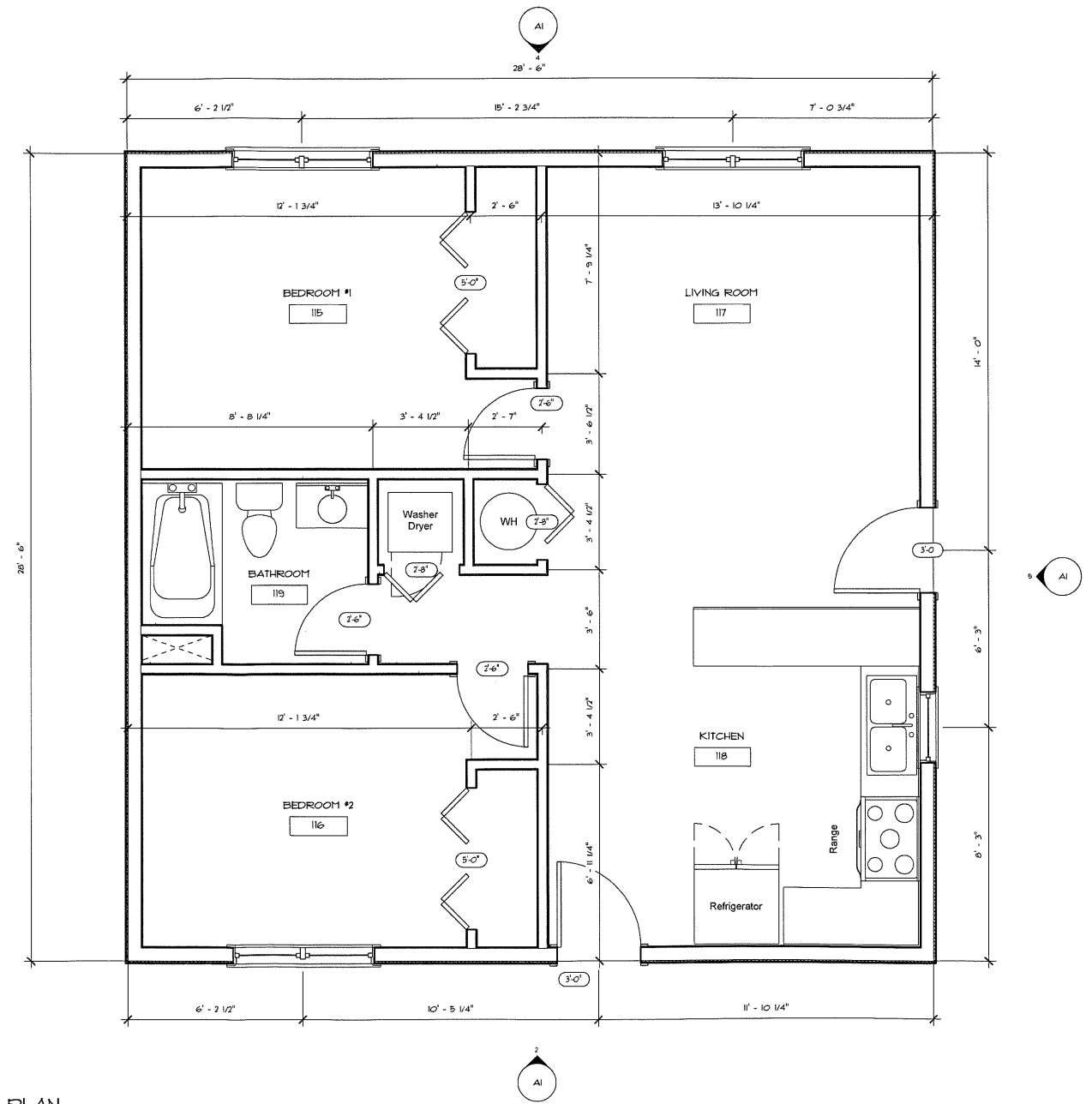
3 LEFT ELEVATION
AI 1/4" = 1'-0"



4 REAR ELEVATION
AI 1/4" = 1'-0"



5 RIGHT ELEVATION
AI 1/4" = 1'-0"



1 FIRST FLOOR PLAN
AI 3/8" = 1'-0"

These plans, drawings, designs, specifications and other arrangements on this sheet are and shall remain the property of William Black Architects, Inc. No part thereof shall be copied, disclosed to others, or used in connection with any work or project, other than the specified project for which they have been prepared and developed, without the express knowledge and written consent of William Black Architects, Inc. (hereinafter referred to as "Black Architects").

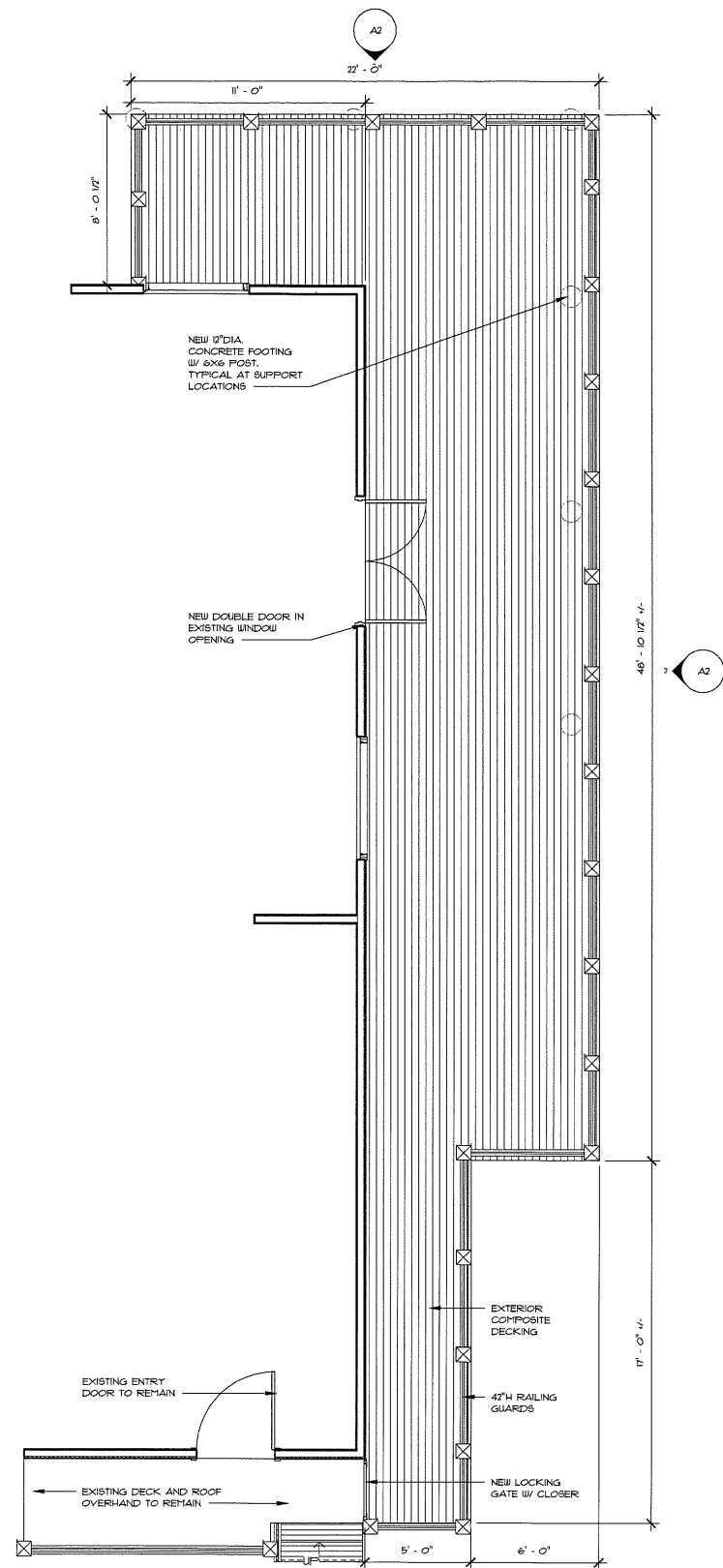
LAKEVILLE
EAGLES

217 COUNTY STREET
LAKEVILLE, MA 02347

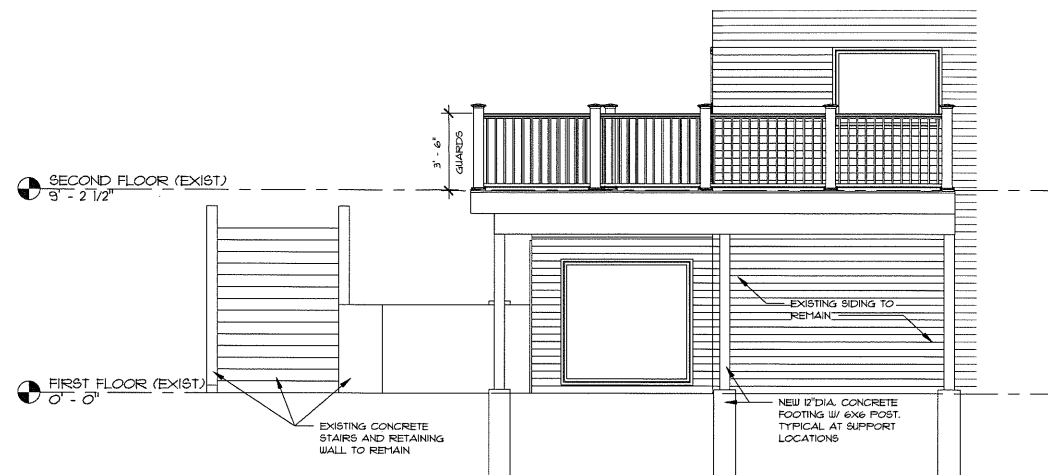
Scale As indicated
Date 02.14.2024
Drawn by NJV
Reviewed by NJV
Job No. XX-XXX

Drawing Name
FLOOR PLAN AND
ELEVATIONS

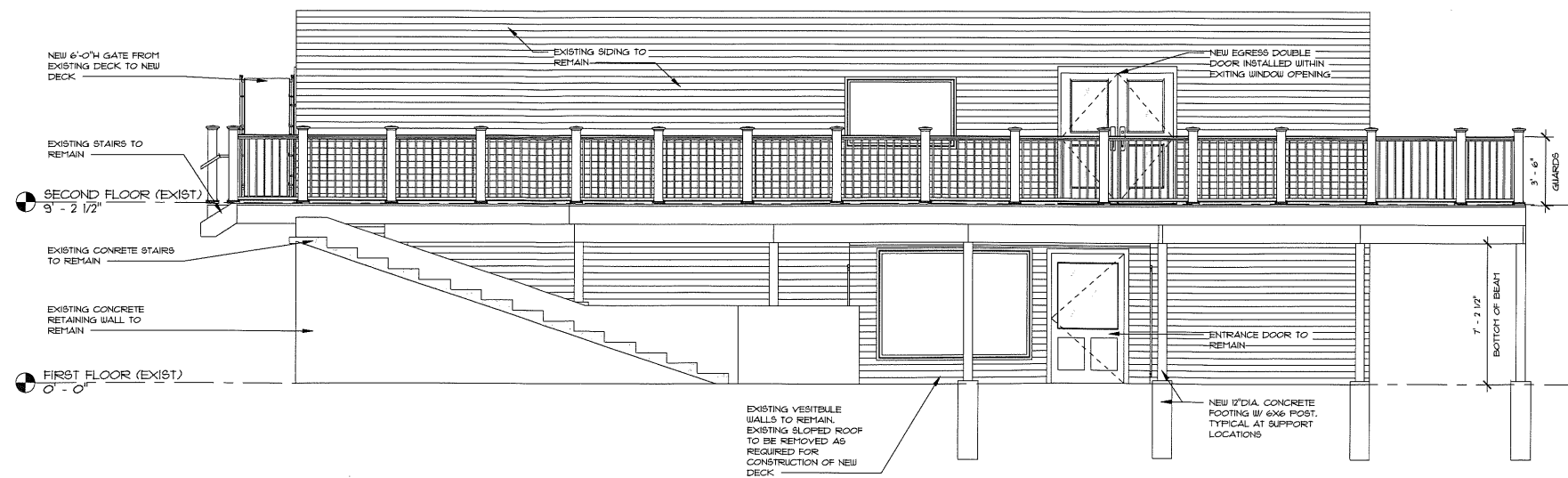
Drawing No.
A1
ISSUED FOR ZBA



1 DECK FLOOR PLAN
1/4" = 1'-0"



3 EAST ELEVATION
1/4" = 1'-0"



2 SOUTH ELEVATION
1/4" = 1'-0"

THESE PLANS, DRAWINGS, DESIGN, SPECIFICATIONS AND OTHER ARRANGEMENTS ON THIS SHEET ARE OUR PROPERTY OF WILLIAM BRACK ARCHITECTS. NO PART HEREOF SHALL BE REPRODUCED, DISCLOSED TO OTHERS, OR USED IN CONNECTION WITH ANY WORK OR PROJECT, OTHER THAN THE SPECIFIC PROJECT FOR WHICH THEY HAVE BEEN PREPARED AND DEVELOPED, WITHOUT THE EXPRESS KNOWLEDGE AND WRITTEN CONSENT OF WILLIAM BRACK ARCHITECTS, INC. (HEREINAFTER REFERRED TO AS "BRACK ARCHITECTS")

LAKEVILLE
EAGLES

217 COUNTY STREET
LAKEVILLE, MA 02347

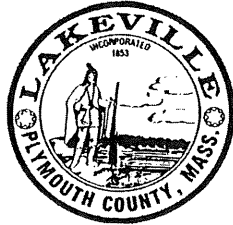
Scale 1/4" = 1'-0"
 Date 02.14.2024
 Drawn by NJV
 Reviewed by NJV
 Job No. XX-XXX

Drawing Name
 EAGLES DECK PLAN

Drawing No.
A2

ISSUED FOR ZBA

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



The LAKEVILLE ZONING BOARD OF APPEALS, acting in accordance with MASS GENERAL LAWS CHAPTER 40A, as amended, will conduct a public hearing on Thursday, April 25, 2024, at 7:00 P.M. in the LAKEVILLE PUBLIC LIBRARY, 4 PRECINCT STREET, upon the petition of **Buds Goods & Services MA Corp.** The applicant has requested to amend their **Special Permit #23-13** approved on August 3, 2023 under **Section 270-7.4(4)** to expand its existing use to incorporate a processing room and workspace area. The property site is **475 Kenneth W. Welch Drive** and is owned by **Green Peak LLC.**

The application and assorted documents can be viewed in the Planning Department by appointment.

