

TOWN OF LAKEVILLE MEETING POSTING & AGENDA

Town Clerk's Time Stamp
received & posted:
[Signature]

LAKEVILLE TOWN CLERK
ROUD 2023 JUN 1 PM3:28
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, 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)

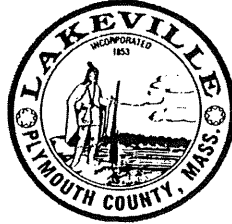
Clerk/Board Member Cancelling/Postponing: _____

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
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

June 1, 2023 & June 8, 2023



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

June 8, 2023

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

Re: ZBA meeting 6/15/23

Dear Chairman Olivieri:

We received a copy of the Petition for Hearing for 475 Kenneth Welch Drive and the Board of Health has no objections to the change in name.

We received a copy of the "Plan of Proposed Addition" for 22 Crooked Lane by River Hawk dated 5/11/23, the kitchen addition will not interfere with the existing septic system. Also, since the kitchen addition does not increase the number of bedrooms, then the Board of Health has no objections to the addition.

The Board of Health has reviewed the "Site Plan for Lot 1 part of 5 Harding and 39 Cross St. revised 10/21/19. The Board of Health has no objections to the proposed commercial building, or the time cars are allowed to spend on the site.

The Board of Health has reviewed the "Preliminary Site Plan for 156 County St. by GPI Engineering dated 5/22/23, which shows 3 proposed storage facilities. Proposed Storage Facility #1 is proposed on top of the existing leach field, and Proposed Storage Facility #2 is on top of the existing force main for the septic system and water lines. Neither of these proposed storage facilities can be built in their proposed location, because the septic system would not be able to function. The Board of Health recommends relocating the storage facilities, so they do not interfere with the existing septic system.

Sincerely for the Board of Health

Edward Cullen Health Agent



Town of Lakeville
Conservation Commission
346 Bedford St.
Lakeville, MA 02347
Phone: (508) 946-8823 FAX: (508) 946-0112

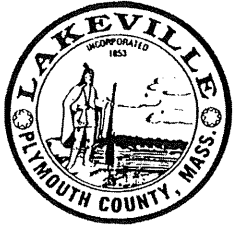
To: Zoning Board of Appeals
From: Conservation Commission
Date: June 8, 2023

Subject: Petitions for Hearing 6/15/23

- Gear - 22 Crooked Lane - There are no wetland issues at this location.
- Mazin - 475 Kenneth Welch Drive - There are no wetland issues at this location.
- NSA Property Holding - 156 County Street - This project will require a Notice of Intent.

Sincerely,

Robert Bouchard
Conservation Agent



Town of Lakeville

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

Mark Knox, Chairman
Michele MacEachem, Vice Chairman
John Cabral
Nora Cline
Jack Lynch

MEMORANDUM

TO: Board of Appeals

FROM: Planning Board

DATE: June 12, 2023

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

At their Thursday, June 8, 2023, meeting, the Planning Board reviewed the above referenced Petition for Hearing from the Board of Appeals. The Board had no comments regarding this petition.

Petition to be filed with Town Clerk

EXHIBIT "A"

TOWN OF LAKEVILLE MASSACHUSETTS

RECEIVED MAY 12 2023 BOARD OF APPEALS

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 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 29C7A1005C734CF...

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)

Vicente

Prudential Tower
800 Boylston Street, 26th Floor
Boston, MA 02119
Tel: 617.934.2121

California · Colorado · Florida · Massachusetts · Michigan · New Jersey · New York · Texas

May 9, 2023

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 & Provisions Corp. ("Bud's Provisions") to request two amendments to its Special Permit which was previously approved on August 16, 2018, as further amended by Corrective Amendment on October 18, 2018 (collectively, the "Special Permit"). The requested amendments are as follows:

1. To change the identity of the applicant/operator to replace Bud's Provisions with Buds Goods & Services MA Corp. ("Bud's Services"). Bud's Services is owned by the same ownership group as Bud's Provisions and the change is purely for structural and financial benefits. There will be no changes to the operations, management and employees operating the facility.
2. To change the hours of operation to 6:00 a.m. to 10:00 pm, so as to allow for two shifts to operate at the facility.

Attached hereto as Exhibit A, please find a Petition for Hearing for these amendments.

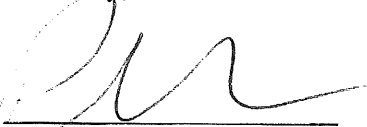
Attached hereto as Exhibit B are the original Special Permit application materials.

Attached hereto as Exhibit C are the original Special Permit decision and Corrective Amendment.

Other than the amendments requested above, there are no other changes requested to the Special Permit.

Thank you for your attention to this matter.

Sincerely,



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

18-21

ORIGINAL

Petition to be filed with Town Clerk

RECEIVED EXHIBIT "A" LAKEVILLE TOWN CLERK

TOWN OF LAKEVILLE MASSACHUSETTS

JUL 23 AM 11:22

RECEIVED

ZONING BOARD OF APPEALS PETITION FOR HEARING

JUL 20 2018

BUILDING DEPT.

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 [checked] industrial (zone)

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

Map 24 Block 006 Lot 008

Petitioner is: owner tenant licensee [checked] prospective purchaser

Nature of Relief Sought:

[checked] 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:

[Signature]

Telephone: 774-239-2200

Owner Signature: (If not petitioner)

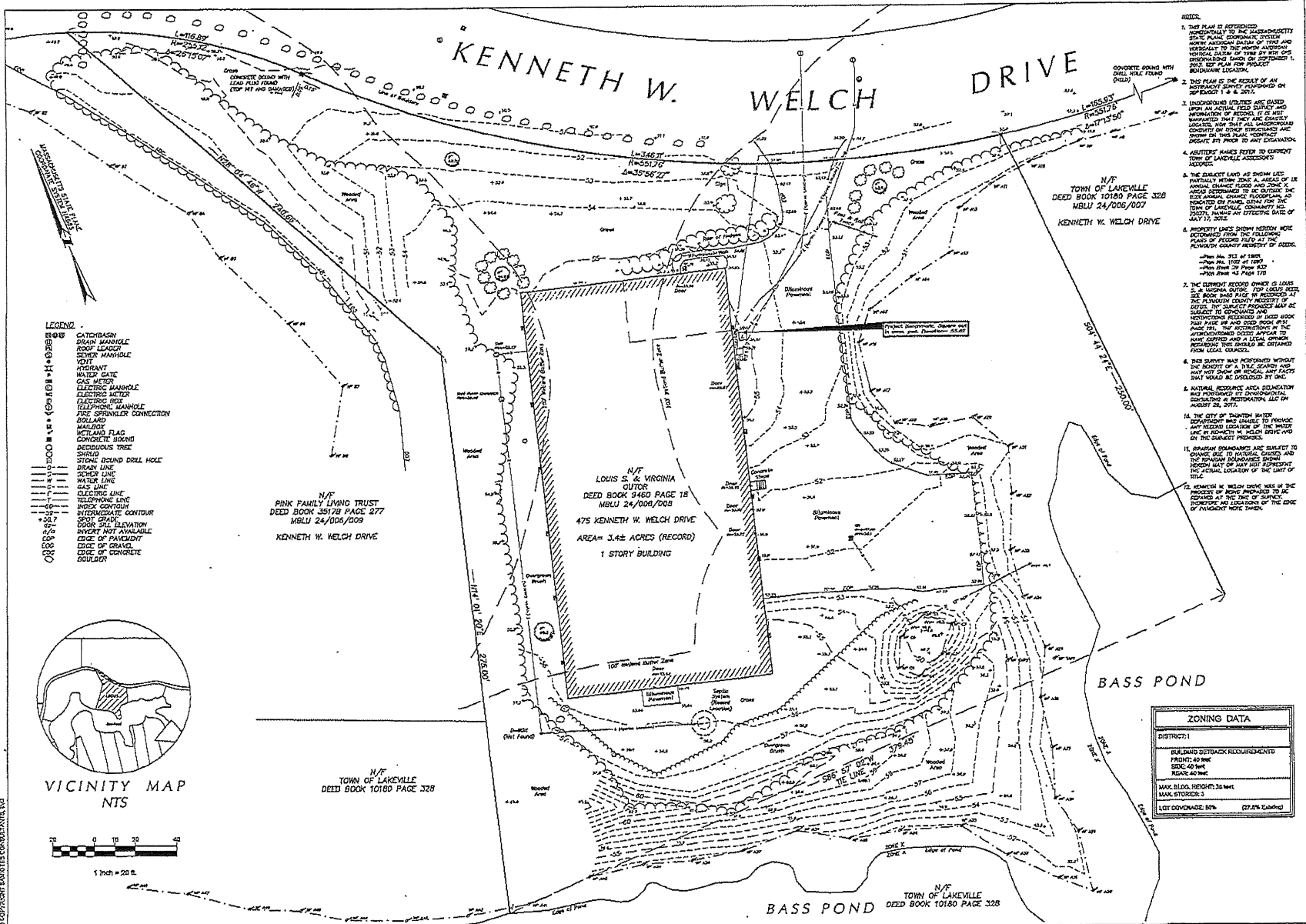
Owner Telephone:

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

WILL YOU HAVE A REPRESENTATIVE OTHER THAN YOURSELF?

Yes [] No [checked]

(Name and Title)



Samnotes Consultants Inc.
ONE Engineers & Land Surveyors
284 South
Haverhill, MA 01830
T 978.227.4848
F 978.227.4848

**475 Kenneth W. Welch Drive
Lakeville, MA**

TODD A. CHAPMAN
REGISTERED PROFESSIONAL
LAND SURVEYOR FOR
MASSACHUSETTS, INC.
2017

ZONING DATA

DISTRICT: 1

BUILDING SETBACK REQUIREMENTS
FRONT: 40 feet
SIDE: 40 feet
REAR: 40 feet

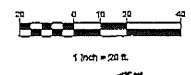
MAX. BLDG. HEIGHT: 35 feet
MAX. STORIES: 3

LOT COVERAGE: 50% (27.8% Subj.)

