



Received & posted: Wendy Berry, AIC
RECEIVED
TOWN CLERK
LAKEVILLE TOWN CLERK

2021 JUL -1 PM 2:12

TOWN OF LAKEVILLE REMOTE MEETING NOTICE/ AGENDA

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

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

AGENDA

1. In accordance with the provisions allowed by Chapter 20 of the Acts of 2021, signed by the Governor on June 17, 2021, the July 15, 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)**

Bilikas hearing – 7 Helen Street – request for a **Special Permit** under **6.1.3** and **7.4.6** to raze an existing non-conforming dwelling and rebuild a single-family dwelling on a pre-existing, non-conforming lot.

Freitas hearing – 5 Bartelli Road– request for a **Special Permit** under **6.1.3** and **7.4.6** to raze an existing non-conforming dwelling and rebuild a single-family dwelling on a pre-existing, non-conforming lot.
3. **Approve Meeting Minutes for May 20, 2021, and June 17, 2021.**
4. **Old Business**
 - **Sign bylaw update**
4. **New Business**
5. **Next meeting. . . Thursday, August 19, 2021**

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

Read the following into the record:

In accordance with the provisions allowed by Chapter 20 of the Acts of 2021, signed by the Governor on June 16, 2021, the July 15, 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/>**

(TOWN OF LAKEVILLE SEAL)

The LAKEVILLE ZONING BOARD OF APPEALS, acting in accordance with MASS GENERAL LAWS CHAPTER 40A, as amended, will conduct a public hearing on Thursday, July 15, 2021, at 7:00 P.M. to hear the petition of **Charles & Maria Bilikas**. A **Special Permit** under **6.1.3, and 7.4.6** is requested to raze an existing non-conforming dwelling and rebuild a single-family dwelling on pre-existing, a non-conforming lot, as provided by the Lakeville By-Laws. The property site is **7 Helen Street**.

Pursuant to the provisions allowed by S.2475; 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

July 1, 2021 & July 8, 2021



Town of Lakeville

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

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

July 8, 2021

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

Re: Board of Health comments.

Dear Chairman Olivieri:

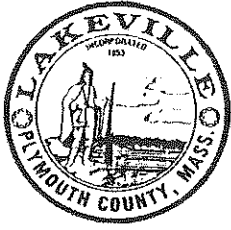
We received a copy of the Petition for Hearing for 7 Helen Street. The Board of Health requires a Title V inspection to be done on the existing septic system if they plan to continue to use the septic for the proposed house. Also a septic plan showing the footprint of the new house and the location of the existing or proposed septic system must be submitted to the Board of Health prior to approval. If the above conditions can be met, the Board of Health has no objections to the proposed house.

We received a copy of the Petition for Hearing for 5 Bartelli Road. The Board of Health requires a septic plan showing the footprint of the new house with the location of the proposed septic and well location to be submitted to the Board of Health prior to approval. If the above conditions can be met, the Board of Health has no objections to the proposed house.

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

Sincerely
For the Board of Health

Edward Cullen
Health Agent



Town of Lakeville

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

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

MEMORANDUM

TO: Board of Appeals

FROM: Planning Board

DATE: July 13, 2021

SUBJECT: Petition Review for Bilikas – 7 Helen Street

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

Petition to be
filed with Town Clerk

EXHIBIT "A"

TOWN OF LAKEVILLE
MASSACHUSETTS

ZONING BOARD OF APPEALS
PETITION FOR HEARING

Name of Petitioner: Charles + Maria Bilikas

Mailing Address: 12 Bolster St. Everett, MA. 02149

Name of Property Owner: Same

Location of Property: 7 Helen St.

Property is located in a residential business industrial (zone)

Registry of Deeds: Book No. 18963 Page No. 192-194

Map 42 Block 19 Lot 7

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.)
We own a cottage at Clark Shores that we want to make our home. We would like to raze the current structure and rebuild.

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: Charles Bilikas

Date: 6/17/2021

Signed: Charles Bilik

Telephone: 617-699-5633

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)

Quitclaim Deed

We, Kenneth V. Howard and Helen Howard, husband and wife, and Helen Howard, individually, both of Chelsea, Suffolk County, Massachusetts, in full consideration of forty thousand dollars (\$40,000.00) paid,

Grant to Mario Carreiro and Maria Carreiro, husband and wife, as tenants by the entirety, both of 12 Bolster Street, Everett, Massachusetts,

WITH QUITCLAIM COVENANTS

PARCEL 1

The land, together with the buildings thereon in Lakeville, Plymouth County, Massachusetts, being Lot Number 790 as shown on a plan entitled "Plan of Indian Rock Shores, Sec. No. 2", dated March 12, 1955, Benj. R. Evans, Surveyor, revised Dec. 1, 1955 and recorded with the Plymouth County Registry of Deeds as Plan #13 of 1956, and bounded and described as follows:

EASTERLY by Helen Street, fifty (50) feet;
 NORTHERLY by Lot 791 on said plan, one hundred (100) feet;
 WESTERLY by Lot 778 on said plan, fifty (50) feet; and
 SOUTHERLY by Lot 789 on said plan, one hundred (100) feet.

Said Lot is conveyed subject to the following restrictions: (1) No tents or trailers, or temporary buildings may be placed on said lots; (2) No business may be conducted on said land or lots; (3) No outside toilets may be erected; (4) No signs for advertising purposes may be erected; (5) Only one single family dwelling shall be erected on said lot; (6) All buildings erected shall be placed and set back not less than 20 feet from the street line and five feet from side line, provided that steps, windows, porticos, and projections appurtenant thereto may be within said distance, and shall conform to the laws of the State and other regulations of the Town of Lakeville, and the State of Massachusetts; (7) There shall be no live stock animal or poultry kept or maintained on the property other than household pets; (8) There shall not be erected on any portion of said dwelling any having a floor area of less than 480 square feet, unless plans and specifications are approved by the seller in writing; (9) All buildings constructed of wood must be painted, stained or shingled; (10) No asphalt shingles or asphalt material shall be used for siding; only new and durable material shall be used in the construction of the outside of all buildings; (11) There shall be no violation of the usual nuisance laws and regulations; (12) The premises shall be conveyed subject to the easements now imposed or to be imposed through the streets for the purposes of supplying utilities.

The Grantee is granted the rights to use the streets, private ways and beaches shown on said plan and/or all plans of Indian Rock Shores, Dean Shores and Buena Vista Shores, for all purposes for which ways and beaches are customarily used in the

Cook & Bell
 (781) 685-3360
 70 West Foster Street
 Melrose, MA 02176

Received & Recorded
 PLYMOUTH COUNTY
 REGISTRY OF DEEDS
 12 OCT 2000 11:39AM
 RICHARD C. SEIBERT
 REGISTER
 Bk 18963 Pg 192-194

Town of Lakeville, Mass. Said streets, private rights of way and beaches to be used in common with the Grantor, its successors and assigns and all others having rights thereto.

Said premises are conveyed subject to and with the benefit of easements and rights contained in deed from New England Acres, Inc. to Resort Supply, Inc., dated Feb. 27, 1956, and recorded with the Plymouth County Registry of Deeds in Book 2487, Page 372. Said premises are conveyed subject to and with the benefit of easements and rights of record.

For title reference, see deed to Helen Howard duly recorded in Book 2660, Page 77.

PARCEL II

The land, together with the buildings thereon in Lakeville, Plymouth County, Massachusetts, being Lot Number 791 as shown on a plan entitled "Plan of Indian Rock Shores, Sec. No. 2, Lakeville, Mass., New England Acres, Inc. Prop., Scale 1" equals 100' March 12, 1955, Benj. R. Evans, Surveyor, Revised Dec. 1, 1955", recorded with the Plymouth County Registry of Deeds, being further bounded and described as follows:

NORTHEASTERLY by Helen Street, fifty (50) feet;
SOUTHEASTERLY by Lot 790 on said plan, one hundred (100) feet;
SOUTHWESTERLY by Lot 779 on said plan, fifty (50) feet; and
NORTHWESTERLY by Lot 792 on said plan, one hundred (100) feet.

Said Lot is conveyed subject to the following restrictions: (1) No tents or trailers, or temporary buildings may be placed on said lots; (2) No business may be conducted on said land or lots; (3) No outside toilets may be erected; (4) No signs for advertising purposes may be erected; (5) Only one single family dwelling shall be erected on said lot; (6) All buildings erected shall be placed and set back not less than 20 feet from the street line and five feet from side line, provided that steps, windows, porticos, and projections appurtenant thereto may be within said distance, and shall conform to the laws of the State and other regulations of the Town of Lakeville, and the State of Massachusetts; (7) There shall be no live stock animal or poultry kept or maintained on the property other than household pets; (8) There shall not be erected on any portion of said dwelling any having a floor area of less than 480 square feet, unless plans and specifications are approved by the seller in writing; (9) All buildings constructed of wood must be painted, stained or shingled; (10) No asphalt shingles or asphalt material shall be used for siding; only new and durable material shall be used in the construction of the outside of all buildings; (11) There shall be no violation of the usual nuisance laws and regulations; (12) The premises shall be conveyed subject to the easements now imposed or to be imposed through the streets for the purposes of supplying utilities.