John Olivieri, Jr., Chairman

April 11, 2024 & April 18, 2024



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

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

April 17, 2024

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

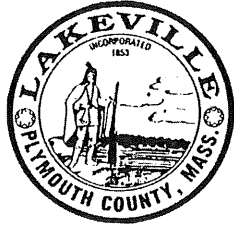
Re: 475 Kenneth Welch Drive
Dear Chairman Olivieri:

The Board of Health has received the Petition for Hearing for 45 Kenneth Welch Drive. The Request for Amendments to Special Permit dated 3/29/24, states that "there will be no changes to the operations, management, and employees operating the facility" and the current septic system's capacity is 30 employees. Therefore, providing the number of employees does not exceed 30 employees the Board of Health has no objections to utilize the unused portions of the building.

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

Sincerely for the Board of Health

Edward Cullen Health Agent



Town of Lakeville

PLANNING BOARD
346 Bedford Street
Lakeville, MA 02347
774-776-4350

Michele MacEachem, Chair
John Cabral, Vice-Chair
David Lodge
Jack Lynch
Daniel Wilga

MEMORANDUM

TO: Board of Appeals

FROM: Planning Board

DATE: April 19, 2024

SUBJECT: Petition Review for Bud's Goods – 475 Kenneth Welch Drive

At their Thursday, April 11, 2024, meeting, the Planning Board reviewed the above referenced Petition for Hearing from the Board of Appeals. The Planning Board voted to send a memo to the Zoning Board advising the Planning Board wants to note that they parking should be evaluated.



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

EXHIBIT "A"



**Special Permit Application
 Petition for hearing
 Marijuana Uses only**

Name of Petitioner: Buds Goods & Services MA Corp.

Mailing Address: 54 West Boylston St, Worcester MA 01606

Name of Property Owner: Green Peak LLC

Location of Property: 475 Kenneth Welch Drive, Lakeville MA 02347

Registry of Deeds: Book No. 55236 Page No. 0100

Map 24 Block 6 Lot 008

Petitioner is: _____ owner _____ tenant _____ licensee _____ prospective purchaser

Marijuana Use(s) applying for:

- 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.

The petitioner seeks an amendment to its Special Permit to expand its existing use to incorporate a processing room and workspace area. See enclosed.

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: Buds Goods & Services MA Corp.

Date: April 1, 2024

Signed: Alexander Mazin
Alexander Mazin (Apr 4, 2024 10:24 EDT)

Telephone: 774-239-2200

Email: Alex@budsgoods.com

Owner Signature: Alexander Mazin
Alexander Mazin (Apr 4, 2024 10:24 EDT)
(If not petitioner)

Owner Telephone: 774-239-2200

WILL YOU HAVE A REPRESENTATIVE OTHER THAN YOURSELF?

Yes No

Phil Silverman, Counsel

Name and Title

617-934-2121

Telephone

p.silverman@vicentellp.com

Email

March 29, 2024

Cathy Murray
Town of Lakeville
346 Bedford Street
Lakeville, MA 02347
VIA EMAIL: cmurray@lakevillema.org

Re: Request for Amendments to Special Permit

Dear Ms. Murray,

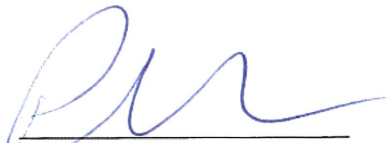
In compliance with the Town of Lakeville's Zoning Bylaw and Special Permit requirements, I am writing on behalf of Bud's Goods & Services MA Corp. ("the Company") to request an amendment to its existing Special Permit which was previously approved on August 16, 2018, as further amended on multiple occasions (collectively, the "Special Permit"). The most recent copies of pertinent amendments are affixed hereto as Exhibit 1.

Pursuant to Condition #21 of the Special Permit, the Company is required to seek the approval of the Planning Board should it seek to expand its use. The company is seeking to expand its use of the building from the existing, built-out 6,747 square foot use to allow for use of the entire 20,000 square foot building footprint. The use would include an expansion of the built out 6,747 square foot portion of the building currently used for processing and packaging to a 9,322 square foot built out portion of the building. In addition, the company seek to utilize the approximately 10,678 square foot remaining portion of the building for storage of non-marijuana materials, including packaging materials. Notwithstanding the additional build out and expansion into the remainder of the building, there will be no changes to the operations, management, and employees operating the facility. The purpose of the proposed expansion is merely to alleviate some difficulties which have been discovered through operation in too confined an area. Please see Existing Conditions and Proposed Floor Plans affixed as Exhibit 2. All construction will remain within the confines of the existing building.

In addition to the foregoing, the company requests that it be allowed to expand its built-out, processing portion of the building into the remaining space without need for further approval of the Board, provided that there will be no changes to the operations, management, and employees operating the facility.

Thank you for your attention to this matter.

Sincerely,



Phil Silverman, Esq.
Counsel for Bud's Goods & Services MA Corp.
P: 617-934-2121
E: p.silverman@vicentellp.com

Exhibit 1

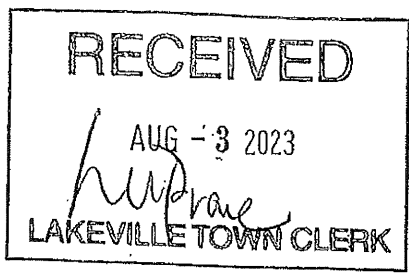
23-13

TOWN OF LAKEVILLE
MASSACHUSETTS

ZONING BOARD OF APPEALS

NOTICE OF DECISION

ON A SPECIAL PERMIT



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

Applicant _____ Date: August 3, 2023

Bud's Goods & Services MA Corp. Case No: 23-13

Owner _____ Address: 54 West Boylston Street

Green Peak LLC _____ Worcester, MA 01606
Premises Affected

475 Kenneth W. Welch Drive

Special Permit Application

Referring to the above application so as to permit

To replace Special Permit #21-20, recorded on January 28, 2022, Registry of Deeds Book 9460, Page 18 which was granted to Bud's Goods & Provisions Corp. as the operator, and to replace that with Bud's Goods & Services MA Corp. as the new operator. To expand the operating hours from 6:00 a.m. to 10:00 p.m.

After a public hearing on June 15, 2023, and July 20, 2023
the Appeals Board at its meeting on July 20, 2023

VOTED TO GRANT a Special Permit under Article 7 Section 7.4.6 of the Zoning By-law, subject to the conditions, safeguards, and limitations on time and use specified in the attached Decision of the Board.

The decision of the Board, together with a detailed record of its proceedings stating the reasons for the decision and the conditions imposed, shall be filed within 14 days after the hearing in the office of the Town Clerk. Decision filed with the Town Clerk on August 3, 2023.

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 ZONING BOARD OF APPEALS

[Signature]
Clerk

TOWN OF LAKEVILLE
MASSACHUSETTS

ZONING BOARD OF APPEALS

SPECIAL PERMIT DECISION – APPROVED WITH CONDITIONS

Decision Date: August 3, 2023

Name/Address of Applicant: Bud's Goods & Services MA Corp.
54 West Boylston Street
Worcester, MA 01606

Name/Address of Property Owner: Green Peak LLC
54 West Boylston Street
Worcester, MA 01606

Location: 475 Kenneth W. Welch Drive
Lakeville, MA 02347

Assessors' Reference: Map 24, Block 6, Lot 8

Zoning District: Industrial District

PROJECT DESCRIPTION: This application is specific to allow a name change from Bud's Goods & Provisions Corp to Bud's Goods & Services MA Corp. The applicant also requests to expand the operating hours from the original permit of 8:00 a.m. to 6:00 p.m. to 6:00 a.m. to 10:00 p.m. The Property is a 20,000 square foot industrial building that is located along Kenneth W. Welch Drive in close proximity to its intersection with Bedford Street. Bud's Goods & Services MA Corp. is a 6,747 square foot Marijuana Product Manufacturing Establishment and Marijuana Transporter within the existing premises located at 475 Kenneth W. Welch Drive, Lakeville, Massachusetts (the "Property").

The Project exterior consists of 23 parking spaces. At the time of the original Permit, Bud's Goods & Services MA Corp. anticipated hiring 25 employees, with a maximum of 12 on site at any given time. Bud's Goods & Services MA Corp. has stated that its use of the Property does not disturb the existing right of way, pedestrian access, and will not cause a hazard to vehicle or pedestrian traffic. Traffic generated and patterns of access and egress will not cause congestion, hazard, or a substantial change to the neighborhood character. Marijuana and marijuana products will be securely transported to and from other Marijuana Establishments utilizing a secure shipping and receiving area as well as standard operating procedures consistent with Cannabis Control Commission's ("CCC") regulations and in a manner approved by the CCC following review of such procedures and an on-site inspection to ensure site security. Facility signage will be discrete and utilized for employee and vendor wayfinding only. Bud's Goods & Services MA Corp. is utilizing existing lighting affixed to the building and illuminating the parking lot to ensure the safety of employees leaving the facility.

No members of the public will be granted access to the interior of the facility. Additionally, employees, vendors, and visitors will be required to check in with security upon entry to the establishment.

No usable marijuana waste will be stored in the exterior of the site. All recyclables and waste, including organic waste composed of or containing finished marijuana and marijuana products, will be stored, secured, and managed in accordance with applicable state and local statutes, ordinances, and regulations. Liquid waste containing marijuana or by-products of marijuana processing will be disposed of in compliance with all applicable state and federal requirements.

Product deliveries will leave from the facility on a regular basis in unmarked transport vans. Pursuant to 935 CMR 500.105, there will be no advertising, markings, or branding indicating that the vehicle is being used to transport marijuana. Marijuana and marijuana products will be transported in secure, locked storage compartments that are a part of the vehicle transporting the marijuana products and cannot be easily removed. At least two agents will staff vehicles transporting marijuana.

VOTE OF THE BOARD: At a duly noticed public hearing and after review of the application and materials submitted as part of the application, including statements made at the public hearing, the Lakeville Zoning Board of Appeals, on July 20, 2023, on a motion made by Jeffrey Youngquist, seconded by Gerald Noble, voted to APPROVE the request to change the name of the operator from Bud's Goods & Provisions Corp. to Bud's Goods & Services MA Corp and increase the operating hours from 6 a.m. to 10:00 p.m. and incorporate into this Special Permit all conditions that are found in their Special Permit #21-10, recorded on January 28, 2022, Registry of Deeds Book 9460, Page 18, for a Marijuana Product Manufacturing Establishment and Marijuana Transporter pursuant to Section 7.4.6 of the Zoning Bylaw for property located at 475 Kenneth W. Welch Drive in Lakeville, MA

The vote was 5-0. Members voting were John Olivieri, Jr., Jeffrey Youngquist, Gerry Noble, Christopher Campeau, and Christopher Sheedy.

PROCEDURAL HISTORY:

1. On May 12, 2023 an application of which a true copy marked "A" is made a part of this record was filed with the Town Clerk and submitted 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 Nemasket Week a newspaper published in Middleboro, MA on 6/1/23 and on 6/8/23.
(Date) (Date)
3. On June 1, 2023 notice of the hearing, a copy of which marked "C" is made a part of this record, were mailed postpaid to the petitioner, abutter, and owners of the land within 300 feet of the property line, being the same persons named in the Assessors certificate which was a part of the petition heretofore referred to and marked "A", and to the Board of Selectmen, Building Inspector, and the planning boards of every abutting municipality.

4. On June 15, 2023, and July 20, 2023, a hearing was held at the Lakeville Public Library, 4 Precinct Street, at which opportunity was given to all those interested, those to be heard in favor or opposition to said petition, application, or appeal at which hearing:

Atty. Phillip Silverman was present.

5. The complete record of the materials submitted as part of this application for a Special Permit may be reviewed at the Lakeville Town Hall.