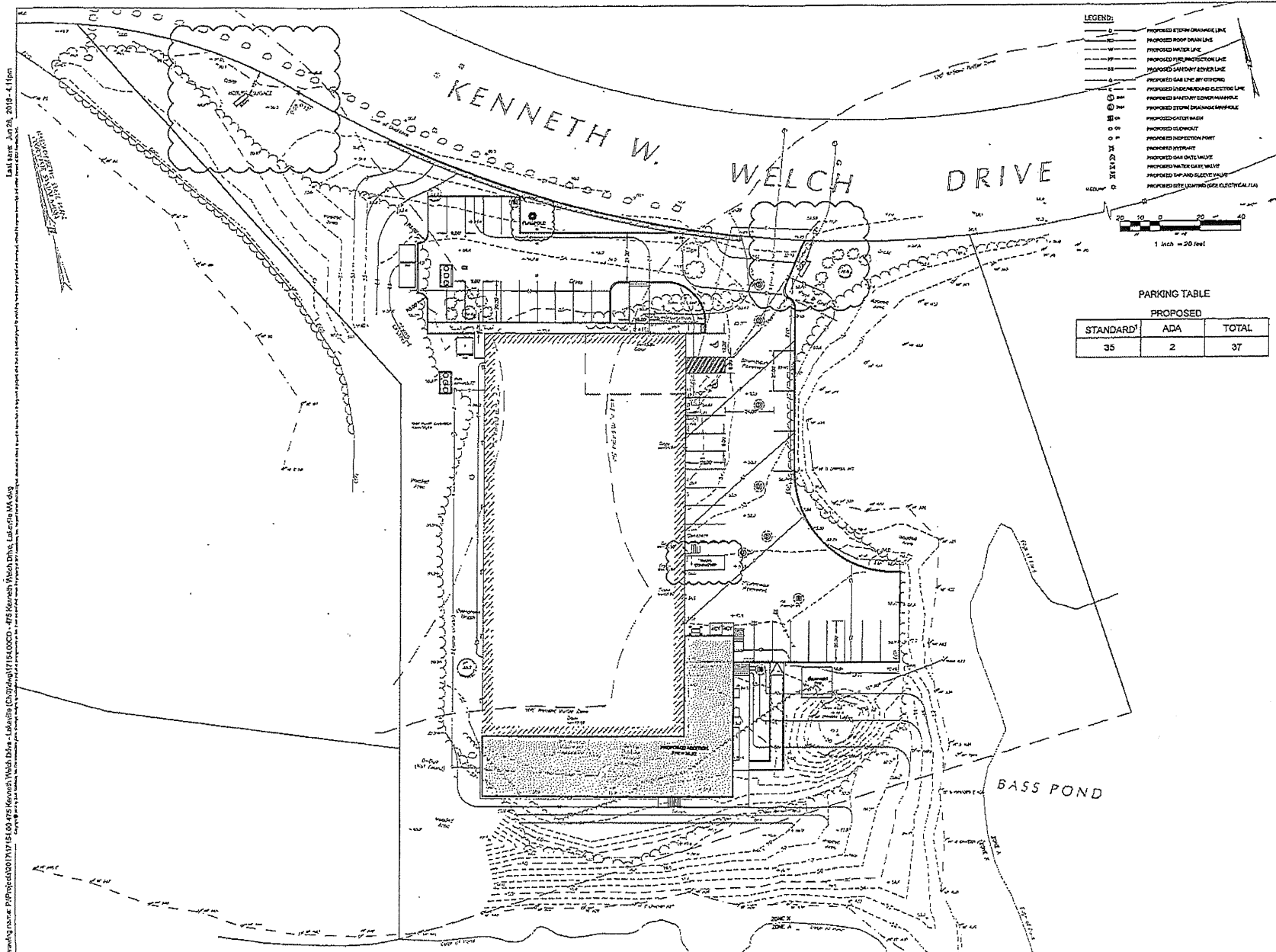
Existing Conditions Plan

DATE: 05/20/2017	EX-1.1
SCALE: 1"=40'	
DRAWN BY: JCL	
CHECKED BY: JCL	

- LEGEND**
- 1000 CATCHBASIN
 - 1001 DRAIN MANHOLE
 - 1002 ROOF LEADER
 - 1003 SEWER MANHOLE
 - 1004 TILT
 - 1005 HYDRANT
 - 1006 WATER GATE
 - 1007 GAS METER
 - 1008 ELECTRIC MANHOLE
 - 1009 ELECTRIC METER
 - 1010 ELECTRIC GUY
 - 1011 TELEPHONE MANHOLE
 - 1012 FIRE SPRINKLER CONNECTION
 - 1013 BOLLARD
 - 1014 MAILBOX
 - 1015 WETLAND FLAG
 - 1016 CONCRETE SIGN
 - 1017 DECIDUOUS TREE
 - 1018 SHRUB
 - 1019 STONE FOUND DRILL HOLE
 - 1020 DRAIN LINE
 - 1021 SEWER LINE
 - 1022 WATER LINE
 - 1023 GAS LINE
 - 1024 ELECTRIC LINE
 - 1025 TELEPHONE LINE
 - 1026 INTERMEDIATE CONTOUR
 - 1027 SPOT GRADE
 - 1028 DRAIN 2% ELEVATION
 - 1029 WHERE NOT AVAILABLE
 - 1030 EDGE OF PARADISE
 - 1031 EDGE OF GRAVEL
 - 1032 EDGE OF CONCRETE
 - 1033 DOULEAR



- NOTES:**
1. THIS PLAN IS REFERENCED INDENTUREALLY TO THE MASSACHUSETTS STATE PLANNING BOARD'S SYSTEMS AND VERTICALLY TO THE NORTH ALPHABETICALLY BY THE DATE OF THE ORIGINAL SURVEY OF THIS PROJECT. THE PLAN FOR PROJECT PURPOSES IS BASED ON THE SURVEY INFORMATION PROVIDED BY THE SURVEYOR.
 2. THIS PLAN IS THE RESULT OF AN INDEPENDENT SURVEY CONDUCTED ON SEPTEMBER 1 & 8, 2017.
 3. UNDESIGNED UTILITIES ARE BASED UPON AN ACTUAL FIELD SURVEY AND INFORMATION OF RECORD. IT IS NOT WARRANTED THAT THEY ARE EXACTLY LOCATED NOR THAT ALL UNDERGROUND UTILITIES OR OTHER STRUCTURES ARE SHOWN ON THIS PLAN. CONTRACTORS SHOULD BE AWARE OF ANY UNDERGROUND UTILITIES PRIOR TO ANY CONSTRUCTION.
 4. ANY OTHER NOTES REFER TO CURRENT TOWN OF LAKEVILLE ORDINANCES.
 5. THE SUBJECT LAND AS SHOWN IS PARTIALLY WITHIN ZONE R-1. AHEAD OF THE ANNUAL CHANGE FLOOD AND ZONE X AREAS. ANY CHANGES TO THE ZONING OR THE ANNUAL CHANGE FLOODPLAIN, AS NOTICED BY THE TOWN OF LAKEVILLE, SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER. THE TOWN OF LAKEVILLE SHALL BE RESPONSIBLE FOR ANY CHANGES TO THE ZONING OR FLOODPLAIN DATE OF JULY 1, 2017.
 6. PROPERTY LINES SHOWN HEREON WERE DETERMINED FROM THE FOLLOWING PLANS OF RECORDED DEEDS AT THE NEWTON COUNTY REGISTRY OF DEEDS:
 - Plan No. 102 of 1889
 - Plan No. 102 of 1889
 - Plan No. 102 of 1889
 - Plan No. 102 of 1889
 - Plan No. 102 of 1889
 7. THE CURRENT RECORD OWNER IS LOUIS S. & VIRGINIA CUTLER. TOP LOCUS DEED BOOK 9480 PAGE 18 RECORDED AT THE NEWTON COUNTY REGISTRY OF DEEDS. THE SUBJECT PROPERTY MAY BE SUBJECT TO CHARGES AS SET FORTH HEREIN AND DEED BOOK 9480 PAGE 18. THE INFORMATION IN THE ABOVE MENTIONED DEEDS APPEAR TO HAVE BEEN OBTAINED BY A LEGAL OPINION. REGARDING THIS SHOULD BE OBTAINED FROM LEGAL COUNSEL.
 8. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A FIELD SURVEY AND MAY NOT SHOW ON RECORD ANY FACTS THAT SHOULD BE DISCLOSED BY THE SURVEYOR.
 9. NATURAL RESOURCE AREA DELINEATION WAS PERFORMED BY INDIVIDUALS REGISTERED AS REGISTERED LAND ON AUGUST 28, 2017.
 10. THE CITY OF LAKEVILLE WATER DEPARTMENT HAS AGREED TO PROVIDE ANY NECESSARY INFORMATION OF THE WATER LINE AT KENNETH W. WELCH DRIVE AND TO THE SUBJECT PROPERTY.
 11. BUREAU OF LANDS AND FORESTRY HAS AGREED TO PROVIDE ANY NECESSARY INFORMATION OF THE BOUNDARY OF THE SUBJECT PROPERTY AND TO THE SUBJECT PROPERTY.
 12. KENNETH W. WELCH DRIVE WERE IN THE PROCEEDS OF BOND APPROVED TO BE GRANTED AT THE TIME OF SURVEY. HOWEVER, NO LOCATION OF THE EDGE OF PARADISE WERE SHOWN.



ARCHITECT
BKA
ARCHITECTS

Brian + Brockton
342 Chestnut Street
Brockton, MA 01909
508.385.5143
brian@bka.com

CONSULTANT
samiotes

Samiotes Consultants Inc.
One Center Street
Waltham, MA 01901
781.882.4444
info@samiotes.com