The Grantee is granted the rights to use the streets, private ways and beaches shown on said plan and/or all plans of Indian Rock Shores, Dean Shores and Buena Vista Shores, for all

CANCELLED

PLYMOUTH
DEEDS REG. 18
PLYMOUTH

01
07/12/00 11:03AM
100000 #2331

FE \$102.40

CASH \$102.40

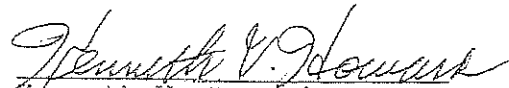
purposes for which ways and beaches are customarily used in the Town of Lakeville, Mass. Said streets, private rights of way and beaches to be used in common with the Grantor, its successors and assigns and all others having rights thereto.

Said premises are conveyed subject to and with the benefit of easements and rights of record.

For title reference, see deed to Helen Howard and Kenneth V. Howard, duly recorded in Book 2704, Page 103.

WITNESS our hand this 11th day of October, 2000


Helen Howard



Kenneth V. Howard

Commonwealth of Massachusetts

Middlesex County, ss.

October 11, 2000

Then personally appeared the above-named Helen Howard and Kenneth V. Howard, and acknowledged the foregoing instrument to be their free act and deed, before me.


Notary Public *Louis P. Izzi*
My commission expires:

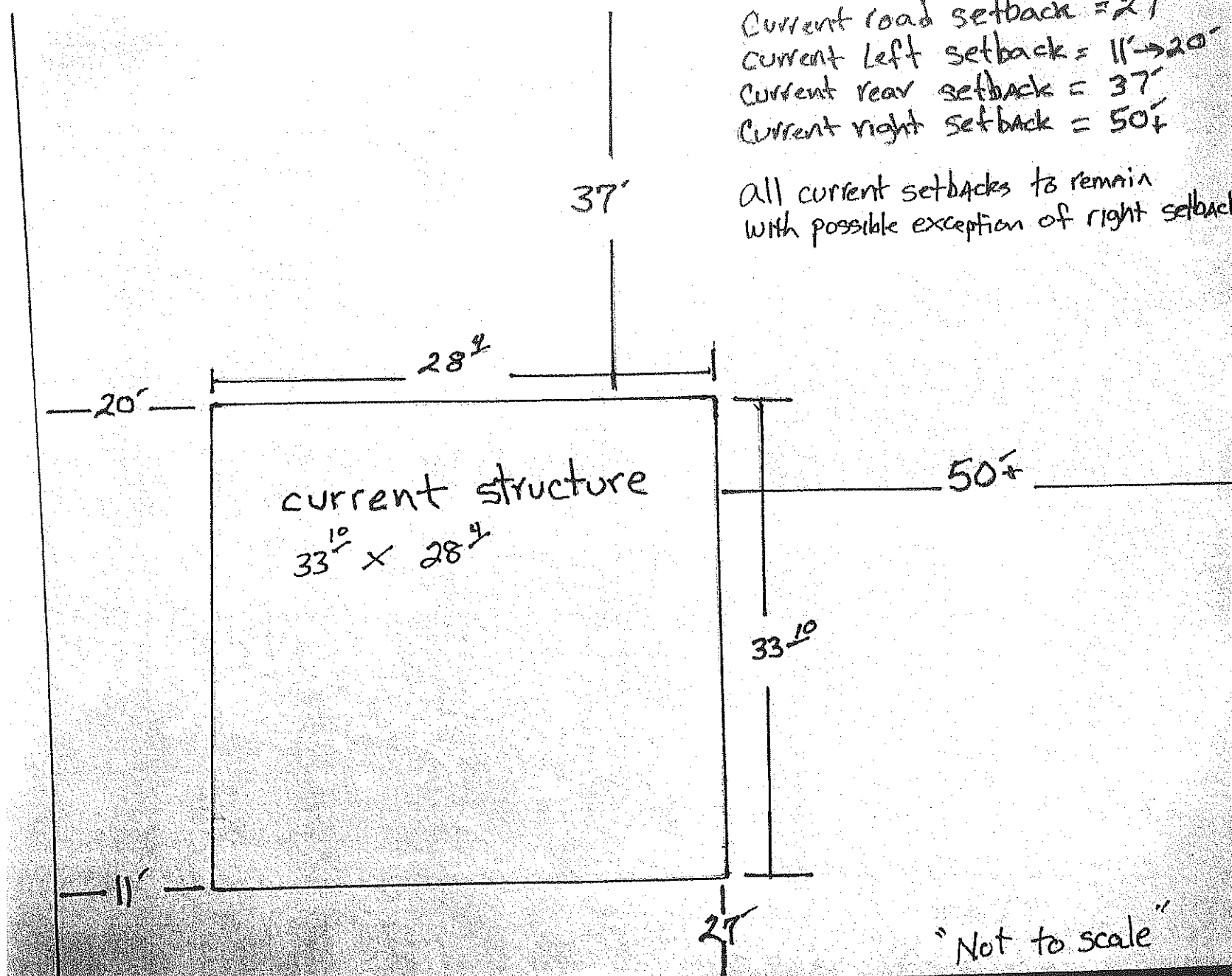
9/21/2001

Louis P. Izzi

← END OF INSTRUMENT →

Current road setback = 27'
Current left setback = 11' → 20'
Current rear setback = 37'
Current right setback = 50'

All current setbacks to remain
with possible exception of right setback



"Not to scale"

(TOWN OF LAKEVILLE SEAL)

The LAKEVILLE ZONING BOARD OF APPEALS, acting in accordance with MASS GENERAL LAWS CHAPTER 40A, as amended, will conduct a public hearing on Thursday, July 15, 2021, at 7:00 P.M. to hear the petition of **Todd & Scott Freitas**. A **Special Permit** under **6.1.3, and 7.4.6** is requested to raze an existing non-conforming dwelling and rebuild a single-family dwelling on pre-existing, a non-conforming lot, as provided by the Lakeville By-Laws. The property site is **5 Bartelli Road**.

Pursuant to the provisions allowed by S.2475; 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

July 1, 2021 & July 8, 2021



Town of Lakeville

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

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

July 8, 2021

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

Re: Board of Health comments.

Dear Chairman Olivieri:

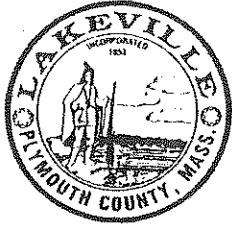
We received a copy of the Petition for Hearing for 7 Helen Street. The Board of Health requires a Title V inspection to be done on the existing septic system if they plan to continue to use the septic for the proposed house. Also a septic plan showing the footprint of the new house and the location of the existing or proposed septic system must be submitted to the Board of Health prior to approval. If the above conditions can be met, the Board of Health has no objections to the proposed house.

We received a copy of the Petition for Hearing for 5 Bartelli Road. The Board of Health requires a septic plan showing the footprint of the new house with the location of the proposed septic and well location to be submitted to the Board of Health prior to approval. If the above conditions can be met, the Board of Health has no objections to the proposed house.

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

Sincerely
For the Board of Health

Edward Cullen
Health Agent



Town of Lakeville

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

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

MEMORANDUM

TO: Board of Appeals

FROM: Planning Board

DATE: July 13, 2021

SUBJECT: Petition Review for Freitas – 5 Bartelli Road

At their Thursday, July 8, 2021, meeting, the Planning Board reviewed the above referenced Petition for Hearing from the Board of Appeals. The Board recommends that any relief given by the Zoning Board of Appeals limits any business use to stay within the residential requirements of the property.

Dear Lakeville Zoning Board of Appeals,

As an 18+ year resident of Bartelli Rd, I am writing in response to the request for a special construction permit for the non-conforming lot located at 5 Bartelli Rd listed on the agenda for the July 15 meeting.

I would first like to learn further details about the request and the related process (requirements, timing, impact to neighbors/road, etc.) and then consider our options as an abutting neighbor (work to deny, appeal, ability to negotiate restrictions into the permit, etc.).

In addition to learning about the proposed special construction permit details, I am also concerned with the listed builder on the permit due to our experience with him since he illegally dumped a cargo container, trailers, equipment, dumpsters, and other material on lot 7, and began residing at 3 Bartelli, in Aug/Sept 2020. He not only dumped the materials there, but as a non-property-owning resident, has operated mornings, nights, and weekends from the lot ever since. He has shown absolutely no regard for the Town of Lakeville by-laws and most certainly to the current Bartelli Rd residents. It is a small road in which we have been lucky to live 18+ years with all the neighbors, including some turnover, getting along fantastically until the recent arrival of Mr. Therrien.