FINDINGS:

The Board found the proposed use of the Property as a Marijuana Product Manufacturing Establishment and Marijuana Transporter pursuant to Section 7.4.6 of the Zoning Bylaw is in harmony with the general purpose and intent of the Bylaw based on the following findings:

1. The property is in the Industrial Zone.
2. The use is not changing and is not noxious, harmful or hazardous, is socially and economically desirable and will meet an existing or potential need.
3. 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.
 - a. The Board approves the Special Permit subject to the following conditions set forth below.
4. The Special Permit Granting Authority discussed the expansion of the current operating hours of 8:00 a.m. to 6:00 p.m. to 6:00 a.m. to 10:00 p.m. and found those hours comparable to the operating hours of other businesses in the Industrial Park. Therefore, the Board will modify condition number 1 to reflect that change. All other conditions from Bud's Goods & Services MA Corp. Special Permit #21-10, recorded on January 28, 2022, Registry of Deeds Book 9460, Page 18, and restated below will remain the same

CONDITIONS:

The Board grants this approval for a Special Permit subject to the following conditions:

1. The facility shall be permitted to operate from 6:00 a.m. to 10:00 p.m.
2. A copy of the applicable approval from the CCC shall be provided to the Building Commissioner, Health Agent, Fire Chief, Police Chief, and the Board.
3. An annual report of operations shall be provided 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.

4. Any change in ownership or change in management staff and individuals with key access to the Establishment shall also be reported within 30 days of such change.
5. This permit does not allow a Marijuana Retailer use and the retail sales of marijuana is prohibited.
6. This Special Permit is not transferrable or assignable to another party or entity and shall remain exclusively with Bud's Goods & Services MA Corp. for the operation of the facility as a Marijuana Product Manufacturing Establishment and Marijuana Transporter. Events deemed a transfer or assignment of the Special Permit shall include, without limitation: (i) the Company's takeover or merger by or with any other entity; (ii) the Company's outright sale of assets and equity, majority stock sale to another organization or entity for which the Company does not maintain a controlling equity interest; (iii) or any other changes to a majority of the founding member ownership or status of the Company. A Special Permit may be transferred or assigned only with the approval of the Board in the form of an amendment to the Special Permit.
7. Smoking, burning and consumption of marijuana or marijuana infused products on the premises for personal or consumer use is prohibited.
8. The facility shall not generate outside odors and shall implement, install and maintain at all times effective odor control technology to prevent the generation of outside odors from the processing or manufacturing of marijuana or marijuana products. Bud's Goods & Services MA Corp. 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 Bylaw standard for odor mitigation.
9. The Building Commissioner, in enforcing the conditions herein, may require additional odor investigation and/or odor mitigation measures or sound investigations and/or sound mitigation measures should concern and complaints develop about plant odor or sound generation from the facility which are, in the opinion of the Building Commissioner, legitimate in nature. Bud's Goods & Services MA Corp. shall be required to address such issues with the Building Commissioner and the Board to its satisfaction. Any complaints of noxious odors shall be cured within 24 hours of notification
10. The permit holder shall notify the Building Commissioner, the Health Agent, the Fire Chief, the Police Chief, and the Board in writing within forty-eight hours of the cessation of operation of the adult use marijuana cultivation and product manufacturing uses or the expiration or termination of the license holder's Final License CCC.
11. The Special Permit shall lapse upon the expiration or termination of Bud's Goods & Services MA Corp. license by the Cannabis Control Commission.
12. There shall be a valid Host Community Agreement in effect at all times during the operation of the Adult Use Marijuana Establishment.
13. Prior to filing this Special Permit Decision with the Town Clerk, Bud's Goods & Services MA Corp. shall pay any and all outstanding fees and obligations due to the Town of Lakeville pertaining to the Special Permit application and the Property.

14. Any changes to the Security Plan and Emergency Procedures shall be reported, in writing, to the Police Chief and Fire Chief within 14 days of such changes taking effect.
15. Prior to occupancy and for the life of the Establishment, Bud's Goods & Services MA Corp. shall provide to the Building Inspector 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.
16. There shall be no composting on-site.
17. Any signs shall conform to the Town of Lakeville Zoning By-Law.
18. Prior to occupancy, fire alarm system or the Establishment must be approved by the Lakeville Fire Department.
19. This decision hereby incorporates all of the Applicant's requirements of the Host Community Agreement entered into between the Applicant and the Select Board.
20. Any expansion of the existing building will require an amendment to this Special Permit.
21. Any expansion or change of the proposed use will require a new Special Permit.

VOTE:

Any appeal of this Decision shall be made to a court of competent jurisdiction within twenty (20) days of the date the Board files this Decision with the Town Clerk in accordance with the provisions of G.L. c. 40A, §17.

NOTE: Show the vote of each member upon each question or, if absent or failing to vote, indicate such fact, and set forth clearly the reason or reasons for its decision, and of its other official action.

Members voting: John Olivieri, Jr.-Aye, Jeffrey Youngquist-Aye, Gerald Noble-Aye, Christopher Campeau-Aye, Christopher Sheedy-Aye

Zoning Board of Appeals of the Town of Lakeville



John Olivieri, Jr., Chair

8/3/23

Date

ZONING BOARD OF APPEALS

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

Date: August 3, 2023

(A copy shall be sent to the applicant, and shall be filed with Town Clerk together with the Record of Proceedings and plans.)

Notice is hereby given that a Special Permit has been granted in compliance with statutory requirements as set forth in Chapter 40A as amended

TO Bud's Goods & Services MA Corp.
Owner or Petitioner
ADDRESS 54 West Boylston Street, Worcester, MA 01606

By the Appeals Board, affecting the rights of the owner with respect to use of the premises on
475 Kenneth W. Welch Drive
Identity of Land Affected

The record title standing in the name of
Green Peak LLC

whose address is 54 West Boylston Street Worcester MA
Street City or Town State
by a deed duly received in the Plymouth District,

Registry of Deeds in Book 9460, Page 18.

Registry District of Land Court, Certificate No. _____

Book _____, Page _____

The decision of said Board is on file with the papers and plans in the Office of the Town Clerk.

Signed and certified this 3rd day of August, 2023.

THE APPEALS BOARD
[Signature] Chairman
[Signature] Clerk

CERTIFICATE BY THE TOWN CLERK FOR FILING OF THE DECISION IN THE REGISTRY

This is to certify that twenty (20) days have elapsed since filing of the above decision with this office and no appeal has been filed, or an appeal has been filed and denied in case.

Signature and seal of the Town Clerk

THE COMMONWEALTH OF MASSACHUSETTS
LAKEVILLE
CITY OR TOWN

ZONING BOARD OF APPEALS

Date August 3, 2023

NOTICE OF SPECIAL PERMIT

(General Laws Chapter 40A, Section 15 as amended)

Notice is hereby given that a Special Permit has been granted

To Bud's Goods & Services MA Corp.

Owner or Petitioner

Address 54 West Boylston Street

City or Town Worcester, MA 01606

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

475 Kenneth W. Welch Drive Lakeville

Street

City or Town

the record title standing in the name of

Green Peak LLC

whose address is 54 West Boylston Street Worcester MA

Street

City or Town

State

by a deed duly recorded in the Plymouth County Registry of Deeds in

Book 9460, Page 18 Registry District of the Land Court

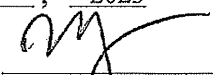
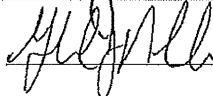
Certificate No. _____ Book _____ Page _____

The decision of said Board is on file with the papers in Decision or Case No. 23-13

in the office of the Town Clerk Lillian M. Drane

Certified this 3rd day of August, 2023

THE APPEALS BOARD

 Chairman
 Clerk

_____ 19 ___ at _____ o'clock and _____ minutes _____ M.

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

Book _____ Page _____

Attest

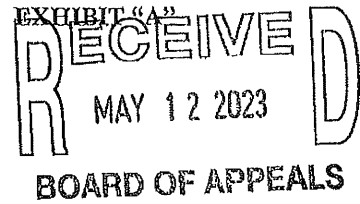
Register of Deeds

Notice to be recorded by Land Owner.

Petition to be filed with Town Clerk

TOWN OF LAKEVILLE MASSACHUSETTS

ZONING BOARD OF APPEALS PETITION FOR HEARING



Name of Petitioner: Alexander Mazin / Buds Goods & Services MA Corp.

Mailing Address: 54 West Boylston St, Worcester MA 01606

Name of Property Owner: Green Peak LLC

Location of Property: 475 Kenneth Welch Drive, Lakeville MA 02347

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

Registry of Deeds: Book No. 9460 Page No. 18

Map 24 Block 006 Lot 008

Petitioner is: owner X tenant licensee prospective purchaser

Nature of Relief Sought:

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

Variance from Section (s) of the Zoning Bylaws.

Appeal from Decision of the Building Inspector/Zoning Enforcement Officer

Date of Denial

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

The petitioner seeks an amendment to its Special Permit to replace Bud's Goods & Provisions Corp. with Buds Goods & Services MA Corp. as the new operator and to allow for expanded hours of operation from 6:00 a.m. until 10:00 pm. The original special permit application materials and decision are attached herein and no further edits are necessary.

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: Alexander Mazin DocuSigned by:

Date: 05/09/2023

Signed: Alexander Mazin 28C7A10060734CF...

Telephone: 774,239,220.00

Owner Signature: (If not petitioner)

Owner Telephone: 7742392200

Email: alex@budsgoods.com

WILL YOU HAVE A REPRESENTATIVE OTHER THAN YOURSELF?

Yes X No

(Name and Title)

**TOWN OF LAKEVILLE
ZONING BOARD OF APPEALS
346 Bedford Street
Lakeville, MA 02347**

The LAKEVILLE ZONING BOARD OF APPEALS, acting in accordance with MASS GENERAL LAWS CHAPTER 40A, as amended, will conduct a public hearing on Thursday, June 15, 2023, at 7:00 P.M. in the LAKEVILLE PUBLIC LIBRARY, 4 PRECINCT STREET, upon the petition of Alexander Mazin. The applicant has requested to modify a Special Permit under 7.4 to replace the operator, Bud's Goods & Provisions Corp., with Buds Goods & Services MA Corp. and to expand the operating hours from 6:00 a.m. until 10:00 p.m. The property site is 475 Kenneth W. Welch Drive and is owned by Green Peak LLC.

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

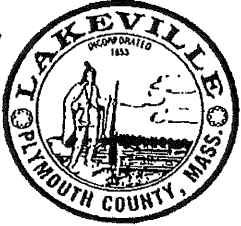
John Olivieri, Jr., Chairmar
Nemasket Week June 1, 2023 & June 8, 2023

**TOWN OF LAKEVILLE
ZONING BOARD OF APPEALS
346 Bedford Street
Lakeville, MA 02347**

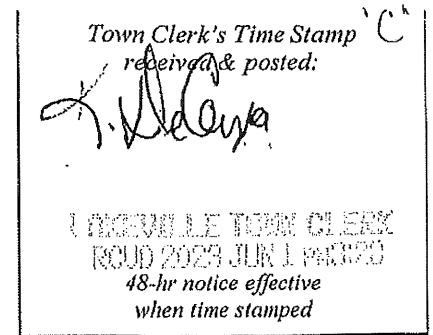
The LAKEVILLE ZONING BOARD OF APPEALS, acting in accordance with MASS GENERAL LAWS CHAPTER 40A, as amended, will conduct a public hearing on Thursday, June 15, 2023, at 7:00 P.M. in the LAKEVILLE PUBLIC LIBRARY, 4 PRECINCT STREET, upon the petition of Alexander Mazin. The applicant has requested to modify a Special Permit under 7.4 to replace the operator, Bud's Goods & Provisions Corp., with Buds Goods & Services MA Corp. and to expand the operating hours from 6:00 a.m. until 10:00 p.m. The property site is 475 Kenneth W. Welch Drive and is owned by Green Peak LLC.