REVISIONS

3/7/19	SITE PLAN REVIEW
7/19/19	SPECIAL PERMIT

CLIENT
TRICHOME HEALTH

PROJECT
475 KENNETH WELCH DRIVE, LAKEVILLE MA 02347

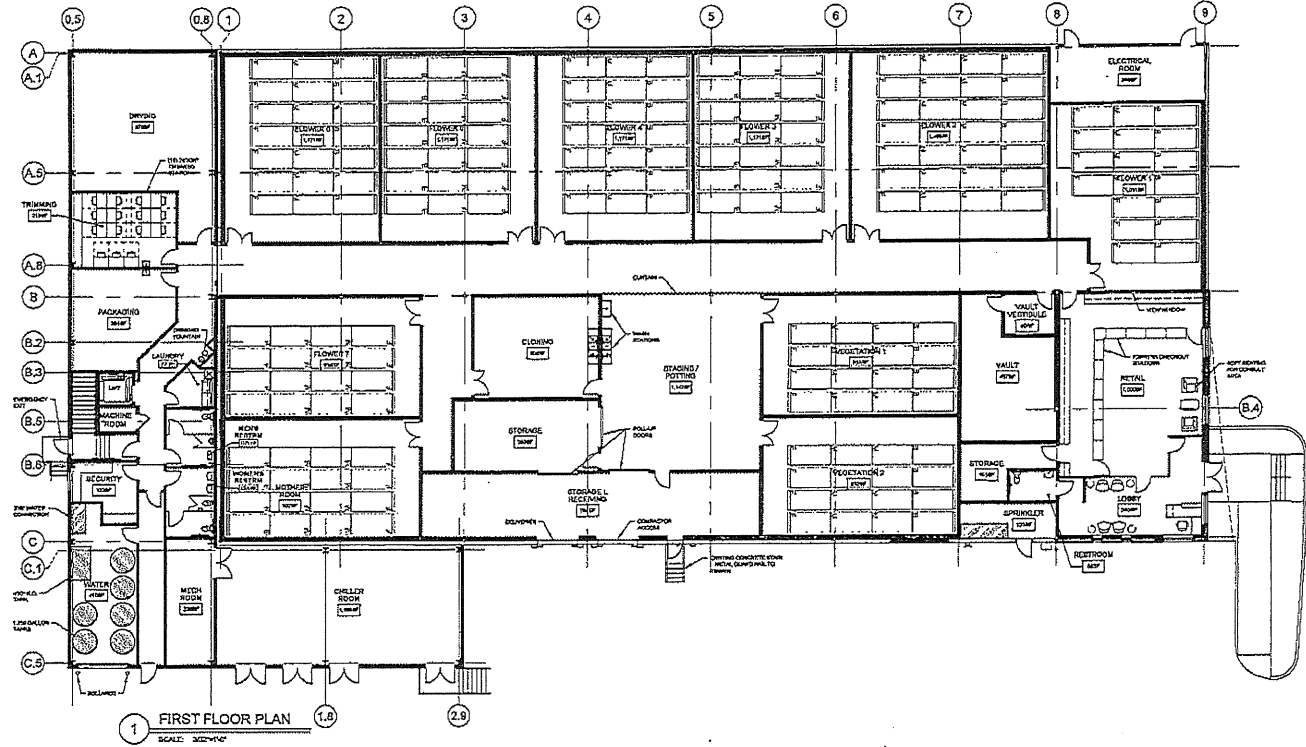
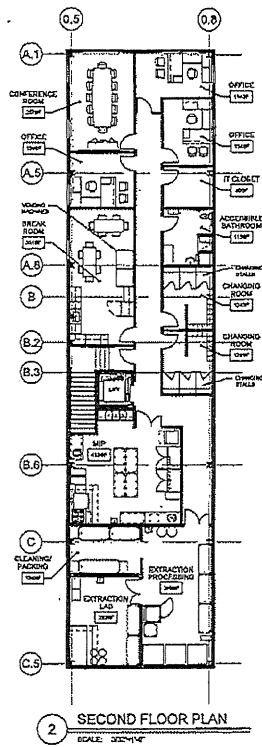
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LAYOUT PLAN

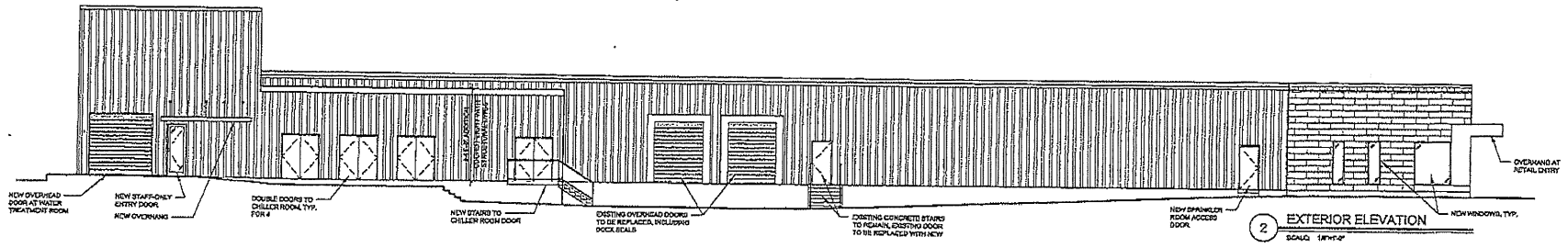
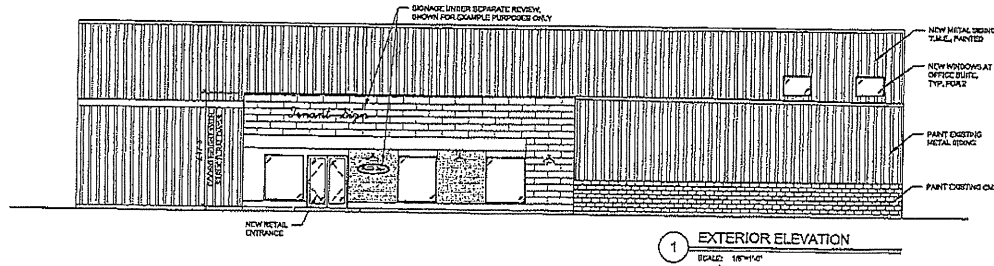
DRAWING INFORMATION
Job Number: 17254.00
Checked By: SSS
Drawn By: CFB

DRAWING NUMBER
C
301

Leaf Name: Jun28_2019_411p.m

Drawing name: P:\Proposed\1717\171700_ITS Kenneth Welch Drive - Lakeville (07/19/19)\17170000 - ITS Kenneth Welch Drive, Lakeville MA.dwg
Copyright © 2019 Samiotes Inc. All rights reserved. This drawing is the property of Samiotes Inc. and is not to be reproduced or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Samiotes Inc.





Cultivation Center & Dispensary
475 Kenneth Welch Drive, Lakeville, MA

Trichome Health

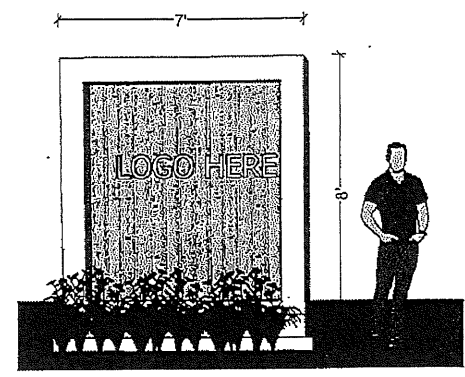
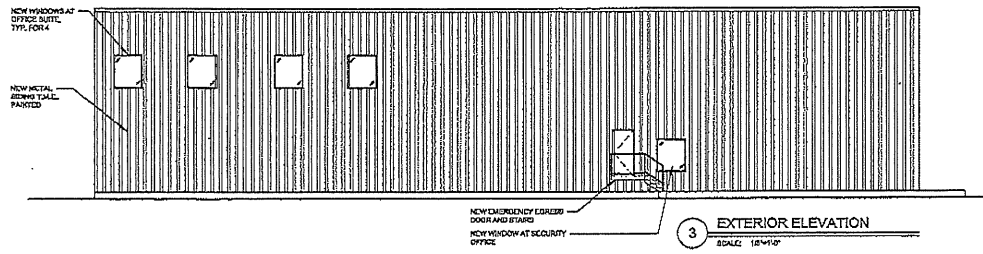
Proposed Exterior Elevations
Drawn by: ELB BKA # 218096

Date: 06-28-18

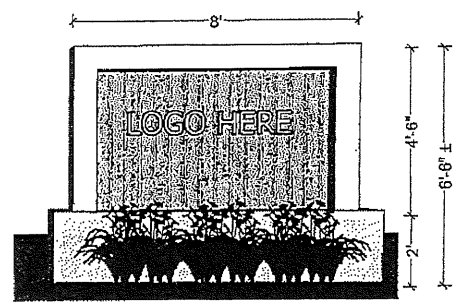
A-2

KA
ARCHITECTS

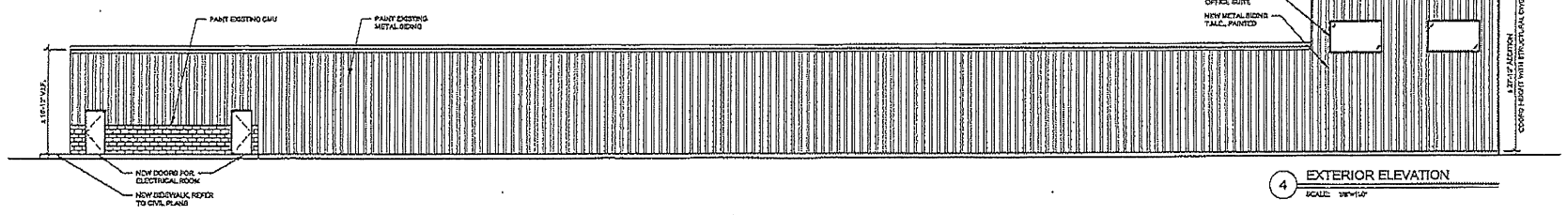
Boston + Brockton
142 Crescent Street
Brockton, MA 02302
508.563.5603
bkaarchitects.com



OPTION A

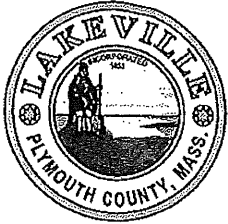


OPTION B



4 EXTERIOR ELEVATION
SCALE: 1/8\"/>

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

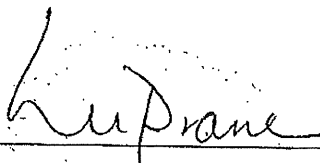
**CORRECTIVE AMENDMENT TO
SPECIAL PERMIT DECISION**

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

**CORRECTIVE AMENDMENT
TO SPECIAL PERMIT DECISION**

Lakeville Town Clerk
[Signature]

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



Town of Lakeville

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

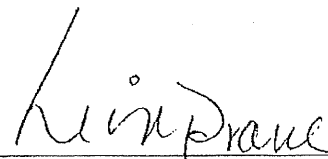
FROM THE OFFICE OF
LILLIAN M. DRANE, CMC

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, 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
humpone

**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 [checked] industrial (zone)

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

Map 24 Block Lot 008

Petitioner is: owner tenant licensee [checked] prospective purchaser

Nature of Relief Sought:

[checked] 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: [Signature]

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 [checked] No

(Name and Title)

" 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, 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



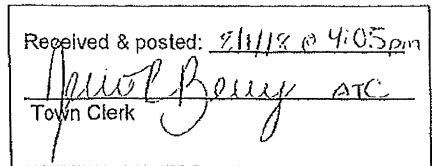
The LAKEVILLE ZONING BOARD OF APPEALS, acting in accordance with MASS GENERAL LAWS CHAPTER 40A, as amended, will conduct a public hearing on THURSDAY, August 16, 2018, at 7:00 P.M., in the LAKEVILLE PUBLIC LIBRARY, 4 PRECINCT STREET, upon the petition of Alexander Mazin who is requesting a Special Permit 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)

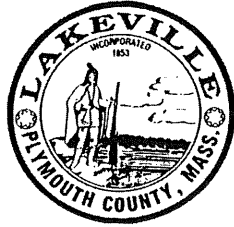
Approve the April 19, 2018 & July 19, 2018, meeting minutes

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.

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 **Justin Gear**. A **Variance** is requested under **5.1** to construct a 15' x 17' addition that would extend into the side setback. The property site is **22 Crooked Lane**.

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

June 1, 2023 & June 8, 2023



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

June 8, 2023

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

Re: ZBA meeting 6/15/23

Dear Chairman Olivieri:

We received a copy of the Petition for Hearing for 475 Kenneth Welch Drive and the Board of Health has no objections to the change in name.

We received a copy of the "Plan of Proposed Addition" for 22 Crooked Lane by River Hawk dated 5/11/23, the kitchen addition will not interfere with the existing septic system. Also, since the kitchen addition does not increase the number of bedrooms, then the Board of Health has no objections to the addition.