To list just some of the issues we have experienced in the last year:

- Illegally dumping a container, equipment, and other items on lot 7 after being denied a permit by the town.
 - Is there a status update on this violation?
- Activity (machinery, generator, noise, lights) mornings, nights, weekends
- Multiple large vehicles and machines on narrow street, allowing single lane traffic to barely get by, never mind an emergency vehicle (our neighbor Mr. Gregory spoke with the fire marshal about this)
- Visiting my wife's place of employment and telling her co-workers she and her sister are F***ing b****s. He did this the night after we politely asked him if he could stop working his bobcat after 5:30pm on a Sunday, just so we could sit outside on a Sunday night for a bit and not hear the incessant reverse noise of his machine which we had been hearing regularly since his arrival. He reeked of attitude (no "Sorry about that time got away from me", "I will try to limit Sunday or late in the day activity going forward" or any other neighborly comment that come to mind if I had been in his shoes) and he also made it clear he may agree this time, but that he has to work these hours on the lots as he has a full-time job during the week.
 - I do not retell this story lightly; however, I believe it specifically speaks to the character of our "new neighbor" and concerns for how he would operate should the special permit be granted.

I also believe that he is not only the builder but will be residing at the newly constructed house on lot 5, so have even greater concern that he has no intention to remove his construction container and equipment that he has littered across the lots and road to this point and will continue to keep and operate them beyond completion of the home on lot 5.

Sincerely,



Andy & Rena O'Connor

12 Bartelli Rd

Petition to be
filed with Town Clerk

EXHIBIT "A"

TOWN OF LAKEVILLE
MASSACHUSETTS

ZONING BOARD OF APPEALS
PETITION FOR HEARING

Name of Petitioner: Todd Freitas & Scott Freitas

Mailing Address: 309 Cherry St. Middleboro MA

Name of Property Owner: same as above

Location of Property: 5 Bartelli Rd Lakeville MA

Property is located in a residential business industrial (zone)

Registry of Deeds: Book No. 3342 Page No. 508

Map 55 Block 1 Lot 23

Petitioner is: owner tenant licensee prospective purchaser

Nature of Relief Sought:

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

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

Appeal from Decision of the Building Inspector/Zoning Enforcement Officer

Date of Denial _____

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

Demolition of 5 Bartelli Rd Lakeville MA
and rebuild at same location

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: Todd Freitas

Date: 6/20/21

Signed: Todd Freitas

Telephone: 774 766 0096 Cell

Owner Signature: _____
(If not petitioner)

Owner Telephone: 508 947 8791 home

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

WILL YOU HAVE A REPRESENTATIVE OTHER THAN YOURSELF?

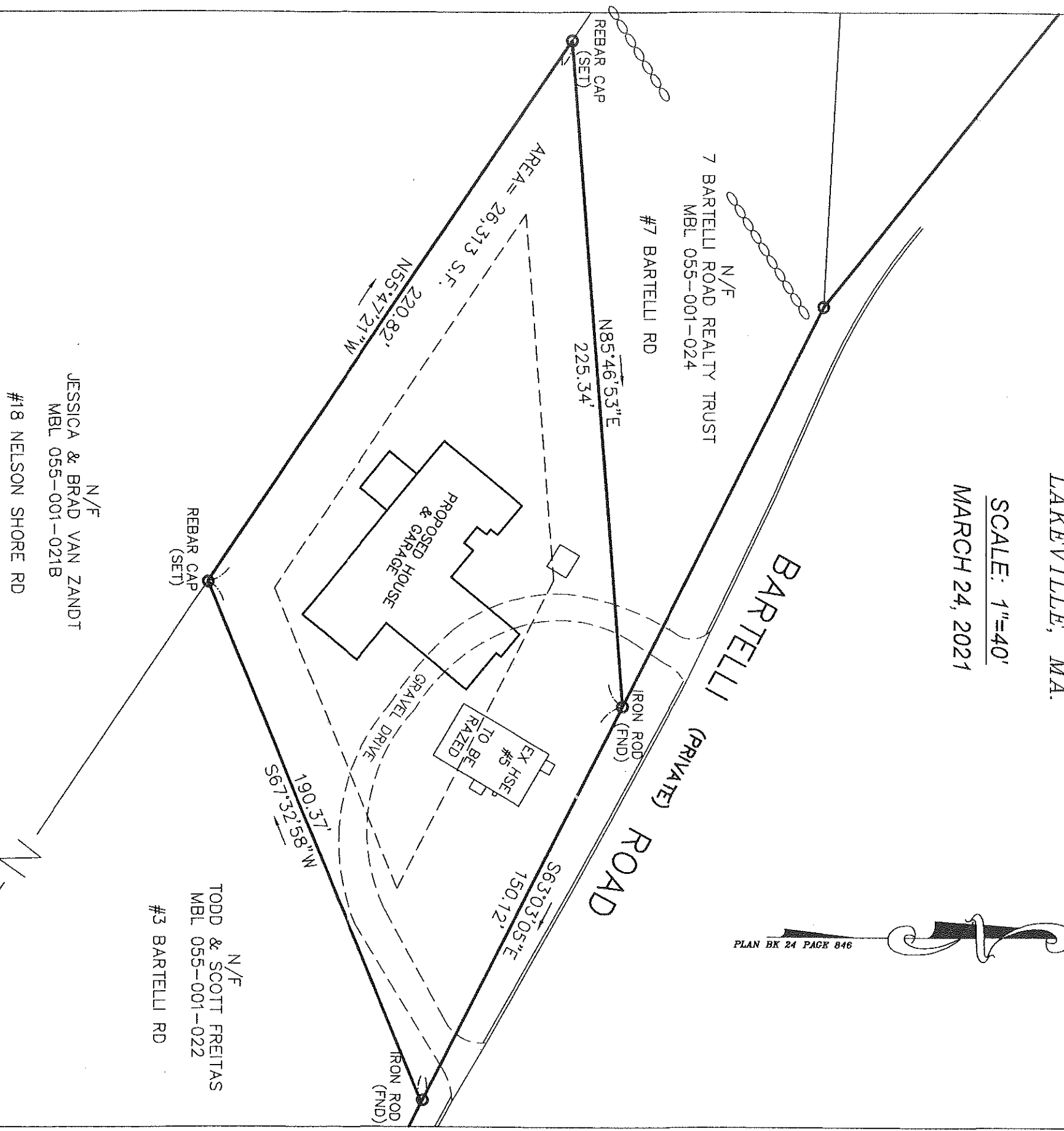
Yes No

David Therrien builder
(Name and Title)

BUILDING PERMIT PLAN

JEANNE FREITAS
5 BARTELLI ROAD
LAKEVILLE, MA.

SCALE: 1"=40'
MARCH 24, 2021



N/F
7 BARTELLI ROAD REALTY TRUST
MBL 055-001-024

#7 BARTELLI RD

N85°46'53"E
225.34'

IRON ROD
(FND)

IRON ROD
(FND)

IRON ROD
(FND)

IRON ROD
(FND)

AREA = 26,313 S.F.

220.82'

REBAR CAP
(SET)

REBAR CAP
(SET)

REBAR CAP
(SET)

REBAR CAP
(SET)

N/F
TODD & SCOTT FREITAS
MBL 055-001-022

#3 BARTELLI RD

N/F
JESSICA & BRAD VAN ZANDT
MBL 055-001-021B

#18 NELSON SHORE RD

CURRENT OWNER:
TODD & SCOTT FREITAS
MBL 055-001-023
DEED BOOK 54413 PG 191.

ZONING: RESIDENTIAL

AREA: 70,000
FRONTAGE: 175'
MAX. STRUCTURE/PAVE. COVER: 25%
FRONT: 40'
REAR: 20'
SIDE: 20'

NELSON
SHORE RD.

THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED
HOUSE & GARAGE & ITS SETBACKS.
THIS LOT IS A PREVIOUS LOT IN EXISTENCE.

PREPARED BY:
MADDIGAN LAND SURVEYING, LLC
DAVID J. MADDIGAN JR. P.L.S.
88 EAST GROVE STREET
MIDDLEBOROUGH, MA.
774-213-5196

**Zoning Board of Appeals
Lakeville, Massachusetts
Minutes of Meeting
May 20, 2021
Remote meeting**

On May 20, 2021, the Zoning Board held a remote meeting. It was called to order by Chairman Olivieri at 7:00 p.m. LakeCam was recording, and it was streaming on Facebook Live.

Members present:

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

Others present:

Atty. Amy Kwesell, Town Counsel; William Mohan, applicant, Brandon Currier, Barlo Signs, Sara Andrade, tenant, Bruce Benoit, property owner; Atty. Margaret Nash, applicant's Counsel; Dominick DeMartino, applicant, Mitch Suzan, ECM Security

Agenda item #1

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

S & L Pizza, Inc. d/b/a Domino's Pizza hearing – 56 Main Street

Mr. Olivieri opened the S & L Pizza hearing at 7:00 p.m. and read the legal ad into the record. Mr. William Mohan was present. He advised he represented the applicant and they had found what they consider to be a very good location next to the Dollar Tree. The newest thing with Domino's National is what they call the drive-up window. The Town of Lakeville's definition is a drive-through facility, but he wanted to take a minute to let them know what the difference is between a drive-up and a drive-through. A drive-through requires a menu board. You place your order, pay for it at the window, and then wait for the order to come out, with an average wait time of three to four minutes. At their drive-up, there is no menu board in the back. You have to either call or order on-line, and then pay on-line. You are there strictly to pick the order up. When you drive up to the window, you give them your name, they give you the order, and you are gone in less than a minute. He noted that Domino's, the company, delivers and that is 90% of their orders.

