



Received & posted: _____

Town Clerk

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:	<u>Zoning Board of Appeals</u>
Date & Time of Meeting:	<u>Thursday, July 16, 2020 at 7:00 p.m.</u>
Location of Meeting:	<u>REMOTE MEETING</u>
Clerk/Board Member posting notice	<u>Cathy Murray</u>

Revised-AGENDA

1. In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G.L. c.30A, §20, relating to the 2020 novel Coronavirus outbreak emergency, the July 16, 2020, public meeting of the **Zoning Board of Appeals** shall be physically closed to the public to avoid group congregation. **However, to view this meeting in progress, please go to facebook.com/lakecam (you do not need a Facebook account to view the meeting). This meeting will be recorded and available to be viewed at a later date at <http://www.lakecam.tv/>**
2. **Petition hearing (Votes to be taken)**

Sena hearing – 103 Staples Shore Road – request for a **Special Permit** under 6.1.3 & 7.4 to demolish an existing 910 sq. ft. non-conforming dwelling and construct a similar 950 sq. ft. dwelling that would be within the setbacks on a non-conforming lot.
3. **Meeting minutes (Votes to be taken)**
Approve the January 16, 2020, meeting minutes.
4. **Discuss letter received from The Estates at LeBaron Hills Homeowners Association**
Request from residents to modify the plan and eliminate some sidewalks and a chain link fence.
5. **Discuss department distribution of petition applications**
6. **Appoint ZBA representative to 43D Committee**

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 SEAL)

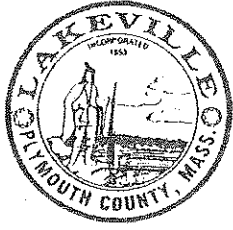
The LAKEVILLE ZONING BOARD OF APPEALS, acting in accordance with MASS GENERAL LAWS CHAPTER 40A, as amended, will conduct a public hearing on THURSDAY, July 16, 2020, at 7:00 P.M. to hear the petition of **Donald Sena**. A **Special Permit** under 6.1.3 & 7.4 is requested to demolish an existing 910 sq. ft. non-conforming dwelling and construct a similar 950 sq. ft. dwelling that would be within the setbacks on a non-conforming lot located at **103 Staples Shore Road**, as provided by the Lakeville By-Laws. The property site is owned by **Donald T. and Susan E. Sena**.

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

Donald A. Foster, Chairman

July 2, & July 9, 2020

Please see attached for Zoom log-in information. If you would like a direct link emailed to you, please send a request to cmurray@lakevillema.org. Make sure you indicate what hearing you are interested in.



Town of Lakeville

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

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

MEMORANDUM

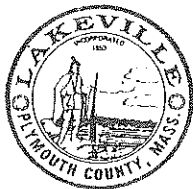
TO: Board of Appeals

FROM: Planning Board

DATE: July 13, 2020

SUBJECT: Petition Review for Sena – 103 Staples Shore Road

At their Thursday, June 25, 2020, meeting, the Planning Board reviewed the above referenced Petition for Hearing from the Board of Appeals. The Board had no comments regarding this petition.



Town of Lakeville

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

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

July 10, 2020

Town of Lakeville
Zoning Board of Appeals
Attn: Donald Foster, Chairman
346 Bedford Street
Lakeville, MA 02347

Re: 103 Staples Shore Road

Dear Chairman Foster:

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

Therefore, based on the information provided to the BOH there is no reason for the BOH to recommend denial due to public health issues at this time.

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

Sincerely yours,
For the Board of Health

Edward Cullen
Health Agent

Petition to be
filed with Town Clerk

EXHIBIT "A"

TOWN OF LAKEVILLE
MASSACHUSETTS

ZONING BOARD OF APPEALS
PETITION FOR HEARING

RECEIVED
MAY 26 2020
BOARD OF APPEALS

Name of Petitioner: Donald Sena

Mailing Address: 103 Staples Shore Road

Name of Property Owner: Same

Location of Property: Same

Property is located in a residential business industrial (zone)

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

Map 64 Block 3 Lot 26

Petitioner is: owner tenant licensee prospective purchaser

Nature of Relief Sought:

Special Permit under Section (s) 6.1.3 & 7.4 of the Zoning Bylaws

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: Donald Sena Date: 5/22/20

Signed: Donald Sena Telephone: 508-521-8981

Owner Signature: Same Owner Telephone: _____
(If not petitioner)

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

WILL YOU HAVE A REPRESENTATIVE OTHER THAN YOURSELF?

Yes No Richard Rheavone - Prime Eng.
(Name and Title)



May 11, 2020

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

RE: 103 STAPLES SHORE ROAD

Dear Board Members:


On behalf of Donald T. Sena, we hereby submit this petition for a Special Permit to re-construct a pre-existing non-conforming dwelling. The submittal package consists of the originals and 17 copies of the following:

- This letter,
- The executed petition,
- The Narrative,
- Photos of the existing site,
- An Existing Conditions plan and
- A Proposed Dwelling Re-Construction plan.

In addition, we have enclosed a check for \$140, which is the filing fee, and a check for \$120.76, which is the legal ad fee. The sewage disposal system was upgraded within the past eight years in compliance with plans approved by the Lakeville Board of Health.

We look forward to your favorable review.

Sincerely,
PRIME ENGINEERING, INC.


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

CIVIL ENGINEERING ENVIRONMENTAL ASSESSMENT LAND SURVEYING

P.O. Box 1088, 350 Bedford Street, Lakeville, MA 02347

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

PREPARED FOR:

DONALD T. AND SUSAN E. SENA

PREPARED BY:

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

MAY 5, 2020

1.0 INTRODUCTION

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

2.0 EXISTING CONDITIONS

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

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

3.0 PROPOSED IMPROVEMENTS

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

4.0 NEED FOR RELIEF

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

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

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

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

5.0 SPECIAL PERMIT CRITERIA

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

5.1 NOT HARMFUL

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

5.2 ADVANTAGES OUTWEIGH DETRIMENTAL EFFECTS

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

5.3 COMPATIBILITY WITH NEIGHBORHOOD

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

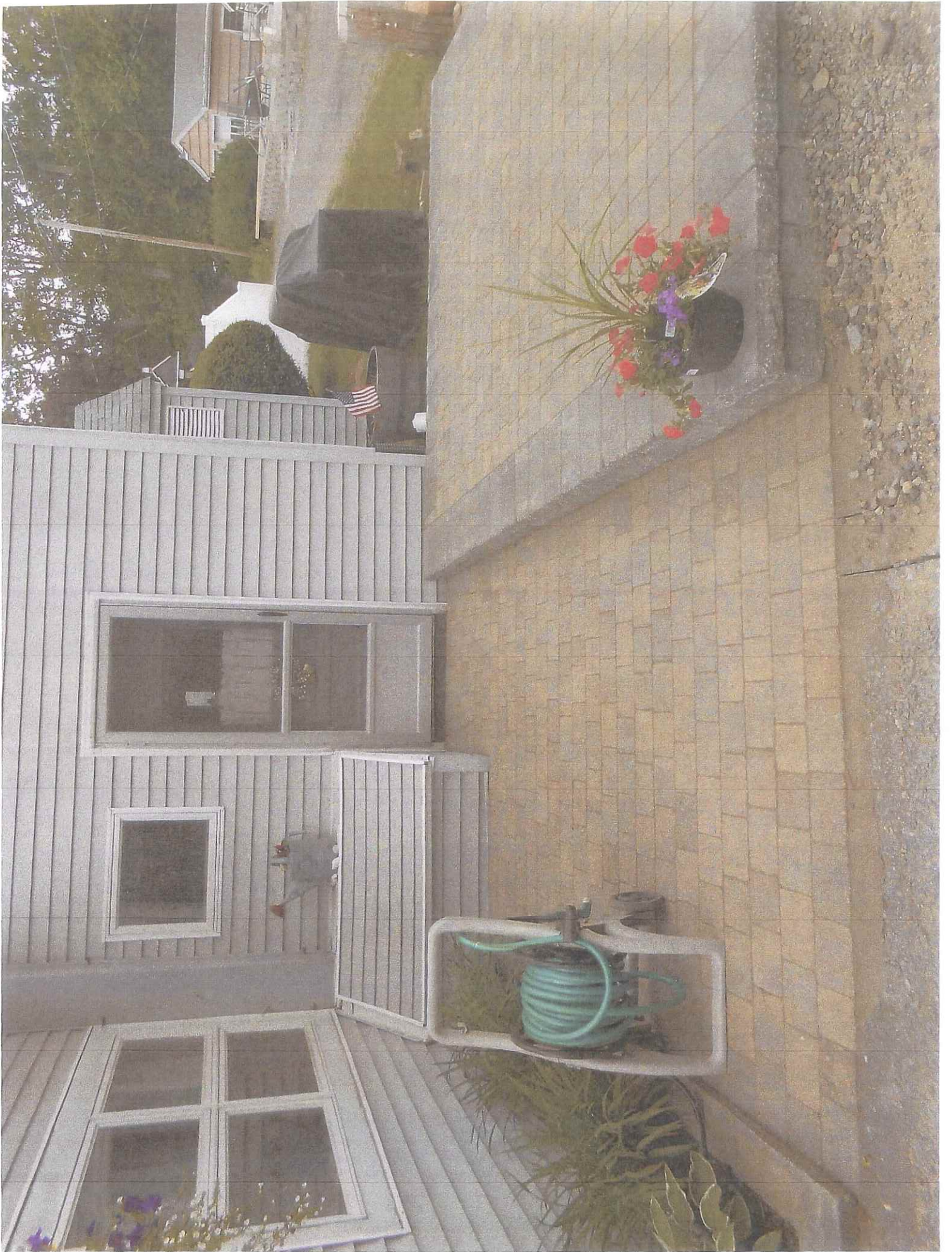
6.0 CONCLUSION

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

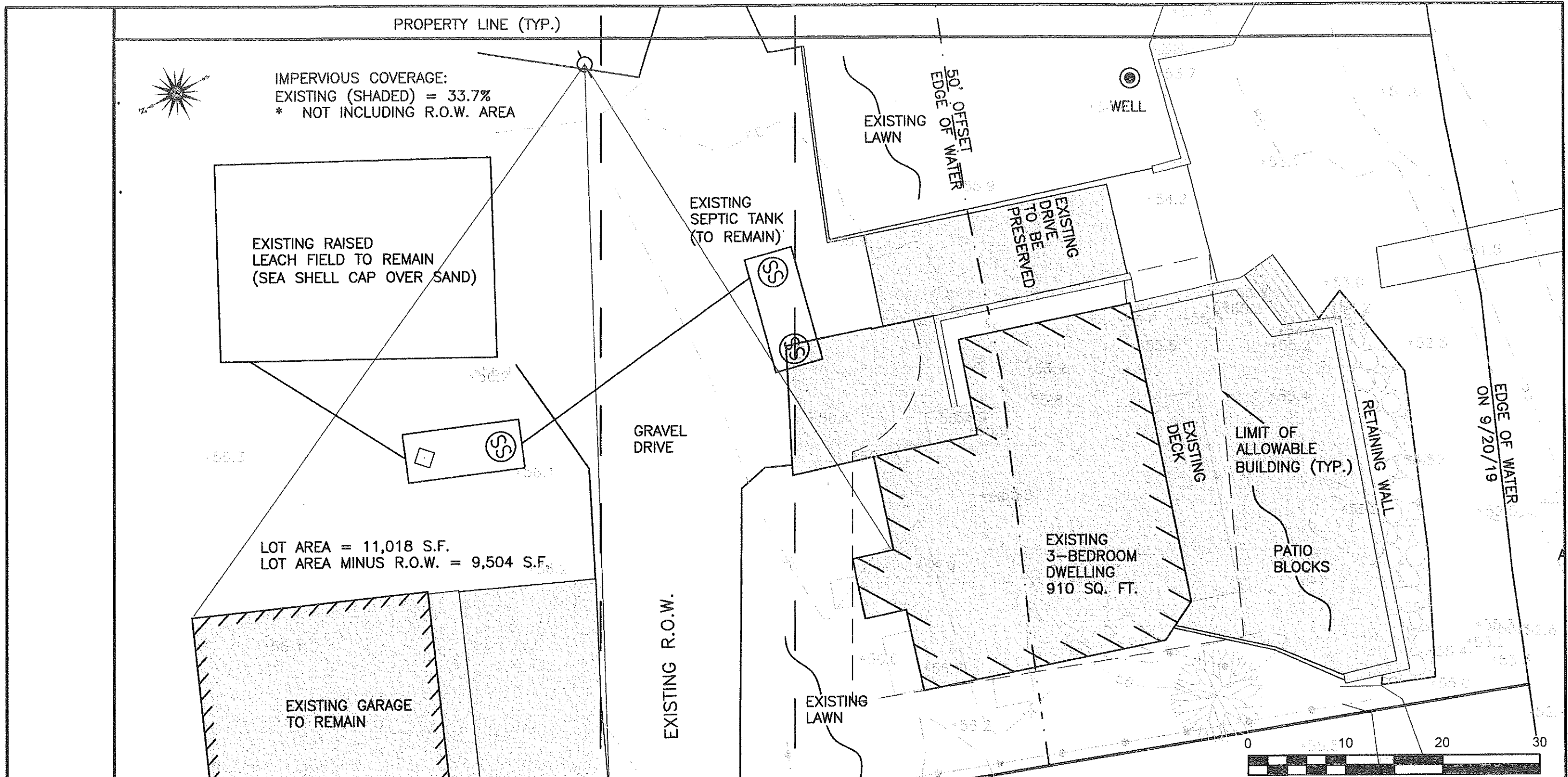









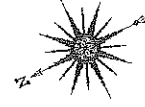




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SCALE: SEE DETAIL	DRAWING TITLE EXISTING CONDITION	SHEET NO. 1 OF 2
DATE: APRIL 3, 2020	PROJECT 103 STAPLES SHORE ROAD LAKEVILLE, MASSACHUSETTS	
DRAWN BY: SWL	CLIENT DON SENA LAKEVILLE, MASSACHUSETTS	PROJECT NO.
DESIGNED BY: RJR	<ul style="list-style-type: none"> • CIVIL ENGINEERING • LAND SURVEYING • ENVIRONMENTAL ASSESSMENT 	
CHECKED BY: RJR		
APPROVED BY: RJR		

Roger R. Jean



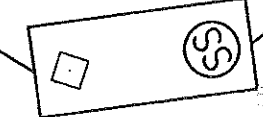
IMPERVIOUS COVERAGE:
 EXISTING = 33.7%
 PROPOSED (SHADED) = 20.7% (1,971 S.F.)
 * NOT INCLUDING R.O.W. AREA

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

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

EXISTING GARAGE
 TO REMAIN

EXISTING PAVEMENT IN
 DRIVE TO BE REMOVED
 AND REPLACED WITH
 SEA SHELLS
 OVER GRAVEL



EXISTING
 SEPTIC TANK
 (TO REMAIN)

GRAVEL
 DRIVE

EXISTING PATIO
 BLOCKS TO
 REMAIN

EXISTING R.O.W.

EXISTING
 LAWN

50' OFFSET
 EDGE OF WATER

WELL

EXISTING
 DRIVE
 TO BE
 PRESERVED

EXISTING PATIO BLOCKS
 TO BE REMOVED AND
 REPLACED WITH LAWN

EXISTING
 11.25'
 10.35'
 10.35'

20.92'
 PROPOSED
 BUILDING LAYOUT
 950 SQ. FT.
 FEMA FLOOD PLAIN
 EL.=56.50
 T.O.F.=57.50
 FIN. FL.=58.00

PROPOSED
 FARMERS PORCH

LIMIT OF
 ALLOWABLE
 BUILDING (TYP.)

RETAINING WALL

EDGE OF WATER
 ON 9/20/19

GROUND UNDER BUILDING TO
 PITCH SOUTHERLY @ 2% SLOPE
 FROM EL. 56.60 AT THE NORTH
 END TO 56.00 AT THE SOUTHERN
 END. FLOOD VENTS TO BE SET
 WITH BOTTOMS AT INTERIOR
 GROUND LEVEL.

PROP. SILT
 FENCE (TYP.)

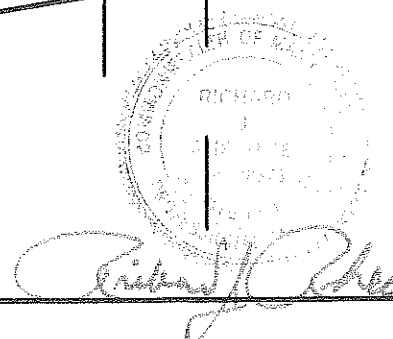
5.91
 EXIST
 6.04
 PROP.


EXISTING
 LAWN

MIN. 2 VENTS PER MAIN WALL
 125 SQ. IN. / VENT X 8 VENTS =
 1000SQ. IN.