The Board of Health has reviewed the "Site Plan for Lot 1 part of 5 Harding and 39 Cross St. revised 10/21/19. The Board of Health has no objections to the proposed commercial building, or the time cars are allowed to spend on the site.

The Board of Health has reviewed the "Preliminary Site Plan for 156 County St. by GPI Engineering dated 5/22/23, which shows 3 proposed storage facilities. Proposed Storage Facility #1 is proposed on top of the existing leach field, and Proposed Storage Facility #2 is on top of the existing force main for the septic system and water lines. Neither of these proposed storage facilities can be built in their proposed location, because the septic system would not be able to function. The Board of Health recommends relocating the storage facilities, so they do not interfere with the existing septic system.

Sincerely for the Board of Health

Edward Cullen Health Agent



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

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

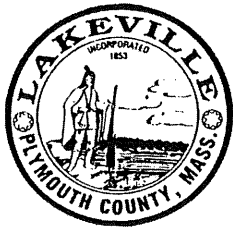
To: Zoning Board of Appeals
From: Conservation Commission
Date: June 8, 2023

Subject: Petitions for Hearing 6/15/23

- Gear - 22 Crooked Lane - There are no wetland issues at this location.
- Mazin - 475 Kenneth Welch Drive - There are no wetland issues at this location.
- NSA Property Holding - 156 County Street - This project will require a Notice of Intent.

Sincerely,

Robert Bouchard
Conservation Agent



Town of Lakeville

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

Mark Knox, Chairman
Michele MacEachem, Vice Chairman
John Cabral
Nora Cline
Jack Lynch

MEMORANDUM

TO: Board of Appeals
FROM: Planning Board
DATE: June 12, 2023
SUBJECT: Petition Review for Gear – 22 Crooked Lane

At their Thursday, June 8, 2023, meeting, the Planning Board reviewed the above referenced Petition for Hearing from the Board of Appeals. The Board had no comments regarding this petition.

Petition to be
filed with Town Clerk

TOWN OF LAKEVILLE
MASSACHUSETTS

ZONING BOARD OF APPEALS
PETITION FOR HEARING

EXHIBIT "A"
RECEIVED
MAY 15 2023
BOARD OF APPEALS

Name of Petitioner: JUSTIN GEAR

Mailing Address: 22 CROOKED LN

Name of Property Owner: JUSTIN GEAR

Location of Property: 22 CROOKED LN

Property is located in a residential business industrial (zone)

Registry of Deeds: Book No. 56578-PG-32 Page No. 32

Map _____ Block _____ Lot _____

Petitioner is: owner tenant licensee prospective purchaser

Nature of Relief Sought:

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

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

_____ Appeal from Decision of the Building Inspector/Zoning Enforcement Officer

_____ Date of Denial

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

15' x 17' ADDITION TO KITCHEN PER PERMIT PROVIDED

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: _____

Date: 5-15-23

Signed: [Signature]

Telephone: 617 605 7154

Owner Signature: _____
(If not petitioner)

Owner Telephone: _____

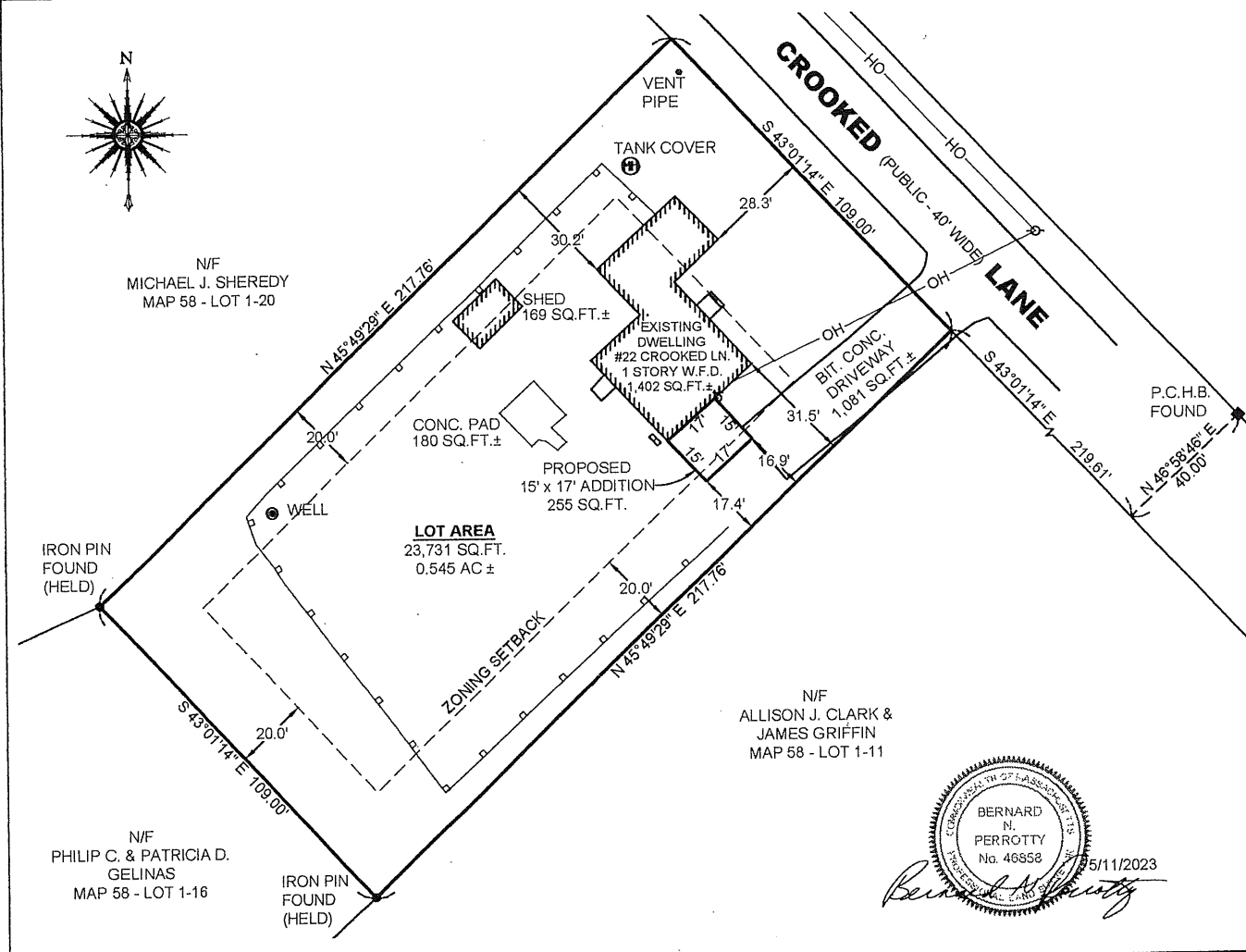
Email: jgear80@gmail.com

WILL YOU HAVE A REPRESENTATIVE OTHER THAN YOURSELF?

Yes No

DAN CASICERI
(Name and Title)

CASIERI CONSTRUCTION COMPANY
 204 BEDFORD ST.
 LAKEVILLE, MA. 02347
 DAN CASIERI CELL 508-400-0466



SITE ADDRESS
 22 CROOKED LANE
 LAKEVILLE, MA, 02347

ASSESSORS' REFERENCE
 MAP 58 - LOT 1-12

CURRENT OWNER
 JUSTIN DAVID GEAR
 22 CROOKED LANE
 LAKEVILLE, MA 02347

DEED REFERENCE
 BK. 56578 - PG. 32

PLAN REFERENCES
 PB. 10 - PG. 51 PB. 16 - PG. 705 PB. 19 - PG. 486
 PB. 21 - PG. 824 PB. 34 - PG. 1164
 PB. 45 - PG. 367 PB. 4193 - PG. 745
 COUNTY LAYOUT DECREE #1025

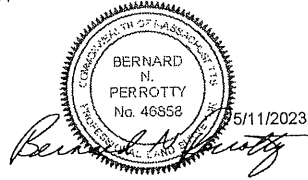
TOWN OF LAKEVILLE ZONING DESIGNATION*
 RESIDENTIAL

MIN. SETBACK DIMENSION
 FY: 40' EXISTING: 28.3'
 SY: 20' EXISTING: 31.5' PROPOSED: 16.9'
 RY: 20' N/A
 MAX. % OF LAND COVERED BY LAND STRUCTURES, PARKING,
 AND PAVED AREA: 25%
 CURRENT: 12%
 PROPOSED: 13%

FEMA FLOODZONE DESIGNATION
 ZONE X - AREA OF MINIMAL FLOOD HAZARD, AS SCALED
 FROM FIRM PANEL 25023-C-0427K, EFF. DATE: 7/16/2015

NOTE:
 1. THIS PLAN IS BASED ON AN ON-THE-GROUND FIELD
 SURVEY. FIELD WORK WAS PERFORMED BY PRIME
 ENGINEERING INC. FIELD WORK WAS REVIEWED AND THE
 PLAN PREPARED BY RIVER HAWK LAND SURVEY, LLC.

N/F
 ALLISON J. CLARK &
 JAMES GRIFFIN
 MAP 58 - LOT 1-11



SCALE: 1" = 30'	PROJECT: 22 CROOKED LANE LAKEVILLE, MA 02347
DATE: 5/11/2023	CLIENT: JUSTIN GEAR 22 CROOKED LN, LAKEVILLE, MA 02347
DRAWN BY: BNP	

DRAWING TITLE:
PLAN OF PROPOSED ADDITION

River Hawk
 LAND SURVEY
 161 EAST GROVE ST., SUITE 3, MIDDLEBOROUGH, MA 02346
 (774) 213 - 5429 riverhawkllc.com

PROJECT: S-00113-18-01
SHEET: 1 OF 1

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 **NSA Property Holdings, LLC**. The applicant has requested to modify a **Special Permit** under 7.4 to add three (3) additional storage buildings to the site. The property site is **156 County Street**.

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

John Olivieri, Jr., Chairman

June 1, 2023 & June 8, 2023



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

June 8, 2023

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

Re: ZBA meeting 6/15/23

Dear Chairman Olivieri:

We received a copy of the Petition for Hearing for 475 Kenneth Welch Drive and the Board of Health has no objections to the change in name.

We received a copy of the "Plan of Proposed Addition" for 22 Crooked Lane by River Hawk dated 5/11/23, the kitchen addition will not interfere with the existing septic system. Also, since the kitchen addition does not increase the number of bedrooms, then the Board of Health has no objections to the addition.

The Board of Health has reviewed the "Site Plan for Lot 1 part of 5 Harding and 39 Cross St. revised 10/21/19. The Board of Health has no objections to the proposed commercial building, or the time cars are allowed to spend on the site.

The Board of Health has reviewed the "Preliminary Site Plan for 156 County St. by GPI Engineering dated 5/22/23, which shows 3 proposed storage facilities. Proposed Storage Facility #1 is proposed on top of the existing leach field, and Proposed Storage Facility #2 is on top of the existing force main for the septic system and water lines. Neither of these proposed storage facilities can be built in their proposed location, because the septic system would not be able to function. The Board of Health recommends relocating the storage facilities, so they do not interfere with the existing septic system.