Mr. Mohan said he had been asked to provide an estimate of how many customers would use the drive-up window. He has obtained those numbers from a franchise in Brockton. In off peak hours, they might get one to three cars per hour. In the peak hours of 11:00 a.m. to 1:00 p.m. and then 5:00 p.m. to 7:00 p.m., they might get five to ten cars per hour. It has never interfered with traffic.

The way this drive-through is set up, the cars have to come around the back of the building. You have to go across the entire length of the Dollar Tree to get to the drive-up window. They did not expect that to ever become a traffic hazard or become a concern. If someone drives up and has not pre-ordered, they will be instructed to drive to the front and come into the store and place the order.

Mr. Mohan advised that they did have two entrances into the plaza. One is into the Dollar Tree plaza and the second is from the road on the other side where they are located. At the corner of the building where the drive through window is there will be a trash receptacle. That will be checked on several times a day. He noted that both the Planning Board and the Board of Health had voted approval and should have provided their recommendations to the Zoning Board. They look forward to a good relationship with the Town of Lakeville. He stated that Domino's likes to give back and do a lot in their local communities.

Mr. Olivieri then read the May 18, 2021, memo from the Planning Board into the record. They recommended if the Special Permit was granted it should be conditioned that it would not be transferrable. They also stated the ZBA should add any conditions required to ensure that the traffic in the queue is no longer than the parking area allows. Atty. Kwesell confirmed that the Board would need to condition it if they did not want the Permit to be transferrable. Mr. Mohan said they had agreed to that at the Planning Board meeting.

Mr. Olivieri said the Board had received the plan showing the traffic pattern as it comes up to the side of the building and as pointed out it does run behind the building. It appears that there is more than adequate space and without the menu board, they would have to call ahead. He didn't think there was any major concerns for there to be a backup in the queue.

Ms. Cline asked for a clarification on the number of customers during off peak or peak hours. The memo they received indicated there is five during off-peak and ten per hour for the peak hours. Mr. Mohan replied it was one to three for off peak and five to ten during peak hours. She then asked if there should be an application for relief for the number of signs. She saw a request for eight signs. Mr. Olivieri said was it correct that the application tonight was only in regards to the drive-through. Mr. Mohan said that was correct. Mr. Olivieri said it was a good point to bring up signage, but if they haven't applied for it, they will have to abide by the bylaw. If they go beyond that, they would have to reapply and come back to them. Mr. Mohan noted that they have applied for the right to come before the Board at their next meeting on June 17th for the signs. Atty. Kwesell advised Ms. Cline that they would put in the Special Permit decision that this decision does not allow the signs where the site plan shows certain signs.

Mr. Carmichael stated that it had been said this was just a pickup window but there is an order board listed on the site plan out back. Mr. Mohan replied there will not be an order board. They would accept that as a condition. Mr. Carmichael noted that the drive-through actually goes to a loading zone for the Dollar Tree Store. Will it be re-stripped and clarified? He said that is a concern and must be redone. Mr. Mohan said that is one of the reasons for their signs. Mr. Carmichael asked if they would clarify that with some painted street markings. Mr. Mohan said yes, they would do that. Mr. Carmichael asked if people would be brought in via Main Street or Ebony Farm Road. Mr. Mohan said there will be an opportunity to go either way.

Mr. Carmichael asked for a clarification of a Special Permit going with an applicant and a Variance going with the land. Atty. Kwesell advised a Special Permit can go with the applicant, but it doesn't always have to. It can go with the land and generally does so. The only time it does not go with the land is if it's specifically stated in the Decision. A Variance can never go with the applicant.

Mr. Noble said he understood they were not talking about signs tonight but he would ask if a directional sign related to safety related to navigation should be considered. Atty. Kwesell said that was correct, and those signs do not count. Mr. Mohan said that he believed three or four of the signs will be in the back of the building directing people to the other side. Mr. Currier then shared his screen. Atty. Kwesell noted that there could be no vote on the signs until their next meeting. Mr. Currier then displayed the sign package to the Board for informational purposes only. Mr. Noble was concerned directionally coming around counter clockwise to the building and how effective that sign would be for people driving in. Mr. Currier noted that signs C and D both have 'Do not Enter' on the back. They both will be illuminated and are 2' x 2' overall and 2' x 2' projection.

The following were some comments from Facebook:

PT Thomas "The abutters were promised no entry from Ebony Farm Road and a sign of Do Not Enter, just last week a sign was placed that said no right turn. No signage for entering Woods Edge condo, trash and alcohol empty bottles are thrown over Wood's Edge property. This will only make trash worse. The no right turn sign has been up for only one week is already spinning around backwards and is useless. Ebony Farm Road abutters were told it is not an entrance."

Diane Maturo "How are customers going to get around trailer trucks unloading."

Mr. Olivieri asked Mr. Mohan if he would like to respond. He replied he did not know what the contract is with deliveries for the Dollar Tree Store, but all of their deliveries are in the very early morning between 4:00 a.m. and 5:00 a.m. In every case, it is before they start for business. Dollar Tree might have some deliveries during the day, but he thought they could deal with that using directional lines and things like that. They could also speak with the owner who could provide drivers information on where they can go and where they cannot go at the back of the store. Mr. Olivieri asked if anything had been discussed with the Planning Board or any Board that they were going to restrict access to Ebony Farm Road. Ms. Murray advised the Planning Board had only discussed that the sign was not to be illuminated but nothing about not having an entrance on that side.

Ms. Cline then said there was a letter from a firm that represents the Woods Edge Condo Trust, which she then read into the record. It stated their clients' objections to the petition for a Special Permit for a drive-through/pickup window. Mr. Mohan said he would respond at their next meeting. Mr. Campeau then asked who would be the traffic director between monitoring the loading zone of Dollar Tree and making sure it doesn't interfere with the normal business operations of Dominos. Mr. Mohan replied that is a conversation that they will have with Mr. Benoit to make sure that all the Dollar Tree delivery drivers know where they can go and where they cannot go. Mr. Campeau asked if physically there was enough room if a delivery truck is there that it would not impede traffic. Mr. Mohan replied yes, there was ample room.

Mr. Carmichael said that after the loading zone, he would ask for somewhere between a 12- and 15-foot length for a clear passage for the drive-through and for emergency vehicles to get around the building. If they have to expand the parking lot in order to get ample clearance around that loading, then that's what has to happen as that is a major concern. Mr. Mohan noted that would never be a delivery truck that is going to Domino's. That's why they would have to talk to the owner of the building so that delivery drivers know that emergency vehicles still need to have access around.

Some additional comments from Diane Maturo on Facebook, "We have never had so much trash in our development. How much space do you think is out back for the ways truck unload and the way the traffic should flow. Dollar Tree gets deliveries all day."

Ms. Cline then made a motion to grant a Special Permit as requested for a drive-through, pick-up window at 56 Main Street, as provided by the Lakeville bylaw with the following conditions:

- 1, The Special Permit will not be transferable any new applicant will have to return to the Zoning Board for an updated review.
2. There will be a clear lane width of 12 to 15 feet outside of the loading zone.

The motion was seconded by Mr. Carmichael.

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

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

The hearing closed at 7:43.

Documents distributed for the hearing:

- Petition packet
- Legal ad
- William Mohan email of May 10, 2021
- Planning Board correspondence of May 18, 2021
- Joseph D. Saurino correspondence of May 19, 2021

Twisted Growers LLC hearing, continued – 415 Millennium Circle

Mr. Olivieri opened the continued Twisted Growers LLC hearing at 7:44. Mr. Olivieri asked Atty. Kwesell for an update on this application. She advised that she had reviewed everything that had been sent for the applicant through his attorney. She noted that the supplemental materials had answered all the questions that had been asked, but she had four items that she felt were still outstanding. She went back to the last decision which stated there would be 25 employees. Mr. DeMartino had stated several times that nothing would change but she just wanted to make sure that in the decision the number of employees was correct. She would like confirmation on that number. Atty. Nash said that was correct. The number of employees will not change. She noted for reference that the prior Site Plan that was included with the Special Permit application for

cultivation did include product manufacturing activities. She thought it had been drafted to reflect the entirety of the scope of the operations.

Atty. Kwesell said the next item was the hours of operation. In the Twisted Growers previous decision, it stated because it was cultivation, they would be operating 24 hours a day, 7 days a week. There is a difference between that and what was just granted to Boston Botanical which was 8:00 a.m. to 6:00 p.m. If the Board accepts all of the conditions from the last Special Permit, it would be 24 hours a day. Atty. Kwesell said the next point is the weekend deliveries. They asked Boston Botanical to minimize their weekend deliveries and have those be only twice a month, or if they were more they would have to notify the Town 24 hours in advance. She just wanted to point these differences out to the Board.

Atty. Kwesell advised her fourth comment was do they need to go back to the Planning Board. Her opinion was they do not because the Planning Board Site Plan has to do with pedestrian access, traffic, landscaping, etc. In her opinion, adding a use to an existing building would not require them to return to the Planning Board, but the Zoning Board is the permitting authority. Mr. Olivieri said he agreed with that opinion. Atty. Kwesell also noted the Board had asked the applicant to go back and get impact statements from Police, Fire, and the Board of Health. The Board of Health brought up that there was no grease trap and industrial waste water. The Fire Department advised they would most likely need a third-party reviewer. The Police Department said they would need a tour prior to operations. Since then, the applicant has incorporated the grease trap and the industrial wastewater in their new plans. That has been added as a finding. She also added as a condition that the applicant would fund third party reviewers for the Fire Department and the Building Department.