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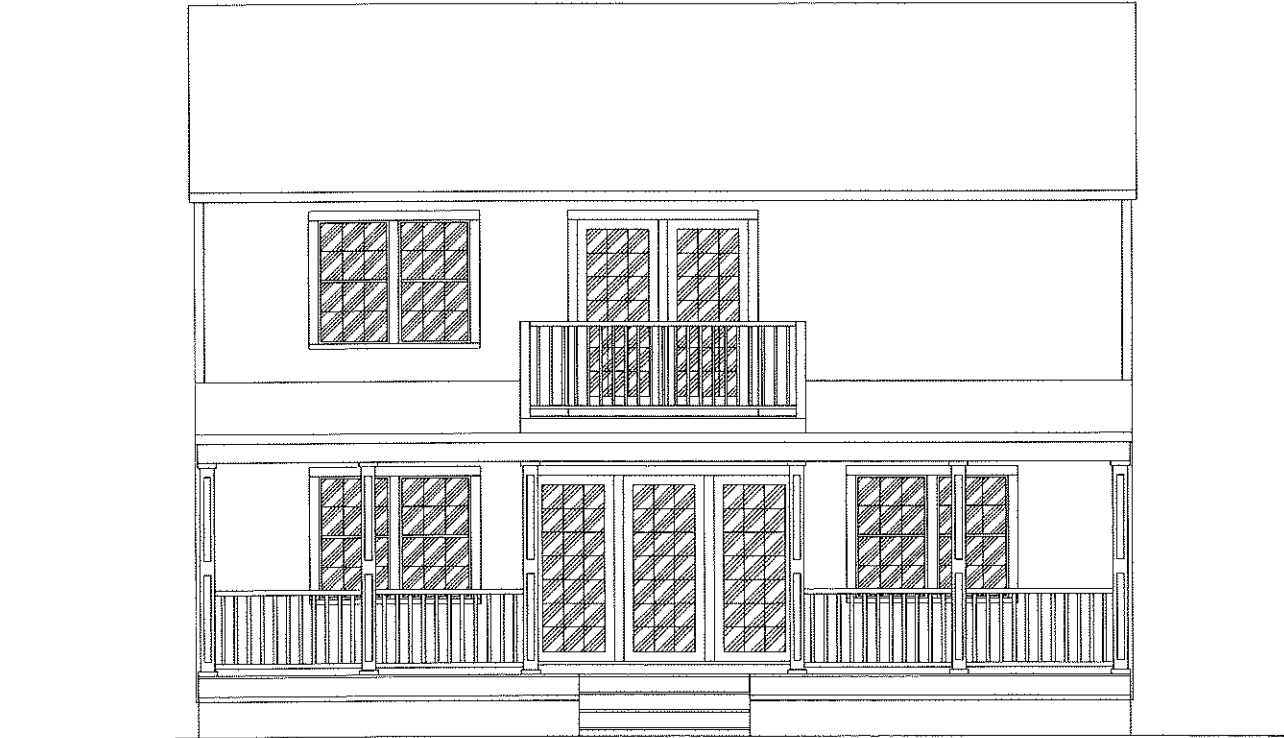


SCALE: SEE DETAIL	DRAWING TITLE PROPOSED DWELLING RECONSTRUCTION
DATE: APRIL 3, 2020	PROJECT 103 STAPLES SHORE ROAD LAKEVILLE, MASSACHUSETTS
DRAWN BY: SWL	CLIENT DON SENA LAKEVILLE, MASSACHUSETTS
DESIGNED BY: RJR	 P.O. BOX 1088 350 BEDFORD ST. LAKEVILLE, MA 02347 TEL: 508.947.0050 FAX: 508.947.2004
CHECKED BY: RJR	
APPROVED BY: RJR	
	SHEET NO. 2 OF 2
	PROJECT NO.



FRONT VIEW

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

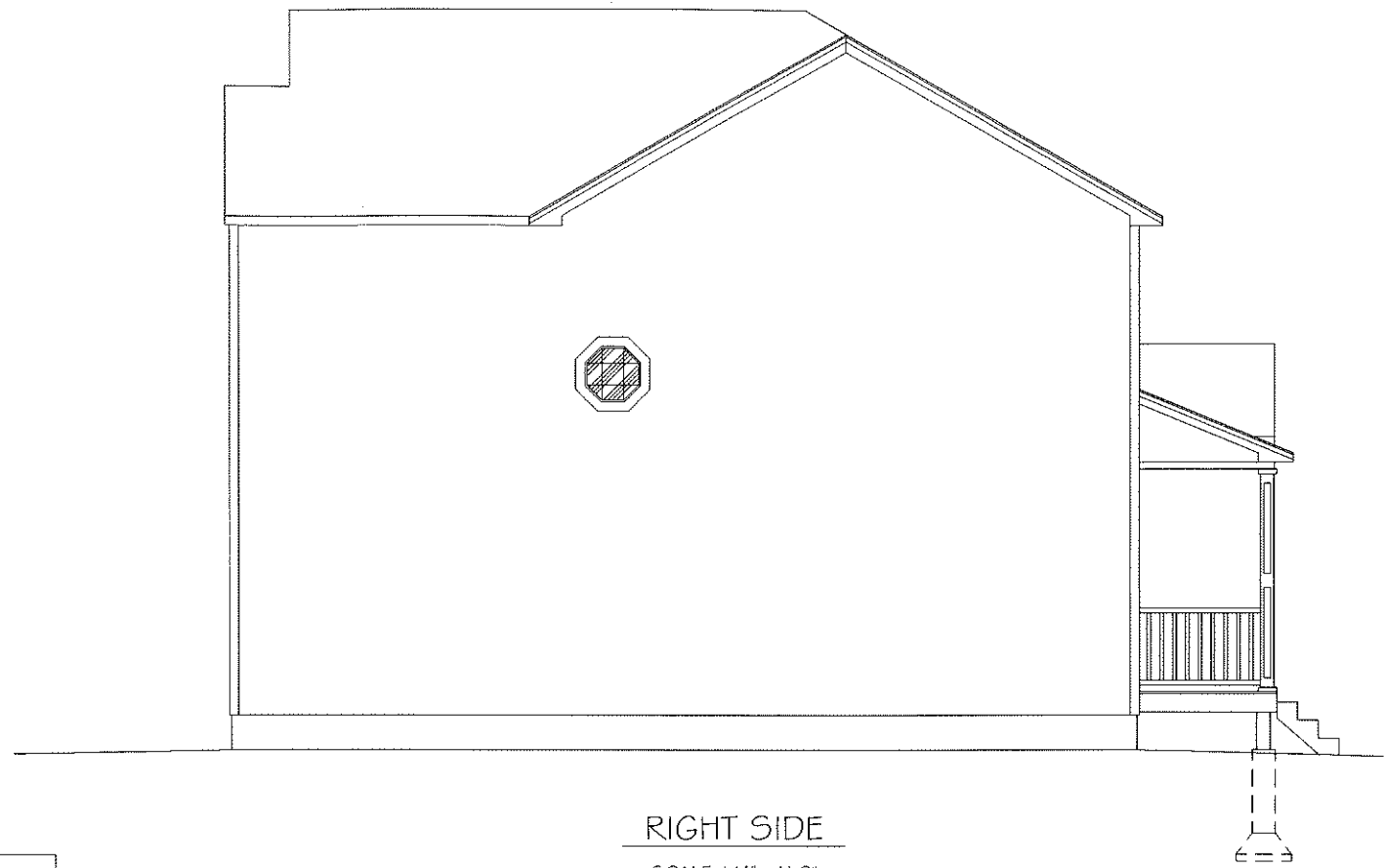


WATER SIDE (REAR)

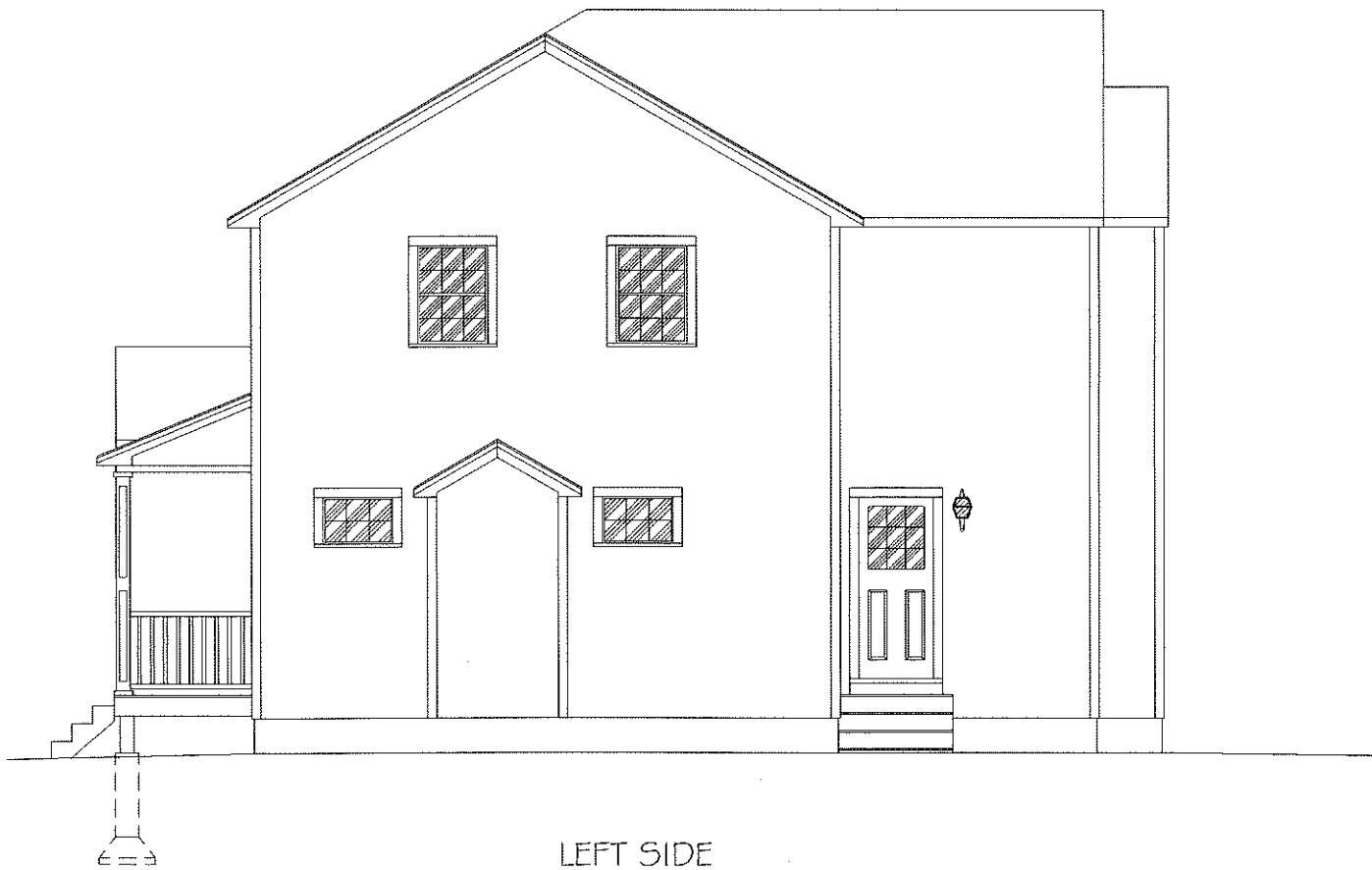
SCALE: 1/4" = 1'-0"

DR. BY: J. ROGERS





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



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



**Zoning Board of Appeals
Lakeville, Massachusetts
Minutes of Meeting
January 16, 2020
Draft Copy**

Members present:

Donald Foster, Chair; David Curtis, Vice-Chair; John Olivieri, Jr., Clerk; James Gouveia, Member; Joseph Urbanski, Associate Member

Atty. Katherine Laughman, Town Counsel was also present

Members absent:

Janice Swanson, Vice-Clerk; Chris Carmichael, Associate Member; Daniel Gillis, Associate Member; Gerry Noble, Associate Member;

Regular Meeting:

Mr. Foster opened the regular meeting at 7:02 p.m. He then stated he was required, in accordance with the Open Meeting Law, to announce that he and the secretary were making an audio recording of the meeting. LakeCAM was making a video recording. He asked if anyone present was making a recording. There was no response.

Ferreira hearing – 1 Patrick Thomas Court

Mr. Foster opened the Ferreira hearing at 7:03 and read the legal ad into the record. Mr. Ferreira advised he would like to build a 28' x 40' garage. He noted the lot had a unique configuration as technically the side is the front of his property because of the frontage on Patrick Thomas. He is asking for 20 feet. There is no impact to any neighbor; the closest would be the dog kennel. If he goes back too much further it goes to his leaching field. He is presently more than ten feet away from it which is required by the Board of Health.

Mr. Foster said he had requested Mr. Ferreira bring in the measurement showing how close the existing dwelling is to that same property line. Mr. Ferreira replied it was 17 feet. Mr. Foster then read the correspondence from various Town Boards into the record. The December 19, 2019, letter from the Board of Health stated they would require the new garage to be 10 feet from the leaching field or a Variance would be needed. Mr. Foster noted the January 13, 2020, memo from the Conservation Commission stated there were no wetlands in the area of the proposed construction. The January 9, 2020, memo from the Planning Board had no comment regarding the petition.

Mr. Foster asked if any significant paving was planned. Mr. Ferreira replied he was not planning on adding additional pavement. Mr. Foster stated that because the house is seventeen feet from that property line that in essence defines a new setback for that one property line. The proposed garage is greater than seventeen feet away so he felt that Mr. Ferreira met the requirement. Mr. Foster asked what Board members thought. Members agreed. He then asked if anyone present would like to speak for or against the petition. No one spoke.

Mr. Ferreira then noted that he had asked for twenty feet but could he move it to seventeen feet if this was approved. Mr. Foster replied the further he was from the property line, the less non-conforming he was. If he was willing to leave it at twenty, they would prefer that option. Mr. Olivieri asked why he would want to move it now. Mr. Ferreira replied it would just give him a little more distance from the leaching field.

Mr. Olivieri then made the motion, seconded by Mr. Curtis, to approve the Special Permit. The setback may be reduced but no less than seventeen feet, in order to meet Board of Health requirements. The **vote was unanimous for.**

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

The hearing closed at 7:12.

Documents distributed for the hearing:

- Petition packet
- Legal ad
- Board of Health Correspondence of December 19, 2019
- Conservation Commission correspondence of January 13, 2020
- Planning Board correspondence of January 13, 2020

Twisted Growers, LLC hearing, continued – 415 Millennium Circle

Mr. Foster opened the continued Twisted Growers, LLC hearing at 7:13. In attendance were the following: Brian Salisbury, attorney; Jamie Bissonnette, engineer from Zenith Consulting Engineers; Scott Baker from Griffin Greenhouse, odor control, Mitch Suzan from ECM Security, Derek Stucki, an odor control specialist, and Dominick Demartino and Dennis Karjanis, founders and owners of Twisted Growers.

Atty. Salisbury advised he had a list of items that the Board had wanted to address. The following were items to discuss: odor mitigation, the water and the amount of usage, electricity and the backup power system, and security. They would begin with odor mitigation. Mr. Baker then addressed the Board. He stated his company was based out of Tewksbury, MA. He has a specialized team that designs and builds medical marijuana grow facilities. The trend now leans toward Controlled Environmental Agriculture (CEA) which is specific to growing medical and food crops under cover.

Mr. Baker stated their grow facilities are multi-faceted, and their grow rooms are independent labs. The term used is box in a box. These units are self-contained. The air flow is continuous and does not leave the pod or building. They are concerned with any airborne microorganisms such as bacteria, pathogens, pollutants, and odors. Their pods typically run between 1,200 and 1,400 square feet and always include a carbon filter. He then distributed some pictures and explained what they were. The first was a cure room where the cannabis is dried. They use two pieces of equipment. The one in the background is a carbon filter which is full of activated carbon. That filter needs to be replaced at least once a year. They recommend every six months. Next to that is a machine that is called the photox. It is used primarily to eliminate all pathogens. It is also a backup for odor control. The canned filter in the background, according to the manufacturer, is 99.9% effective in eliminating odors. Mr. Baker was confident they do control the odor in the pods.

Mr. Baker said that the challenge is when the door is open for access by the grower. When the plants are in full flower, they are producing a stronger smell. The photox can only act so quickly so there might be a little bit of leakage that goes out into their ambient air. Typically, they run at negative pressure and the HVAC system itself is creating that pressure because it is constantly running and circulating the air in the room. It is a self-contained system. There is no pressure that is brought in and no air that is exchanged.

In the ambient air spaces, like the hallways, you have some of that leakage so there is some odor in the hallways. Mr. Stucki would be explaining how they handle that. The most challenging area is the extraction labs. The canned filter and photox are used but struggle to keep up because of the concentration of the extraction. They usually run a specific vent from the extraction lab to the roof of the building and then elevate the discharge anywhere from ten to twenty feet to get it higher in the atmosphere. They use a merv-13 filter. They use them so nothing escapes the building and most importantly they are bringing in fresh air. They are not bringing in any possible pollutants, carbon monoxide, pollen, or anything that might possibly contaminate their crop, so they are filtering both ways.

Mr. Baker advised his team spends a lot of time going to facilities that have been built for a year or two, that they did not build. They do a lot of problem solving and odor mitigation has risen to the top. They are well prepared for it and now have a plan in place. Mr. Baker asked if there were any questions. There were none.

Mr. Derek Stucki then addressed the Board. He stated that odors that do escape cannabis facilities are problematic. He has done a lot of work this past year and odor is increasingly becoming a hot topic. What they bring to the table with *Cannabusters* is oxidative odor elimination. They have an extensive background in trash, landfills, transfer stations, sewer treatment, etc. He asked if he could approach the Board and do a demonstration.

Mr. Stucki explained the active ingredient in oxidative odor elimination is organic, molecule by molecule oxidizers. It is also extremely safe. He sprayed ammonia on a

sample sheet which Board members could smell. He sprayed *Cannabusters* and repeated until Board members could no longer smell the ammonia. He then sprayed it into his mouth to display its safety. He advised one of the ingredients is iodine-2. It oxidizes everything organic, molecule by molecule, on contact. He noted that when the air gets to the roof, by misting their product with high pressure water into the airstream, they can achieve 100% odor elimination.

Mr. Foster asked what the consumption of this would be on a daily, monthly, or yearly basis. Mr. Stucki replied it would depend on how many nozzles they would need to treat the air effectively and would vary based on the size of the facility. He asked if there were any additional questions. There were none.

Mr. Mitch Suzan from ECM Security then spoke. He advised the Board he has been hired by Twisted Growers to provide security for this facility. He presently provides security for two cultivation sites and four dispensaries. He hires mainly retired law enforcement, veterans, and off duty fire fighters. He noted that the Cannabis Control Commission (CCC) requires that security be on site anytime there is anyone in the building. They would be there a half hour before operations start and approximately a half hour after operations end. Right now, they plan on only a day shift with two guards on duty. They are responsible for making sure they are in compliance with the CCC. Their security plan has been submitted with Chief Perkins. Mr. Foster said they had not received any correspondence from the Chief. He asked if there were any questions. There were none.