Sincerely for the Board of Health

Edward Cullen Health Agent



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

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

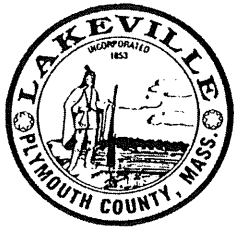
To: Zoning Board of Appeals
From: Conservation Commission
Date: June 8, 2023

Subject: Petitions for Hearing 6/15/23

- Gear - 22 Crooked Lane - There are no wetland issues at this location.
- Mazin - 475 Kenneth Welch Drive - There are no wetland issues at this location.
- NSA Property Holding - 156 County Street - This project will require a Notice of Intent.

Sincerely,

Robert Bouchard
Conservation Agent



Town of Lakeville

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

Mark Knox, Chairman
Michele MacEachem, Vice Chairman
John Cabral
Nora Cline
Jack Lynch

MEMORANDUM

TO: Board of Appeals

FROM: Planning Board

DATE: June 12, 2023

SUBJECT: Petition Review for NSA Property Holdings – 156 County Street

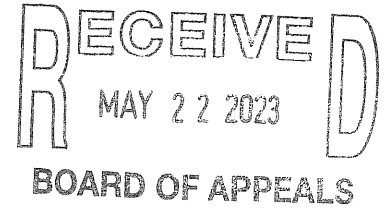
At their Thursday, June 8, 2023, meeting, the Planning Board reviewed the above referenced Petition for Hearing from the Board of Appeals. The Board had some concerns regarding how close the placement of the buildings are to each other. They recommended the following:

- The Planning Board recommends the ZBA ensure that the aisle width between the buildings is sufficient for vehicle and pedestrian flow.

Petition to be
filed with Town Clerk

EXHIBIT "A"

TOWN OF LAKEVILLE
MASSACHUSETTS
ZONING BOARD OF APPEALS
PETITION FOR HEARING



Name of Petitioner: NSA Property Holdings, LLC

Mailing Address: 156 County Street, Lakeville, MA 02347

Name of Property Owner: NSA Property Holdings, LLC

Location of Property: 156 County Street, Lakeville, MA 02347

Property is located in a _____ residential _____ x _____ business _____ industrial (zone)

Registry of Deeds: Book No. 52441 Page No. 309

Map 14 Block 4 Lot 1-1

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

Nature of Relief Sought:

_____ x _____ Special Permit under Section (s) 4.1 of the Zoning Bylaws

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

_____ Appeal from Decision of the Building Inspector/Zoning Enforcement Officer

_____ Date of Denial

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

See attached Project Narrative

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: Brian George, NSA Property Holdings, LLC Date: May 22, 2023

Signed: See attached Letter of Authorization Telephone: (603) 660-7717

Owner Signature: See attached Letter of Authorization Owner Telephone: (603) 660-7717
(If not petitioner)

Email: bgeorge@rightspacestorage.com

WILL YOU HAVE A REPRESENTATIVE OTHER THAN YOURSELF?

x Yes _____ No

David Jordan, PE
Greenman-Pedersen Inc.,
Vice President/Director of Project Delivery

(Name and Title)

Date: May 18, 2023

Re: Map 14 Lot 1-1
156 County Street
Lakeville, MA 02347

Sub: Letter of Authorization

I, Brian George, on behalf of NSA Property Holdings LLC, owner of the above referenced parcel, hereby authorize Greenman-Pedersen, Inc. (GPI) to prepare the necessary plans and to file local, State and federal permit applications in conjunction with the development proposal for this property.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Brian George", with a long horizontal flourish extending to the right.

NSA Property Holdings, LLC

May 22, 2023

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

SUBJECT: Project Narrative
NSA Property Holdings, LLC
Proposed Site Improvements
Right Space Storage
156 County Street

Dear Members of the ZBA,

On behalf of NSA Property Holdings, LLC, we are pleased to submit this Petition for Hearing with the Zoning Board of Appeals for site improvements to the existing self-storage facility located at 156 County Street. The subject parcel is a 12.08-acre lot identified as Map 14 Block 4 Lot 1-1 and is located within the Business zoning district.

The lot currently contains eight (8) self-storage buildings ranging from approximately 6,500-7,500 square feet (sf). The applicant proposes to add three (3) new storage buildings to the site as shown on the Preliminary Site Plan included with this submission. It should be noted that the three proposed buildings are all located within currently paved areas. Therefore, no increase in developed area as well as impervious area is proposed.

The applicant and its representative met on-site with Mark Resnick, Town Planner, on June 21, 2022 to discuss the proposed site improvements. Mr. Resnick indicated that this parcel was granted a Special Permit in 2016 for the addition of four (4) storage buildings to the site and confirmed that this project will also require Special Permit approval from the Zoning Boards of Appeals. In addition to the Special Permit, the project will require Site Plan Approval from the Planning Department as well as approval from the Conservation Commission for proposed site improvements within 100' of a wetland.

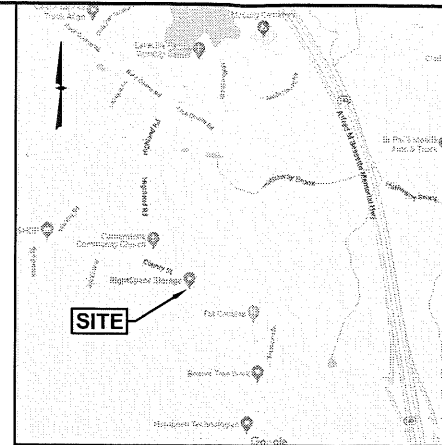
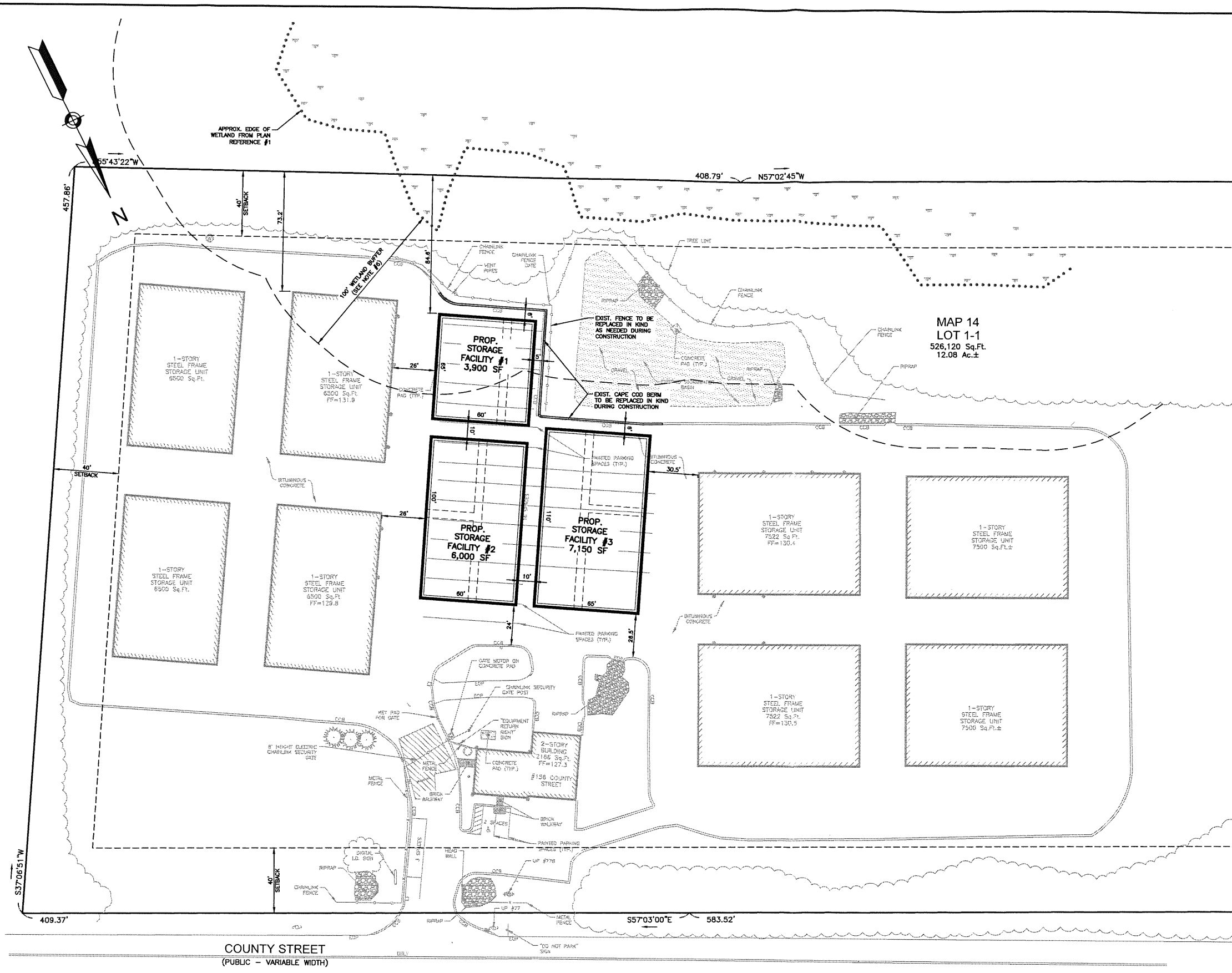
We very much look forward to your review of this project and thank you in advance for allowing us to present our project to the Board.

Sincerely,
Greenman-Pedersen, Inc.



Garrett Piccirillo, P.E.
Project Engineer

G:\Users\gpicorillo\appdata\local\temp\ASP_PSP.dwg PSP 5/22/23 8:39am gpicorillo



LOCATION MAP
(NOT TO SCALE)

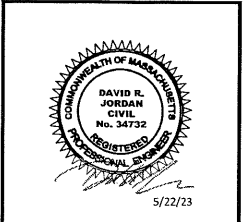
- NOTES:**
- EXISTING BOUNDARY AND PLANIMETRIC INFORMATION AS SHOWN IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE.
 - PARCEL ID: 014-004-001-01
 - ZONING DISTRICT: BUSINESS ZONE (B)
 - LOT AREA = 526,120 SF = 12.08 Ac.
 - EXISTING USE: SELF STORAGE FACILITY CONTAINING 8 STORAGE BUILDINGS
PROPOSED USE: SELF STORAGE FACILITY CONTAINING 11 STORAGE BUILDINGS
 - THIS PROJECT REQUIRES APPROVAL FROM THE LAKEVILLE CONSERVATION COMMISSION DUE TO CONSTRUCTION PROPOSED WITHIN 100' OF A WETLAND.