Atty. Meg Nash was present on behalf of Twisted Growers. She was joined by her client Dominick DeMartino and Mitch Suzan of ECM Security. She reviewed that Twisted Growers had previously received a Special Permit from the ZBA to allow for adult use cultivation. An application has been submitted to modify the existing Special Permit in order to include product manufacturing. It does not substantively change the number of employees, the scope of the Site Plan, etc. At their last meeting the Board requested some additional information with respect to the following three areas:

- Additional impact information statements from Fire, Police, and Board of Health.
- Documentation that demonstrated Twisted Growers has obtained provisional licenses for both cultivation and product manufacturing operations.
- A security plan demonstrating that it incorporated product manufacturing operations.

Atty. Nash said since the last hearing, Twisted Growers has made every effort to reach out to Police, Fire, and Board of Health to ensure that they will be operating consistent with municipal goals and existing regulations with respect to its proposed operations. In regards to Fire, they have provided comprehensive product equipment specifications and SDS safety sheets. They also provided a manufacturing safety plan demonstrating the full scope of the operations. After review, Chief O'Brien stated he was confident the equipment had been designed to minimize the danger of working with solvents, and he did not have any further comment. There was some question as to the integration of the equipment into the building. A follow up with the Building Inspector indicates that once further construction plans are finalized and the applicant seeks to pull a building permit the need for third party review can then be addressed.

Atty. Nash said regarding the Board of Health impact statement, Ed Cullen, Health Agent, advised he would want to ensure compliance with 310 CMR, 15.23 regarding grease traps. To the extent cultivation activities would be generating industrial wastewater, he would want to see that there is going to be an industrial wastewater holding tank installed at the facility to be in compliance with State regulations. The Site Plans have since been updated to reflect the locations where those proposed implementations could be used in the product manufacturing operations. She noted that Twisted Growers was still in the process of hiring its Director of Product Manufacturing, who will likely be primarily responsible for choosing the specific scope of operations. They do not contemplate a commercial kitchen as this time, but if that becomes part of their plans, there is a three bay sink available where a grease trap can be installed. Twisted Growers will comply with all State regulations as they are triggered. The industrial wastewater holding tank is also now reflected on the original plan. It was also noted in the original Special Permit that there would be a 10,000-gallon tank.

Atty. Nash said finally this is with respect to the Police Department impact statement. Chief Perkins indicated that at this phase in the permitting he was to receive a copy of the security plan, and tour the facility prior to final permitting from the Cannabis Control Commission (CCC). Otherwise, they had no other commentary. Atty. Nash said they have also provided documentation demonstrating that Twisted Growers currently maintains their provisional licenses for both cultivation and product manufacturing. Mr. Olivieri then asked Board members if they had any questions.

Mr. Carmichael asked if it was correct that there were to be no additional employees or parking spaces. Atty. Nash said that was correct. Mr. Carmichael also asked if there would be an increase of BTU's or if there was a need to change out the rooftop units. She replied not to her knowledge or understanding. Mr. DeMartino also said the answer was no. In their original application, they had already accounted for the space and the systems in place are all there and will handle what it is they are trying to accomplish. Mr. Carmichael asked if there had been any noise complaints. Mr. DeMartino said there have not been. There were no other questions.

Atty. Kwesell advised that she still needed to know what the hours of operation would be. Were they comfortable with the 24 hours per day or with the hours from Boston Botanical? Mr. Carmichael replied as this facility did not abut a residential neighborhood, he did not see a concern with them operating at those hours. Atty. Kwesell said her next question would then be regarding deliveries on weekends. Mr. Olivieri said he would think that would be the same and not an issue at this location. Atty. Kwesell said she would make the revisions as had been noted. She explained that she included a finding that this decision will incorporate and supersede the prior decision. Therefore, any condition that is not listed in this Special Permit but is in the other Special Permit will still apply, and any condition that is in conflict, will be controlled by this decision.

Mr. Youngquist then made the motion to grant the modification request to the Special Permit as outlined by Counsel. It was seconded by Mr. Carmichael.

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

The hearing closed at 8:06.

Documents distributed for the hearing:

- Board of Health correspondence of May 6, 2021.
- Planning Board correspondence of April 13, 2021
- Atty. Meg Nash additional material submittal May 10, 2021
- Atty. Meg Nash additional material submittal May 14, 2021

Meeting minutes

Ms. Cline made a motion, seconded by Mr. Carmichael, to approve the minutes from the September 17, 2020, March 18, 2021, and April 15, 2021 meetings.

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

Old Business – Sign bylaw update or discussion

Mr. Olivieri asked members if they had a chance to review the sign bylaw information, and if they had any comments. He suggested any comments be emailed to Ms. Murray by the end of next week, and then they could put them together and send it over to the Planning Board.

Atty. Kwesell wanted to note that Governor Baker is expected to lift the State of Emergency on June 15th. The executive order modifying the Open Meeting Law will then terminate. Therefore, on June 17th they will be meeting in person. They don't know if the Governor will do something to transition the return to in person meetings. She also discussed the option of hybrid meetings.

Adjourn

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

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

Meeting adjourned at 8:17.

**Zoning Board of Appeals
Lakeville, Massachusetts
Minutes of Meeting
June 17, 2021
Remote meeting**

On June 17, 2021, the Zoning Board held a remote meeting. It was called to order by Chairman Olivieri at 7:00 p.m. LakeCam was recording, and it was streaming on Facebook Live.

Members present:

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

Others present:

Heidi Klein-DaSilva, applicant; Brandon Currier, Barlo Signs; Sara Andrade, tenant; William Mohan, Bruce Benoit property owner; Diane Maturo, Claire LaPointe, Laurel St. Pierre, abutters

Agenda item #1

Mr. Olivieri read this item into the record. It was an explanation of how the provisions of Chapter 20 of the Acts of 2021 allowed the Board to continue to meet remotely.

Klein-DaSilva hearing – 45 Shore Avenue

Mr. Olivieri opened the Klein-DaSilva hearing at 7:00 p.m. and read the legal ad into the record. Ms. Klein DaSilva was present. She advised that she was looking to remove the existing screen porch and replace it with a porch that would be the same size on the same existing pad. It would be better construction as the existing porch is in poor shape.

Mr. Olivieri then read the June 9, 2021, email from the Health Agent, Edward Cullen. He stated there was no reason for the Board of Health to recommend denial due to public health issues. The June 15, 2021, memo from the Planning Board had no comments on the petition. Mr. Olivieri asked if there were any questions or comments. Mr. Carmichael said if there is no increase in the footprint and they are not expanding the non-conformity, then it is not more detrimental to the neighborhood. Mr. Olivieri agreed. There were no other comments.

Mr. Carmichael then made a motion to accept the proposal as written. It was seconded by Mr. Youngquist.

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

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

The hearing closed at 7:06.

Documents distributed for the hearing:

- Petition packet
- Legal ad
- Board of Health email of June 9, 2021
- Planning Board correspondence of June 15, 2021

Barlo Signs, agent for Domino's, hearing – 56 Main Street

Mr. Olivieri opened the Barlo Signs hearing at 7:07 p.m. and read the legal ad into the record. Mr. Brandon Currier from Barlo Signs was present. He advised a lot of thought and strategy had gone into this master plan for the new drive up locations. They are proposing multiple directional signs to help aid the wayfinding public for this location. By having these signs placed in their strategic locations, this will help direct traffic safely around the back to where the window is.

Mr. Currier then shared his screen and displayed the sign package. Items C and D are placed around the back side of the building to help aid the motorists around the back side. These signs will not be seen from the Main Road. He then displayed the location of the proposed drive-through window. Item E was directional signs that will identify the enter and the exit for motorists to safely enter. Item F was a sign that was going to be illuminated internally but as requested, the side that is facing toward the residents will not be illuminated. With this sign, they are trying to draw traffic from Main Street to enter through this area for pick-up so they don't congest the front. Item H is a new sign. It is a canopy that is going to be going over the drive-up window. It is something specific to most Domino's out there now. This will prevent any type of weather coming down on customers while they are passing money or product.

Mr. Currier said they have spoken with the landlord and the client. He knows that it has been mentioned about deliveries and trash. It has been made clear that deliveries will not be impeding any of this traffic flow as there's dedicated spots for this. Their client and the landlord have made other tenants aware here to be very aware of trash, deliveries, and so forth. He said the signs proposed are critical to help aid the motorist safely around the back side. They are trying to eliminate any congestion, and these signs are not going to be a harm or hinderance, or have any negative effect on the community.

Mr. Olivieri then read the June 9, 2021, email from the Board of Health into the record. There was no reason to recommend denial due to public health issues at this time. The June 15, 2021, memo from the Planning Board recommended the Zoning Board of Appeals not grant relief for the sign proposal. He noted there were also some submittals from the public. The June 14, 2021, letter from the residents at the Woods Edge Condominiums stated they were not in favor of granting relief for the sign proposal. Ms. Claire Lapointe of 61 Main Street was also not in favor of granting relief.