Mr. Jamie Bissonnette from Zenith Consulting Engineers was present to discuss water usage. He advised he had spoken with Mr. Cathal O'Brien, the Water Supervisor of Taunton Water. Mr. Bissonnette presented an email which Mr. Foster read into the record which confirmed Taunton could supply a demand of 2,000 gallons per day to 415 Millennium Circle. Mr. Foster asked if 2,000 gallons was the expected maximum or if there was a safety margin built in. Mr. Bissonnette replied the expected usage is anticipated to be 1,500 to 1,800 gallons.

The last issue to discuss was the electrical component for the backup power. Mr. Demartino advised they have already purchased a unit. He submitted a copy of the specs for the record. The electrical load for the building is 1500 amps and this machine will be able to run one third of the building. The primary intention of the machine is not to run the entire building but security, cameras, lighting, etc. Mr. Gouveia asked how long before the machine would kick in. Mr. Demartino said when power is shut off the machine will automatically read that and turn power over. These automatic transfer switches are an expensive component so no one manually will be responsible for turning it on.

Atty. Laughman noted that one of the items required in the by-law is emergency procedures, including a disaster plan and if that has received a safety review. Did they need further input regarding that? Mr. Foster said the Police Chief had seen the plan but was unsure if the Fire Chief had checked on it. He felt those were good things to ask for.

Mr. Suzan replied getting a fire system in there and having a fire company monitor it would be part of the building process, which would be required. Atty. Laughman said that it would be more like having a disaster plan in case of a fire emergency and if the Fire Department had reviewed those contingencies and approved them. Mr. Demartino said part of the Certificate of Occupancy process would be having a sign off from the Building Commissioner, Fire Chief, Board of Health etc. This facility will have extensive burglar alarms and fire alarms and typically the Fire Department is the last to sign off. They could be confident that all the requirements will be met.

Mr. Foster asked if they could consider issuing an approval of their plan pending the review by the Fire Chief. Atty. Laughman said they could. Mr. Demartino was fine with that condition. Atty. Laughman noted they had a conversation regarding renewable energy, energy efficiency, and energy conservation plans which were the other elements of the application. Was the Board satisfied those interests had been addressed? Mr. Demartino responded they had met with a company that is using pro-generation along with the ability to run heating, air conditioning, and dehumidifiers with a system that is very energy efficient. They believe by using this company they could cut their power costs in half and reduce their footprint.

Mr. Foster asked for an explanation of cogeneration. Mr. Baker said his team is constantly looking at energy consumption. They don't recommend using the high-pressure sodium which is most commonly found in grow facilities. The energy consumption for an indoor build versus a greenhouse can be 80% higher as they use a lot of lights in these pods. They use LED technology which can cut the electric consumption by 30 to 40%. Regarding the HVAC system, 'dessert aire' is an air conditioner, a heating unit, and a dehumidification piece of equipment. It uses very little energy and is driven by water, either generally a water chiller or a water cooler. They strive for using the least amount of energy.

Mr. Foster said the question was to explain how they use co-generation in a facility like this. Mr. Demartino replied it is a product you can run with natural gas. Mr. Foster said co-generation implies they are going to generate their own power. Mr. Demartino said that was correct, and they were going to do it with natural gas. The engineers have looked at the information that has been laid out to them by Griffin and they are using 1.5 megs which they think they can get down to under a meg and that is through using co-generation and firing off of natural gas. Mr. Foster asked if he had a sense of their savings through from this co-generation process that would compare to a more standard approach. Mr. Demartino replied the savings could be as much as 40%.

Atty. Laughman said that would be all the issues that she had outstanding, except for the noise. She believed there had not been much of a concern because of the location. Mr. Foster asked if there was anyone present that had any questions or concerns regarding the application. No one spoke. He then asked Board members what they would like to do. Were they in a position to vote to either deny or approve? Atty. Laughman recommended they go through the Special Permit criteria and make their findings in respect of that. There are conditions generally outlined in the by-law which would apply

to most applicants. They might want to look through each of them and determine if there is anything in any of the categories they want to add for this particular establishment. Board members asked Atty. Laughman to walk them through the by-law.

Atty. Laughman stated first is hours of operation but because this is a cultivation facility, it is less applicable. The hours in the by-law are 8:00 a.m. to 6:00 p.m. The next one would be odors and that the facility would not generate outside odors. That is the general condition but they might want to make something more specific. Atty. Laughman recommended making a finding that said the Board was comfortable with the odor system that is proposed and presented but the condition that is going to be imposed is there shall not be the generation of outdoor odors. If for some reason these systems are not capable of managing that, it would need to be addressed.

Atty. Laughman continued the third condition is the security plan and emergency procedures shall be approved by the Police Chief and Fire Chief prior to commencing operations. There is a condition that they are required, on an annual basis, to certify to the Police Chief and Fire Chief that there are no changes to the security plan and emergency procedures. When questioned, Atty. Laughman advised that these were the conditions that apply under the bylaw, they are generally incorporated into the decision but if there was any reason the Board would like to elaborate or further condition based on this particular operation, now would be their opportunity to add to it or change it. Atty. Salisbury noted the license is still pending before the CCC, and there is still considerable lead time in getting the building properly situated. He would suggest the annual review be based on the time of the issuance of the occupancy permit. Mr. Olivieri recommended the time be at the discretion of the Police and Fire Chief, the entities involved. Atty. Laughman said the Board could designate the Zoning Enforcement Officer to be the person that makes that happen and any certifications be copied to the Building Commissioner so he could keep track of that. Mr. Foster said that seemed reasonable.

The next item that was discussed was how the Special Permit will not take effect until the applicant has obtained all final license approvals or final certificates of registration from the CCC. Atty. Laughman said they might want to clarify if they can obtain a building permit in order to start building out the facility. Mr. Demartino said he understood he would be building at his own risk. Atty. Laughman continued that the Special Permit shall have a term limited to the duration of the applicant's ownership and use of the premises for the approved marijuana use. The permit can only be transferred with the approval of the Zoning Board of Appeals in the form of an amendment to the Special Permit. Mr. Foster wanted to make sure the applicant was agreeable to that. Atty. Salisbury replied that condition was expected. Atty. Laughman said that the permit shall also lapse upon the expiration or termination of the applicant's license by the CCC.

Atty. Laughman noted that those were all the conditions of the bylaw. If the Board wanted to condition this in any other way, now was the opportunity to discuss that. Mr. Foster asked if there were things that they should be considering that they haven't. She replied that she thought they had addressed a lot of these issues at least in concept in

terms of odor, water, electrical usage, etc. She didn't know if they needed to impose any additional conditions to ensure that there is on-site containment of odor. Regarding energy and water usage, some communities have imposed conditions in those areas, otherwise it is open for discussion and encouragement for there to be best practices in place without taking the extra step of imposing specific conditions.

Mr. Foster stated he is comfortable with what was said in regard to odor. He was not sure how you can measure odor and how to know when they were out of compliance. Atty. Laughman replied if the condition is odor must be controlled on site, and you are receiving complaints from people off-site that they can detect it. It was noted that would be subjective for each person. Ms. Rita Garbitt then asked how the issue of odor had been handled with the Permit for Nature's Remedy. Atty. Laughman replied that she recalled that it had been the Building Inspector who had been designated as the individual who would make the judgement call as to whether or not there was a violation. Mr. Olivieri suggested then it be consistent with how it had been handled before.

Atty. Laughman then advised that under 7.4 there are findings that the Board typically has to make for a Special Permit. She encouraged the Board to discuss the facts of this application that support a finding that the use is not noxious, harmful, or hazardous. Mr. Foster felt they had touched on that both last month and this month. In his opinion, the question of socially and economically desirable, in this specific topic, is up to judgement and certainly conforms with the current trend in the laws and conforms to the desirability of many people in the public.

Mr. Foster then discussed if the advantages of the proposed use outweighed any detrimental effects but they did not know what would go in there if the Special Permit was denied. Mr. Olivieri noted they had some of the neighbors present last month and he thought if it was going to be a real detriment, they would have heard from them. They did have some questions but had seemed to be supportive. There is also no one present tonight to speak against it. Atty. Salisbury added he would suggest the current existing use is more impactful than this will be.

Mr. Foster read 7.4.1.3 which was the applicant has no reasonable alternative available to accomplish this purpose in a manner more compatible with the character of the immediate neighborhood. He felt this was an industrial use and many layers of protection had been installed for this use. Was there any discussion from Board members? Mr. Urbanski said there had been no discussion concerning the use of chemicals and fertilizers, and what would happen if something went wrong with those materials.

Mr. Baker replied because cannabis is a medical/food crop there are no pesticides they can currently use on the crop. For their insect control, they use predatory insects. They use all biologicals for crop protection, whether that be a fungicide, or an insecticide. On the fertilizer side of this, they do not use ammonium nitrate, but use blended fertilizers that are well documented and commonly used in greenhouses. Mr. Baker continued when they water and irrigate the plants, they do not have any runoff. They do what is

called micro-irrigation and pulse feed the plants. There is no waste of water or fertilizer. He noted also that after harvest the crop must go to a State certified lab where diagnostics are used to look for heavy metals, mold, or any other contaminant. If it fails, the crop must be destroyed or it has to go to extraction for the oils. In that process, the mold can be eliminated. As the CCC process is so strict, they cannot afford to make any mistakes so there is no chemistry being used.

Ms. Garbitt asked about the process of the disposal outside of any product. Mr. Baker responded the CCC requires that all waste has to be chopped up into small pieces, and it has to go to a composting center. They are not allowed to put any material into dumpsters. All non-use cannabis parts are ground up and many facilities try to find a farm that can compost it because they do not want it put into the waste stream. The CCC wants that removed weekly. Mr. Suzan added it will go into a dumpster under lock and key. The key will be with security and the dumpster monitored. Mr. Olivieri asked if there is any odor. Mr. Baker said there is not. The root system and stalk have no fragrance of any kind. Mr. Foster asked if there was any history of security problems with people trying to break into these dumpsters. Mr. Suzan replied there had not been any such issues.

Atty. Laughman noted that the CCC does regulate that process quite vigorously. She then read through some of the conditions from the Nature's Remedy Special Permit decision for the Board's information.

Mr. Curtis then made the motion, seconded by Mr. Olivieri, to grant a Special Permit to the applicant for a cannabis cultivation facility for adult use marijuana. The conditions of the bylaw will be incorporated with the modifications as discussed by the Board. Mr. Foster stated this list of conditions which the petitioner has agreed to will be attached. **The vote was unanimous for.**

Mr. Olivieri made a motion, seconded by Mr. Curtis, to close the hearing. **The vote was unanimous for.**

The hearing closed at 8:20.

The next item discussed was the draft application and checklist for marijuana uses. Atty. Laughman and Ms. Murray clarified originally this had been drafted for the Planning Board when they had been the Special Permit Granting Authority (SPGA). Since that time, it had been modified to reflect the change to the Zoning Board as the SPGA and simplified to make it more user friendly.

Mr. Olivieri made a motion, seconded by Mr. Urbanski, to approve the Special Permit application draft for marijuana uses. **The vote was unanimous for.**

Ms. Murray also noted that next month the Betts would appear in front of the Board. Members briefly discussed the case. The Betts had received a Special Permit and Variance in the Board's prior decision which had been appealed. Atty. Laughman

advised the Court had upheld the Special Permit but the Variance had been overturned. The re-application states the project does not require a Variance. That is the question the Board will have to decide and make a finding on. Ms. Murray clarified it would then be advertised as a modification to the original decision. Atty. Laughman said that was correct.

Mr. Foster then adjourned the meeting at 8:30.

The Estates at LeBaron Hills

Homeowners Association

June 5, 2020

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

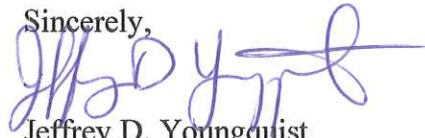
Re: "The Estates at LeBaron Hills" Phase III

Dear Board Members,

We, the residences of "The Estates at LeBaron Hills," are requesting a plan modification to eliminate all sidewalks on Hybrid Drive, Ironwood Lane, Putter Way, Bunker Lane and Wedge Drive and to eliminate the proposed 42" high chain link fence behind lots 7 through 17 and 25 through 36 as shown on "The Estates at LeBaron Hills, Phase III, a Residential Subdivision in Lakeville, Mass." dated 2/1/16 and revised through 5/10/17 by Outback Engineering, Inc.

We look forward to meeting with the Board to discuss these revisions. If you have any questions or comments, please contact me, Jeffrey Youngquist, at (508) 369-6096.

Sincerely,



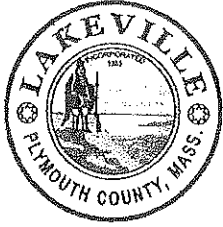
Jeffrey D. Youngquist
#15 Hybrid Drive

LeBaron Hills Phase III Residences:

LOT	ADDRESS	SIGNATURE	SIGNATURE
1			
2			
3			
4			
5			
6	6 Ironwood Lane	Paulla McManis	Ken McManis
7	7 IRINWOOD Lane	Susan Turner	
8			
9			
10			
11			
12	25 HYBRID DRIVE	Jeffrey Youngquist	Nancy Youngquist
13	17 Hybrid Dr.	Paul Grulli	Joanna Anelli

LOT	ADDRESS	SIGNATURE	SIGNATURE
14	19 Hybrid Dr	Judith Lichtenfeld	Robert Lichtenfeld
15	21 Hybrid Dr	John DuChane	John DuChane
16	23 Hybrid Dr	JTB	Lisa P. Cohen
17	25 Hybrid Dr	CUNO	Kevin Medeiros
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65	26 Hybrid Drive	<i>[Signature]</i>	<i>[Signature]</i>
66	24 Hybrid Drive	Knatt Hollingsworth-Murray	Paul Moore
67	22 Hybrid Drive	<i>[Signature]</i>	Rob <i>[Signature]</i>
68			
69	X18 HYBRID DR	William Potney	SUE RABINOWITZ
70			
71	14 Hybrid Dr	Philip R. Dooley	Philip R. Dooley
72	12 Hybrid Dr.	<i>[Signature]</i>	Armando <i>[Signature]</i>
73			
74			
75	6 Hybrid Drive	<i>[Signature]</i>	
76			
77			



Town of Lakeville


Town Office Building

346 Bedford Street

Lakeville, Massachusetts 02347

OFFICE OF
SELECTMEN
TELEPHONE 508-946-8803
FAX 508-946-0112

TO: Zoning Board of Appeals

FROM: Maureen Candito, Town Administrator 

DATE: July 7, 2020

SUBJECT: 43D Committee Representative

At your next available meeting, please elect a member of the Zoning Board of Appeals to serve as a 43D Committee Representative for the Hospital project.

I am attaching the complete Permitting Guidebook as well as the DOD document. Please have your members familiarize themselves with the content prior to electing a representative.

Thank you.

TOWN OF LAKEVILLE

43D PRIORITY DEVELOPMENT SITE PERMITTING GUIDEBOOK

APRIL 2020

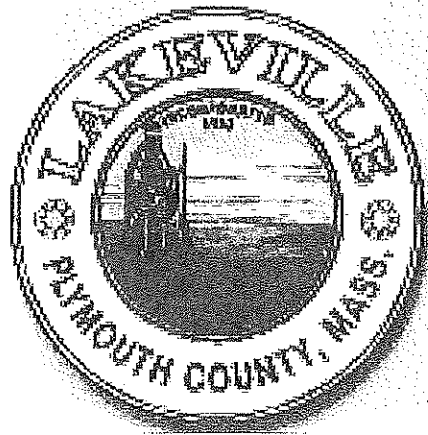


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TOWN OF LAKEVILLE
43D PRIORITY DEVELOPMENT SITE
PERMITTING GUIDEBOOK

INTRODUCTION

The purpose of this guidebook is to summarize the various staff persons, departments and boards involved with the development process in the Town of Lakeville. The development process requires that a number of permits, approvals and licenses be obtained for nearly every development project; only the most common ones related to land based development are summarized in the guidebook.

We hope this guidebook is a valuable tool for anyone pursuing residential, commercial or industrial development. For detailed information, please contact Rita Garbitt, Town Administrator. For contact information see page 5.

Disclaimer: The Town of Lakeville's General Bylaws, Zoning Bylaws, and the Rules and Regulations Governing the Subdivision of Land within the Town of Lakeville, as applicable, take precedence over any information contained within this guidebook in any conflict between them.

Permits Coordinator

The Permits Coordinator is the first point of contact when developing a project proposal or applying for a permit. This position acts as a single point of reference and contact for all development related permit information. Throughout the development, the Permits Coordinator acts as a liaison between an applicant and the Town permit-issuing authorities. The Coordinator helps applicants track where an application is in the process, as well as, when a decision can be expected to arrive.

Contact: Rita Garbitt, Town Administrator
Email: rgarbitt@lakevillema.org

Address: 346 Bedford Street
Lakeville, MA 02347

Phone: 508-946-8803 **Fax:** 508-946-0112

Office Hours: Mon - Thurs: 9:00 AM – 5:00 PM
Fri: 9:00 AM - 1:00PM

Meetings Calendar

This calendar shows the meeting time and place for several municipal boards and commissions meet during the four weeks of any given month. Check calendar on Town website for dates.

	<u>Monday</u>	<u>Tuesday</u>	<u>Wednesday</u>	<u>Thursday</u>	<u>Friday</u>
Week 1	Board of Selectmen 7:00 PM Town Offices [every other Monday]	Planning Board 7:30 PM Town Office Conference Room			
Week 2		Conservation Commission 7:00 PM Lakeville Public Library	Board of Health 6:00 PM BOH Office Town Offices		
Week 3	Board of Selectmen 7:00 PM Town Offices [every other Monday]	Planning Board 7:30 PM Town Office Conference Room	Historical Commission 7:30 PM Town Office Conference Room	Board of Appeals 7:00 PM Lakeville Library	
Week 4		Conservation Commission 7:00 PM Town Office Conference Room (as needed)			

Board of Selectmen: Every other Monday at 7:00 PM; Town Office - Selectmen's Office

Board of Appeals: Third Thursday of every month at 7:00 PM; Lakeville Library

Board of Health: Second Wednesday of every month; more often if needed at 6:00 PM; Town Office – Board of Health Office

Board of Water Commissioners: As Needed; Town Office - Selectmen's Office

Conservation Commission: Second Tuesday of every month at the Public Library; Fourth Tuesday as needed at 7:00 PM at the Town Offices.