- PLAN REFERENCES:**
- EXISTING CONDITIONS PLAN FROM COMMERCIAL DUE DILIGENCE SERVICES ALTA/NSPS LAND TITLE SURVEY FOR NSA-LAKEVILLE SELF STORAGE, SCALE 1"=120', DATED NOVEMBER 19, 2019

GPI Engineering Design Planning Construction Management
Greenman-Pedersen, Inc.
44 Siles Road, Suite One
Salem, NH 03079
GPI.NET.COM

PREPARED FOR
NSA PROPERTY HOLDINGS, LLC
156 COUNTY STREET
LAKEVILLE, MA 02347

PROPOSED SITE IMPROVEMENTS
ASSESSOR'S MAP 14 BLOCK 4 LOT 1-1
156 COUNTY STREET
LAKEVILLE, MASSACHUSETTS



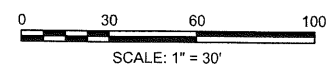
REVISIONS

NO.	REVISION	DATE

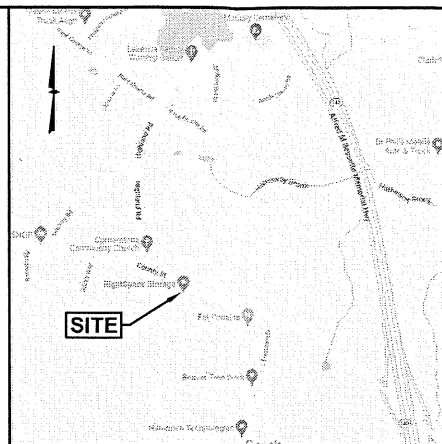
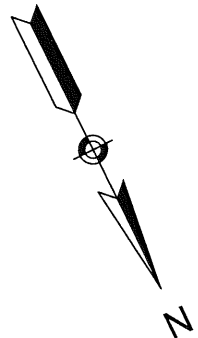
MAY 22, 2023
DRAWN/DESIGN BY: SJB CHECKED BY: GMP

PRELIMINARY SITE PLAN

SCALE: 1"=30'
PROJECT NO: NEX-2021361
1 OF 2



OWNER OF RECORD:
NSA PROPERTY HOLDINGS, LLC
8400 EAST PRENTICE AVENUE
GREENWOOD VILLAGE, CO 80111
BOOK 52241 PAGE 309



LOCATION MAP
(NOT TO SCALE)

GPI Engineering
Design
Planning
Construction Management
963.893.0720 GPINET.COM
Greenman-Pedersen, Inc.
44 Stiles Road, Suite One
Salem, NH 03079

PREPARED FOR
NSA PROPERTY HOLDINGS, LLC
156 COUNTY STREET
LAKEVILLE, MA 02347

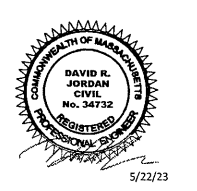
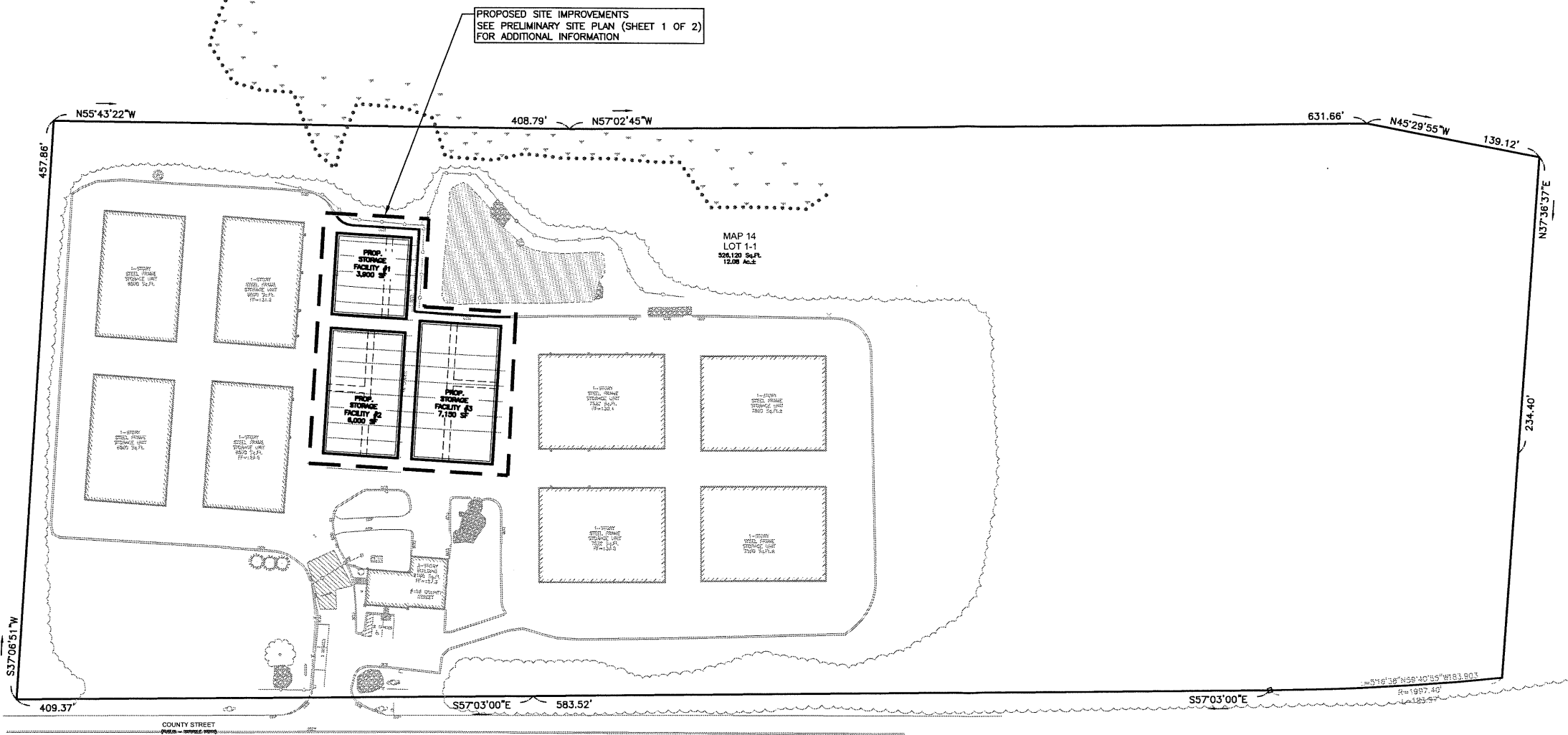
PROPOSED SITE IMPROVEMENTS
ASSESSOR'S MAP 14 BLOCK 4 LOT 1-1
156 COUNTY STREET
LAKEVILLE, MASSACHUSETTS

NOTES:

- 1) EXISTING BOUNDARY AND PLANIMETRIC INFORMATION AS SHOWN IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE.
- 2) SEE PRELIMINARY SITE PLAN PREPARED BY GPI FOR ADDITIONAL INFORMATION.

PLAN REFERENCES:

- 1) EXISTING CONDITIONS PLAN FROM COMMERCIAL DUE DILIGENCE SERVICES ALTA/NSPS LAND TITLE SURVEY FOR NSA-LAKEVILLE SELF STORAGE, SCALE 1"=120', DATED NOVEMBER 19, 2019



REVISIONS		
NO.	REVISION	DATE

MAY 22, 2023

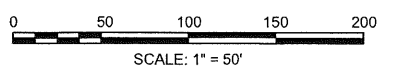
DRAWN/DESIGN BY: SJB CHECKED BY: GMP

SITE PLAN OVERVIEW

SCALE: 1"=50'

PROJECT NO. NEX-2021361

2 OF 2

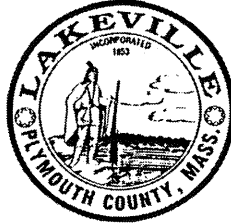


OWNER OF RECORD:
NSA PROPERTY HOLDINGS, LLC
8400 EAST PRENTICE AVENUE
GREENWOOD VILLAGE, CO 80111
BOOK 52241 PAGE 309

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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 **Lakeville Nursery Redevelopment LLC**, who is proposing to modify **Special Permit #23-10**, granted on May 18, 2023, by amending a condition regarding the parking of vehicles. The property site is **5 Harding Street** and is located in the Business Zone.

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

June 1, 2023 & June 8, 2023



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

June 8, 2023

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

Re: ZBA meeting 6/15/23

Dear Chairman Olivieri:

We received a copy of the Petition for Hearing for 475 Kenneth Welch Drive and the Board of Health has no objections to the change in name.

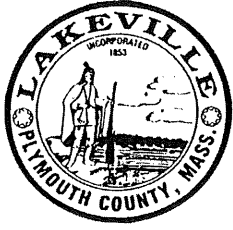
We received a copy of the "Plan of Proposed Addition" for 22 Crooked Lane by River Hawk dated 5/11/23, the kitchen addition will not interfere with the existing septic system. Also, since the kitchen addition does not increase the number of bedrooms, then the Board of Health has no objections to the addition.

The Board of Health has reviewed the "Site Plan for Lot 1 part of 5 Harding and 39 Cross St. revised 10/21/19. The Board of Health has no objections to the proposed commercial building, or the time cars are allowed to spend on the site.

The Board of Health has reviewed the "Preliminary Site Plan for 156 County St. by GPI Engineering dated 5/22/23, which shows 3 proposed storage facilities. Proposed Storage Facility #1 is proposed on top of the existing leach field, and Proposed Storage Facility #2 is on top of the existing force main for the septic system and water lines. Neither of these proposed storage facilities can be built in their proposed location, because the septic system would not be able to function. The Board of Health recommends relocating the storage facilities, so they do not interfere with the existing septic system.

Sincerely for the Board of Health

Edward Cullen Health Agent



Town of Lakeville

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

Mark Knox, Chairman
Michele MacEachem, Vice Chairman
John Cabral
Nora Cline
Jack Lynch

MEMORANDUM

TO: Board of Appeals

FROM: Planning Board

DATE: June 12, 2023

SUBJECT: Petition Review for Lakeville Nursery – 5 Harding Street

At their Thursday, June 8, 2023, meeting, the Planning Board reviewed the above referenced Petition for Hearing from the Board of Appeals. The Board had no comments regarding this petition.

Petition to be
filed with Town Clerk

TOWN OF LAKEVILLE
MASSACHUSETTS

ZONING BOARD OF APPEALS
PETITION FOR HEARING

EXHIBIT "A"
RECEIVED
MAY 25 2023
BOARD OF APPEALS

Name of Petitioner: Lakeville Nursery ReDevelopment LLC.

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

Name of Property Owner: Lakeville Nursery Redevelopment LLC.

Location of Property: 5 Harding Street Lakeville

Property is located in a residential business industrial (zone)

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

Map 022 Block 002 Lot 009

Petitioner is: owner tenant licensee prospective purchaser

Nature of Relief Sought:

Special Permit under Section (s) 4.1.2 & 7.4 of the Zoning Bylaws

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

Appeal from Decision of the Building Inspector/Zoning Enforcement Officer

Date of Denial _____

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

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

Petitioner: Lakeville Nursery ReDevelopment LLC Date: May 25, 2023

Signed: [Signature]

Telephone: 508-946-6953

Owner Signature: [Signature]
(If not petitioner)

Owner Telephone: _____

Email: _____

WILL YOU HAVE A REPRESENTATIVE OTHER THAN YOURSELF?