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

John Olivieri, Jr., Chairman
Nemasket Week June 1, 2023 & June 8, 2023



TOWN OF LAKEVILLE MEETING POSTING & AGENDA



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

Name of Board or Committee:	Zoning Board of Appeals
Date & Time of Meeting:	Thursday, June 15, 2023 at 7:00 p.m.
Location of Meeting:	Lakeville Public Library 4 Precinct Street, Lakeville, MA 02347
Clerk/Board Member posting notice:	Cathy Murray

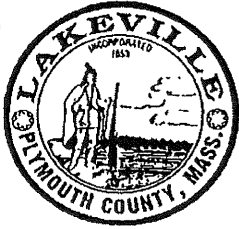
Cancelled/Postponed to: _____ (circle one)

Clerk/Board Member Cancelling/Postponing: _____

A G E N D A

1. **Mazin/Bud's Goods hearing – 475 Kenneth W. Welch Drive**– request to modify a Special Permit under 7.4 to replace the operator, Bud's Goods & Provisions Corp, with Bud's Goods & Services MA Corp. and expand the operating hours.
2. **Gear hearing – 22 Crooked Lane**– request for a Variance under 5.1 to construct a 15' x 17' addition that would extend into the side setback.
3. **NSA Property Holdings, LLC hearing – 156 County Street**– request to modify a Special Permit under 7.4 to add three (3) additional storage buildings.
4. **Lakeville Nursery Redevelopment LLC, hearing – 5 Harding Street** - request to modify a Special Permit #23-10 by amending a condition regarding the parking of vehicles.
5. Approve Meeting Minutes for April 20, 2023 & May 18, 2023.
6. Correspondence
7. Next meeting . . . Thursday, July 20, 2023 at the Lakeville Public Library.
8. Adjourn

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



TOWN OF LAKEVILLE MEETING POSTING & AGENDA

Town Clerk's Time Stamp
received & posted:

K. DeCunzio
LAKEVILLE TOWN CLERK
RCUD 2023 JUL 8 PM 1:09

48-hr notice effective
when time stamped

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

Name of Board or Committee:	Zoning Board of Appeals
Date & Time of Meeting:	Thursday, July 20, 2023 at 7:00 p.m.
Location of Meeting:	Lakeville Public Library 4 Precinct Street, Lakeville, MA 02347
Clerk/Board Member posting notice:	Cathy Murray

Cancelled/Postponed to: _____ (circle one)

Clerk/Board Member Cancelling/Postponing: _____

A G E N D A

1. **Mazin/Bud's Goods hearing – 475 Kenneth W. Welch Drive, continued**– request to modify a **Special Permit** under 7.4 to replace the operator, Bud's Goods & Provisions Corp, with Bud's Goods & Services MA Corp. and expand the operating hours.
2. **NSA Property Holdings, LLC hearing – 156 County Street, continued**– request to modify a **Special Permit** under 7.4 to add three (3) additional storage buildings.
3. **Terra hearing – 8 Birch Street** - request for a **Variance** under 5.1 to construct an addition that would extend into the front setback.
4. **Chapin hearing – 24 Beechwood Ave** - request for a **Special Permit** under 6.1.3 & 7.4.1 to construct a 10' x 12' addition, an 8' x 10' deck, and increase the roof pitch to allow for attic storage on a non-conforming structure located on a non-conforming lot.
5. **Garbitt/Pike hearing – 29 Staples Shore Road** – request for a **Special Permit** under 7.4 and 6.1.3 to construct a porch, landing, and existing building location on a non-conforming structure located on a non-conforming lot. A **Variance** from 7.8.3.7 is requested to allow the accessory apartment and principal dwelling to be serviced by two electric meters/services.
6. **Barbosa hearing – 20 Second Ave** - request for a **Special Permit** under 6.1.3 & 7.4. to raze the existing dwelling and garage and construct a new dwelling on a new foundation and a new garage located on a non-conforming lot.
7. **LeBaron Residential, LLC** -Notice of Project Change - Request to modify their Comprehensive Permit and a determination from the ZBA if the proposed modification is an insubstantial or substantial change.
8. **Benatti hearing** – Appeal from Decision of the Building Inspector/Zoning Enforcement Officer relative to business activity in the residential district at 434 Bedford Street
9. Approve Meeting Minutes for May 18, 2023 & June 15, 2023.
10. Correspondence
11. Next meeting . . . Thursday, August 17, 2023 at the Lakeville Public Library.
12. Adjourn

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

TOWN OF LAKEVILLE
MASSACHUSETTS

ZONING BOARD OF APPEALS

NOTICE OF DECISION

ON A SPECIAL PERMIT

21-20

Received

DEC 07 2021

Lakeville Town Clerk
[Signature]

(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: December 7, 2021

Bud's Goods & Provisions Corp. _____ Case No: 21-20

Owner _____ Address: 54 West Boylston Street

Green Peak LLC _____ Worcester, MA 01606

Premises Affected _____

475 Kenneth W. Welch Drive _____

Special Permit Application

Referring to the above application so as to permit

A Marijuana Product Manufacturing Establishment and a Marijuana Transporter pursuant to Section 7.4.6 of the Zoning By-law.

After a public hearing on October 21, 2021, and November 18, 2021
the Appeals Board at its meeting on November 18, 2021

VOTED TO GRANT a Special Permit under Article 7 Section 7.4.6 of the Zoning By-law, subject to the conditions, safeguards, and limitations on time and use specified in the attached Decision of the Board.

The decision of the Board, together with a detailed record of its proceedings stating the reasons for the decision and the conditions imposed, shall be filed within 14 days after the hearing in the office of the Town Clerk. Decision filed with the Town Clerk on December 7, 2021.

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 ZONING BOARD OF APPEALS

[Signature]

Clerk

TOWN OF LAKEVILLE
MASSACHUSETTS

ZONING BOARD OF APPEALS

SPECIAL PERMIT DECISION – APPROVED WITH CONDITIONS

Decision Date: December 7, 2021

Name/Address of Applicant: Bud's Goods & Provisions Corp.
54 West Boylston Street
Worcester, MA 01606

Name/Address of Property Owner: Green Peak LLC
54 West Boylston Street
Worcester, MA 01606

Location: 475 Kenneth W. Welch Drive
Lakeville, MA 02347

Assessors' Reference: Map 24, Block 6, Lot 8

Zoning District: Industrial District

PROJECT DESCRIPTION: The Property is currently a vacant 20,000 square foot industrial building that is located along Kenneth W. Welch Drive in close proximity to its intersection with Bedford Street. Bud's Goods anticipates interior renovations to allow for the operation of a 6,747 square foot Marijuana Product Manufacturing Establishment and Marijuana Transporter within the existing premises located at 475 Kenneth W. Welch Drive, Lakeville, Massachusetts (the "Property").

The Project exterior consists of 23 parking spaces. Bud's Goods anticipates hiring 25 employees, with a maximum of 12 on site at any given time. Bud's Goods stated that its proposed use of the Property will not disturb the existing right of way, pedestrian access, and will not cause a hazard to vehicle or pedestrian traffic. Traffic generated and patterns of access and egress will not cause congestion, hazard, or a substantial change to the neighborhood character. Marijuana and marijuana products will be securely transported to and from other Marijuana Establishments utilizing a secure shipping and receiving area as well as standard operating procedures consistent with Cannabis Control Commission's ("CCC") regulations and in a manner approved by the CCC following review of such procedures and an on-site inspection to ensure site security. Facility signage will be discrete and utilized for employee and vendor wayfinding only. Bud's Goods intends to utilize the existing lighting that is affixed to the building and intends to illuminate the parking lot to ensure the safety of employees leaving the facility.

No members of the public will be granted access to the interior of the facility. Additionally, employees, vendors, and visitors will be required to check in with security upon entry to the establishment.

No usable marijuana waste will be stored in the exterior of the site. All recyclables and waste, including organic waste composed of or containing finished marijuana and marijuana products, will be stored, secured, and managed in accordance with applicable state and local statutes, ordinances, and regulations. Liquid waste containing marijuana or by-products of marijuana processing will be disposed of in compliance with all applicable state and federal requirements.

Product deliveries will leave from the facility on a regular basis in unmarked transport vans. Pursuant to 935 CMR 500.105, there will be no advertising, markings, or branding indicating that the vehicle is being used to transport marijuana. Marijuana and marijuana products will be transported in secure, locked storage compartments that are a part of the vehicle transporting the marijuana products and cannot be easily removed. At least two agents will staff vehicles transporting marijuana.

VOTE OF THE BOARD: At a duly noticed public hearing and after review of the application and materials submitted as part of the application, including statements made at the public hearing, the Lakeville Zoning Board of Appeals, on November 18, 2021, on a motion made by Jeffrey Youngquist, seconded by Gerald Noble, voted to APPROVE the application for a Special Permit for a Marijuana Product Manufacturing Establishment and Marijuana Transporter pursuant to Section 7.4.6 of the Zoning Bylaw for property located at 475 Kenneth W. Welch Drive in Lakeville, MA. The vote was 5-0. Members voting were John Olivieri, Jr., Jeffrey Youngquist, Gerry Noble, Christopher Campeau, and Christopher Sheedy.

PROCEDURAL HISTORY:

1. On August 31, 2021 an application of which a true copy marked "A" is made a part of this record was filed with the Town Clerk and submitted to the Appeals Board.
2. Thereupon, an advertisement, a true copy of which marked "B" is made a part of this record, was published in the Middleboro Gazette a newspaper published in Middleboro, MA on 10/7/21 and on 10/14/21.
(Date) (Date)
3. On October 7, 2021 notice of the hearing, a copy of which marked "C" is made a part of this record, were mailed postpaid to the petitioner, abutter, and owners of the land within 300 feet of the property line, being the same persons named in the Assessors certificate which was a part of the petition heretofore referred to and marked "A", and to the Board of Selectmen, Building Inspector, and the planning boards of every abutting municipality.
4. On October 21, 2021 and November 18, 2021, a hearing was held pursuant to the provisions allowed by Chapter 20 of the Acts of 2021, signed by the Governor on June 16, 2021, by Zoom – a virtual platform, at which opportunity was given to all those interested, those to be heard in favor or opposition to said petition, application, or appeal at which hearing:

Atty. Phillip Silverman and Benjamin Nadolny were present.

5. The complete record of the materials submitted as part of this application for a Special Permit may be reviewed at the Lakeville Town Hall.

FINDINGS:

The Board found the proposed use of the Property as a Marijuana Product Manufacturing Establishment and Marijuana Transporter pursuant to Section 7.4.6 of the Zoning Bylaw is in harmony with the general purpose and intent of the Bylaw based on the following findings:

1. The application seeks to construct a 6,747 square foot facility within a 20,000 square foot vacant building with 23 dedicated parking spaces.
2. The use is not noxious, harmful or hazardous, is socially and economically desirable and will meet an existing or potential need.
 - a. The Board finds that Bud's Goods has proposed an odor control system that will contain air and odors within the existing building.
3. 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.
 - a. The Board finds that the use located in the Industrial Zone meets this standard.
4. Bud's Goods has no reasonable alternative available to accomplish this purpose in a manner more compatible with the character of the immediate neighborhood.
 - a. The Board finds that the proposed project 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.
5. 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 Bud's Goods has the means to implement the proposal if a Special Permit is granted.
 - a. The Board finds that Bud's Goods 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 Bud's Goods has experience in this industry and has the means to implement the proposal if the Special Permit is granted.
6. 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.
 - a. The Board approves the Special Permit subject to the following conditions set forth below.

CONDITIONS:

The Board grants this approval for a Special Permit subject to the following conditions:

1. The facility shall be permitted to operate from 8:00 a.m. to 6:00 p.m.

2. A copy of the applicable approval from the CCC shall be provided to the Building Commissioner, Health Agent, Fire Chief, Police Chief, and the Board.
3. An annual report of operations shall be provided 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.
4. Any change in ownership or change in management staff and individuals with key access to the Establishment shall also be reported within 30 days of such change.
5. This permit does not allow a Marijuana Retailer use and the retail sales of marijuana is prohibited.
6. This Special Permit is not transferrable or assignable to another party or entity and shall remain exclusively with Bud's Goods for the operation of the facility as a Marijuana Product Manufacturing Establishment and Marijuana Transporter. Events deemed a transfer or assignment of the Special Permit shall include, without limitation: (i) the Company's takeover or merger by or with any other entity; (ii) the Company's outright sale of assets and equity, majority stock sale to another organization or entity for which the Company does not maintain a controlling equity interest; (iii) or any other changes to a majority of the founding member ownership or status of the Company. A Special Permit may be transferred or assigned only with the approval of the Board in the form of an amendment to the Special Permit.
7. Smoking, burning and consumption of marijuana or marijuana infused products on the premises for personal or consumer use is prohibited.
8. The facility shall not generate outside odors and shall implement, install and maintain at all times effective odor control technology to prevent the generation of outside odors from the processing or manufacturing of marijuana or marijuana products. Bud's Goods 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 Bylaw standard for odor mitigation.
9. The Building Commissioner, in enforcing the conditions herein, may require additional odor investigation and/or odor mitigation measures or sound investigations and/or sound mitigation measures should concern and complaints develop about plant odor or sound generation from the facility which are, in the opinion of the Building Commissioner, legitimate in nature. Bud's Goods shall be required to address such issues with the Building Commissioner and the Board to its satisfaction. Any complaints of noxious odors shall be cured within 24 hours of notification
10. The permit holder shall notify the Building Commissioner, the Health Agent, the Fire Chief, the Police Chief, and the Board in writing within forty-eight hours of the cessation of operation of the adult use marijuana cultivation and product manufacturing uses or the expiration or termination of the license holder's Final License CCC.
11. The Special Permit shall lapse upon the expiration or termination of Bud's Goods' license by the Cannabis Control Commission.

12. There shall be a valid Host Community Agreement in effect at all times during the operation of the Adult Use Marijuana Establishment.
13. Prior to filing this Special Permit Decision with the Town Clerk, Bud's Goods shall pay any and all outstanding fees and obligations due to the Town of Lakeville pertaining to the Special Permit application and the Property.
14. Any changes to the Security Plan and Emergency Procedures shall be reported, in writing, to the Police Chief and Fire Chief within 14 days of such changes taking effect.
15. Prior to occupancy and for the life of the Establishment, Bud's Goods shall provide to the Building Inspector 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.
16. There shall be no composting on-site.
17. Any signs shall conform to the Town of Lakeville Zoning By-Law.
18. Prior to occupancy, fire alarm system or the Establishment must be approved by the Lakeville Fire Department.
19. This decision hereby incorporates all of the Applicant's requirements of the Host Community Agreement entered into between the Applicant and Board of Selectmen.
20. Any expansion of the existing building will require an amendment to this Special Permit.
21. Any expansion or change of the proposed use will require a new Special Permit.

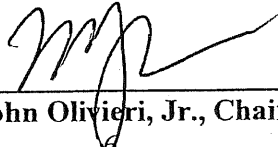
VOTE:

Any appeal of this Decision shall be made to a court of competent jurisdiction within twenty (20) days of the date the Board files this Decision with the Town Clerk in accordance with the provisions of G.L. c. 40A, §17.

NOTE: Show the vote of each member upon each question or, if absent or failing to vote, indicate such fact, and set forth clearly the reason or reasons for its decision, and of its other official action.