Historical Commission: 3rd Wednesday of every month at 7:30 PM; Town Office Conference Rm

Planning Board: 1st and 3rd Tuesday at 7:30 PM; Town Office Conference Rm

Permit Matrix

	Board of Appeals	Board of Health	Board of Selectmen	Building Department/ Inspections	Conservation Commission	Fire Department	Planning Board
40R SGOD							x
Alcoholic Beverages License			x				
Appeals	x						
Automatic Amusement Devices			x				
Automobile Dealer's License			x				
Body Art		x					
Building Permit				X			
Certificate of Compliance		x					
Certificate of Occupancy				X			
Common Victualer		x					
Comprehensive Permit	x						
Curb Cut Permit			x				
Demolition Permit				X			
Determination of Applicability					x		
Dumpster Permit		x					
Earth Removal Permit			x				
Entertainment License			x				
Fire Alarm Installation Commercial						x	
Fire Suppression System/Sprinkler Installation						x	
Food Establishment		x					
Gas Permit				X			
Livery License			x				
Mechanical Permit				X			
Order of Conditions					x		
Order of Resource Delineation					x		
Percolation Test		x					
Plumbing Permits/Inspection				X			
Septic System Installation		x					
Sign Permit				X			
Simplified Permit					x		
Site Plan Review							x
Special Permit	x						
Storage Trailer			x				
Subdivision Control							x
Temporary Mobile Home Permit			x				
Trench Permit		x		X			
Underground Storage Tank			x			x	
Well Permits		x					
Wiring Permit				X			
Zoning Variance	x						

PROCEDURES

This section contains summaries and flow charts for permitting procedures commonly needed for the development of industrial, commercial and mixed-use projects in the Town of Lakeville.

PERMITTING PROCEDURES FOR CHAPTER 43D
PRIORITY DEVELOPMENT SITES

I. Program Establishment

Purpose.

These rules and regulations outline the standards and procedures for the projects to be located within the Priority Development Site(s) as designated by the Town of Lakeville Town Meeting and the State of Massachusetts Interagency Permitting Board under the M.G.L. Chapter 43D Expedited Permitting program. The Board of Selectmen, as the governing board of the Town of Lakeville, is charged with establishing procedures to determine all the permits, reviews and predevelopment reviews required for a project; establishing a procedure for determining if all the materials required for the review of the project have been completed and establishing a procedure to allow for all local permitting decisions for PDS projects to be issued within 180-calendar-days of submission of a completed application per 400 CMR 2.00 Expedited Permitting; establishing, as needed, a Priority Development Committee and a point of contact to act as a liaison in the review and permitting process.

II. Definitions

DALA: The Division of Administrative Law Appeals (DALA)

Interagency Permitting Board: The Interagency Permitting Board was created by M.G.L. Ch. 43D to oversee the implementation of the Expedited Permitting program. The Board reviews and approves or denies municipal Priority Development Site (PDS) proposals and administers the Technical Assistance grants. The Board also monitors the development of Priority Development Sites as provided for in Chapter 43D and investigates ways in which to expedite priority development site projects. The members of the Board are comprised of the State Permit Ombudsman, who serves as the Chair, the Secretary of Housing and Economic Development, the Secretary of Transportation, the Secretary of Energy and Environmental Affairs, the Secretary of Public Safety, the Director of the Department of Housing and Community Development, the Director of the Office of Business Development, the Secretary of the Department Labor and Workforce Development, the Director of the Office of Consumer Affairs and Business Regulation, the Chair of the Commonwealth Development Coordinating Council, and the Executive Director of Massachusetts Development, or their designees.

Issuing Authority: The Issuing Authority is the local board, commission, department or other municipal entity that is responsible for issuing permits, granting approvals or is otherwise involved in land use development including redevelopment of existing buildings and structures.

Parties to the Proceedings: Parties to the proceedings are any person or persons who provided testimony or submitted written comments on record during a Public Hearing held by the individual Issuing Authorities for the project.

Permits Coordinator: The Town Administrator serves as the Permits Coordinator for the Town of Lakeville Priority Development Sites. The Permits Coordinator serves as:

- Liaison between municipal staff, local board members, and the general public
- "One stop shop" for all permits information and applications and makes available the requirements for each permit.
- The coordinator of joint scoping sessions, consolidated hearings, and/or Priority Development Committee meetings
- To continue to review processes, identify methods to further streamline the permitting process, perhaps including a computerized permit tracking

Permit: A permit is a formal determination, order of conditions, license, certificate, authorization, registration, plan approval, zoning relief or other approval or determination with respect to the use, development or redevelopment of land, buildings, or structures required by any Issuing Authority including but not limited to those under statutory authorities contained in Sections 81A to 81J, inclusive, of Chapter 40A, and Sections 81X to 81GG, inclusive, of Chapter 41, Sections 40 and 40A of Chapter 131, Sections 26 to 32, inclusive.

Project Review Committee (PRC): The Project Review Committee increases the communication and cooperation between departments and boards with permit granting and approval responsibilities. Members shall include, but may not be limited to, the Board of Selectmen representative, Board of Health representative, Economic Development Committee representative, Conservation Commission representative, Building Commissioner, Fire Department representative, and Police Department representative. This committee shall not include a member of the Zoning Board of Appeals.

A developer meets with the Project Review Committee *prior to* the submittal of permit applications in order to:

- Identify necessary permits for a project
- Identify critical issues and/or problems

III. Applications and Completeness Review

Fees:

A non-refundable application fee of \$400.00 shall accompany an application package submitted to the Permits Coordinator to defray the costs of processing the applications and carrying out the duties as required by the Expedited Permitting Law, M.G.L. Ch. 43D.

Prior to Application Submittal:

- A. A developer shall contact the Permits Coordinator for preliminary information on the permitting process for projects to be located within a Priority Development Site and to receive the Permitting Guide that includes a comprehensive packet of permit applications. The Permits Coordinator shall also coordinate a pre-application meeting between the developer and the Project Review Committee.
- B. A developer shall meet with the PRC for a preliminary discussion to identify applicable permits for a project, as well as relevant Town bylaws, zoning bylaws, rules and regulations or specific permit requirements that may apply to the proposed project and may be relevant to application preparation.
- C. An applicant shall not submit a final application package to the Town for thirty (30) days. During this time, a follow-up meeting with the PRC may be requested by the developer prior to submitting an application to review a preliminary application package for any additional items that may be needed by the Issuing Authorities for their project review and decision.

Upon Application Submittal:

Determine completeness of the application(s)

- A. The application package shall be submitted to the Town Clerk and a copy of the application package, including the date and time of filing certified by the Town Clerk, shall be filed forthwith by the petitioner with the Permits Coordinator. The Permits Coordinator shall send notice to the Board of Selectmen that an application package has been submitted.
- B. The submittal of an application packet begins a twenty (20) business day period to determine the completeness of the applications, which shall be done in the following manner:
 - 1. Upon submittal, the Permits Coordinator shall coordinate a meeting of the Project Review Committee.
 - 2. The members of the PRC, as representatives of the pertinent Issuing Authorities, shall review the application and forward to the Permits Coordinator a notice of completeness within fifteen (15) business days.
 - 3. If the application is deemed incomplete, a detailed listing of items necessary to complete the application shall be forwarded to the Permits Coordinator.
 - 4. The Permits Coordinator shall send notice to the Board of Selectmen as to the completeness of an application package.
- C. The Permits Coordinator, acting for the Board of Selectmen, shall notify the applicant and the Interagency Permitting Board by certified mail of completeness. If the applicant is not notified by certified mail as to the completeness of the application within twenty (20) business days, then the application is deemed to be complete.

1. If complete, the 180-calendar-day review period commences the day after notice is mailed or, if the applicant is not notified, then the day after the twentieth (20th) business day.
2. If deemed incomplete, the Permits Coordinator shall notify the applicant in writing by certified mail and shall:
 - i. Include an explanation as to why the application is incomplete, and request information necessary to complete the application
 - ii. Notify the applicant that a resubmission of an application package begins a new 20-business-day completeness review period.
 - iii. Send notice by certified mail to the Interagency Permitting Board.

Application Review

- A. Once deemed complete, the Issuing Authorities must complete the local permitting processes within 180-calendar-days after the certified notice of completeness is sent.
- B. The 180-calendar-day review period may be extended, if a previously unidentified permit or review has been determined necessary within the first 150-calendar-days.
 1. Send immediate notice to the applicant by certified mail;
 2. Extension for maximum of 30-calendar-days;
 3. If a public hearing is required, then the required action date shall be not later than thirty (30) days from the later of the close of the hearing or comment period, which shall be scheduled to commence as quickly as publication allows.
- C. The 180-calendar-day review may be suspended when an Issuing Authority determines:
 1. Pending judicial proceedings affect the ability of the Issuing Authority or applicant to proceed with the application.
 2. Enforcement proceedings that could result in revocation of an existing permit for that facility or activity or denial of the application have been commenced.
 3. When reason for extension is no longer applicable, notify the applicant, by certified mail, and the complete decision within the time period specified beginning the day after the notice to resume is issued by the Project Review Committee.
- D. Automatic grant of approval:

1. An application shall receive an automatic grant of approval when an Issuing Authority fails to take final action within the 180-calendar days.
2. An automatic grant of approval shall be only for the permit before the Issuing Authority that failed to make a decision within the required timeframe, not a blanket approval for the entire application.
3. An automatic grant of approval shall not occur:
 - Where there has been a timely determination that the application is incomplete,
 - If the Issuing Authority determines that the application has been so modified that it cannot make a decision, or
 - If the Issuing Authority determines that the application contains false or misleading information.
 - i) The IPB and the applicant shall be notified by certified mail.
 - ii) Notice shall be forwarded to the Permits Coordinator, who shall then forward notice to the Board of Selectmen.
 - iii) The applicant may appeal this determination to the Land Court.
 - iv) Pending the court ruling, the 180-calendar-day review period shall be suspended.
 - v) If the appeal is decided in favor of applicant, the 180-calendar-day review shall resume.
 - vi) If the appeal is decided in favor of the Town of Lakeville, the 180-calendar-day review process is waived.

IV. Project Review and Decision

The local permitting process must be completed within 180-calendar-days after the certified notice of completeness is sent, or the 20-day-completeness review period has expired and the applications are deemed to be complete. This period may be waived or extended for good cause upon written request of the applicant with the consent of the Board of Selectmen and the Issuing Authority, or upon written request of an Issuing Authority with the consent of the applicant.

The 180-calendar-day review period may be extended by the Board of Selectmen and an Issuing Authority, if a previously unidentified permit or review or information has been determined necessary within the first 150-calendar-days of the process. When a Board of Selectmen determines that a previously unidentified permit is necessary, the Board of Selectmen must send immediate notice of such additional requirements to the applicant by certified mail and copy the Interagency Permitting Board. The Board of Selectmen may exercise the extension for a maximum of 30-calendar-days. Where public notice and comment or hearing are required for the previously unidentified permit, the required action date shall be not later than thirty (30) days from the later of the close of the hearing or comment period, which shall be scheduled to commence as quickly as publication allows.

The 180-calendar-day review period may be extended when an Issuing Authority determines that:

- 1) action by another federal, state or municipal government agency not subject to this act is required before the Issuing Authority may act;
- 2) pending judicial proceedings affect the ability of the Issuing Authority or applicant to proceed with the application; or
- 3) enforcement proceedings that could result in revocation of an existing permit for that facility or activity or denial of the application have been commenced. In those circumstances, the Issuing Authority shall provide written notification to the Secretary of EOHED and the Interagency Permitting Board by certified mail.

When the reason for the extension is no longer applicable, the Issuing Authority shall immediately notify the applicant, the Secretary of the Executive Office of Housing and Economic Development, and the IPB by certified mail, as well as the Board of Selectmen and shall complete its decision within the time period specified in this section, beginning the day after the notice to resume is issued by the Board of Selectmen.

If the Board of Selectmen, in consultation with the Issuing Authority, has determined that substantial modifications to the project since the application render the Issuing Authority incapable of making a decision on an application, an extension of the 180-calendar-day review period may be granted by the IPB for demonstrated good cause at the written request of the Issuing Authority. The Issuing Authority shall provide terms for the extension including the number of additional days requested. Within ten (10) business days of receipt of the request, the IPB, or permitting ombudsman if designated by the Board, shall respond to the Issuing Authority with an extension determination.

If the applicant makes a substantial modification to a project for the purpose of public benefit, the Issuing Authority may request an extension from the IPB, and if granted, shall make every reasonable effort to expedite the processing of that permit application.

V. Permit Modifications

Issuing authorities shall make every reasonable effort to review permit modification requests within as short a period as is feasible to maintain the integrity of the expedited permitting process. An Issuing Authority shall inform an applicant within 20-business-days of receipt of a request whether the modification is approved, denied, determined to be substantial or requires additional information for the Issuing Authority to issue a decision. If additional information is required, the Issuing Authority shall inform an applicant by certified mail within 20-business-days after receipt of the required additional information whether the modification is approved or denied or

that further additional information is required by the Issuing Authority in order to render a decision.

VI. Automatic Grant of Approval

Failure by any Issuing Authority to take final action on a permit within the 180-calendar-day review period, or properly extended review period, shall be considered a grant of the relief requested of that authority.

- A. Within fourteen (14) days after the date of expiration of the time period, the applicant shall file an affidavit with the Town Clerk.
- B. The affidavit shall include:
 - 1. the application,
 - 2. the facts giving rise to the grant, and
 - 3. state that notice of the grant has been mailed, by certified mail, to all parties to the proceedings as defined in Section II and all persons entitled to notice of hearing in connection with the application as defined in Section II and to the Board of Selectmen.

An Issuing Authority may not use lack of time for review as a basis for denial of a permit if the applicant has provided a complete application and met all other obligations in accordance with this chapter.

The automatic grant of approval shall not occur when it is determined that:

- A. The application packet is not complete, and the applicant does not provide the requested information within 90 calendar days.
 - 1. The Permits Coordinator shall forward notice to the Board of Selectmen.
 - 2. The Permits Coordinator shall notify the IPB and the Applicant by certified mail of the discontinuance of the permit process.
- B. The Permits Coordinator, in consultation with the Issuing Authority, has determined that substantial modifications to the project since the application render the Issuing Authority incapable of making a decision on an application.
 - 1. Notice shall be forwarded to the Board of Selectmen.
- C. The Permits Coordinator has determined that a final application contains false or misleading information.
 - 1. The Permits Coordinator shall forward notice to the Board of Selectmen.
 - 2. The Permits Coordinator must submit a statement of findings to the IPB by certified mail and copy the applicant by certified mail.

3. Such a finding may be appealed in Land Court on a motion of the applicant. Pending a court's ruling, the 180-calendar-day review period shall be suspended.
4. If a court rules in favor of the appellant, the 180-calendar-day review period shall resume. If the court rules in favor of the Board of Selectmen, the 180-day review process shall be waived.

VI. Appeals

Appeals of an Issuing Authority's decision or from an automatic grant of approval shall be filed within 20-calendar-days after the last individual permitting decision has been rendered, or within 20-calendar-days after the conclusion of the 180-day period, whichever is later. The 180-day period shall be increased by the number of days in any extension granted under this chapter.

The applicant or any person aggrieved by a final decision of any Issuing Authority, or by the failure of that authority to take final action concerning the application within the time specified, whether or not previously a party to the proceeding, or any governmental officer, board, or agency, may appeal to the Division of Administrative Law Appeal, (DALA) by bringing an action within 20-calendar-days after a written decision was or should have been rendered. Appeals from decisions of multiple permitting authorities shall be filed simultaneously and shall be consolidated for purposes of hearing and decision. This section shall not apply to appeals pursuant to Chapter 131, Sections 40 and 40A, which shall continue to be appealed in accordance with said Chapter 131, Chapter 30A and applicable regulations.

The DALA shall render a final written decision within 90 days of the receipt of the appeal. Thereafter, an aggrieved party may appeal to the Superior Court or to the Land Court in accordance with Chapter 185, Section 3A, by bringing action within twenty (20) days after a written decision was or should have been rendered.