Mr. Olivieri asked if there was a specific reason why relief was needed for the size of the signs. They can put up directional and safety signs by right. Mr. Currier replied that was a very small tile and for them to be able to help aid the motoring public to this location, they need to have something that will grab their attention to try to help find their way to the back entrance. That is the only reason and they are not trying to be disrespectful to the bylaws or anything of that nature. They just want to make sure the customers move safely around the back and do not interfere with other tenants.

Ms. Cline said it appears in the specs that the Domino's logo portion of the directional sign is actually larger than the directional. She believed that one of the letters provided the Board with some examples of some other signage from a drive-through from Dunkin Donuts. It does fit the bylaw and makes the direction and what the customer is being directed to more prominent. She was not in favor of granting these extra logoed signs that are above the bylaw at this point. She then asked for the square footage on E1 and E2. Mr. Currier replied each one of those directional signs comes out to 14 square feet. After being at the property, Ms. Cline felt the number of signs seemed to be a little bit overbearing.

Mr. Sheedy agreed with Ms. Cline. He did not see any compelling reason for the increase in directional signage. He thought the customers would be able to find the pick-up window without a problem. He was not in favor of the request and felt the Domino's logo and directional could be included within the allowed two square feet as other operations in Town have done. Mr. Youngquist also felt it was self-explanatory and that size of sign was not needed. Mr. Carmichael said that he recalled the contentious hearing the Board had on the same property about the original signs to this building and how problematic it seemed to be to the neighborhood. He thought they should stay consistent and stay within the bylaw.

Ms. Laurel St. Pierre, resident and Treasurer at Woods Edge, then spoke. She agreed fully that they did not need huge signs. Ms. Claire Lapointe agreed that once someone drove through, these larger signs were not needed and two square feet was sufficient. She did appreciate all the remarks. There were no other comments.

Mr. Currier asked if there was anything they could do to adjust or possibly revisit. If the Board voted no, then they would not be able to come back to the Board for signs. Mr. Olivieri said that was correct unless there was a substantial change. His options were to move forward with a vote, come back with revisions, or withdraw without prejudice. Mr. Currier then asked if they could withdraw their petition, without prejudice.

Mr. Carmichael made a motion, seconded by Mr. Youngquist, to accept the request to withdraw without prejudice.

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

The hearing closed at 7:25.

Documents distributed for the hearing:

Petition packet
Legal ad
Board of Health email of June 9, 2021
Planning Board correspondence of June 15, 2021
Claire Lapointe correspondence
Woods Edge residents' correspondence of June 14, 2021

Old Business – Sign bylaw update or discussion

Mr. Olivieri asked if anyone had a chance to look at the sign bylaw and if there were any comments. It was decided to put this back on their next agenda.

New Business

Ms. Murray asked the Board going forward what format they would like to hold meetings in. Mr. Olivieri said although remote is convenient, members of the public might find in person meetings easier to attend. Members did not have a preference and were okay with either format. A hybrid version of meetings was also discussed. Mr. Olivieri suggested for the foreseeable future making a determination based on the social distancing aspect of what they are going to have to comply with on in-person meetings and the number of hearings scheduled per meeting. They will also advocate on getting technology into play for a way to do some hybrid meetings. They also want to make it easier to display items electronically on screens, as opposed to having people bring in large plans for display. Mr. Carmichael noted there are large amounts of money available for just this purpose.

Adjourn

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

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

Meeting adjourned at 7:36.

Town of Lakeville-existing bylaw

6.6 SIGN REGULATIONS

6.6.1 Purpose

To provide information to the public and for the identification of permitted activities from public ways, the erection and maintenance of signs shall be subject to regulation in order to preserve and enhance the visual appearance and character of the Town, to provide for the safety and general welfare of the public, and to prevent injurious and detrimental effects from the distracting demands for attention resulting from uncontrolled shapes, sizes, colors, motions, lighting, and inappropriate locations.

6.6.2 General Sign Prohibitions

6.6.2.1 Signs, any part of which moves, flashes, or incorporates traveling or animated lights and all beacons and flashing devices whether a part of, attached to, or apart from a sign are prohibited.

6.6.2.2 No illumination shall be permitted which casts glare onto any residential premises, or onto any portion of a way so as to create a traffic hazard.

6.6.2.3 Any sign which is considered by the Building Commissioner, police department or fire department to be obstructive, hazardous, or dangerous because of age, damage, poor construction, or a potential danger in a severe storm must be removed immediately, but in no case later than seven (7) days following receipt of written notice from the Building Commissioner.

6.6.2.4 No sign shall be attached to or obstruct any fire escape, fire or emergency exit; no sign shall be located as to obstruct free passage of light and air to any door, window, skylight, or other similar opening.

6.6.3 General Sign Regulations

6.6.3.1 No sign shall be located closer than ten (10) feet from the street right-of-way, and no closer than thirty (30) feet from the side or rear property lines.

6.6.3.2 Signs shall be limited to a maximum height of twenty (20) feet as measured from the crown of the road directly perpendicular to the sign.

6.6.3.3 Signs shall be limited in number to two (2) signs for each business or industrial establishment or company. Business or industrial sites containing more than one establishment (mill outlets, shopping centers, industrial parks, etc.) shall be limited to two (2) signs per establishment, one of which shall be attached to the structure to designate the establishment within the structure, and the other attached to or part of a central common directory sign. Business and Industrial subdivisions may have one (1) entrance sign, not being a directory sign, in addition to the above. Signs for this common directory sign and for the business and industrial subdivision entrance sign may be double-sided and a maximum of sixty-four (64) square feet in area.

6.6.3.4 Unless permitted elsewhere in this By-Law, no sign may exceed thirty-two (32) square feet in area.

6.6.3.5 Signs erected upon or attached to a building shall not project:

6.6.3.5.1 horizontally more than two (2) feet;

6.6.3.5.2 into or over any way;

6.6.3.5.3 above the highest part of the building, not exceeding twenty (20) feet from ground level.

6.6.3.6 No free-standing sign shall project more than two (2) feet horizontally from its means of support.

6.6.3.7 The colors red, green or yellow shall not be used in a manner that might confuse the meaning or stop signs, stop lights or other traffic signs.

6.6.4 Exemptions

6.6.4.1 Flags or insignia of the United States or any political subdivision thereof or any other nation or country when not used for commercial promotion or display.

6.6.4.2 Temporary posters, placards, or signs associated with a political campaign or current political issue. Any such sign must be removed within 48 hours after its relevance has expired.

6.6.4.3 Signs located on residential structures or driveways, so long as they do not exceed two (2) square feet and are for the primary purpose of indicating the name or names of the resident.

6.6.4.4 For sale, lease, or rent signs on real property or the signs of real estate agents or brokers, so long as they do not exceed six (6) square feet in area.

6.6.4.5 Signs less than two (2) square feet designating entry and egress from parking areas, and other directional traffic control and safety-related signs.

6.6.4.5 Normal highway control signs, hazard signs, and other state-approved highway safety signs.

6.6.5 Temporary Signs

6.6.5.1 Temporary exterior signs or mobile sign displays are permitted to advertise the opening of a business at a new location or to advertise a special event at its intended location.

6.6.5.2 Such signs shall not exceed thirty-two (32) square feet in area.

6.6.5.3 No two or more of such signs shall be closer than five hundred (500) feet apart.

6.6.5.4 The combined total number of days that one or more temporary signs may be displayed on the premises shall not exceed sixty (60) days in each twelve (12) month period per establishment.

6.6.5.5 Temporary signs shall be displayed in conformance with setback requirements for all signs.

6.6.5.6 At the end of the sixty (60) day period, the sign shall be removed by the initiative of the company, organization, or individual or their agents as indicated by the display of information.

6.6.5.7 All such temporary signs as herein described must meet the approval of the Building Commissioner regarding safety of construction, placement, mounting, and lighting. By written notice specifying the corrections needed, the Building Commissioner shall order the immediate action of the displayer to either correct the sign or have it removed. If immediate action is not taken, the Building Commissioner may, at his own initiative or with the enlisted aid of any Town department, remove such sign.

6.6.6 Off-premise signs, signs larger in area or higher than specified or a greater number of signs, may be granted by Special Permit of the Board of Appeals.

Town of Duxbury -- Sign Bylaw

https://www.town.duxbury.ma.us/sites/g/files/vyhli3056/f/uploads/zoningbylaw_updated10july2019.pdf

601 SIGN REGULATIONS

The provisions of Section 601 shall apply to all zoning districts.

The purpose of the following regulations to all types of signs is to reasonably regulate the size, location, illumination and types of materials in order to:

1. Encourage signs that have locations, materials and designs that are compatible with the surrounding neighborhood and buildings;
2. Eliminate excessive and confusing signs; and
3. Eliminate potential hazards to motorists and pedestrians.

601.1 Definitions

Sign

Any word, letter, symbol, drawing, picture, design, device, article or object which advertises, calls attention to or indicates the location of any premises, person or activity; whatever its manner of composition or construction and however displayed.

Accessory Sign

A sign, which advertises or indicates the person occupying the premises on which it is erected or the business transacted thereon or advertises the property itself for sale or rent and which contains no other matter.