Members voting: John Olivieri, Jr.-Aye, Jeffrey Youngquist-Aye, Gerald Noble-Aye,
Christopher Campeau-Aye, Christopher Sheedy-Aye

Zoning Board of Appeals of the Town of Lakeville



John Olivieri, Jr., Chair

12-10-21

Date

ZONING BOARD OF APPEALS

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

Date: December 7, 2021

(A copy shall be sent to the applicant, and shall be filed with Town Clerk together with the Record of Proceedings and plans.)

Notice is hereby given that a Special Permit has been granted in compliance with statutory requirements as set forth in Chapter 40A as amended

TO Bud's Goods & Provisions Corp.

Owner or Petitioner

ADDRESS 54 West Boylston Street, Worcester, MA 01606

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

475 Kenneth W. Welch Drive

Identity of Land Affected

The record title standing in the name of
Green Peak LLC

whose address is 54 West Boylston Street Worcester MA
Street City or Town State

by a deed duly received in the Plymouth District,

Registry of Deeds in Book 9460, Page 18.

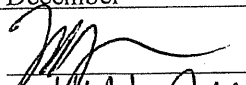
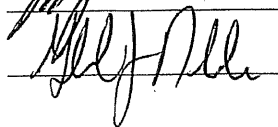
Registry District of Land Court, Certificate No. _____

Book _____, Page _____

The decision of said Board is on file with the papers and plans in the Office of the Town Clerk.

Signed and certified this 7th day of December, 2021.

THE APPEALS BOARD

 Chairman
 Clerk

CERTIFICATE BY THE TOWN CLERK FOR FILING OF THE DECISION IN THE REGISTRY

This is to certify that twenty (20) days have elapsed since filing of the above decision with this office and no appeal has been filed, or an appeal has been filed and denied in case.

Signature and seal of the Town Clerk

THE COMMONWEALTH OF MASSACHUSETTS
LAKEVILLE
CITY OR TOWN

ZONING BOARD OF APPEALS

Date December 7, 2021

NOTICE OF SPECIAL PERMIT

(General Laws Chapter 40A, Section 15 as amended)

Notice is hereby given that a Special Permit has been granted
To Bud's Goods & Provisions Corp.
Owner or Petitioner
Address 54 West Boylston Street
City or Town Worcester, MA 01606
Identify Land Affected

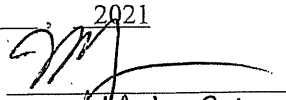
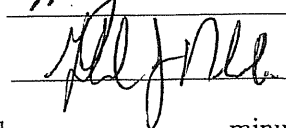
by the town of Lakeville Board of Appeals affecting the
rights of the owner with respect to the use of the premises on
475 Kenneth W. Welch Drive Lakeville
Street City or Town
the record title standing in the name of
Green Peak LLC

whose address is 54 West Boylston Street Worcester MA
Street City or Town State

by a deed duly recorded in the Plymouth County Registry of Deeds in
Book 9460, Page 18 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. 21-20.
in the office of the Town Clerk Lillian M. Drane
Certified this 7th day of December, 2021

THE APPEALS BOARD

 Chairman
 Clerk

_____ 19 at _____ o'clock and _____ minutes _____ M.

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

Attest

Register of Deeds

Notice to be recorded by Land Owner.



EXHIBIT "A"

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

LAKEVILLE TOWN CLERK
RCUD 2021 AUG 31 PM2:05

Special Permit Application
Petition for hearing
Marijuana Uses only

Name of Petitioner: Bud's Goods & Provisions Corp.

Mailing Address: 54 West Boylston Street, Worcester, MA 01606

Name of Property Owner: Green Peak LLC

Location of Property: 475 Kenneth W. Welch Drive

Registry of Deeds: Book No. 9460 Page No. 18

Map 24 Block 006 Lot 008

Petitioner is: owner tenant licensee prospective purchaser

Marijuana Use(s) applying for:

- 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.

" B "



The LAKEVILLE ZONING BOARD OF APPEALS, acting in accordance with MASS GENERAL LAWS CHAPTER 40A, as amended, will conduct a public hearing on Thursday, October 21, 2021, at 7:00 P.M. to hear the petition of Bud's Goods & Provision Corp. A Special Permit under 7.4.6 is requested to operate an adult use marijuana establishment as a marijuana product manufacturer and a marijuana transporter at 475 Kenneth W. Welch Drive, as provided by the Lakeville By-Laws. The property site is owned by Green Peak LLC. Pursuant to the provisions allowed by Chapter 20 of the Acts of 2021, signed by the Governor on June 16, 2021, this will be a virtual meeting. The Agenda found on the Town of Lakeville Zoning Board of Appeals web page will include instructions on accessing the virtual meeting and documents related to it.

John Olivieri, Jr., Chairman
 October 7, 2021 & October 14, 2021
 The Middleboro Gazette Newspaper
 Notice also on www.masspublicnotices.org



The LAKEVILLE ZONING BOARD OF APPEALS, acting in accordance with MASS GENERAL LAWS CHAPTER 40A, as amended, will conduct a public hearing on Thursday, October 21, 2021, at 7:00 P.M. to hear the petition of Bud's Goods & Provision Corp. A Special Permit under 7.4.6 is requested to operate an adult use marijuana establishment as a marijuana product manufacturer and a marijuana transporter at 475 Kenneth W. Welch Drive, as provided by the Lakeville By-Laws. The property site is owned by Green Peak LLC. Pursuant to the provisions allowed by Chapter 20 of the Acts of 2021, signed by the Governor on June 16, 2021, this will be a virtual meeting. The Agenda found on the Town of Lakeville Zoning Board of Appeals web page will include instructions on accessing the virtual meeting and documents related to it.

John Olivieri, Jr., Chairman
 October 7, 2021 & October 14, 2021
 The Middleboro Gazette Newspaper
 Notice also on www.masspublicnotices.org



TOWN OF LAKEVILLE MEETING POSTING & AGENDA REMOTE MEETING

Town Clerk's Time Stamp
received & posted:

LAKEVILLE TOWN CLERK
RCUD 2021 NOV 4 AM 3:05

[Signature]
48-hr notice effective
when time stamped

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

Name of Board or Committee:	Zoning Board of Appeals
Date & Time of Meeting:	Thursday, November 18, 2021 at 7:00 p.m.
Location of Meeting:	<u>REMOTE MEETING</u>
Clerk/Board Member posting notice:	Cathy Murray

Cancelled/Postponed to: _____ (circle one)

Clerk/Board Member Cancelling/Postponing: _____

A G E N D A

1. In accordance with the provisions allowed by Chapter 20 of the Acts of 2021, the November 18, 2021, public meeting of the Zoning Board of Appeals will be held remotely. However, to view this meeting in progress, please go to facebook.com/LakeCAM (you do not need a Facebook account to view the meeting). This meeting will be recorded and available to be viewed at a later date at <http://www.lakecam.tv/>

2. Petition hearings (Votes to be taken)
 - Greene hearing – Shore Avenue-M041-B001-L011-request for a Variance under 4.0 Use Regulations, 5.0 Intensity Regulations, 6.3.1 Accessory Uses, and 8.2.2 Variances to install a 14' x 20' storage shed on a vacant non-conforming lot.

 - Bud's Goods & Provisions Corp. 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 transporter and marijuana product manufacturer.

3. Approve Meeting Minutes for October 21, 2021
4. Old Business
5. New Business
6. Next meeting. . .Thursday, December 16, 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.



TOWN OF LAKEVILLE MEETING POSTING & AGENDA REMOTE MEETING

"C"

Town Clerk's Time Stamp
received & posted:

K. Murray
LAKEVILLE TOWN CLERK
RCUD 2021 OCT 7 PM 1:43

48-hr notice effective
when time stamped

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

Name of Board or Committee:	Zoning Board of Appeals
Date & Time of Meeting:	Thursday, October 21, 2021 at 7:00 p.m.
Location of Meeting:	<u>REMOTE MEETING</u>
Clerk/Board Member posting notice:	Cathy Murray

Cancelled/Postponed to: _____ (circle one)

Clerk/Board Member Cancelling/Postponing: _____

A G E N D A

- In accordance with the provisions allowed by Chapter 20 of the Acts of 2021, the **October 21, 2021**, public meeting of the **Zoning Board of Appeals** will be held remotely. 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)**

DeCost hearing – 129 Staples Shore Road -request for a **Special Permit** under 6.1.3 and 7.4 to construct a second-floor addition with stairway for storage over the existing garage on a pre-existing, non-conforming lot.

Bud's Goods & Provisions Corp. hearing – 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 transporter and marijuana product manufacturer.

- Approve Meeting Minutes for August 19, 2021
- Old Business
 - Sign bylaw update
- New Business
- Next meeting. . Thursday, November 18, 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.

18-20A



TOWN OF LAKEVILLE
OFFICE OF THE TOWN CLERK
346 Bedford Street
Lakeville, Massachusetts 02347
508-946-8814
ldrane@lakevillema.org

FROM THE OFFICE OF
LILLIAN M. DRANE
CMC/CMMC

August 29, 2019

ZBA PETITIONER:

ALEXANDER MAZIN

ZBA CASE NO. 18-20A

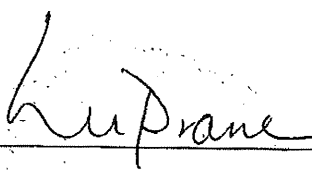
**CORRECTIVE AMENDMENT TO
SPECIAL PERMIT DECISION**

DATE DECISION FILED:

NOVEMBER 1, 2018

To Whom It May Concern:

I do hereby certify under the seal of the Town of Lakeville that **NO** notice of appeal has been received by me during the twenty (20) days next, after the filing of this decision on NOVEMBER 1, 2018, in the name of **ALEXANDER MAZIN**. (Petitioner) for property located at **475 KENNETH WELCH DRIVE, LAKEVILLE, MA.**

Attest: 
Lillian M. Drane, CMC/CMMC
Town Clerk

18-20A

Received

NOV - 1 2018

Lakeville Town Clerk
Wimpave

**CORRECTIVE AMENDMENT
TO SPECIAL PERMIT DECISION**

Reference is made to the Special Permit granted with respect to the property at 475 Kenneth Welch Drive (the "Special Permit") to Alexander Mazin ("Applicant") as set forth in the Decision of the Zoning Board of Appeals (the "Board") adopted unanimously by the members of the Board on August 16, 2018, filed with the Lakeville Town Clerk on August 29, 2018 and recorded with the Plymouth County Registry of Deeds at Book 50362, Page 314 (the "Decision"). Capitalized terms used but not defined herein are intended to have the same meanings as ascribed thereto in the Decision.

As set forth in the "Findings" of the Decision, the Applicant is proposing an addition to the existing building on the Property, the plans for which (the "Expansion Plans") were submitted to the Board as part of the application for the Special Permit and were reviewed by the Board at the public hearing held on August 16, 2018.

While the application for a special permit listed the applicant as "Alexander Mazin," as set forth in the "Findings" of the Decision, various approvals, agreements and licenses have been issued or entered into with respect to the proposed medical marijuana related use at the Property (including Site Plan Approval, a Letter of No-Opposition and a Host Community Agreement), in the name of Trichome Health Corp., an affiliate of Alexander Mazin.

The intent of the Board was to (a) acknowledge its approval of the Expansion Plans; and (b) to restrict the Special Permit to Mr. Mazin and his affiliate, Trichome Health Corp., of which Mr. Mazin is the President.

The Board has determined that the Decision requires correction in order to reflect the foregoing intent of the Board. At a duly convened meeting of the Board, it was determined that the corrections set forth herein do not result in any substantive change to the original Decision nor do they result in the granting of any different or further relief than intended and approved at the public hearing prior to the issuance of the original Decision.

Therefore, pursuant to the inherent authority of the Board, the Decision is hereby amended in the following respects, without the necessity of a public hearing, in order to correct inadvertent errors and omissions therein:

1. Condition number 10 of the Decision is hereby deleted and the following is substituted in its place:

"10. Any expansion of the existing building, other than the expansion of the building as shown on the plan submitted to the Board and reviewed at the August 16, 2018 hearing

on this matter as attached hereto as Exhibit A, will require an amendment to this Special Permit.”

2. The following condition number 12 is added immediately after condition number 11 of the Decision:

“12. This Special Permit does not run with the land. The term “Applicant” as used in this Decision shall mean and include Alexander Mazin and Trichome Health Corp, a Massachusetts corporation, of which Alexander Mazin is the President. Any sale of the Property to a party other than the Applicant as so defined shall require a new Special Permit.

By vote on October 18, 2018, this Corrective Amendment to Special Permit Decision was adopted and granted.