VII. Permit Transfers and Renewals

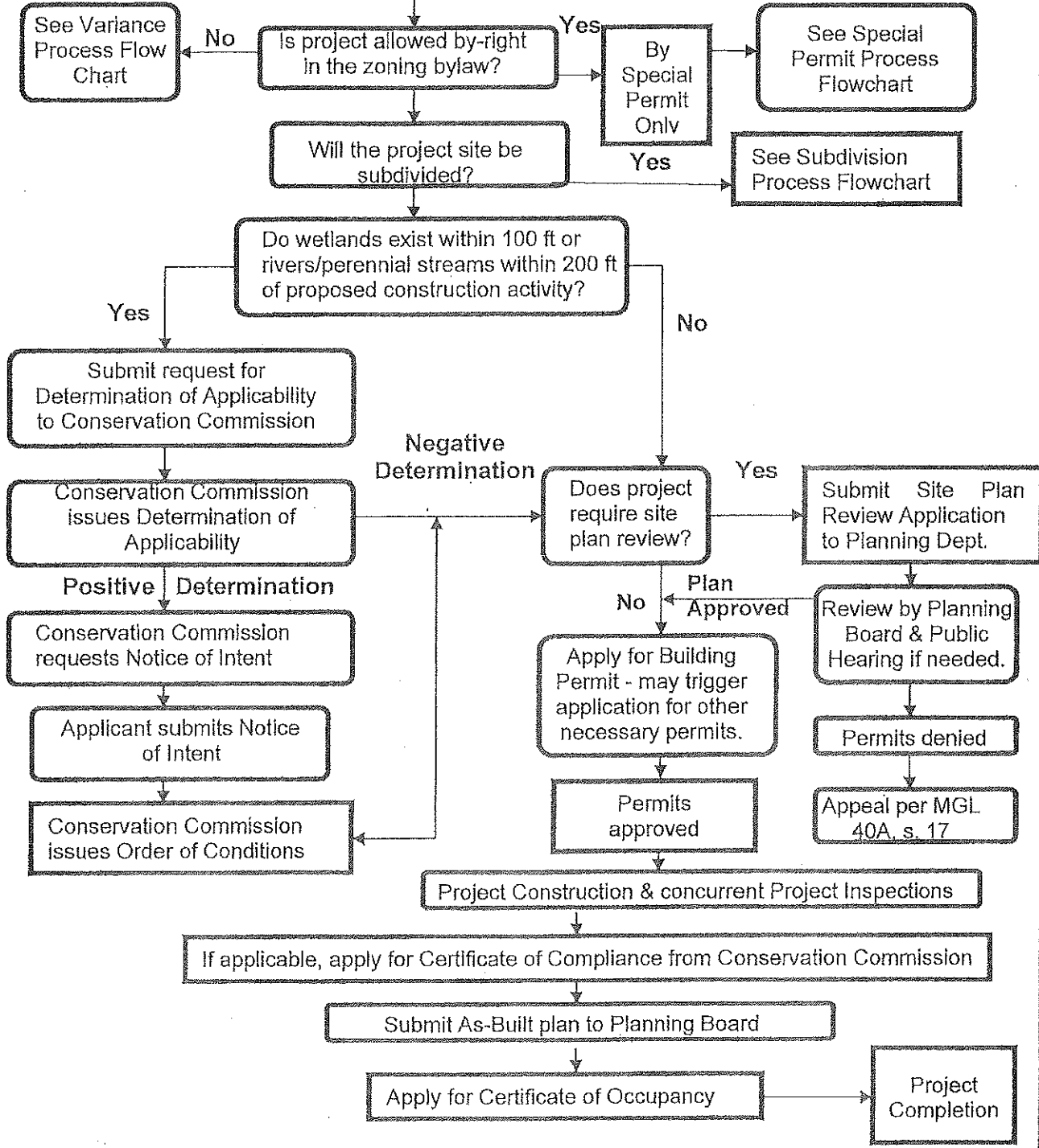
Permits shall not transfer automatically to successors in title, **unless the permit expressly allows the transfer without the approval of the Issuing Authority. Issuing authorities may develop procedures for simplified permit renewals and annual reporting requirements.** If the procedures are not developed, renewals of permits shall be governed by the procedures and timelines specified in this chapter.

Permits issued pursuant to Chapter 43D shall expire five (5) years from the date of the expiration of the applicable appeal period unless exercised sooner. Where permits cover multiple buildings, commencement and continuation of construction of one building shall prevent expiration of all permits on that site. No permit issued under this

chapter shall be affected by changes in the law subsequent to the issuance of such permits. Nothing in this section shall limit the effectiveness of legal, non-conforming uses and vested rights per G.L. Ch. 40A, s. 6.

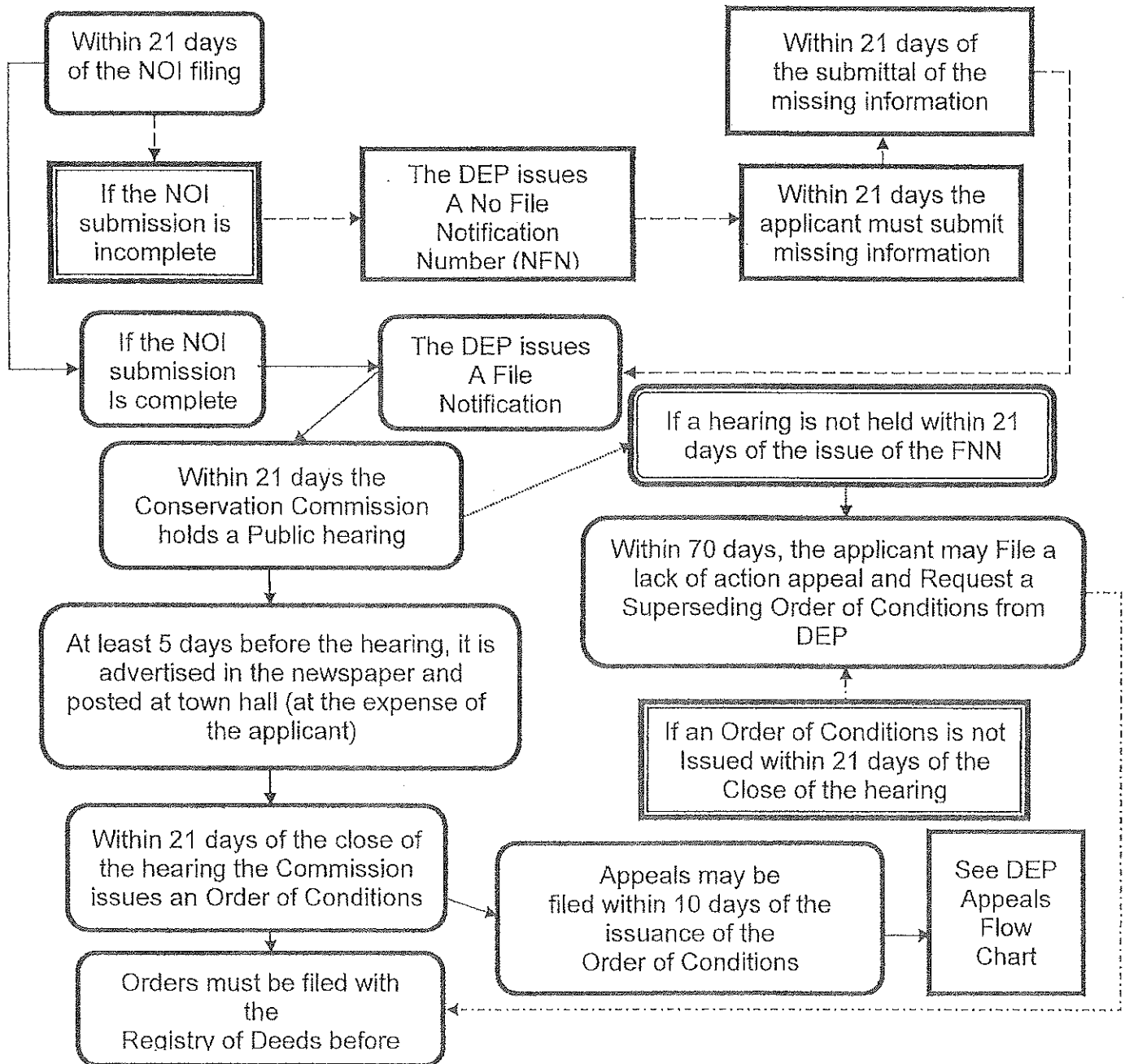
Town of Lakeville Project Review and Approval Process

Applicant obtains Permitting Guidebook, Zoning Bylaws, and any applicable regulations and permit forms. Pre-application meeting with the Project Review Committee (PRC) is recommended. Application package will be submitted to the Town Clerk and a copy, including the date and time of filing certified by town clerk shall be submitted to the Permits Coordinator.



Town of Lakeville Conservation Commission Order of Conditions
 (See 310 CMR 10.05 for complete and binding text)

A Notice of Intent is filed with the Conservation Commission and Mass DEP. *Applicant also gives written notification by hand or certified mail, return receipt requested, to all abutters within 100 feet of property lines. (Copies are also filed with MNHESP if work is located within a rare wetlands wildlife habitat area)*



Massachusetts DEP Order of Conditions Appeal Process

See Conservation Commission
Order of Conditions Flow Chart

Within 10 days of the issuance of the Order of Conditions by the Conservation Commission, an appeal may be filed, or DEP can intervene

Within 70 days of the Conservation Commission's failure to issue an Order or failing to hold a hearing, the applicant may file a lack of action appeal and request a Superseding Order of Conditions from DEP

Within 70 days of an appeal or Intervention

The DEP issues a Superseding Order Of Conditions

DEP holds a site visit

If information is insufficient, supplements are requested of the applicant

Within 40 days of the submittal of missing information

3 years after the issuance of an Order or Superseding Order, the Order expires, unless the issuing Authority specifies that it is valid for longer (up to five years). Extensions can be requested by the applicant up to 30 days before the Order expires

May be appealed within 10 days of issuance by filing a Notice of Claim for an Adjudicatory Appeal

Site Plan Review

Purpose: The purpose of site plan review is to ensure that the design and layout of certain developments permitted as of right or by Special Permit will constitute suitable development and will not result in a detriment to the neighborhood or the environment.

What Projects Require Site Plans: The following types of activities and uses require site plan review by the Planning Board:

- Any new residential construction of or for modification or addition to any residential structure which will disturb more than 3,000 square feet of ground for which a Notice of Intent with the Lakeville Conservation Commission is not required.
- New construction or modification of or addition to a business or industrial structure resulting in floor area of over 1,500 square feet in the aggregate.
- Large-Scale "Big Box" retail buildings greater than 35,000 square feet will also need to comply with the Large-Scale "Big Box" Design Standards found in section 7.6 of the Lakeville Zoning Bylaws.

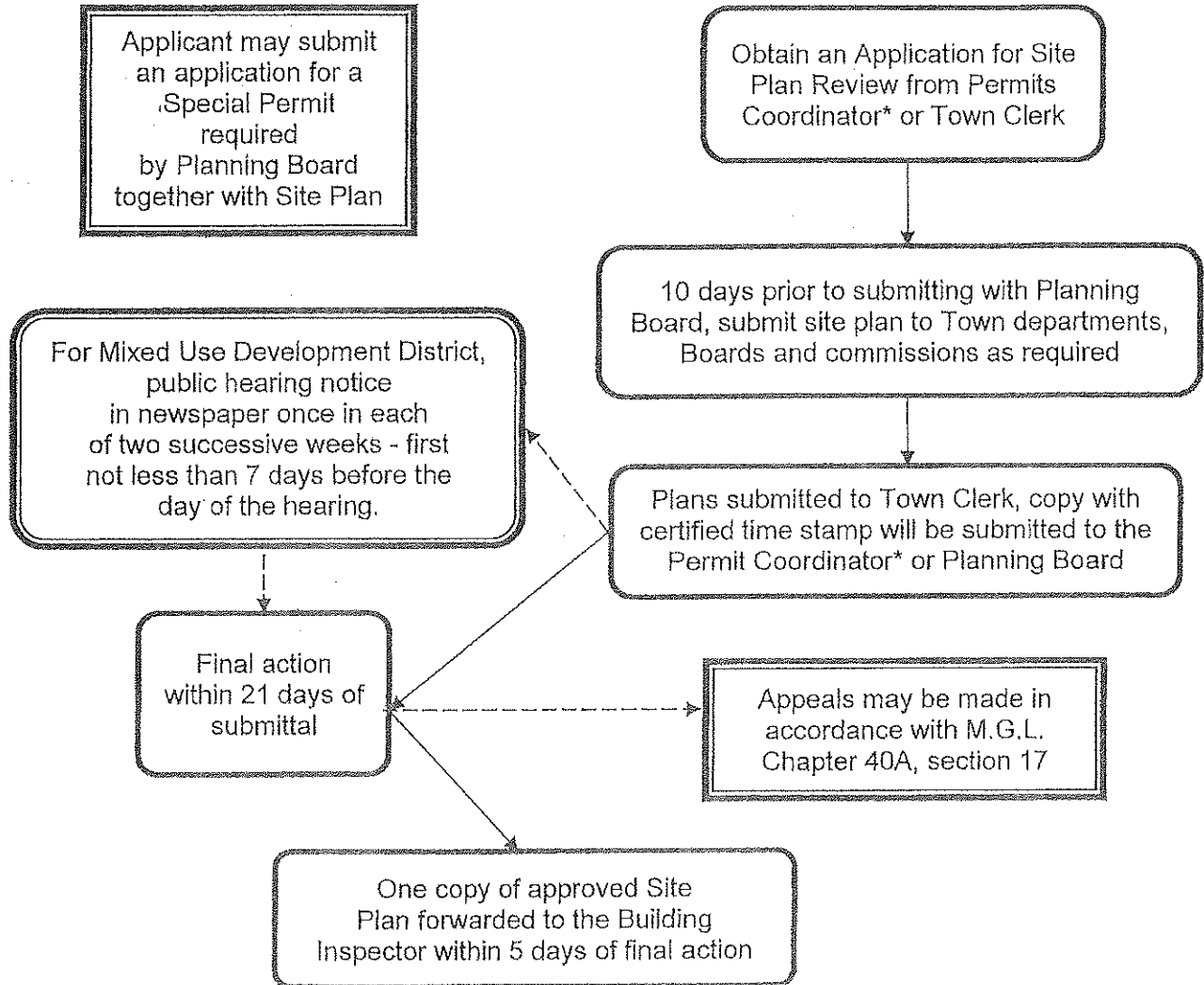
Reviewing Authorities: The Site Plan Review authority is the Planning Board.

The maximum review period/decision for site plan review for use of a structure by right is 21 days. Site plans for projects proposed in the Mixed Use Development District require a public hearing.

Review Process: The location of wetlands approved by the Conservation Commission is among the items required on the site plan. At least ten (10) days prior to submitting a site plan with the Planning Board, an applicant shall submit the proposed site plan with the Town departments, boards, and commissions listed on the Receipt of Site Plan form. The boards and officers shall review the site plan, considering the effects of the proposed use and related construction, and shall make recommendations as they deem appropriate to minimize any detrimental effects of the development. A decision on a site plan approval application must be made within 21 days of the date of submittal.

Town of Lakeville Site Plan Review

Consult Lakeville Zoning Bylaws, Section 6.7 and Planning Board Receipt of Site Plan



*For projects located in 43D Priority Development Sites

Special Permits

Certain specific uses, buildings and structures identified in the zoning by-law shall be allowed to be located, relocated, altered or substantially expanded in specified districts only upon the issuance of a Special Permit by the Special Permit Granting Authority. Special Permits shall only be issued for uses which are in harmony with the general purpose and intent of the zoning by-law and subject to its general or specific provisions and only if specified conditions are met.

Review: Application for Special Permits shall be on such forms or in such manner as the Special Permit Granting Authority may specify and in accordance with its Rules and Regulations, and shall be submitted together with all required exhibits and site plans to the Town Clerk and a copy including the date and time of filing certified by the Town Clerk, shall be filed with the Permits Coordinator.

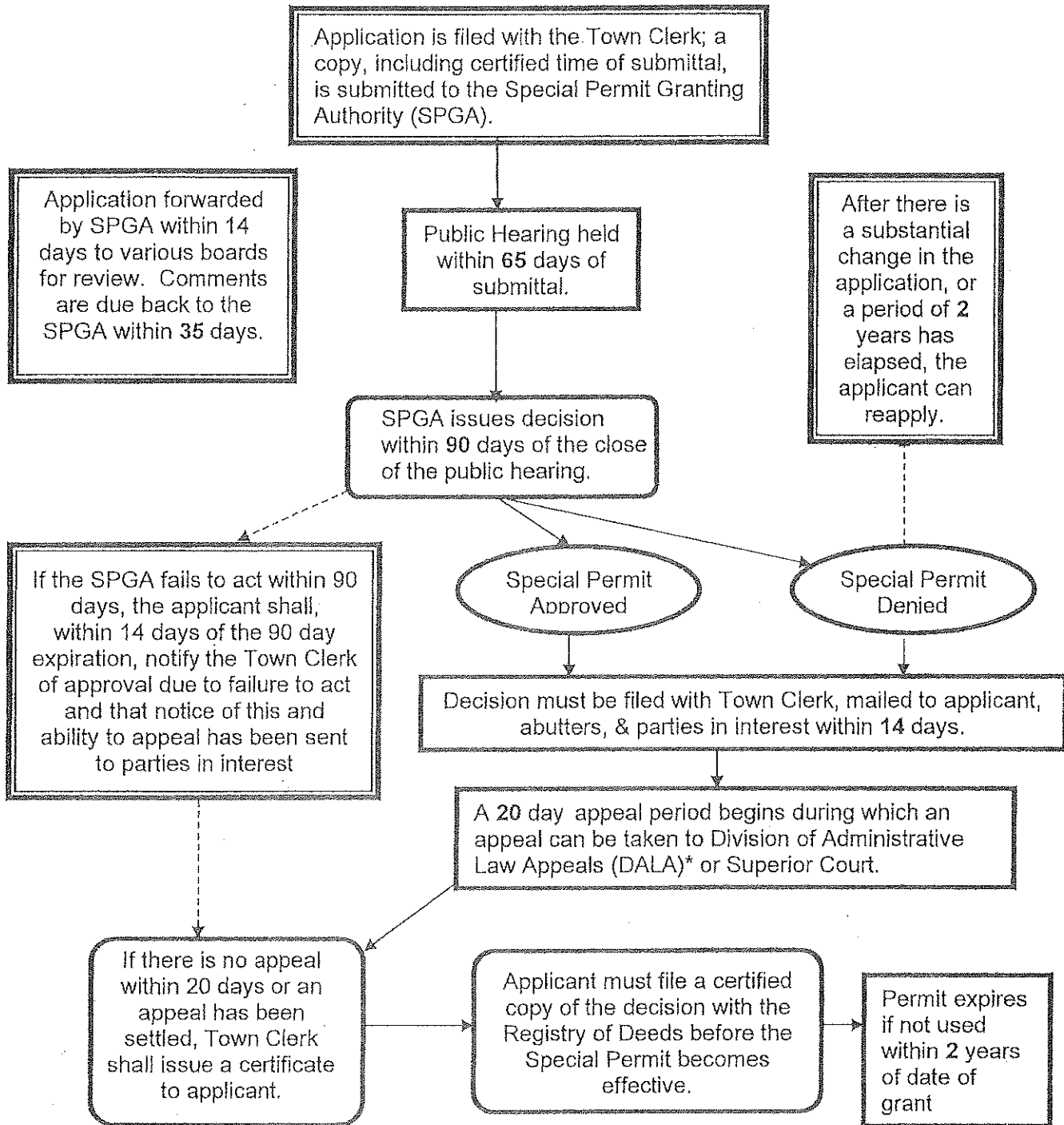
Special Permit applications for projects located on a Ch. 43D Priority Development Site shall be determined complete by the Permits Coordinator or PRC and submitted to the Special Permit Granting Authority. Within 14 days copies of the project plan will be referred to various Town Boards in interest for a 35-day interdepartmental review period. The application will appear at a public hearing after time allowed for departmental review and within 65-days of submission.