Freestanding Sign

Any sign not attached to a building.

Hanging Sign

Any sign which projects more than eight (8) inches from a wall or façade.

Primary Sign

A sign which contains information on the name of the business, the owner, and/or goods or services offered, located on the same side of the premises as

the main entrance.

Sign, Area of

1. The area of a sign shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and any "cutouts" or extensions, but shall not include any supporting structure or bracing.
2. The area of a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, shall be considered to be that of the smallest quadrangle or a triangle which encompasses all of the letters and symbols.
3. The area of a sign consisting of a three-dimensional object shall be considered to be the area of the largest vertical cross-section of that object.
4. In computing the area of double faced signs, the area of one side shall be used.

Sign, Temporary

Any sign maintained for a continuous period of not more than thirty days in a calendar year.

601.2 Procedure

A written application for the installation of all types of signs shall be submitted at the office of the Zoning Enforcement Officer, including signs requiring Special Permits. The application shall include all information necessary to determine compliance with the regulations of this Bylaw.

601.3 General Requirements

1. In all districts, all exterior signs or advertising devices erected or maintained must, unless expressly provided, conform to the following requirements.
2. The information contained on all signs for business shall be limited to the type of business, goods or service offered and name of business and/or owner.
3. Whenever possible, a flush mounted sign attached to the wall of the building

shall be used. The method of attaching the sign must be approved by the Zoning Enforcement Officer.

4. If, in the opinion of the Board of Appeals a flush mounted sign would not be adequately visible from a public way, a Special Permit may be sought from the Board of Appeals for the erection of one freestanding sign of not more than two faces. The Special Permit may be conditional upon restrictions that regulate design, illumination, size, colors and construction.

5. Private signs shall not be placed on publicly owned property unless authorized by the Board of Selectmen.

6. Signs not exceeding one square foot containing cautionary or directional information for traffic flow require the approval of the Zoning Enforcement Officer. Informational, directional and traffic signs owned and installed by a government agency are permitted by right.

7. Sign materials should be durable and easy to maintain. Materials such as wood, brass or bronze are most appropriate.

8. In the case of a sign for business use, a primary sign containing information on the name of the business, owner, and goods or services offered shall be limited to one that is located on the same side of the building as the main entrance. In addition, one accessory sign may be erected on any other side of the building in view of a parking area or public way.

601.4 Signs Requiring Special Permit Approval

All freestanding signs and projecting/hanging signs, which are attached by a bracket to a wall and project more than eight inches, require a Special Permit issued by the Board of Appeals.

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1. Sign applications for a Special Permit approval must include the following information: Three (3) copies of a scale drawing showing the dimensions of the proposed sign, construction details, any designs or logo, lettering, colors, materials and a cross section of the sign with dimensions. The proposed location

of the sign must be identified on a photograph or scale architectural drawing of the building that shows the height above grade and any other necessary dimensions or design features requested by the Board of Appeals. The Design Review Board shall review the application and submit its comments to the Board of Appeals.

2. Proposed signs should, by their location and design, be harmonious with the buildings and sites that they occupy. When acting upon a Special Permit application for a sign, the Board of Appeals shall consider the proposed sign in relation to the character of the building and surrounding neighborhood. Signs should be informative, legible and designed to improve the quality of the streetscape.

601.5 Signs Approved by the Zoning Enforcement Officer

Flush mounted, awning, special events and temporary signs require approval of the Zoning Enforcement Officer.

1. Applications for sign permits must include two copies of the following information. The proposed size, colors, dimensions, materials and location of the sign in sufficient detail for the Zoning Enforcement Officer to evaluate the application. The method of attaching the sign to a structure or erecting the sign must be described.

2. The Zoning Enforcement Officer shall evaluate the proposed sign's location, size, materials, and design to determine if the sign is in compliance with the dimensional regulations set forth in Section 601.6 prior to issuance of a sign permit.

601.6 Dimensional Requirements

General: Lettering shall not exceed fourteen (14) inches in vertical dimension.

1. Awning Signs: Advertising on awnings must be painted on or attached flat against the surface of the awning and not project beyond the valance nor be attached to the underside.

2. Cautionary Signs: Not to exceed three (3) square feet in area.

3. Directional Signs: Not to exceed three (3) square feet in area.

4. For Sale, Rent or Lease Signs:

a) Advertising a lot, building or portion thereof: not to exceed six (6) square feet in area;

b) Advertising lots or buildings in approved subdivisions: not to exceed twenty (20) square feet in area or be larger than ten (10) linear feet any side.

5. Flush Mounted Signs: Not to exceed one (1) square foot for each linear foot of the façade or wall on the side of the premises containing the main

entrance minus the area of any accessory signs, to a maximum of fifty (50) square feet.

6. Freestanding Signs: Not to exceed twenty-five (25) square feet in area with a maximum height of twelve (12) feet and a minimum height above the ground of thirty (30) inches.

7. Hanging Signs: Not to exceed five (5) square feet in area with the lowest part of the sign a minimum of ten (10) feet above ground and not extending above the top of the wall or façade.

8. Temporary Signs:

a) Political signs: May be erected.

b) Special Event Signs: Not to exceed six (6) square feet in area, may be erected no sooner than fourteen (14) days before the event, and must be removed no later than twenty-four (24) hours after the event.

9. Window Signs: Signs mounted on windows in addition to the requirements for flush mounted signs, shall not cover more than thirty percent (30%) of the window area.

601.7 Prohibited Signs

1. No sign shall extend above the roof line of the building to which it is fastened.

2. Electric or any other powered signs shall not blink, flash or have moving parts.

Neon signs are prohibited. Signs containing reflective elements which sparkle in the sunshine are not permitted.

3. Billboards are not permitted.

4. Any sign advertising a business or organization no longer located on the premises is not permitted.

5. Any signs that obstruct the corner clearance, clear site triangle of any intersection as defined in Section 603.10.3 of this Bylaw are not permitted.

6. String lights used in connection with commercial enterprises, except for temporary lighting used for decoration during the specific holiday season.

601.8 Exempted Signs

1. Signs not exceeding one square foot in area and bearing only property numbers, names of occupants or other identification of premises not having commercial connotations.

2. Flags and insignia of any government except when displayed in connection with commercial promotion.

3. Legal notices, identification, informational or directional signs erected or required by governmental bodies.

4. Carved or other integral devices identifying the building name or date of erection.

5. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

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6. Standard gasoline pumps, vending machines, or similar devices bearing thereon in usual size and form the product name and type, provided that copy area not exceed four (4) square feet.

7. Temporary signs erected for any charitable or religious cause or allowed by the Board of Selectmen.

8. Signs not exceeding three (3) square feet, necessary to warn of a hazard or to post land, shall be permitted as required to accomplish these purposes.

9. Signs that advertise the sale, lease or rent of a lot or building shall be located only on the property which is being advertised. Signs shall not exceed six (6) square feet in area or two in number. One sign advertising the sale of lots or buildings in approved subdivisions is permitted at the intersection of the new and existing streets. Said sign shall not exceed twenty (20) square feet or be greater than ten (10) feet in any dimension. Any such signs shall be removed within five days of the lease or sale of the premises or the sale of the last lot in the subdivision.

601.9 Illumination

Signs may be illuminated by a constantly steady white light that is shielded and directed at the sign in order to prevent direct glare on a public way or adjacent property. Signs using interior lighting shall have non-exposed white lights of reasonable intensity. Signs shall only be lighted during the hours of operation and shall require a Special Permit.

601.10 Nonconforming Signs

Nonconforming signs shall not be altered by changing the design, construction, wording, painting or lighting without written approval of the Zoning Enforcement Officer.

601.11 Enforcement

1. Maintenance and Removal:

Every sign shall be maintained in good structural condition at all times. All signs shall be kept neatly painted, including all metal parts and supports thereof that are not galvanized or of rust resistant material. The Zoning Enforcement Officer shall inspect and shall have the authority to order the painting, repair, alteration or removal of a sign which shall constitute a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, or obsolescence.

2. Abandoned Signs:

Except as otherwise provided in the section, any sign that is located on property which becomes vacant and is unoccupied for a period of three months or more, or any sign which pertains to a time, event or purpose which no longer applies,

shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned, unless the property remains vacant for a period of six months or more. An abandoned sign

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is prohibited and shall be removed by the owner of the sign or owner of the premises.

3. Dangerous or Defective Signs:

No person shall maintain or permit to be maintained on any premises owned or controlled by him any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the sign or the owner of the premises.

4. Removal of Signs by the Zoning Enforcement Officer:

The Zoning Enforcement Officer shall cause to be removed any sign that endangers the public safety, such as an abandoned, dangerous, or materially, electrically, or structurally defective sign, or a sign for which no permit has been issued.

https://www.scituatema.gov/sites/g/files/vyhlf3781/f/pages/20-2_zoning_bylaws_ag_approval_2.12.20_final.pdf

SECTION 700 - GENERAL PROVISIONS AFFECTING ALL DISTRICTS

The purpose of this section is to:

1. protect public health, safety and welfare;
2. reduce traffic hazards;
3. promote and protect the aesthetic nature of the town;
4. protect property values;
5. and promote economic development.