Donald A. Foster 10/31/18

Donald A. Foster, Chair
Lakeville Zoning Board of Appeals

Received in the Office of the Town Clerk

Date: November 1, 2018

18-20



FROM THE OFFICE OF
LILLIAN M. DRANE, CMC

Town of Lakeville

Office of the Town Clerk
346 Bedford Street
Lakeville, Massachusetts 02347
508-946-8814
ldrane@lakevillema.org

September 18, 2018

ZBA PETITIONER:	ALEXADER MAZIN
ZBA CASE NO. 18-20	SPECIAL PERMIT
DATE DECISION FILED:	AUGUST 29, 2018

To Whom It May Concern:

I do hereby certify under the seal of the Town of Lakeville that **NO** notice of appeal has been received by me during the twenty (20) days next, after the filing of this decision on AUGUST 29, 2018, in the name of **ALEXANDER MAZIN** (Petitioner) for property located at **475 KENNETH WELCH DRIVE, LAKEVILLE, MA.**

Attest: *Lillian M. Drane*

Lillian M. Drane, CMC/CMMC
Town Clerk

18-20



OFFICE OF
ZONING BOARD OF APPEALS
Secretary: Cathy Murray

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

RECEIVED
LAKEVILLE TOWN CLERK
2018 AUG 29 AM 8:07
hempone

**DECISION
SPECIAL PERMIT**

TO: ALEXANDER MAZIN

Notice is hereby given by the Zoning Board of Appeals of the Town of Lakeville ("Board") that a Special Permit with conditions for a proposed Registered Marijuana Dispensary ("RMD") as defined as a Medical Marijuana Treatment Center ("MMTC") pursuant to G.L. c. 94G and 105 CMR 725 to be located at 475 Kenneth Welch Drive (Assessor's Map 24, Block 6, Lot 8) (the "Property"), has been GRANTED to the Applicant, Alexander Mazin (the "Applicant") in compliance with the statutory requirements as set forth in MGL Chapter 40A, as amended, and the Lakeville Zoning Bylaw. THE SPECIAL PERMIT SHALL NOT TAKE EFFECT UNTIL THIS DECISION IS RECORDED AT THE PLYMOUTH COUNTY REGISTRY OF DEEDS BY THE APPLICANT OR ITS DULY APPOINTED REPRESENTATIVE.

FINDINGS:

- A. The Applicant is proposing the sales of medical marijuana and associated paraphernalia along with the cultivation, testing, packaging and storage of medical marijuana in an existing building located in an industrial zoning district. Such proposed use requires a special permit pursuant to Section 7.4 and 7.4.6 of the Lakeville Zoning By-Laws.
- B. The Applicant is proposing an addition to the existing building.
- C. The Applicant has received Site Plan Approval from the Lakeville Planning Board.
- D. The Applicant received a Letter of No-Opposition from the Lakeville Board of Selectmen.
- E. The Applicant has entered into a Host Community Agreement with the Lakeville Board of Selectmen
- F. The Applicant has received approval for the use from the Lakeville Board of Health.
- G. The Applicant has informed the Board that a Provisional License has been granted by the Massachusetts Department of Public Health.

- H. The Applicant has represented to the Zoning Board of Appeals (“ZBA”) that the proposed parking and signage are conforming to the Zoning By-Laws.
- I. The ZBA has determined that the proposed use is not noxious, harmful or hazardous, is socially and economically desirable and will meet an existing or potential need. The proposed use will be located in a renovated existing building that will comply with all state regulations regarding the cultivation and dispensing of medical marijuana products. The ZBA further acknowledges that the sale of medical marijuana was approved by the voters of the Commonwealth in 2012.
- J. Due to the proposed use being located in the industrial zoning district, the ZBA has determined that 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.
- K. RMDs/MMTCs are allowed in the industrial zoning district by special permit and therefore, the ZBA has determined that the Applicant has no reasonable alternative available to accomplish this purpose in a manner more compatible with the character of the immediate neighborhood.
- L. As the Applicant is required to meet rigorous state regulations, the ZBA has determined that the proposed use generally conforms to the principals of good engineering, sound planning, and correct land use, and that the applicant has the means to implement the proposal if a Special Permit is granted.
- M. The ZBA therefore finds that the use is in harmony with the general purpose and intent of the industrial zoning district and the Zoning By-Law.


CONDITIONS:

1. All plant waste shall be placed in dumpsters or another closed method of storage.
2. Any signs shall conform to the Town of Lakeville Zoning By-Law.
3. Applicant shall cure any complaints of noxious odors within 24 hours of notification.
4. Hours of Operation:
 - Monday – Friday: not to exceed 8:00 am to 9:00 pm.
 - Saturday: not to exceed 9:00 am to 6:00 pm.
 - Sunday: not to exceed 10:00 am to 6:00 pm.

5. The Applicant shall submit written approval of proposed security measures and proposed use/operation protocols from the Lakeville Police Department prior to the issuance of a Certificate of Occupancy.
6. The Applicant shall submit written approval of the site plan configuration and proposed use/operation protocols from the Lakeville Fire Department prior to the issuance of a Certificate of Occupancy.
7. Any and all conditions of Planning Board Site Plan Approval are hereby incorporated into this decision.
8. This decision hereby incorporates all of the Applicant's requirements of the Host Community Agreement entered into between the Applicant and Board of Selectmen.
9. This Special Permit shall be null and void should the Host Community Agreement between the Applicant and Town expire or become void in anyway.
10. Any expansion of the existing building will require an amendment to this Special Permit.
11. Any expansion or change of the proposed use will require a new Special Permit. The Applicant indicated that it is applying for an adult use license from the Cannabis Control Commission ("CCC"). Any conversion to adult use marijuana establishment or the addition of and adult use marijuana establishment will require a new Special Permit.

DECISION:

By a vote on August 16, 2018, this Special Permit was GRANTED, 6-0-0 (Foster, Gouveia, Gillis, Swanson, Carmichael, and Urbanski voting in the affirmative).



Donald A. Foster, Chair
Lakeville Zoning Board of Appeals

Received in the Office of the Town Clerk:

Date: August 29, 2018

Appeals, if any, shall be made pursuant to M.G.L. Chapter 40A, Section 17, and shall be filed within twenty days after the date of filing of this notice in the office of the Town Clerk.

Petition to be
filed with Town Clerk

EXHIBIT "A"

TOWN OF LAKEVILLE
MASSACHUSETTS

ZONING BOARD OF APPEALS
PETITION FOR HEARING

Name of Petitioner: Alexander Mazin

Mailing Address: 2 Seaport Lane, 11th Floor, Boston, MA 02110

Name of Property Owner: Louis Outer

Location of Property: 475 Kenneth Welch Drive, Lakeville MA 02347

Property is located in a residential business industrial (zone)

Registry of Deeds: Book No. 9460 Page No. 18

Map: 24 Block Lot 008

Petitioner is: owner tenant licensee prospective purchaser

Nature of Relief Sought:

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

Variance from Section (s) of the Zoning Bylaws.

Appeal from Decision of the Building Inspector/Zoning Enforcement Officer

Date of Denial

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

Special permit application for a change of use within the industrial zoning district.

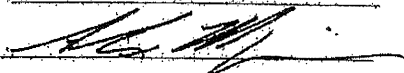
Proposed use will be a marijuana cultivation facility and dispensary. Site improvements will be made consisting of a building addition, expanded parking, walkways and utilities.

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: Alexander Mazin

Date: 7/19/2018

Signed:



Telephone: 774-239-2200

Owner Signature:

(If not petitioner)

Owner Telephone:

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

WILL YOU HAVE A REPRESENTATIVE OTHER THAN YOURSELF?

Yes No

(Name and Title)



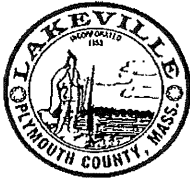
The LAKEVILLE ZONING BOARD OF APPEALS, acting in accordance with MASS GENERAL LAWS CHAPTER 40A, as amended, will conduct a public hearing on THURSDAY, August 16, 2018, at 7:00 P.M., in the LAKEVILLE PUBLIC LIBRARY, 4 PRECINCT STREET, upon the petition of Alexander Mazin who is requesting a Special Permit for a change of use to operate a marijuana cultivation facility and dispensary, and to also make site improvements consisting of a building addition, expanded parking, walkways, and utilities, as provided by the Lakeville By-Laws. The property is located at 475 Kenneth Welch Drive and owned by Louis Outor.

Donald A. Foster, Chairman
August 2, & August 9, 2018
The Middleboro Gazette Newspaper
Notice also on www.masspublicnotices.org



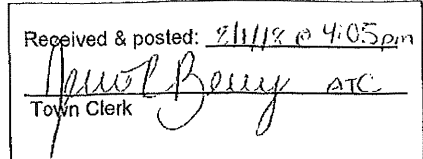
The LAKEVILLE ZONING BOARD OF APPEALS, acting in accordance with MASS GENERAL LAWS CHAPTER 40A, as amended, will conduct a public hearing on THURSDAY, August 16, 2018, at 7:00 P.M., in the LAKEVILLE PUBLIC LIBRARY, 4 PRECINCT STREET, upon the petition of Alexander Mazin who is requesting a Special Permit for a change of use to operate a marijuana cultivation facility and dispensary, and to also make site improvements consisting of a building addition, expanded parking, walkways, and utilities, as provided by the Lakeville By-Laws. The property is located at 475 Kenneth Welch Drive and owned by Louis Outor.

Donald A. Foster, Chairman
August 2, & August 9, 2018
The Middleboro Gazette Newspaper
Notice also on www.masspublicnotices.org



TOWN OF LAKEVILLE MEETING NOTICE/ AGENDA

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



Name of Board or Committee:	Board of Appeals
Date & Time of Meeting:	Thursday, August 16, 2018 @ 7:00 PM
Location of Meeting:	Lakeville Public Library 4 Precinct Street
Clerk/Board Member posting notice	Cathy Murray

AGENDA

I. Called to Order at 7:00 p.m.

II. Meeting minutes (Votes to be taken)

Approve the April 19, 2018 & July 19, 2018, meeting minutes

III. Petition hearings (Votes to be taken)

1. Tragiannopoulos hearing, continued – 160 Bedford Street request for a **Special Permit** to construct a single family home and operate a truck restoration garage on property in the business zone.
2. Nashawaty hearing, continued – 8 Beechtree Drive request for a **Special Permit** to square off a pre-existing, non-conforming dwelling and add a second floor addition which will add approximately 655 square feet to the footprint.
3. Bountiful Farms, Inc. – 200 Kenneth Welch Drive request for a **Special Permit** to operate a 37,000 square foot medical marijuana cultivation and dispensary facility.
4. Mazin hearing – 475 Kenneth Welch Drive request for a **Special Permit** for a change of use to operate a marijuana cultivation facility and dispensary, and to make site improvements consisting of a building addition, expanded parking, walkways, and utilities.
5. Moriarty – 207-209 County Street request for a **Special Permit and Variance** to raze an existing dwelling and construct a residential building that would be within the setbacks on a pre-existing, non-conforming lot.
6. The Residences a LeBaron Hills, LLC, continued -M26-B3- L10-request to modify their **Comprehensive Permit** granted on June 17, 2004, and filed with the Town Clerk on June 18, 2004.
7. Nemasket River Landing, LLC, continued – 27 & 31 Commercial Drive – Request for a **Comprehensive Permit** to build 26 three bedroom townhouse style, residential homeownership units. 7 units will be affordable.
8. Riverside Lakeville, LLC, continued – 29, 32-36 Riverside Drive – Request for a **Comprehensive Permit** to build 24 three bedroom townhouse style homeownership units and 60 three bedroom, duplex style homeownership units. 21 units will be affordable.

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

Exhibit 2

General Demolition Notes

- 1) PRIOR TO THE START OF DEMOLITION, THE GENERAL CONTRACTOR SHALL DETERMINE THE LOCATION OF LOAD BEARING PARTITIONS AND COLUMNS AND PROVIDE TEMPORARY SUPPORT, AS REQUIRED, BY REMOVAL OR RELOCATION OF SUCH PARTITIONS. THE GENERAL CONTRACTOR WILL ENSURE THAT ALL TEMPORARY SUPPORTS ARE CARRIED TO SUFFICIENT BEARING MATERIALS.
- 2) EXISTING WALLS, DOORS, FRAMES AND FIXTURES THAT ARE SHOWN AS DASHED LINES ARE TO BE REMOVED AS REQUIRED.
- 3) MATERIAL HAVING SALVAGE VALUE WILL REMAIN THE PROPERTY OF THE OWNER. ALL OTHER MATERIAL AND DEBRIS, ACCUMULATED AS A RESULT OF DEMOLITION, WILL BECOME THE PROPERTY OF THE GENERAL CONTRACTOR. THE GENERAL CONTRACTOR WILL HAVE THE MATERIAL REMOVED FROM THE PREMISES AND DISPOSED OF IN A SAFE AND LEGAL MANNER.
- 4) THE GENERAL CONTRACTOR WILL PROVIDE AND MAINTAIN TEMPORARY PROTECTION AT ALL TIMES, TO ENSURE SAFETY AND PROTECTION FOR PERSONS AND PROPERTY DURING DEMOLITION AND CONSTRUCTION.
- 5) THE GENERAL CONTRACTOR WILL FURNISH AND MAINTAIN DUST COVERINGS TO PREVENT THE SPREAD OF DUST AND DEBRIS BEYOND THE IMMEDIATE AREA WHERE WORK IS BEING PERFORMED.
- 6) ALL EXISTING ELECTRICAL DEVICES AND WIRING LOCATED IN FLOORS, WALLS, CEILINGS AND FIXTURES SCHEDULED FOR DEMOLITION OR THAT ARE IN CONFLICT WITH NEW CONSTRUCTION ARE TO BE DISCONNECTED AND REMOVED.
- 7) EXISTING FIRE ALARM EQUIPMENT IN CONFLICT WITH NEW WORK IS TO BE REMOVED AND RELOCATED AS REQUIRED AND EXISTING SURFACES PATCHED TO MATCH EXISTING.
- 8) ALL EXISTING MECHANICAL AND PLUMBING SYSTEMS TO BE REMOVED AS REQUIRED, AND EXISTING WALLS PATCHED AS REQUIRED.
- 9) EXISTING FINISHES NOTED TO BE REMOVED ARE TO BE REMOVED AND SUBSTRATES PREPARED AS INDICATED OR REQUIRED TO RECEIVE NEW FINISH MATERIALS SCHEDULED AS PART OF THE CONTRACT.