Decision: A decision will be issued within 90 days after the public hearing; which also shall be less than 180 days of submittal. A special permit issued by a special permit granting authority shall require a vote of at least four (4) members of the five (5) member board.

Appeal: Any person aggrieved by the decision of the Board of Appeals or other Special Permit Granting Authority may appeal to the Superior Court or Land Court as provided by Chapter 40A of the General Laws within twenty (20) days after such decision has been filed with the Town Clerk.

Town of Lakeville Special Permit Process

(Consult M.G.L. Chapter 40A for complete and binding text.)



* For projects located within a 43D Priority Development Site

Zoning Variances

Purpose

The Board of Appeals shall have the power to authorize, with respect to a particular building or parcel of land, a Variance from any of the terms of this By-Law.

Grounds for Approval

In order to grant a variance, the Zoning Board of Appeals must make all three (3) of the following findings as provided in Section 10 of Chapter 40A of General Laws:

- The hardship is owing to circumstances relating to the soil conditions, shape or topography or such land or structures, but not affecting generally the zoning district in which it is located;
- A literal enforcement of the Zoning Bylaws would involve a substantial hardship, financial or otherwise, to the petitioner or appellant;
- Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of Lakeville's Zoning Bylaws.

Review Process

Applications are submitted to the Town Clerk for certification, then a copy that has been certified and includes the date and time of filing, shall be forwarded to the ZBA by the Town Clerk.

Variances require a public hearing within 65 days of receipt, and a decision must be made within 100 days after the date of a filing. A unanimous vote of the three member board shall be necessary to effect a variance.

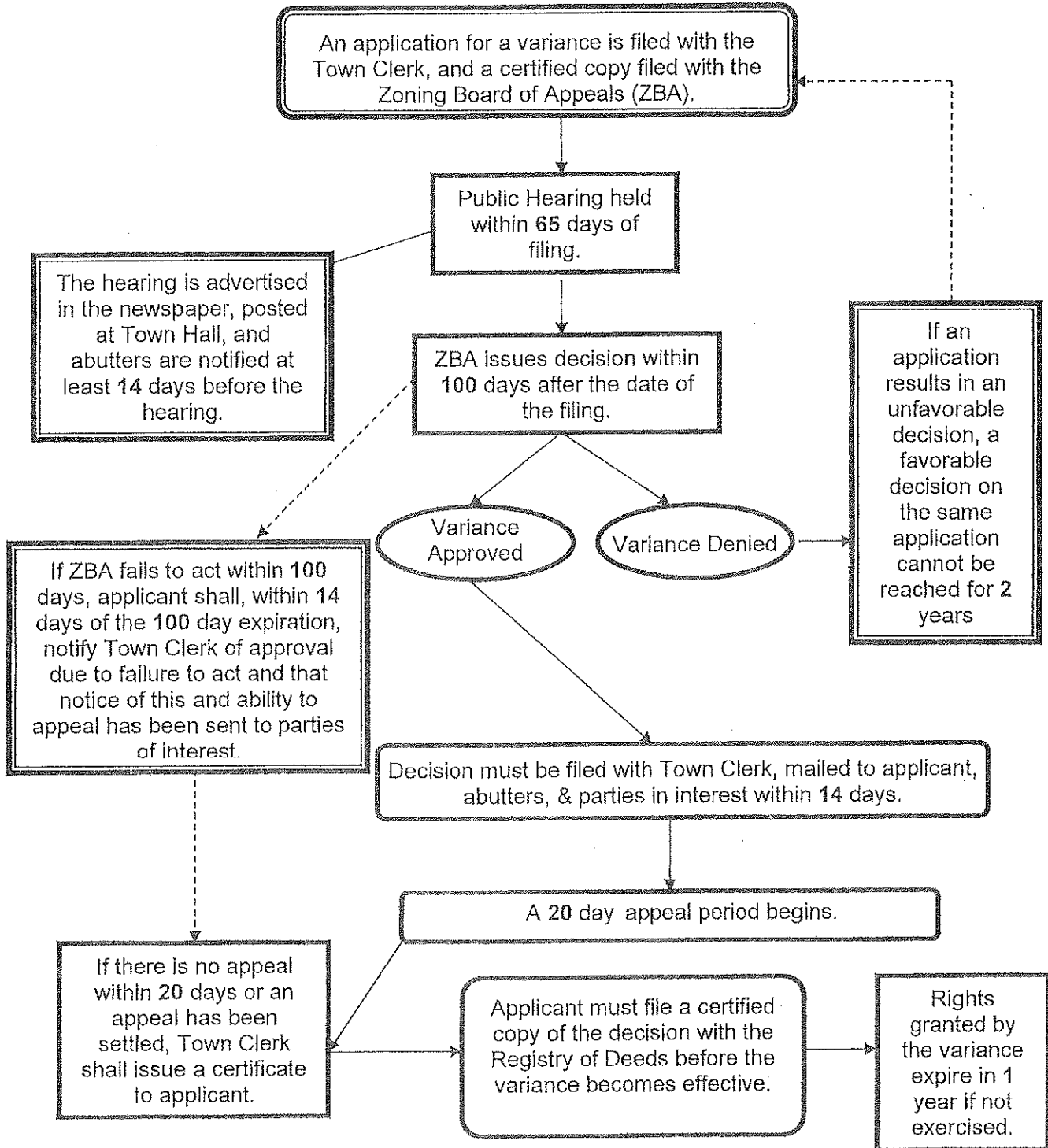
The ZBA may impose conditions, safeguards and limitations of time and use, if it decides to grant the variance. The ZBA is under no legal obligation to grant the variance. The Town of Lakeville does not grant use variances.

Decision: A decision will be issued within 100 days of the date of submittal. A variance issued by the Board of Appeals shall require a vote of at least four (4) members of the five (5) member board.

Appeal: Any person aggrieved by the decision of the Board of Appeals or other Special Permit Granting Authority may appeal to the Superior Court or Land Court as provided by Chapter 40A of the General Laws within twenty (20) days after such decision has been filed with the Town Clerk.

Town of Lakeville Zoning By-Law Variance Process

(Consult M.G.L. Chapter 40A, §§ 10, 15 for complete and binding text.)



THE PEOPLE: DEPARTMENTS AND BOARDS

The following pages contain information for all of the boards and departments that an applicant may be required to work with during the application process. Any questions or concerns should first be directed to the Permit Coordinator.

Meetings Calendar

This calendar shows the meeting time and place for several municipal boards and commissions that meet during the four (4) weeks of any given month. Check calendar on the Town's website for dates.

	<u>Monday</u>	<u>Tuesday</u>	<u>Wednesday</u>	<u>Thursday</u>	<u>Friday</u>
Week 1	Board of Selectmen 7:00 PM Town Offices [every other Monday]	Planning Board 7:30 PM Town Office Conference Room			
Week 2		Conservation Commission 7:00 PM Lakeville Public Library	Board of Health 6:00 PM BOH Office Town Offices		
Week 3	Board of Selectmen 7:00 PM Town Offices [every other Monday]	Planning Board 7:30 PM Town Office Conference Room	Historical Commission 7:30 PM Town Office Conference Room	Board of Appeals 7:00 PM Lakeville Library	
Week 4		Conservation Commission 7:00 PM Town Office Conference Room (as needed)			

Board of Selectmen: Every other Monday at 7:00 PM; Town Office - Selectmen's Office

Board of Appeals: Third Thursday of every month at 7:00 PM; Lakeville Library

Board of Health: Second Wednesday of every month; more often if needed at 6:00 PM; Town Office – Board of Health Office

Board of Water Commissioners: As Needed; Town Office - Selectmen's Office

Conservation Commission: Second Tuesday of every month at the Public Library; Fourth Tuesday as needed at 7:00 PM at the Town Offices.

Historical Commission: 3rd Wednesday of every month at 7:30 PM; Town Office Conference Rm

Planning Board: 1st and 3rd Tuesday at 7:30 PM; Town Office Conference Rm

Board of Appeals

The Board of Appeals consists of five (5) regular members and three (3) associate members, all appointed by the Selectmen. The ZBA also employs a Secretary to record minutes and attend to various administrative duties.

Contact: Cathy Murray, Recording Secretary
Email: cmurray@lakevillema.org

Address: 346 Bedford Street
Lakeville, MA 02347

Phone: 508-946-8800 (Town Clerk) **Fax:** 508-946-0112

Website: www.lakevillema.org/departments/appeals.cfm

Office Hours: No office hours; please call Town Clerk or Selectmen's Office to leave message.

Meeting Schedule: Third Thursday
7:00 PM; Town Offices

Members: Donald Foster, Chairman
Joseph Beneski
David Curtis
Eric Levitt
John Olivieri, Jr.
James Gouveia, Associate
Joseph Urbanski, Associate
Janice Swanson, Associate

Permits Issued: Special Permits
Variances
Comprehensive Permits

Process for Obtaining Permits: Application packet at the Town Clerk's Office

Time Frame for Public Hearing: The Board of Appeals shall hold a hearing on any appeal, application or petition within 65 days from the receipt of notice of such appeal, application or petition.

Time Frame for Decisions:

Appeal or Variance: The decision of the Board shall be made within 100 days after the date of filing of an appeal, application or petition.

Special Permits: The decision of the Board shall be made within 90 days following the date of the public hearing

Appeal Process:

Appeals shall be made pursuant to M.G.L. 40A, § 17 and shall be filed within 20 days after the date of filing of notice of the decision in the office of the Town Clerk.

Applicable Local, State and Federal Statutes:

M.G.L. Ch. 40A, Ch 40B; 760 CMR 56.00
Lakeville Zoning By-Laws

Purpose:

The Board of Appeals has the following statutory powers:

- 1) To hear and consider appeals to decisions made by the Building Commissioner, who also acts as the Zoning Enforcement Officer. Petitioners can appeal denial of a Building Permit and can appeal zoning enforcement action or inaction.
- 2) To hear and consider requests for Special Permits. A Special Permit is required when a property owner wants to build in a manner that does not conform to the Bylaws and/or on a lot that does not conform to the Bylaws. The scope, breadth, and limits of Special Permits are clearly defined in the Lakeville Bylaws. When denial of a Building Permit has been overturned by the ZBA, a Special Permit is almost always required before the Building Commissioner can issue a Building Permit.
- 3) To hear and consider requests for Variances. A Variance is needed when a property owner wants to build on a lot that, due to hardships imposed by shape or topography, requires an approach that does not conform to the Bylaws.
- 4) To hear and consider requests for Comprehensive Permits for Chapter 40B affordable housing developments.

A hearing before the ZBA may be scheduled by completing the petition application form, available from the Town Clerk. Applicants must pay two (2) fees: One fee is for the required newspaper advertisements; the other fee is paid to the Town of Lakeville to cover administrative costs. The fee schedule is available from the Town Clerk.

Petitioners who are appealing denial of a Building Permit are advised that they also must request a Special Permit or Variance for the construction, activity, or expansion that is otherwise non-conforming and that triggered the denial in the first place.

Petitioners are strongly advised to complete all forms, submit all plans (engineered plans preferred and often required), and gain approval from other boards and committees before paying the ZBA application fees. The ZBA has the right to deny petitions that are incomplete, insufficient, or lack critical components, thus costing the petitioner more for a second application and taking more time.

Board of Appeals Fees

All petitions shall be accompanied by two (2) checks as follows:

RESIDENTIAL USE PETITION

\$140.00 (filing fee)	payable to the Town of Lakeville
\$120.76 (legal ad fee)*	payable to Southcoast Media Group

BUSINESS OR INDUSTRIAL USE PETITION

\$240.00 (filing fee)	payable to the Town of Lakeville
\$120.76 (legal ad fee)*	payable to Southcoast Media Group

COMPREHENSIVE CHAPTER 40B

Filing Fee and Rules and Regulations available from the Town Clerk.	
\$120.76 (legal ad fee)*	payable to Southcoast Media Group

THE FILING FEE IS NON-REFUNDABLE

- Legal ad fee effective 7/1/08

Board of Health

The Board of Health administers and co-ordinates public health programs and services, enforces State and Local Public Health Regulations and Sanitary Codes, including local regulations promulgated by the Lakeville Board of Health.

Contact: Lawrence Perry, Health Agent
Email: lperry@lakevillema.org

Jo Ann Lima, Administrative Assistant
Email: jlima@lakevillema.org

Address: 346 Bedford Street
Lakeville, MA 02347

Phone: 508-946-3473 **Fax:** 508-946-3971

Email: board.health@lakevillema.org

Website: www.lakevillema.org/health/boardofhealth.cfm

Office Hours: Mon - Thurs: 7:30 AM- 4:30 PM
Friday: 8:00 AM - 12:00 PM

Meeting Schedule: Wednesday; 6:00 PM at the Board of Health Office in Town Hall
Meetings typically held once a month minimum on Wednesdays.

Members: William E. Garvey, Jr., Chairman
Robert Poillucci
Terrence Flynn

Permits Issued: Septic Permits (New Construction), Septic Permits (Repairs & Upgrades), Well Permits, Trench Permits, Percolation Test (New Construction), Percolation Test (Repairs & Upgrades), Title V Inspections, Housing

Inspections, Common Victualler Licenses, Food Establishment Licenses, Milk & Cream Licenses, Dry Cleaner License, Semi-Public Pool License, Sun Tanning Booths License, Tobacco Vendor Permit, Piggery License, Septic Pumper Licenses, Commercial Trash Hauler License, Residential Trash Hauler License, Dumpster Permits, Stable Permits, Body Art Practitioner/ Establishment Permits, Recreational Camp License, Mobile Home Park License

Process for Obtaining Septic Only Permits: Submit three (3) sets of proposed plans along with application and fee. If State variances are requested, four (4) sets of plans are required. Applications for all licenses and permits noted may be obtained at the Board of Health Office.

Time Frame for Public Hearing: Not Required

Time Frame for Decisions: Average 10 business days, 45 days maximum

Appeal Process: For septic issues, an appeal is made to DEP; for all others an appeal is made to Superior Court

Fee Schedule: Please See Next Page for Fee Schedule

Applicable Local, State and Federal Statutes: Title V, 310 CMR, Board of Health Regulations; 105 CMR 400 & 410 (Housing code), 310 CMR 15 & 11 (environmental code), MGL 111 S31 (ability to create any regulations needed to protect), 310 CMR 16 & 19 & 22 (water quality) , 310 CMR 7.10 (Air quality including noise), 105 CMR 590 (FOOD CODE)

Purpose: As a statutory agency, the Board of Health promulgates rules and regulations which serve as a guide in its administration of the law. The regulations provide for the issuance of permits and licenses, establish reasonable standards and requirements, and set out enforcement and penalty mechanisms. Some specific activities that the Board oversees include: subsurface sewage disposal system permitting and inspections, food establishment inspections and complaints, Chapter II

housing inspections and complaints, beach water quality testing at all public and semi public beaches.

The Board of Health coordinates the Visiting Nurses who conduct Health Clinics, Immunization Programs, Communicable Disease reporting and follow up, Blood Pressure Screenings and works together with the Council on Aging providing services to the citizens of Lakeville.

The Board of Health also administers the Septic Loan Program where financial help is available for homeowners needing to repair a failed septic system.

Board of Health Fees

TOWN OF LAKEVILLE
BOARD OF HEALTH
FEE SCHEDULE

PERMITS, LICENSES, AND APPLICATION FEES

• Dumpsters (<i>Permanent</i>) Permit	\$20
• Dumpsters (<i>Temporary</i>) Permit	\$10
• Residential Trash Collection Permit	\$200 (<i>Annual</i>)
• Commercial Trash Collection Permit	\$400 (<i>Annual</i>)
<hr/>	
• Review Fee for Systems over 2,000 gals flow per day	\$720
• Sewage Permit {Includes Open Hole, Final & Final Grade}	\$300 {valid 3yrs}
• Replacement of Tank Only	\$150
• Repair or Replacement of D-Box Only	\$75
• Repair or Replacement of Pipes Only	\$50
• Revision of any Approved Septic Plan	\$75
• Re-Submittal Fee of Septic Plans	\$25 {Originals, Incomplete, or Incorrect}
• Title V Inspection Fee	\$50
• Sewage System Re-Inspection Fee	\$50 {per site visit for additional inspections}
• Well Permit	\$200 {valid 1yr}
• Trench Permit	\$25
• Percolation Tests (<i>valid indefinitely, subject to change</i>)	\$150 {3 hrs}
• Percolation Test (<i>continue</i>)	\$50 {per hr for every hr over 3hrs}
• Extension of the Disposal System Construction Permit	\$200 {valid 1yr}
• Copies requested from the Board of Health	\$.20 {per page}
• <i>Fine/Penalty Schedule for Violation of Board of Health Regulations- {First Offense: \$100, Second Offense: \$200, Third & subsequent offense: \$300}</i>	
<hr/>	
• Disposal Works Installer Permit (DWIP) (<i>1st time Installer</i>)	\$150
• Disposal Works Installer Permit (DWIP) (<i>Annual</i>)	\$100
• Late Application Submittal Fee (DWIP)	\$200 {double the original fee}
• Septage Pumper License	\$300
• Portable Toilet Only	\$150
• Stable Permit (<i>New Application</i>)	\$100 {Plus \$30 per horse} rev10/22/08
• Stable Permit (<i>Boarded</i>)	\$150 {Plus \$10 per stall}

• Stable Permit (<i>Private Use</i>) <i>rev10/22/08</i>	\$40 {Plus \$30 per horse}
• Certificates of Inspection	\$50
• Food Establishment License <i>Mobile Food}</i>	\$200 {includes Catering &
• Restaurant Re-Inspection Fees	2 nd - \$50; 3 rd - \$100; 4 th - \$200
• Common Victualler License	\$25
• Milk & Cream License (<i>store</i>)	\$10
• Milk & Cream License (<i>vehicle</i>)	\$10
• Lodging House License	\$50
• License to Operate Recreational Camps	\$10
• Dry Cleaning License	\$25
• Massage Therapy License	\$100
• Sun Tanning Booths License	\$100
• Mobile Home Park License	\$200
• Operate a Semi-Public Pool <i>additional}</i>	\$100 {Plus \$50 ea.
• Operate a Spa	\$100
• Tobacco Location & Sales	\$25
• Hog Farm License	\$200
• Commercial Farm Permit	\$200 {Plus \$10 per stall}
• Farm Permit	\$25
• Transport of Garbage over town ways (<i>Hog Farm</i>)	\$200 {per vehicle}
• Hypodermic Syringe License <i>27, State Law}</i>	\$10 {Chapter94C, Section
• Body Art Establishment	\$200
• Body Art Practitioner	\$100
• Body Art Apprentice	\$50
• "Special Needs" Massage Therapy License	\$25 {without an Establishment}

Late Filing Fee:

*All Board of Health Licenses and Permits must be filed within 45 days of expiration date
{The late filing fee will be double the original fee}*

{Revised 05-23-12}

Board of Selectmen/Board of Water Commissioners

The Board of Selectmen is comprised of three (3) members who are elected, one (1) each year, in the Annual Town Election. Each Selectman serves a term once elected, as well as, serving in other capacities, such as the Parking Clerk, ADA Coordinator and Director of Veterans' Services. The Selectmen serve as the Chief Elected and Executive Officers of the Town. As stated in the Town's General By-laws, the Selectmen are vested with all the municipal authority not specifically retained by the Town's legislative body, town meeting or other elected boards. The Board of Selectmen is also responsible for appointing a Town Administrator, who manages the Town's affairs on a daily basis.