Yes No

Robert J Mather, Esq
(Name and Title)

NARRATIVE IN SUPPORT OF SPECIAL PERMIT

Petitioner received a Special Permit from the Lakeville Zoning Board of Appeals on May 18, 2023 to allow the use of the property at 5 Harding St., Lakeville Assessors Map 022, Block 002, Lot 009 for automotive repair. The grant of the Special Permit included a restriction that no vehicles will be parked outside of the building for more than 24 hours. The Petitioner respectfully requests the Board to remove or revise this condition so that it is not applicable if the entire site is used by one owner for an automotive repair facility. Vehicles waiting for repair or to be picked up after repair may be parked on the site. No work on any vehicles may be conducted outside of the repair facility.

EXISTING SITE CONDITIONS

The locus site, 5 Harding Street, is located on the southerly side of Harding Street also known as RTE 44. The site is comprised of approximately 24.3+/- acres of land that includes a number of buildings that are proposed to be razed.

PROPOSED SITE IMPROVEMENTS

The applicant is proposing to raze the existing buildings and construct a new commercial building with associated parking, grading and utilities. Per Section 4.1.2, a property located in a business district requires a special permit for auto service use. In section 7.4, the zoning regulations indicate that the board of appeals is the special permit granting authority for this special permit.

SPECIAL PERMIT CONDITIONS

The client has designed and permitted a site plan through the Lakeville Planning Board, Conservation and MassDOT. The site plan showed contractor bays that the applicant would like to now utilize as auto service. It is our opinion that the proposed use, will not negatively impact the neighborhood and will, in fact, fit in with the businesses along RTE 44.



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

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

CANCELLED

QUITCLAIM DEED

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

with **QUITCLAIM COVENANTS**,

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

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

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

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

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

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

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

Ma. l
Michael O'Shaughnessy
70 Exit Grove Street
Middleboro, MA 02347

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

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

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

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

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

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

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

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

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

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

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

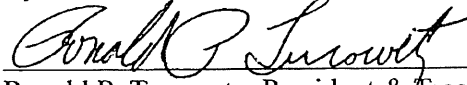
The above described premises are conveyed together with benefit of and subject to all rights, rights of way, restrictions, easements and reservations of record if the same are in force and applicable.

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

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

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

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

By: 
Ronald P. Turowetz, President & Treasurer

COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss

Date: August 22, 2018

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

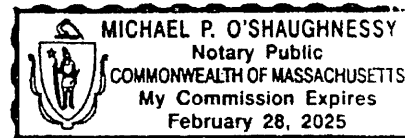
Notary Public:

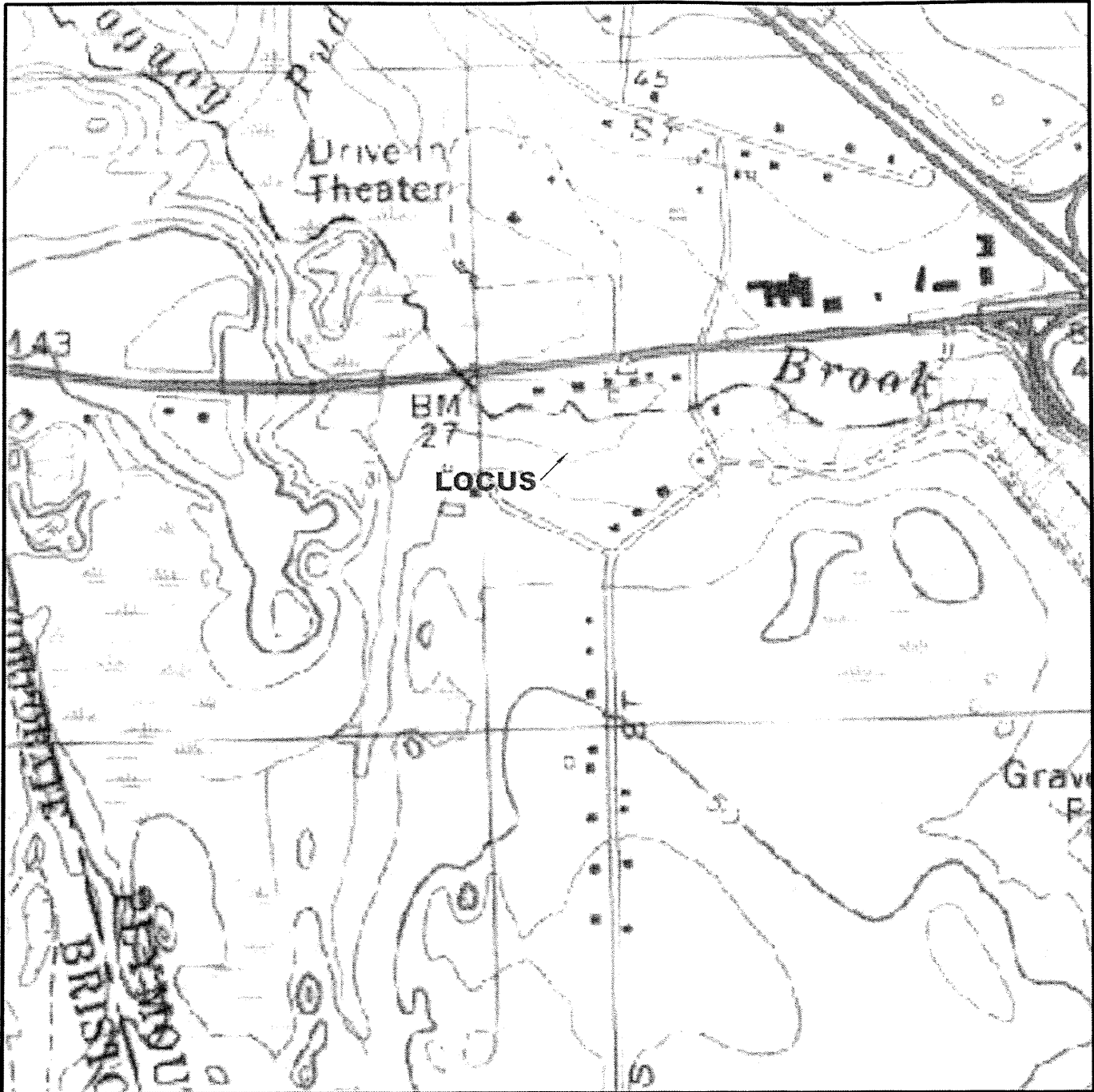


Printed Name:

Michael P. O'Shaughnessy

My Commission Expires: February 28, 2025





SHEET NAME:

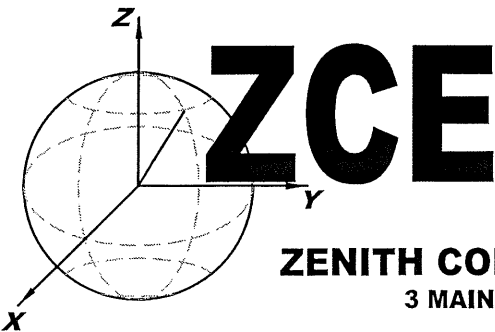
USGS MAP

PROJECT SITE:

**5 HARDING ST
LAKEVILLE, MASSACHUSETTS**

CLIENT INFO:

**LAKEVILLE NURSERY REDEVELOPMENT, LLC.
1 LAKEVILLE BUSINESS PARK DR.**



ZENITH CONSULTING ENGINEERS, LLC

3 MAIN STREET LAKEVILLE, MA 02347

PHONE: (508) 947-4208

National Flood Hazard Layer FIRMette



41°54'14.44"N

70°58'54.03"W



Legend

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

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		Area of Minimal Flood Hazard Zone X
		Effective LOMRs
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped

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

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

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 9/19/2019 at 2:17:17 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

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

USGS The National Map: Orthoimagery. Data refreshed April, 2019

0 250 500 1,000 1,500 2,000 Feet 1:6,000

41°53'47.66"N

70°58'16.58"W

**Zoning Board of Appeals
Lakeville, Massachusetts
Minutes of Meeting
April 20, 2023**

On April 20, 2023, the Zoning Board held a meeting at the Lakeville Public Library. The meeting was called to order by Chairman Olivieri at 7:15 p.m. LakeCam was making a video recording.

Members present:

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

Others present:

Marc Resnick, Town Planner

Eiseman hearing – 26 Rush Pond Road

Mr. Olivieri opened the Eiseman hearing at 7:15 and read the legal ad into the record. Mr. Olivieri then read the April 10, 2023, letter from the Board of Health. It noted that the applicant would need to confirm with the Board of Health that no sonotube would be within five feet of the existing septic tank prior to construction, or they would need to request a waiver. The April 18, 2023, memo from the Planning Board had no comment on the petition.

Mr. Scott Donahue representing T & A Contracting was present. He advised they were building a farmer's porch off the front of the house. They are coming out two feet at the step. He found out they were 34 feet from a roadway on what he thought was 120 feet to the edge of the cul-de-sac and 100 feet from the neighbor's driveway, which runs up the other side of the front yard on a two-acre parcel. He had not known he was encroaching in any way. He also noted that he is far enough away and not seeking to place a sonotube near the septic system. He is at least twelve to fifteen feet off of the tank. The leaching field is on the other side of the driveway and approximately 75 to 80 feet away from the proposed deck. When asked by Mr. Olivieri, Mr. Donahue said that he could confirm that he would not be within five feet of any component of the structure related to the septic.

Mr. Olivieri reviewed that Mr. Donahue was looking for relief from the front setback. He advised that he had driven by the house and personally, he did not see any issues or any potential detriment to the neighborhood. He asked if Board members had any questions. Mr. Noble questioned that the distance to the sonotube would be less than allowed. Mr. Donahue said the sonotubes were set back and not in the vicinity of the tank. He could meet with the Board of Health so there would be no confusion. After further discussion regarding this, Mr. Olivieri said if the Board votes to approve this, it could be conditioned. Mr. Donahue said he would do whatever was needed to comply with the Board of Health. Mr. Olivieri asked if there were any comments from the audience. There were none.

Mr. Youngquist then made a motion, seconded by Mr. Sheedy, to approve the petition with the following condition:

1. The proposed porch will comply with Board of Health regulations.

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

Mr. Olivieri explained the timing of the filings, the appeal period, etc.

The hearing closed at 7:25.

Documents distributed for the hearing:

- Petition packet
- Legal ad
- Board of Health letter of April 10, 2023
- Planning Board memo of April 19, 2023

McCready hearing – 14 Coombs Street

Mr. Olivieri opened the McCready hearing at 7:25 and read the legal ad into the record. Mr. Olivieri then read comments from the various Town Boards. The April 19, 2023, memo from the Planning Board had no comment regarding the petition. The April 10, 2023, letter from the Board of Health advised they had no objection to the proposed shed.