Note:

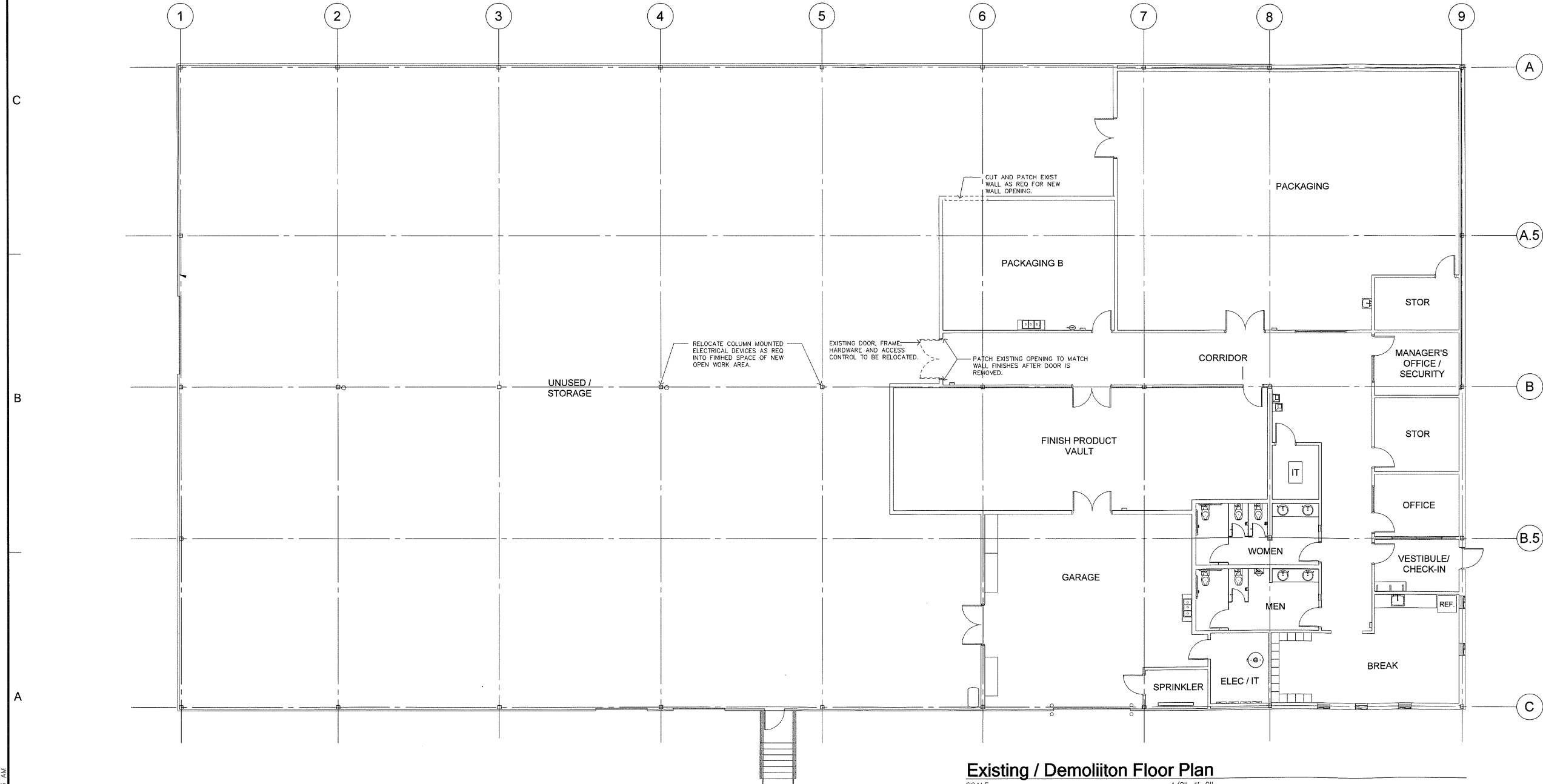
This plan is representative of the work required to allow for the renovations depicted in the construction drawings. The demolition required is not to be limited to only the items noted, the general contractor is responsible for all demolition required to provide the final product regardless of being noted within the demolition plans and elevations.

GENERAL WIRING AND PIPING NOTE:

All existing abandoned wiring and piping to be removed and disposed of as required. Any wiring and piping that is abandoned as a result of the renovations is to be removed and disposed of.

EXISTING G.W.B. NOTE:

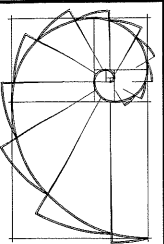
Any damaged g.w.b. is to be removed and replaced with new G.W.B. and finished as required to receive new specified wall finishes.



Existing / Demolition Floor Plan

SCALE: 1/8"=1'-0"
GROSS SQUARE FOOTAGE: 19,918 SF

2/13/2024 9:43 AM



New Phase Design, P.C.
Architects
Engineers
Planners

800 Hingham Street - 109N
781-871-2620

Rockland, MA 02370
www.npdarchitects.com

Proposed Interior Alterations

Bud's
475 Kenneth Welch Drive
Lakeville, MA

REV-1 2-13-24
ISSUED FOR BIDDING 9-13-23

Drawn: G.F.B.
Checked:

Date: 9-13-2023

Scale: AS NOTED

Job No.: 23030

Sheet

EX1

General Notes

- PARTITION LAYOUT IS TO BE APPROVED BY THE ARCHITECT PRIOR TO COMMENCING CONSTRUCTION.
- THE CONTRACTOR SHALL SUBMIT ALL SHOP DRAWINGS FOR APPROVAL BY THE ARCHITECT PRIOR TO THE COMMENCEMENT OF WORK.
- ALL NEW PARTITIONS SHALL BE PARALLEL OR PERPENDICULAR TO CORE WALLS UNLESS NOTED OTHERWISE.
- GENERAL CONTRACTOR SHALL PROVIDE ROUGH AND FINAL FLASH PATCH OF THE FLOOR SLAB, FOR A EVEN CARPET AND TILE INSTALLATION.
- THE CONTRACTOR IS TO PROTECT ALL FINISHES THAT ARE EXPOSED THROUGHOUT THE LIFE OF THE CONSTRUCTION
- THE G.C. IS TO PATCH PENETRATIONS THRU WALL, FLOOR & CEILING CONSTRUCTION TO MAINTAIN RATINGS AND OR CLASSIFICATIONS.
- REFER TO PLAN DRAWINGS FOR WALL TYPE KEYS AND WALL TYPE DETAILS.
- ALL FURNITURE SHOWN ON PLANS IS CONCEPTUAL ONLY AND IS NOT IN THE CONTRACT FOR CONSTRUCTION HOWEVER THE GC IS TO HANDLE ALL SCHEDULING TO AVOID ANY DELAYS.

Interior Finish Notes

Refer to finish schedule for further finish information.
All existing surfaces that are disturbed during alterations are to be patched to match existing or new scheduled finishes.
Walls that are scheduled to receive a painted finish are to be prepared as required to provide a Level 4 finish.

Floor Preparation Note:

GC to ensure proper floor preparation is included in contract price to provide a level surface throughout areas receiving new floor finishes.

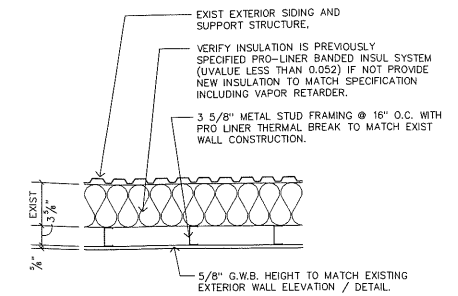
NFPA 241 Note

GC is responsible for providing NPFA 241 plan if required by local AHJ.

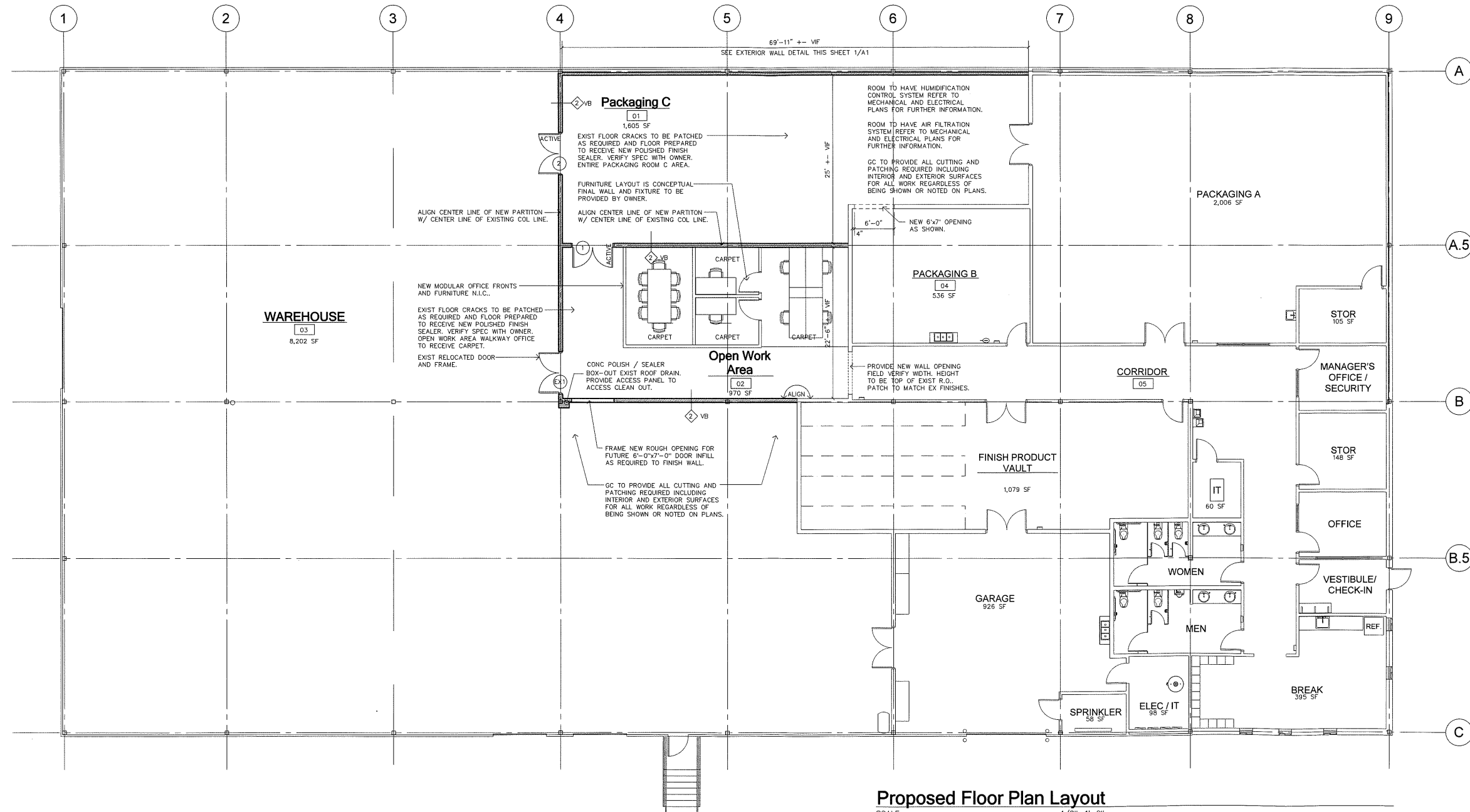
Partition Types

- WALL TYPE ① 3 5/8" METAL STUD FRAMING @ 16" O.C. W/ SOUND ATTENUATING BATT INSULATION (STC 45) AND 5/8" G.W.B. E.A. SIDE. WALL HT TO EXTEND 6" ABOVE HIGHEST FIN CEILING AND BRACE TO STRUCT.
- WALL TYPE ② 6" METAL STUD FRAMING @ 16" O.C. W/ VAPOR BARRIER WINTER WARM SIDE AND SOUND ATTENUATING BATT INSULATION (STC 45). PROVIDE AMMO SECURITY MESH 1.5 ON UNSECURE SIDE AND 5/8" G.W.B. EACH SIDE. WALL HEIGHT FLOOR TO ROOF DECK.
- WALL TYPE ③ PROVIDE FRAMING AS REQUIRED TO MATCH EXISTING AND NEW G.W.B. THICKNESS AS REQUIRED TO PROVIDE DIMENSIONS ON PLAN. PROVIDE SOUND ATTENUATING INSULATION AT BATHROOM WALLS.

NOTES: 1. GC TO PROVIDED DELEGATED DESIGN FOR METAL STUD FRAMING DESIGN. PROVIDE PRODUCT DATA AND CALCULATIONS DEMONSTRATING COMPLIANCE WITH DEFLECTION CRITERIA OF L/240.