Contact: Rita Garbitt, Town Administrator
Email: rgarbitt@lakevillema.org

Tracie Craig , Executive Assistant
Email: tcraig@lakevillema.org

Address: 346 Bedford Street
Lakeville, MA 02347

Phone: 508-946-8803 **Fax:** 508-946-0112

Website: www.lakevillema.org/departments/selectment.cfm
(Not a typographical error)

Members: Derek A. Maksy, Chairman
Scott T. Belliveau
John Powderly

Meeting Schedule: Mondays, every two weeks; 7:00 PM at the
Town Offices

Permits Issued: Alcoholic Beverages License, Automatic
Amusement Devise, Automobile Dealer's

License, Curb Cut Permits, Door-to-Door Sales, Earth Removal Permit, Entertainment License, Livery License, Storage Trailer, Sunday Entertainment License, Taxi License, Temporary Mobile Home Permits, and Underground Storage License

- Process for Obtaining Permits:** Complete an application, available from the Selectmen's office
- Time Frame for Public Hearing:** Will vary with the type of application
- Time Frame for Decisions:** Will vary with the type of application
- Fee Schedule:** Please See Next Page
- Applicable Local, State and Federal Statutes:** Assorted Massachusetts General Laws depending upon the type of permit requested

Duties:

The Selectmen are responsible for all facets of governmental duties. The warrants for the Annual and Special Town Meetings are generated from their office. They also issue the warrants for any elections or override votes scheduled. The Board works together with the Town Administrator, Town Accountant and Finance Committee members to establish the annual operating budget for the Town and to provide a stable economic environment for its citizens. In addition, the Selectmen are responsible for assessing municipal building needs and capital planning for the Town. Every July, the Selectmen are responsible for appointing over 150 residents to various positions within the government, such as committees, police officers and board members.

Board of Selectmen Fees

TOWN OF LAKEVILLE
BOARD OF SELECTMEN
FEE SCHEDULE

Common Victualler – all alcoholic – annual	\$1,500
Common Victualler – wine & malt – annual	\$700
Package Store - all alcoholic – annual	\$1,500
Package Store - wine & malt – annual	\$700
General On Premises – wine & malt – annual	\$700
Club - all alcoholic – annual	\$1,000
Common Victualler – all alcoholic – seasonal	\$750
Package Store - all alcoholic – seasonal	\$750
Temporary Wine & Malt – Non-profit organizations – each day	\$20
Temporary Wine & Malt – For profit – each day	\$30
Temporary all alcoholic (non-profit only)	\$50
Sunday liquor licenses (package stores only)	\$50
Coin Operated Amusements	\$100.00 per machine
Class I Used Automobile License	\$200
Class II Used Automobile License	\$200
Curb Cut Permits	\$10
Dancing on weekdays	\$50
Door to Door Sales	No fee
Gravel Removal	\$.15 per cubic yard and \$200 per acre administrative fee
Livery License	\$35
Public entertainment on Sunday	\$50
Storage Trailer Permits	\$25
Taxi License	No fee
Temporary Mobile Home Permit	\$25
Underground Storage Tank	\$10

Building Department

The Building Department is responsible for ensuring that buildings are constructed safely and used properly. The Building Department enforces the provisions of the Massachusetts State Building Code, Town Zoning By-laws and other applicable ordinances. The Building Department issues permits for new construction, reconstruction, alteration, repair and demolition of buildings, as well as the installation of equipment and the location, use and occupancy of all buildings, structures and land. Also the Building Department is responsible for annual inspections of restaurants, multi-family buildings, schools and daycare centers.

Contact: Robert Iafrate, Building Commissioner/Zoning Enforcement Officer

Email: riafrate@lakevillema.org

Jay Catalano, Plumbing/Gas Inspector
Robert Canessa, Wiring Inspector

Janice Swanson, Administrative Assistant
Email: jswanson@lakevillema.org

Address: 346 Bedford Street
Lakeville, MA 02347

Phone: 508-946-8804

Fax: 508-946-8812

Website: www.lakevillema.org/building/index.cfm
Permit information and applications are available online.

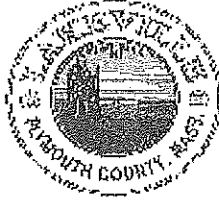
Office Hours:

Mon - Thurs: 7:30 AM - 4:30 PM
Friday: 8:00AM-12:00 PM

Permits Issued:

Building Permits
Demolition Permits
Mechanical Permits
Occupancy Permits (for new construction)
Wiring, Plumbing and Gas Permits
Trench Permits
Annual Certificates of Inspection (for place of assembly)

Process for Obtaining Permits:	See the department website for permit information and applications. Submit completed application to the Building Department.
Time Frame for Decisions:	In accordance with Massachusetts State Building Code, Chapter 1, Section 111.1, the Inspector has thirty (30) days to review a permit application.
Appeal Process:	State Building Code Appeals Board
Fee Schedule:	Please see next page
Applicable Local, State and Federal Statutes:	780 CMR; Lakeville Zoning Bylaws and Lakeville General Bylaws (both available on Town of Lakeville website)



TOWN OF LAKEVILLE
 346 Bedford Street, Lakeville, MA 02347
 Phone: 508-946-8804

BUILDING FEE SCHEDULE

The Board of Selectmen voted on January 28, 2013 to adopt the following fee schedule for Building. Effective: February 1, 2013

RESIDENTIAL FEES

New Dwelling	\$.40 sq ft
Basement	\$.40 sq ft
Walk Up Attic	\$.40 sq ft
Additions	\$.40 sq ft
Garages	\$.40 sq ft
Decks/Porches/Entry	\$.40 sq ft
Sheds/Farm Buildings	\$.25 sq ft
Chimney/Fireplace	\$ 50.00
Solid Fuel Appliance	\$ 50.00
Roofing	\$ 50.00
Siding	\$ 50.00
Windows	\$ 50.00
Interior Alterations	\$ 40.00 per room
Above ground pool	\$ 50.00
In Ground pool	\$ 75.00
Demolition	\$ 50.00 per structure
More than one unit	Standard Bldg Fee plus \$150.00 per unit
Foundation only	\$ 200.00
Solar (residential)	\$ 50.00
Minimum permit Fee	\$ 50.00

COMMERCIAL FEES

New Structures & Additions	\$ 15.00 / \$1,000.00 of estimated total cost Minimum Fee \$1,000.00
Demolition	\$ 100.00 per structure
Foundation Only	\$1,000.00
Minimum Fee	\$ 100.00

RESIDENTIAL & COMMERCIAL FEES

Occupancy Permit	\$ 50.00 per unit
Temporary Occupancy Permit	\$ 50.00 per unit
Re-inspection Fee	\$ 50.00
Lost Field Card	\$ 100.00
Zoning Determination	\$ 50.00
Home Occupation	\$ 50.00
Permit Renewal	\$ 50.00
Trench	\$ 50.00
Ten/Trailer/Temp. Trailer	\$ 50.00
Antenna/Commercial	\$ 200.00
Mechanical	\$ 50.00 per system
Work started without a Permit	Double Fee

SIGN FEES

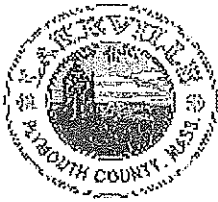
Temporary Signs	\$ 50.00
Up to 20 sq ft	\$ 50.00
Over 20 sq ft	\$ 100.00
Sign by "Special Permit"	\$ 150.00

BUILDING PERMITS ARE NOT TRANSFERABLE.

PERMIT FEES ARE NOT REFUNDABLE.

REQUEST FOR INSPECTIONS MUST BE MADE VIA E-MAIL TO THE BUILDING INSPECTOR & CC BUILDING DEPT.

Email: Robert Isfrate: risfrate@lakevillema.org
 Building Dept: iswanson@lakevillema.org



TOWN OF LAKEVILLE
 346 Bedford Street, Lakeville, MA 02347
 Phone: 508-946-8804

GAS FEE SCHEDULE

The Board of Selectmen voted on January 28, 2013 to adopt the following fee schedule for Gas.
 Effective: February 1, 2013

RESIDENTIAL FEES

Permit Fee (fixture not included)	\$50.00
Each Fixture	\$10.00
Appliance replacement Only	\$50.00
Replacement of tankless, hot water heater or boiler	\$50.00 *see note below
Re-inspection Fee	\$50.00
Other	\$50.00
Work started without a permit	Double fee

COMMERCIAL FEES

Permit Fee (fixture not included)	\$65.00
Each Fixture (except for tankless, hot water heater or boiler)	\$10.00
Replacement of tankless, hot water heater or boiler	\$50.00 *see note below
Re-inspection Fee	\$50.00
Other	\$50.00
OR: Total Fee of Job	\$20.00 per \$1,000.00 of Estimated Cost of Job (Which ever is Greater Permit or Est.)
Work started without a permit	Double fee

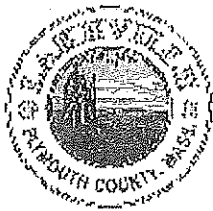
*NOTE: REPLACEMENT RESIDENTIAL & COMMERCIAL GAS TYPE WATER HEATERS, BOILERS,
 REQUIRE NO ADDITIONAL GAS FEE > IF THE PLUMBING & GAS PERMITS ARE PULLED AT THE SAME TIME.

- GAS PERMITS ARE NOT TRANSFERABLE
- PERMIT FEES ARE NOT REFUNDABLE
- GAS PERMITS EXPIRE AFTER 1 YEAR FROM ISSUE DATE.

REQUEST FOR INSPECTIONS MUST BE MADE VIA E-MAIL TO THE INSPECTOR & CC TO THE BUILDING DEPT.

EMAILS: Jay Catalano: jvc@lakevilleinspector.com (or) Fred Parmenter: rainfr@comcast.net
 Building Dept: jswanson@lakevillema.org

IF YOU HAVE ANY QUESTIONS, CONTACT THE BUILDING DEPT. 508-946-8804



TOWN OF LAKEVILLE
 346 Bedford Street, Lakeville, MA 02347
 Phone: 508-946-8804

PLUMBING FEE SCHEDULE

The Board of Selectmen voted on January 28, 2013 to adopt the following fee schedule for Plumbing.
 Effective: February 1, 2013

RESIDENTIAL FEES

Permit Fee (fixture not included)	\$50.00
Each Fixture	\$10.00
Replacement of tankless, hot water heater or boiler	\$50.00 * see note below
Each Water Service, Sewer or Septic Tank Connection	\$50.00
Re-inspection Fee	\$50.00
Other	\$50.00
Work started without a permit	Double fee

COMMERCIAL FEES

Permit Fee (fixture not included)	\$85.00
Each Fixture (except for tankless, hot water heater or boiler)	\$10.00
Each Water Service, Sewer or Septic Tank Connection	\$50.00
Replacement of tankless, hot water heater or boiler	\$50.00 *see note below
Re-inspection Fee	\$50.00
Other	\$50.00
OR: Total Fee of Job	\$20.00 per \$1,000.00 of Estimated Cost of Job (Which ever is Greater Permit or Est.)
Work started without a permit	Double fee

***NOTE: REPLACEMENT RESIDENTIAL & COMMERCIAL GAS TYPE WATER HEATERS, BOILERS REQUIRE NO ADDITIONAL GAS FEE > IF THE PLUMBING & GAS PERMITS ARE PULLED AT THE SAME TIME.**

- PLUMBING PERMITS ARE NOT TRANSFERABLE.
- PERMIT FEES ARE NOT REFUNDABLE.
- PLUMBING PERMITS EXPIRE AFTER 1 YEAR FROM ISSUE DATE.

REQUEST FOR INSPECTIONS MUST BE MADE VIA E-MAIL TO THE INSPECTOR & CC TO THE BUILDING DEPT.
 EMAILS: Jay Catalano: jvcplginspector@gmail.com (or) Fred Parmenter: rainfre@comcast.net
 Building Dept: jswanson@lakevillemz.org

IF YOU HAVE ANY QUESTIONS, CONTACT THE BUILDING DEPT. 508-946-8804



TOWN OF LAKEVILLE
 346 Bedford Street, Lakeville, MA 02347
 Phone: 508-346-8804

WIRING FEE SCHEDULE

The Board of Selectmen voted on January 28, 2013 to adopt the following fee schedule for Wiring.
 Effective: February 1, 2013

RESIDENTIAL FEES

New Construction per unit	\$150.00	max 3 inspections
Add Garage	\$ 50.00	per garage
Add Underground Service	\$ 50.00	1 inspection
Alarm Systems Flat Rate (Res. & Com)	\$ 100.00	max 2 inspections
Additions & Alterations	\$ 100.00	max 2 inspections
Service Change	\$ 50.00	1 inspection
Trench (all trenches)	\$ 50.00	1 inspection
Septic	\$ 50.00	1 inspection
Temporary Service (Res. & Com)	\$ 50.00	1 inspection
In Ground Pool	\$ 150.00	max 3 inspections
Above Ground Pool & Hot Tubs	\$ 100.00	max 2 inspections
Solar (small residential applications)	\$ 100.00	max 2 inspections
All Others	\$ 50.00	per inspection
Re-inspection Fee (Res. & Com.)	\$ 50.00	paid in advance
Additional Inspections as needed	\$ 50.00	per inspection
Emergency Inspections (off hours)	\$ 50.00 per hr	minimum 3 hours
Work started without a permit (Res. & Com.)	Double fee	

COMMERCIAL / INDUSTRIAL FEES

New Building, Addition, Renovation, Remodel & Solar Wiring Fees are based on the Over All Construction Cost of the Building Permit for the Project.

Up to first \$15,000.00	\$ 50.00	
Plus the first \$500,000.00 (X's)	0.002	
Plus all over \$500,000.00 (X's)	0.001	
Electric work only (without Building permit)	\$ 100.00	max 2 inspections

WIRING PERMITS ARE NOT TRANSFERABLE.
 PERMIT FEES ARE NOT REFUNDABLE.
 WIRING PERMITS EXPIRE AFTER 1 YEAR FROM ISSUE DATE.

REQUEST FOR INSPECTIONS MUST BE MADE VIA E-MAIL TO THE INSPECTOR & CC BUILDING DEPT.

Email: Robert Canessa: rcanessa2@comcast.net
 Building Dept: jswanson@lakevillema.org

IF YOU HAVE ANY QUESTIONS, CONTACT THE BUILDING DEPT. 508-346-8804

Conservation Commission

The Conservation Commission's job is to uphold the State's Wetlands Protection Act (M.G.L. Chapter 131, section 40). The Conservation Commission approves site plans and issues permits for work in or near wetlands, rivers, and wetland buffer zones. The Commission also works to preserve other resource areas protected by the state.

Wetlands are transitional zones between dry upland ecosystems and deeper aquatic habitats such as rivers and streams. Wetlands provide flood control, aquifer recharge, coastal protection, habitat, food and cover for wildlife, and act as natural filters. Wetlands support a wide range of rare and endangered aquatic plants and wildlife. Wetlands are unique because of the hydrologic, climatic, and geologic conditions that form them.

Contact: Nancy Yeatts, Conservation Agent
nyeatts@lakevillema.org
Cell phone: 508-498-4347

Jennifer Jewell, Secretary
jjewell@lakevillema.org

Address: 346 Bedford Street
Lakeville, MA 02347

Phone: 508-946-8823

Fax: 508-946-0112

Website: www.lakevillema.org/conservation_commission.cfm

Office Hours:

Monday:	8:30 AM to 2:30 PM
Tuesday:	By appointment only
Wednesday:	8:30 AM to 4:30 PM
Thursday:	8:30 AM to 3:30 PM
Friday:	By appointment only

Meeting Schedule: 2nd Tuesday (4th Tuesday as needed), @ 7:00 PM; Lakeville Public Library

Members: Emery Orrall, Chairman
Joseph Chamberlain
Robert Bouchard

Martha Schroeder
Linda Grubb
Pam Rasa
Ryan Trahan
Sarah Kulakovich, Alternate

Typical Permits Issued:

(For a complete list please see the
MADEP Website: www.mass.gov/dep)

Simplified Permit
Determination of Applicability
Order of Resource Area Delineation
Order of Conditions
Certificate of Compliance

Process for Obtaining Permits:

Please see www.mass.gov/dep and/or
Lakeville's Town website (address above) for
applications, fees and information.

Time Frame for Public Hearing:

10 or 21 days from receipt of a completed
application; dependent upon the type of filing

Time Frame for Decisions:

To be determined based upon the type of
filing.

Appeal Process:

10 days after close of hearing

Fee Schedule:

See following page.