Mr. McCready and his wife were present. Mr. McCready advised they were requesting a Variance on the right side of their property for a setback of ten feet instead of twenty. When they bought the shed, they were not aware of the zoning issue. If they put the shed in the middle of the yard, it would be in front of a leaching field. If they put it to the right, it would give them more clearance from that field.

Mr. Olivieri asked members if they had any questions. Mr. Sheedy asked what the height of the shed was. Mr. McCready said it was an 8' x 12' shed. He was unsure of the height, but it was only one story. Mr. Youngquist asked if it was on a permanent foundation. Mr. McCready said they would probably have crushed stone under it, but it was movable. Mr. Olivieri asked if there were any structures close to the property line on that side of the neighbor's yard. Mr. McCready said the neighbors also had a shed, but it was further back so the sheds would not be close to each other. Mr. Noble asked about the orientation of the shed. Mr. McCready said it would be angled towards them. Mr. Olivieri then asked if anyone in the audience had any questions or comments. No one spoke.

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

The hearing closed at 7:31.

Documents distributed for the hearing:

- Petition packet

Legal ad
Board of Health letter of April 10, 2023
Planning Board memo of April 19, 2023

Discuss proposed Zoning amendment – Mr. Dan Cooney

Mr. Daniel Cooney of 58 and 59 Main Street was present. He advised that he had an Article on the Warrant that he would like to explain to the Board. It is regarding an amendment that would allow more non-impactful, small businesses to locate on Main Street. He has been working on this over two years and has talked to the Planning Board about it. He noted they were not in favor of the ZBA being named as the Special Permit Granting Authority (SPGA.) The Planning Board said that the ZBA was more lenient, and this would set a precedent. Mr. Cooney said he did not think that any of that was true, so he wanted to explain what the proposed amendment is. He said he and his wife have a small business and own a small piece of land that is commercially zoned. This Article has tried to design something for small businesses, like his own, where they are allowed to have a small space for storage of inventory. The key to it is that the space can never increase. There is also a retail component with office space. It is friendly and is for small impact businesses.

Mr. Olivieri said that he has described the proposal well, but that the Board did not need to get into any specifics. Mr. Youngquist noted that this was probably already allowed in Middleborough. Mr. Cooney said that was true, and it was something that was allowed in a lot of Towns. He said that it is small, low impact, and would be a good transition between the Woods Edge community. He asked if there were any questions. Mr. Noble asked how he had come up with 7,000 square feet. He said the plan is actually 2,000 square feet of office space and retail, and 6,000 square feet of storage space. He noted that 6,000 square feet is half of the Dollar Store. When asked, Mr. Cooney said the maximum storage space allowed would be 7,000 square feet, and that would be by Special Permit only. There were no other questions.

Mr. Cooney asked the Board how they felt about something like this that was low impact, multi-use, and neighborhood friendly. He hoped he would have their support at Town Meeting.

North Bedford Crossing LLC hearing – 109 Bedford Street - continued

Mr. Olivieri turned over the Chair position for this hearing to Mr. Youngquist. Atty. Mike O'Shaughnessy was present for the applicant. Mr. Jamie Bissonnette from Zenith Consulting Engineers was also present. The draft Decision was then distributed to the Board. Mr. Resnick stated that he had talked to Atty. O'Shaughnessy, and they had reviewed several items and conditions that had been incorporated into the draft. It has also been reviewed by Town Counsel, Atty. Kwesell, and she made some edits to the document. However, there was still one item that needed to be discussed.

Atty. O'Shaughnessy said a proposed condition on page 14, number 3e states that a "building permit shall not be issued for any building until all utilities, drainage, and the road is constructed with a base coat of asphalt. He advised, traditionally, the thought was to construct buildings as the road was being constructed. Following this sequence would mean they would install everything

such as the base coat and then bring heavy equipment back in to excavate for the foundations. He understood the intent, but it seemed wasteful. The last projects have been done with roadways and driveways constructed in concert with foundation work and the stick building of the structures. Therefore, he did have some concern with this condition. Mr. Youngquist said usually when they do a subdivision road, they don't get a building permit until they have the blacktop in place. Atty. O'Shaughnessy said he understood, but the practice in Town has been to allow it. He cited for an example, a similar size project that had been constructed on Rhode Island Road. The roadway construction and utility construction coincided with some of the housing construction. He had not been prohibited from moving forward until everything was done. He noted there was a condition stating he would not get the last two Certificates of Occupancy until everything is done, unless a bond is posted to cover everything.

Mr. Resnick said they could not have people moving in and living on a street that is not constructed. The other issue is often times unless the road is completed, the drainage isn't going to function, which could cause problems for the neighbors. This has been an issue in Town. Sometimes as a concession to the developer, the house on the corner, which is sometimes a Form A lot, is often allowed to pull a permit to get started. As far as the rest of the development, usually the road needs to go in. Atty. O'Shaughnessy asked if a building permit would preclude a foundation permit from being issued. Mr. Youngquist said some Towns will give you a foundation permit, but it is at your own risk. Atty. O'Shaughnessy said that is also what the Building Commissioner had said. He would ask the Board if they were not willing to remove this condition to at least clarify it such that the Building Inspector could at his discretion, and at the applicant's risk, seek and be granted a foundation permit.

Mr. Bissonnette then stated that on the back side of some of the houses, in their waivers, they have a 12- or 15-foot setback to the tree line in the back-property line once its constructed. On the front side, they have their septic systems that will be going in. In this manner, if they are building they can't go over the front because they have the septic to contend with. In the back, they have decks and stairs, so this could become problematic. To clarify, they are not looking to get Occupancy Permits before the binder is down, but their concern is they would like to get started where the road goes in, drainage goes in, and then be able to start putting in foundations so they can continue working and moving forward. He knew this has been done several times. He understood Mr. Resnick's point, but they are asking for an exception here to what Lakeville has allowed in the past.

Mr. Resnick said the utilities and the road could be in and constructed prior to the first Occupancy Permit, so regardless what house is built first, when he wants to get an Occupancy Permit, he has to base coat that roadway. Mr. Bissonnette said they were in agreement with that. The plan is to build three or four houses at a time and in sections for better pricing. Then you will have the binder course and most likely posting a bond for the remaining two lots. Mr. Resnick said if it was going to be done that way, he thought the bond should be posted as soon as the base coat is down for the remainder of the site work, regardless of whether there are two houses left or ten. Mr. Bissonnette said based on his conversation today, he did not think that would be an issue. The lots themselves actually held more value than what the actual bond would be. He did not think there would be any problem with that.

Mr. Resnick said that could be phrased, "A building permit shall not be issued for any building until all utilities, drainage, and the gravel base for the road is constructed. Prior to the first

Occupancy Permit, a base coat of asphalt shall be installed. Within six months, a bond shall be agreed upon and posted to complete the roadway and other site improvements.

Mr. Campeau made a motion, seconded by Mr. Sheedy, to approve the amendment to the Decision that had been read into the record by Mr. Resnick.

Vote: Mr. Campeau, Mr. Sheedy, Mr. Youngquist - **Aye**; Mr. Noble – **Nay**; Mr. Olivieri - **Abstain**

Mr. Noble made a motion, seconded by Mr. Campeau, to authorize the Vice-Chair, Mr. Youngquist, to sign the Comprehensive Permit on behalf of the Board.

Vote: Mr. Noble, Mr. Campeau, Mr. Sheedy, Mr. Youngquist - **Aye**; Mr. Olivieri - **Abstain**

Mr. Noble made a motion, seconded by Mr. Campeau, to authorize the Vice-Chair, Mr. Youngquist, to sign the Plan on behalf of the Board.

Vote: Mr. Noble, Mr. Campeau, Mr. Sheedy, Mr. Youngquist - **Aye**; Mr. Olivieri - **Abstain**

Mr. Noble made a motion, seconded by Mr. Campeau, to authorize the Vice-Chair, Mr. Youngquist, to sign the Regulatory Agreement on behalf of the Board.

Vote: Mr. Noble, Mr. Campeau, Mr. Sheedy, Mr. Youngquist - **Aye**; Mr. Olivieri - **Abstain**

Mr. Campeau made a motion, seconded by Mr. Sheedy, to approve the Comprehensive Permit for 109 Bedford Street, also known as North Bedford Street Crossing LLC.

Vote: Mr. Campeau, Mr. Sheedy, Mr. Youngquist - **Aye**; Mr. Noble – **Nay**; Mr. Olivieri - **Abstain**

Mr. Campeau made a motion, seconded by Mr. Sheedy, to approve the waivers that had been requested for 109 Bedford Street, also known as North Bedford Street Crossing LLC.

Vote: Mr. Noble, Mr. Campeau, Mr. Sheedy, Mr. Youngquist - **Aye**; Mr. Olivieri - **Abstain**

The Residences at LeBaron Hills, LLC hearing – continued

Mr. Youngquist did not participate in this hearing. Mr. Olivieri said that they have in front of them the Comprehensive Permit document that has been reviewed by both their Counsel and the applicant's Counsel. There are two conditions that he recommended be included. The Conservation Commission received their peer review back, and they should include as a condition that the applicant comply with those recommendations.

Mr. Resnick noted that in the updated draft they had, that had been included as condition #12 and #13. He advised a condition had also been added regarding site inspections. Mr. Olivieri clarified this means there will be third party inspections to make sure that certain aspects of the project are being completed correctly. Mr. Noble asked if third party inspections would be a requirement just for this particular project. Mr. Resnick replied this is something they have begun to also do for Planning Board, for Site Plans and Subdivisions. He has done inspections for smaller projects, but

for something substantial like this which includes more engineering, they will have a local engineer come in to do it.

Mr. Campeau made a motion, seconded by Mr. Olivieri, to approve the waivers that had been requested for the modification of the LeBaron Hills Residential LLC Comprehensive Permit.

Vote: Mr. Noble, Mr. Campeau, Mr. Sheedy, Mr. Olivieri - **Aye**; Mr. Youngquist - **Abstain**

Mr. Noble made a motion, seconded by Mr. Campeau, to approve the modification to the LeBaron Hills Residential LLC Comprehensive Permit.

Vote: Mr. Noble, Mr. Campeau, Mr. Sheedy, Mr. Olivieri - **Aye**; Mr. Youngquist - **Abstain**

Mr. Noble made a motion, seconded by Mr. Sheedy, to authorize the Chair, Mr. Olivieri, to sign the Comprehensive Permit, the Plan, and the Regulatory Agreement on behalf of the Board.

Vote: Mr. Noble, Mr. Campeau, Mr. Sheedy, Mr. Olivieri - **Aye**; Mr. Youngquist - **Abstain**

Next meeting

The next meeting is scheduled for May 18, 2023, at 7:00 p.m. at the Lakeville Public Library.

Adjourn

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

Meeting adjourned at 8:17.