Exterior Wall Plan Detail
 SCALE: 1 1/2" = 1'-0"



Proposed Floor Plan Layout

SCALE: 1/8" = 1'-0"
 GROSS SQUARE FOOTAGE: 19,918 SF

New Phase Design, P.C.
 Architects
 Engineers
 Planners

800 Hingham Street - 109N
 781-871-2620

Rockland, MA 02370
 www.npdarchitects.com

Proposed Interior Alterations

BUDS & PROVISIONS
 Bud's

475 Kenneth Welch Drive
 Lakeville, MA

REV-1 2-13-24
 ISSUED FOR BIDDING 9-13-23

Drawn: G.F.B.
 Checked: G.F.B.

Date: 9-13-2023
 Scale: AS NOTED
 Job No.: 23030

Sheet
A1

2/13/2024 9:43 AM

**Zoning Board of Appeals
Lakeville, Massachusetts
Minutes of Meeting
March 21, 2024**

On March 21, 2024, the Zoning Board held a meeting at the Lakeville Public Library. The meeting was called to order by Chairman Olivieri at 7:38 p.m. LakeCam was making a video recording. No one else was recording the meeting.

Members present:

John Olivieri, Jr., Chair; Jeff Youngquist, Vice-Chair; Gerald Noble, Clerk; Christopher Campeau, Member; Christopher Sheedy, Member, Anthony Zucco, Associate

Also present:

Atty. Amy Kwesell, Town Counsel

Simmonds Hills LLC

Before Mr. Olivieri opened the hearing, he advised that they had underestimated the number of people that would attend tonight. They made an accommodation to extend the meeting room in the Children's Library, but was told that people had been turned away. Once they find out that people have been turned away, if they were to continue with anything other than opening the hearing, they would be in violation of Massachusetts Open Meeting Law. He was going to open the hearing because the Town is obligated to do so within a certain time frame, or else they are then at a disadvantage and have to automatically approve the project. Therefore, they have asked the developer to continue the hearing, which he has agreed to do so.

Mr. Olivieri then said they will need to continue this hearing to a date specific, time, and location, and will have to coordinate with the schools so the hearing can be held in one of the auditoriums, cafeteria, or where it can be accommodated. It will be continued to their next scheduled meeting on April 25. All that they will be doing at that meeting is confirming with the developer and setting the date, location, and time of this meeting. They can come to the meeting, but that is all that will be done. That is the process.

Mr. Olivieri then opened the hearing and read the legal ad into the record. He asked the petitioner if he would like to ask for a continuance. Mr. Paul Cusson of Delphic Associates said that they agree to continue the hearing until April 25, 2024. It was his understanding that at that meeting the Board will decide the time for a subsequent meeting in May when they could be heard in full. Mr. Olivieri clarified that they would like to continue this hearing until April 25, 2024, at their next regularly scheduled Zoning Board meeting, to strictly and only set a date for the hearing to continue in May. Mr. Cusson answered in the affirmative.

Atty. Kwesell asked if they would be extending the 180 days also or just continuing? Mr. Cusson said they prefer not to do that at this time. If a 180-day extension is required at some point in time, they would be glad to discuss it and would agree at that time.

Mr. Noble made a motion, seconded by Mr. Campeau, to continue the Simmonds Hill LLC hearing until April 25, 2024. The time would be at 7:00 p.m. The **vote** was **unanimous for**.

The hearing closed at 7:45.

Atty. Kwesell then discussed the 180-day time frame. She advised once the hearing is opened, there is 180 days for the Board to act. That date is September 17, 2024. They have requested a continuance for 30 days and were specifically asked if they would be extending the 180 days that same amount of time, which is somewhat common, but not always, and it is their choice. Mr. Cusson said clearly that he would not be extending the 180 days at this time. Atty. Kwesell said that she would also clarify that when an application is filed with the Town Clerk, this Board has 30 days to open it, and if they did not open the hearing tonight it would be subject to constructive approval. That means the project would be approved as it was filed. She noted that with 40Bs throughout the 180 days the project does change and evolve, and they try to get a better project. They had no choice but to open this tonight.

Mr. Olivieri asked if the Board had said no, then the applicant walks out and does whatever they want? Atty. Kwesell replied that is correct on the 31st day they file a Notice of Constructive Approval with the Housing Appeals Committee, and they get the project they applied for. Mr. Olivieri said that would be a bigger problem. He said to the people in attendance that they would all have an opportunity to speak and be able to tell the Board what they did like, and what they did not like.

Dixon hearing - 36 Main Street

Mr. Olivieri opened the Dixon hearing at 7:55. Ms. Dixon explained that they were proposing to put a small addition onto their reception area. The intent is to make it safer and more accommodating for dogs. Currently, there is one door that goes in and one door that goes out, and sometimes when dogs have to pass in close proximity it can cause issues. They are proposing to extend this area by 133 square feet. They will have an 'in' door and an 'out' door, and that way the dogs will not have to pass in the middle. The addition will be on a slab and replace a flower bed currently there. This proposed change will make it more efficient and safer.

Mr. Olivieri then read the February 28, 2024, letter from the Board of Health into the record. The proposed extension would not result in an increased flow to the septic system and the footprint of the addition would not affect the system. Therefore, they had no objections to the proposed addition. The March 15, 2024, letter from the Planning Board had no comments regarding the petition. Mr. Olivieri noted they also had the plan from Zenith Consulting Engineers that they had reviewed. Were there any comments or questions from any of the Board members?

Ms. Dixon wanted to note for the record that this will not in any way affect the capacity they currently have. Mr. Olivieri said for the record there will be no more dogs than they already have. As there was still a lot of background noise, Mr. Olivieri summarized what had been presented. The petition is to extend the reception area, which will be on a slab and go over an existing flower bed. There will be no additional dogs or capacity, and it will only affect that flower bed. The Board of Health had no issues with it, and the Planning Board had not made any comments. There were no questions from the Board, so he opened up to public comment.

Mr. Daniel Ferreria of 1 Patrick Thomas Court then spoke. He said he opposes this addition, as he had also opposed the previous addition and expressed his concerns then. He noted the traffic and parking has gotten worse, and the number of dogs has increased. He did not know what the numbers are and said the Town cannot tell him how many dogs are there during the day or overnight. If they say the numbers won't increase, there is nobody policing it, and there is only one inspection from the State which has nothing to do with dog numbers.

Mr. Ferreira said they have outgrown the place where they are, and are now parking at Baldi's because they are not able to park on Patrick Thomas Court. As a neighbor, this is not a detrimental thing that they need approval for, and he did not see the need for it. Mr. Olivieri said that he empathized with what he was saying, but with these points when it comes to enforcement in certain aspects, they don't have any control over monitoring. Mr. Ferreira said they had control over what they do in the future, and there is already a problem with an abutter. He is giving them his concerns that this is affecting his home.

Mr. Olivieri asked if this new addition will affect it. Mr. Ferreira said that it would, because there would be that much less space for them to use for parking and what they need for their use. Mr. Olivieri said they would take those comments, look at the plans, and the Board can make their decision. Ms. Dixon then said that Pet Recess was there before Mr. Ferreira bought his property, and he has a deed to use the access way that is State-owned. For many years, they had been allowed to use it, and it is the only access to the rear of the property. The Town had requested they use it for parking, but Mr. Ferreira got in touch with the State and told them he did not want them using it for parking. They are now not allowed to have access. She approached Baldi's and explained the situation, which is similar to his, because the State property goes onto his land. He has agreed to allow them to park on his property. She noted the parking out front would not be affected by this new addition. It is a flower bed, and not a parking spot. This addition is out front and will not make any difference to his property which is way out in the back. She noted that they are licensed and inspected every year.

Mr. Olivieri said if they were to grant the permit, would she be okay with no parking spaces being eliminated. Mr. Ferreira stated they are adding on and the number of dogs will not increase, but no one can tell him how many dogs they have. The only answer he could get at the Town Clerk's office was they have paid a fee to have 10 to 15 dogs overnight. He did not understand if they were not following the rules now, and no one knows how many dogs they have, why do they keep giving them permits to add on. Mr. Olivieri clarified they do not know if they are following the rules or not. Mr. Ferreira said he has asked the Animal Control Officer, Mr. David Frates, to ask him if there is an overnight inspection on how many dogs there are. If the kennel license is for 10 to 15 dogs after hours and no one inspects it, they could have 100 dogs overnight.

Mr. Olivieri reiterated that they were not an Enforcement Board. Mr. Ferreira said then to return to the Zoning issue, they have already had additions on this building so why do they have bylaws about setback, land size, and permeability? This is a convenience thing. Ms. Dixon clarified that they have 100 dogs a day at daycare. The other addition referred to is a nap room, where the dogs nap from 12:00 to 2:00. They have 28 kennels, and the most dogs they have boarded is probably about 35. They have cameras and her maintenance manager, Wayne Daugherty, lives a few feet away from the kennel. They are inspected by Mr. Frates, who knows how many dogs they have and how they are kept. She advised that this addition is for the safety of their clients and dogs.

Mr. Noble asked how often they were at maximum capacity. She replied Wednesday, Thursday, and Friday for daycare. The other days maybe between 75 to 85 dogs. They have 20 staff members. Mr. Ferreira then submitted the license fee for the record. Ms. Dixon explained that there are two categories for dog kennels, residential which is up to four dogs, and commercial which is up to fifteen dogs. If you have that many dogs or more, that is what you pay and she has always paid that. When she bought the property, it had been a kennel for 30 years and never had a commercial kennel license. Mr. Olivieri asked who oversaw the commercial license. Ms. Dixon said it was Mr. Frates. Mr. Olivieri said they could then confirm with him that everything is done right, it is not over capacity, and it is a safe haven for the dogs. Would she be okay with a condition that Mr. Frates had no issues with it? Ms. Dixon said that would be fine. Mr. Sheedy questioned the lot coverage. It was found to be 36.1% with the proposed addition.

Mr. Ferreira said the Board should make this contingent upon them being in compliance with the number of dogs. She has already told them that they are not. Mr. Olivieri said that Mr. Frates would be the authority for that. Mr. Ferreira said that he has spoken to him four times, and he says that he cannot go in there after hours. This is already non-conforming and the Zoning Board does not have to approve everything. Mr. Olivieri noted that this addition is no further intruding into the setback than the existing front of the building.

Mr. Noble then made a motion, seconded by Mr. Youngquist, to approve the Special Permit with the following condition:

1. The Animal Inspector, Mr. David Frates, will confirm the applicant is in compliance with all rules and regulations.

There was a discussion regarding the lot coverage, but it was found to be well within the 50% allowed for business.

The **vote** was **unanimous for**.

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

The hearing closed at 8:17.

Documents distributed for the hearing:

- Petition packet
- Legal ad
- Board of Health memo of February 28, 2024
- Planning Board memo of March 24, 2024

Joyce hearing - 51 Shore Avenue

Mr. Olivieri opened the Joyce hearing at 8:18, and read the legal ad into the record. He then read the February 28, 2024, letter from the Board of Health. The Board of Health had no objection to the proposed shed as it would have no connection to water or septic and the footprint would not interfere with the existing septic system. The March 15, 2024, letter from the Planning Board had no comments regarding the petition. Mr. Joyce advised that their house is setback 15 feet from

the road, and they would like to place the proposed shed 20 feet back. Mr. Olivieri asked if there were any questions from the Board. There were none. Mr. Olivieri asked if anyone in the audience had any comments. No one spoke.

Mr. Youngquist then made a motion, seconded by Mr. Zucco, to approve the petition as applied for. The **vote** was **unanimous for**.

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

The hearing closed at 8:20.

Documents distributed for the hearing:

- Petition packet
- Legal ad
- Board of Health memo of February 28, 2024
- Planning Board memo of March 24, 2024

Meeting minutes

Mr. Sheedy made a motion, seconded by Mr. Campeau, to approve the meeting minutes from the February 15, 2024, meeting.

Mr. Campeau, Mr. Sheedy, Mr. Zucco, Mr. Olivieri – **Aye**; Mr. Youngquist, Mr. Noble -**Abstain**

Benatti hearing, continued – an appeal related to 434 Bedford Street

Mr. Olivieri opened the continued Benatti hearing. He advised the applicant is still working toward a resolution with his neighbor and has submitted a request for a continuance until their April meeting.

Mr. Youngquist made a motion, seconded by Mr. Noble, to continue the Benatti hearing until April 25, 2024. The time would be at 7:00 p.m. The **vote** was **unanimous for**.

Meet with Eric Anderson regarding opening on the Zoning Board

Mr. Olivieri advised that Mr. Anderson had submitted a letter of interest to the Select Board in regards to an open spot for an Associate member on the Board. Mr. Olivieri noted to Mr. Anderson that they did not normally have such large meetings, and that he could not recall a situation where they had that many people. He advised that public comment was a very important part of the process. He asked if he had any questions. Mr. Anderson replied he understood from tonight, and it was pretty straight forward. Mr. Olivieri said if something is at the Board of Appeals it is because it doesn't fit into the square. They need to see if it is more detrimental, if there is a benefit, and how to weigh that and figure out if an exception is needed. However, 40B is completely different because the State is extremely involved in it. Mr. Noble asked Mr. Anderson what would make him good for the ZBA. Mr. Anderson replied he has been in construction his whole life, so he has

a good understanding of the process with people wanting to building things but having to get their projects approved.

Mr. Zucco then made a motion, seconded by Mr. Youngquist, to recommend the Select Board appoint Mr. Eric Anderson to fill the opening for an Associate Member of the ZBA. The **vote** was **unanimous for**.

Next meeting

The next meeting is scheduled for April 25, 2024, at 7:00 p.m. at the Lakeville Public Library.

Adjourn

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

Meeting adjourned at 8:31.