710.1 SIGNS IN RESIDENTIAL DISTRICTS

In the R-1, R-2, R-3 and RM District the following exterior signs are permitted as a matter of right:

- A. Property protection type signs such as "beware of dog" and "no trespassing" not exceeding one square foot in size and no more than four signs within sight from any given point.
- B. On-site for sale signs, for rent signs, rooms to let signs, etc. provided they are no larger than six square feet for individual houses on the affected property and no more than one sign is allowed at a time.
- C. Signs advertising yard sales, garage sales, etc. only while event is in progress, and no larger than two square feet in size.
- D. Political signs shall not exceed six square feet in size, and may be staked into the ground, in a window, or vehicle mounted. Political signs may be erected thirty days prior to the applicable election and must be taken down within three days after such election. Signs for candidates who win state fall primary elections may remain up until three days after the full general election.
- E. Onsite tradesmen signs such as "Acme Construction" or "Green Landscaping" not to exceed six square feet and only while work is in progress on the site.

F. One non-flashing sign not over eight square feet in area indicating the owner or occupant.

G. One non-flashing sign not over eight square feet in area pertaining to permitted structures and uses on the premises as listed in Sections 420.1, I, J, K, and L, Section 420.2 and Section 420.3.F provided that such sign complies with Section 620.4.B. A permit from the Building Commissioner or his designee is required after review and approval by the Planning Board.

710 SIGNS

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710.2 SIGNS IN RESIDENTIAL DISTRICT BY SPECIAL PERMIT

A special permit by the Board of Appeals shall be granted only after a finding that: the sign is reasonable in design and size, the sign is economically necessary, and the sign will not be a hazard to the public.

A. Property protection signs larger than one square foot, but never to exceed ten square feet shall require a special permit from the Board of Appeals.

B. For sale signs, for rent signs, rooms to let signs, etc. between six square feet and twenty square feet.

C. Business and commercial signs may be placed along travelled ways for the purposes of indicating direction to their facility by special permit of the Board of Appeals after review and comment by the Planning Board. Such signs must be needed for directional purposes and must not exceed one hundred square feet in size.

710.3 SIGNS IN BUSINESS AND COMMERCIAL DISTRICTS

In the GB, HB, and C Districts, all signs allowed as a matter of right in the residential district shall be allowed, additionally, exterior signs pertaining to uses on the same premises as the location of such sign are permitted upon the issuance of a permit by the Building Commissioner subject to the following restrictions:

A. No sign shall obstruct visibility in such a way as to constitute a hazard to the safety of persons travelling upon a public way.

B. The top edge of such sign, whether freestanding or not, shall be placed not higher than the main roof of the highest building located on the premises, or if no building exists, the average height of the main roofs of the buildings on the next adjacent properties where buildings do exist.

C. Such signs may be illuminated only from the exterior of the advertising matter.

D. No sign shall exceed one hundred square feet gross display area.

E. Each business unit or industrial unit is permitted not more than two signs, but excluded from this sub-section are signs necessary for public safety or convenience.

F. No business and commercial signs of general advertising nature, which do not pertain to a structure or use on the same premises as the location of such sign shall be permitted with the Town of Scituate except as provided in Section 710.2.C., 710.4.B., and 710.6.A.

710.4 SIGNS IN BUSINESS AND COMMERCIAL DISTRICTS BY SPECIAL PERMIT

Special permits by the Board of Appeals shall be granted only after a finding that: the sign is reasonable in design and size, the sign is economically necessary, and the sign will not be a hazard to the public.

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A. For sale signs, for rent signs, rooms to let signs, etc. between six square feet and twenty square feet.

B. Signs may be placed along traveled ways within Business and Commercial Districts for the purpose of indicating directions to its facility by special permit of the Board of Appeals after review and comment by the Planning Board. Such signs must be reasonably needed for directional purposes, and must not exceed one hundred square feet in size.

710.5 GENERAL PROVISIONS PERTAINING TO SIGNS IN ALL DISTRICTS

A. No signs shall be affixed upon or painted on any rock, tree, utility pole, or town sign on public property within the Town of Scituate.

B. No signs shall be permitted within the town greens without special permission

from the board of selectmen or their designee.

C. No signs shall obstruct visibility of vehicular traffic.

D. No sandwich board signs are allowed on sidewalks.

E. Nothing herein shall be construed to prohibit the placement within the Town of Scituate of street signs, traffic signs, directional signs or any other governmental authority or agency signs.

F. Any lawful sign existing at the time this amendment to the bylaw is adopted may be continued, although such signs do not conform to the provisions hereof.

G. Any total replacement or substantial change of an existing sign shall be required to conform to the above provisions.

H. Signs shall be affixed and maintained in such a way as to be safe and free of hazard to the public, and shall be maintained in good repair.

I. No sign or display may be moving, or make use of blinking or intermittent lights or any other animation.

J. Fixed free standing signs are subject to setback restrictions in Section 620.4.B.

710.6 CHURCH AND CIVIC GROUP SIGNS

A. Church and civic groups may erect temporary signs and/or banners to promote important functions of their group. Such signs shall be no larger than three feet by four feet and banners shall be no larger than four feet by ten feet or forty square feet overall. Lettering shall include only the name of the event, place, time, date and name of sponsoring organization. The sign or banner shall be erected for not more than twenty-one days prior to the event and shall be removed immediately following the event. Banners may be hung only in the areas designated as Commercial or Business Districts and will be placed no closer than one thousand feet together. Permission to erect such a sign or banner shall be given only by consent of the Building Commissioner or his

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designee. All banners hung across a street or public way shall be positioned at a height so as not to impede pedestrian or vehicular access.

710.7 ACCESSORY USE SIGNS

In a residential district the following accessory use signs are allowed upon the issuance of a permit by the Building Commissioner or his designee:

A. One sign not over two square feet in area depicting the permitted home occupation.

710.8 ACCESSORY USE SIGNS BY SPECIAL PERMIT

A. One sign between two and ten square feet depicting the permitted home occupation.



July 9, 2021

Town of Lakeville
346 Bedford Street
Lakeville, MA 02347
Attn: Board of Appeals

RE: NOTICE OF COMMUNITY OUTREACH MEETING REGARDING PROPOSAL FOR A MARIJUANA ESTABLISHMENT

Notice is hereby given that Bountiful Farms, Inc. will hold a Virtual Community Outreach Meeting via Teams Meeting on Thursday, July 22, 2021 at 6:00 PM relative to its proposal to locate an Adult-Use Marijuana Establishment as a Marijuana Cultivator and Manufacturer at 200 Kenneth Welch Drive, Lakeville, MA 02347. Community members and the public are welcome. There will be an opportunity for the public to ask questions and receive answers from representatives of the proposed Marijuana Establishment.

Enclosed you will find a copy of the Legal Notice that appeared in the Middleboro Gazette on Thursday, July 8, 2021. The Legal Notice includes information on how to join the virtual meeting to be held on Thursday, July 22, 2021 at 6:00 PM.

Please do not hesitate to contact me should you have any questions.

Respectfully,

Jeffrey Barton, CEO
Bountiful Farms, Inc.
200 Kenneth Welch Drive
Lakeville, MA 02347
508-735-4543

Enclosure



Legal Notice of Community Outreach Meeting
Regarding an Adult Use Marijuana Establishment
Proposed by Bountiful Farms, Inc.

Notice is hereby given that Bountiful Farms, Inc. will hold a Virtual Community Outreach Meeting via Teams Meeting on Thursday, July 22, 2021 at 6:00 PM relative to its proposal to locate an Adult-Use Marijuana Establishment as a Marijuana Cultivator and Manufacturer at 200 Kenneth Welch Drive, Lakeville, MA 02347.

This virtual Community Outreach Meeting will be held in accordance with the Massachusetts Cannabis Control Commission's Administrative Order Allowing Virtual Web-Base Community Outreach Meetings and the applicable requirements set forth in M.G.L. Ch. 94G and 935 CMR 500.00 et seq.

Topics to be discussed at the meeting will include, but not limited to:

- The type of Adult Use Marijuana Establishment to be located at the proposed address;
- Plans for maintaining a secure facility;
- Plans to prevent diversion to minors;
- Plans to positively impact the community; and
- Plans to ensure the establishment will not constitute a nuisance to the community.

A copy of this notice will be on file with the Town of Lakeville Town Clerk's Office, the Town of Lakeville Planning Board, the Town of Lakeville Board of Appeals, and the Town of Lakeville Town Administrator's Office.

Join the meeting with the following:

Link: <https://tinyurl.com/BFCommunityOutreachMeeting>

Phone Number: 1-253-292-6811

Phone Conference ID: 278953104#

Questions may be submitted in advance to info@bountifulfarms.care. There will be an opportunity for the public to ask questions and receive answers during and after the presentation.

**Legal Notice
of Community Outreach Meeting
Regarding an Adult Use
Marijuana Establishment
Proposed by Bountiful Farms, Inc.**

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Questions may be submitted in advance to info@bountifulfarms.care. There will be an opportunity for the public to ask questions and receive answers during and after the presentation.*

July 8, 2021

The Middleboro Gazette Newspaper
Notice also on www.masspublicnotices.org