Conservation Commission Fees

SIMPLIFIED PERMIT	\$50.00
REQUEST FOR DETERMINATION OF APPLICABILITY Includes site visit	\$75.00
NOTICE OF INTENT – Residential Includes site visit	\$75.00
NOTICE OF INTENT – Commercial	\$100.00
ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION: Minimum charge/\$100.00 Maximum charge/\$1000.00	\$1.00/linear foot
CERTIFICATE OF COMPLIANCE < 2 ACRES:	\$25.00
CERTIFICATE OF COMPLIANCE > 2 ACRES:	\$50.00
CERTIFICATE OF COMPLIANCE > 5 ACRES:	\$75.00
CERTIFICATE OF COMPLIANCE – COMMERCIAL	\$100.00
AMENDED ORDER OF CONDITIONS Residential	\$25.00
Commercial/Subdivision	\$200.00
EXTENSION TO ORDER OF CONDITIONS	\$50.00
SITE INSPECTION	Flat fee of \$25 for the first hour, plus \$25 each additional hour
CONTINUATION – APPLICANT'S REQUEST	\$25 without 48 hours notice
DUPLICATE OF ORIGINAL ORDER OF CONDITIONS	\$25.00

Fire Department

The Mission Statement of the Lakeville Fire Department is to serve all of the community's citizens and visitors by safeguarding their lives, property and the natural resources. This shall be accomplished through fire prevention, public education, fire suppression, and advanced life support emergency medical services. To accomplish this mission, the Department depends upon the dedication, pride, professionalism and continuous education of its members.

Contact: Daniel Hopkins, Chief
dhopkins@lakevillema.org

Address: 346 Bedford Street
Lakeville, MA 02347

Phone: 508-947-4121 **Fax:** 508-946-3436

Website: www.lakeville.org/departments/fire.cfm

Office Hours: 8 AM– 4 PM, Monday - Friday

Meeting Schedule: Not applicable

Permits Issued: Burning Permits, Fire Alarm, Demolition Permit; Diesel Storage; Fire Suppression System/Sprinkler Installation; Gun Powder Storage; Cooking Vent Hood; LPG Storage; Multi-Unit Dwelling Inspection; Oil Burner Tank; Occupancy Permit; Pesticide Storage; Underground Storage Tank

Process for Obtaining Permits: Submit completed application to the Fire Department during normal business hours

Time Frame for Public Hearing: Dependent upon type of permit

Time Frame for Decisions: Dependent upon type of permit

Fee Schedule: Please See Next Page

Applicable Local, State and Federal Statutes: Town of Lakeville General Bylaws; M.G.L. Chapter 148; 527 CMR; NFPA Guidelines; Mass Building Code.

Fire Department Fees

FIRE DEPARTMENT Fee Schedule Effective February 1, 2013

Permit Fees

Agricultural Burning	\$20.00
Residential Burning	\$10.00
Fire Alarm for Resale of Property (26F & 26F1/2)	\$25.00
Demolition Permit	\$25.00
Diesel Storage over 120 U.S. gal.	\$50.00
Fire Alarm Installation Commercial: permit \$50/inspection \$50	\$100 due with application
Fire Suppression System/Sprinkler Installation: permit \$50/plan review \$50/inspection \$50	\$150 due with application
Gun Powder Storage	\$25.00
Gun Powder Storage Renewal	\$15.00
Cooking Vent Hood	\$50.00
LPG Storage Above Ground	\$25.00
LPG Storage Below Ground	\$25.00
Multi-Unit Dwelling Final Inspection (over 4 units)	\$100.00 + \$5.00 per unit
Home Heating Oil Tank – Line – Burner	\$25.00
Occupancy Permit 1 or 2 family dwelling	\$25.00
Pesticide Storage	\$25.00
Transfer Tank under 119 U.S. gal.	\$25.00
Underground Storage Tank	\$50.00
Underground Storage Tank Removal	\$50.00
Other Standard Permits	\$25.00

Detail Rates:

Firefighters / EMTs / Divers: \$34.00 / hour / each

Engine / Ambulance / Boats: \$85.00 / hour/ unit

Any work performed without a permit will be subject to citation and fines shall be imposed in accordance with the Massachusetts Department of Public Safety and Massachusetts Department of Fire Services guidelines.

Permit Application:

<http://www.mass.gov/eopss/agencies/dfs/dfs2/osfm/osfm-forms.html>

Burning Regulations & Smoke Detector and Carbon Monoxide Detector Information:

<http://www.lakevillema.org/departments/fire.cfm>

Planning Board

The Planning Board is a five (5) member elected Board with terms staggered so that each year, one (1) member is elected at the Annual Town Election for a five (5) year term. The Planning Board is responsible for ensuring that new land development meets both state (Chapter 41 Subdivision Control Law) and local zoning regulations. Some of the duties of the Planning Board include reviewing subdivision plans, Form A plans (application for endorsement of plan believed not to require approval); Form B plans (preliminary plans); Form C plans (application for approval of a definitive plan); Form D plans (covenant); site plans and requests for new driveway cuts. The Planning Board also holds hearings concerning articles to be considered at Town Meeting on rezoning, zoning definitions and regulations.

If you would like to schedule an appointment to appear before the Planning Board, please call Pauline Ashley, Secretary to the Planning Board, at (508) 946-8803 on Tuesdays, Wednesdays and Thursdays and you will be given an appointment time. Plans and documents may be dropped off at the Selectmen's Office for the Planning Board Monday through Friday between 9:00 AM and 5:00 PM.

The Planning Board considers and prepares amendments to the Town of Lakeville Zoning By-laws. They conduct public hearings on these amendments and on zoning amendments that are submitted to the Board by way of citizen petition through the proper procedures. The Planning Board is also responsible for developing and updating the Town's Master Plan. The Master Plan was last revised and updated in November 2005.

Contact: Pauline Ashley, Secretary
pashley@lakevillema.org

Address: 346 Bedford Street
Lakeville, MA 02347

Phone: 508-946-8803 **Fax:** 508-946-0112

Website: www.lakevillema.org/planning_board.cfm

Office Hours: Tues, Wed, Thurs: 9 AM – 3 PM
in the Selectmen's Office

Meeting Schedule: 1st and 3rd Tuesday @ 7:30 PM
Town Offices

Members: James Marot, Chairman
Donald Bissonette
Brian Hoeg
Gregory Kashgagian
Sylvester Zienkiewicz

Permits Issued: Site Plan Review
Subdivision Control
40R SGOD

Process for Obtaining Permits: Submit application, plans and associated documentation for review by the Planning Board. Applications are available on the Planning Board website.

Time Frame for Public Hearing: Within 65 days of filing an application for a Special Permit and Site Plan Approval

Time Frame for Decisions: Within 90 days of the close of public hearing

Appeal Process: Appeals must be filed with the Town Clerk within 20 days of the decision filing in accordance with M.G.L. Chapter 40A § 17. Anyone aggrieved by the decision of the Board may file an appeal with the Division of Administrative Law Appeal (Priority Development Sites) or Superior Court or Land Court within twenty (20) days of the date of the filing of this decision with the Town Clerk.

Fee Schedule: Please See Next Page

Applicable Local, State and Federal Statutes: Massachusetts General Laws Chapters 40A and 41, Ch 43D, also see Town of Lakeville Zoning Bylaws, Town of Lakeville Rules and Regulations of the Planning Board Governing the Subdivision of Land,

Planning Board Fees

TOWN OF LAKEVILLE
PLANNING BOARD FEE SCHEDULE

FORM "A" (APPROVAL NOT REQUIRED)	\$100.00 PER LOT
FORM "B" (PRELIMINARY PLAN)	\$100.00 PER PLAN
FORM "C" (DEFINITIVE PLAN)	\$700.00 +\$100.00/LOT* **
FORM "C" (DEFINITIVE PLAN) FOLLOWING SUBMISSION OF FORM "B" AT LEAST 30 DAYS PRIOR TO THAT OF FORM "C"	\$500.00+\$100.00/LOT * **
REPEAT PETITIONS	\$100.00 ***
CHANGES	\$100.00 EACH
ENGINEERING REVIEW FEE	\$2,000. +\$50.00/LOT MIN ***
INSPECTION FEES	\$4.00/LINEAL FEET OF ROAD

RETAINER FEE: -- AT COMPLETION OF ROAD (RELEASE OF COVENANT) A RETAINER FEE OF \$15.00 PER LINEAL FOOT OF ROAD SHALL BE HELD THROUGH BOND OR PASSBOOK WITH THE TOWN TREASURER UNTIL SUCH TIME AS THE TOWN ACCEPTS THE ROADWAY.

NO NEWLY CONSTRUCTED WAY SHALL BE ELIGIBLE FOR TOWN ACCEPTANCE FOR A PERIOD OF TWO FULL YEARS FROM THE TIME OF RELEASE OF COVENANT AND SHALL THEN BE PRESENTED AT THE NEXT TOWN MEETING.

SITE PLAN REVIEW	\$1,000.00 * **
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- THE COST OF ALL ENGINEERING REVIEW AND SUBSEQUENT FEES AS DETERMINED BY THE PLANNING BOARD WILL BE BORNE BY THE APPLICANT.

** THE COST OF ADVERTISING AND MAILINGS FOR PUBLIC NOTIFICATION WILL BE BORNE BY THE APPLICANT.

December 4, 2006

PERMITS

Included herein is the regulatory information with copies of permits that an applicant may be required to obtain during the development process.

Permit Matrix

	Board of Appeals	Board of Health	Board of Selectmen	Building Department/ Inspections	Conservation Commission	Fire Department	Planning Board
40R SGOD							X
Alcoholic Beverages License			X				
Appeals	X						
Automatic Amusement Devices			X				
Automobile Dealer's License			X				
Body Art		X					
Building Permit				X			
Certificate of Compliance		X					
Certificate of Occupancy				X			
Common Victualer		X					
Comprehensive Permit	X						
Curb Cut Permit			X				
Demolition Permit				X			
Determination of Applicability					X		
Dumpster Permit		X					
Earth Removal Permit			X				
Entertainment License			X				
Fire Alarm Installation Commercial						X	
Fire Suppression System/Sprinkler Installation						X	
Food Establishment		X					
Gas Permit				X			
Livery License			X				
Mechanical Permit				X			
Order of Conditions					X		
Order of Resource Delineation					X		
Percolation Test		X					
Plumbing Permits/Inspection				X			
Septic System Installation		X					
Sign Permit				X			
Simplified Permit					X		
Site Plan Review							X
Special Permit	X						
Storage Trailer			X				
Subdivision Control							X
Temporary Mobile Home Permit			X				
Trench Permit		X		X			
Underground Storage Tank			X			X	
Well Permits		X					
Wiring Permit				X			
Zoning Variance	X						

Lakeville Board of Appeals Application

Petition to be
filed with Town Clerk

EXHIBIT "A"

TOWN OF LAKEVILLE
MASSACHUSETTS

ZONING BOARD OF APPEALS
PETITION FOR HEARING

Name of Petitioner: _____

Mailing Address: _____

Name of Property Owner: _____

Location of Property: _____

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

Registry of Deeds: Book No. _____ Page No. _____

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.)

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: _____

Signed: _____ Telephone: _____

Owner Signature: _____ Owner Telephone: _____
(if not petitioner)

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

WILL YOU HAVE A REPRESENTATIVE OTHER THAN YOURSELF?

_____ Yes _____ No _____

(Name and Title)

Lakeville Board of Health Permits and Regulations

The primary goal of the Board of Health is to assure public safety with respect to public health. This is achieved through proper licensing, permitting and enforcement of Massachusetts General Laws related to public health in addition to local Board of Health regulations created to enhance the State regulations.

SEPTIC AND WELL REGULATIONS

Under the provision of Chapter 111 of the General Laws and any other powers thereto enabling the following regulations are adopted.

All Massachusetts Title V regulations are followed per 310 CMR 15.000, Department of Environmental Protection and the state environmental code Title V. Including Standard requirements for the siting, construction, inspection, upgrade and expansion of on-site sewage treatment and disposal systems and for the transport and disposal of Septage.

1. Subsurface Sewage Disposal Systems (SSDS) including but not limited to all public sewers, septic tanks, cesspools, and vault privies.

1.1. Inspections and fees – All title V inspections in the Town of Lakeville, performed by a State certified inspector, shall be witnessed by an agent of the Lakeville Board of Health, the fee for which shall be \$50.00, payable in advance with the appropriate application prior to scheduling in advance.

1.2. Cesspools receiving raw sewage (with openings for leaching) are considered failed systems at the time of real estate transfers in the Town of Lakeville. Property transfers, under State regulations, still require an official and complete title V inspection with report, regardless of an automatic town failure regulation, and all wells within 100 feet are to be tested as required.

1.3. Leaching pits shall be evaluated (for the purposes of inspection and leaching capacity failure criteria) similar to cesspools as referenced in title V, whereas they must have at least a half a day's flow calculated capacity and/or at least 6 inches of clearance between the inlet invert and the liquid level below.

1.4. No building permit for an addition to any dwelling or structure shall be issued until the Board of Health has approved the adequacy of the sewage disposal system(s) serving said dwelling, by reviewing an engineered as-built plan and certificate of compliance recently issued and/or by witnessing and reviewing an official title V inspection and report done within 3 years that located all components.

1.5. An annual inspection (COI) of rental property shall be required prior to the rental of any dwelling or upon complaint by tenant(s) and will include housing code parameters in addition to an official title V inspection (and associated witnessing and report review) every three years (or annually for large or shared systems) and annual well analyses per BOH parameters.

2. SSDS Design and Property Related Requirements and Restrictions

- 2.0. A lot less than one half acre (rounded down to 20,000 sq.ft. of upland acreage) shall be deemed too small for both a water supply and sewage disposal.
- 2.1. No septic components of any kind shall be constructed or installed in a roadway or a right of way.
- 2.2. Any addition or modification of an existing structure shall include re-assessing the SSDS suitability and upgrading with respect to the most recent state and local minimum requirements especially as pertaining to the latest application rates and including any change in use (upgrade must take place prior to building permit unless occupancy is revoked until such time) for commercial, industrial, and residential (or any combination thereof) applications.
- 2.3. For new code parameters any expansion or change of use (even if no increase in flow is proposed) there must be a documented reserve area.
- 2.4. BOH may vary the application of any provision of these regulations unless superseded by State regulations, when in the opinion of the BOH, that lot size, hydro-geo conditions, or other site restrictive factors make enforcement of the provisions impractical or if the owner can demonstrate an equivalent degree of environmental protection and/or if the BOH decides it would be manifestly unjust.
- 2.5. No septic component shall be placed within 20 feet of a swimming pool, nor should any swimming pool be placed within 20 feet of a septic component or foundation.
- 2.6. No structure (like sonotubes, decks, sheds, etc.) shall be within 5 feet of any component.
- 2.7. Lowest floor elevations must be a minimum of 24" higher than the agreed high groundwater elevation as determined at percolation testing/soil evaluation between CSE and town witness or as documented with additional soil/HGW form(s) for additional test holes by CSE at foundation location(s).
- 2.8. Approved Effluent filters are required on all systems at outermost tee
- 2.9. Two compartment tanks are required unless two tanks in serial are utilized for all repairs, upgrades, and new construction unless a local variance is sought.

3. Additional requirements for designs, installations & inspections when noted.

3.0. REGISTERED LAND SURVEYOR STAMP

A registered land surveyor's (hereafter referred to as RLS) stamp is required for any plan with a lot that is less than 70,000 SF, if any local divergences and/or state variances exist, or if any minimum setbacks are proposed (horizontal or vertical). For new construction and/or lots 70,000 SF or greater, a RLS plan reference (plan referred to must show existing structure(s) footprint(s) as related to defined (bearings and distances) property lines) must be shown somewhere on all site plans unless stamped by a RLS.

3.1. BUILD-OUT CAPACITY FOR STRUCTURES AND SEPTIC

A RE-CALCULATION for leaching capacity using the latest application rates in 310 CMR 15.242. If the existing system can be successfully shown to have adequate leaching capacity through current application rates and calculations and pass an official title V inspection, no upgrade would be required for the increase in flow. If calculations cannot demonstrate compliance with latest application rates, no build out or increase in flow would be allowable without

upgrade per latest title V and local regulations. If system cannot pass an official title V inspection, a repair or upgrade would be necessary prior to build out or within the BOH specified time frame but not more than 2 years without build out.

3.2. ELECTRICAL SPECIFICATIONS FOR PUMP CHAMBER

The Board of Health, after consulting with the Town Electrical Inspector, will now require the following electrical specifications on any/all plans requiring pumps or electrical fixtures working in conjunction with septic systems.

.0.1. Any conduits extending into a manhole and/or septic tank (pump chambers and tight tanks included) shall incorporate a sweep extending in the appropriate direction so as not to cause fraying or degradation of wiring insulation in contact with said conduit edge. Any opening of said conduit edge shall be sealed to prevent water and/or gases from migrating.

.0.2. Junction boxes shall not be located within manholes or tanks and shall have a separate acceptable vessel enclosing such box with a watertight and secured access at grade.

.0.3. Any pump system requiring floats (and when a pressure transducer is not otherwise specified) a removable float valve of a non-corrosive material shall be utilized to separate said float chords.

.0.4. Any questions or clarifications can be directed to the Town Electrical Inspector and/or Board of Health Agent.

.0.5. All electrical components and materials must conform to the State Electrical Code, as well as the State Environmental Code where applicable, when electrical components are specified.

.0.6. Any deviations to an approved stamped septic design plan must be first approved by the designer engineer or sanitarian that stamped said plan, and be subject to approval by both the Town Board of Health agents and Electrical Inspectors.

3.3. PUMP CHAMBER CHECKLIST / AS-BUILT CERTIFICATION

(Shall include the following completed information)

MAP/BLK/LOT: _____
PROPOSED PLAN APPROVAL DATE _____
PUMP CHAMBER VOLUME _____
UNION PRESENT _____ YES _____ NO _____
PUMP MANUFACTURER _____
WEEP HOLE PRESENT _____ YES _____ NO _____
PUMP H.P. _____ RAIL SYSTEM _____ YES _____ NO _____
PUMP VOLTAGE _____ LIFT OUT CABLE OR CHAIN _____ YES _____ NO _____
SIMPLEX / DUPLEX (Circle One)
CORROSION RESISTANT MATERIAL _____ YES _____ NO _____
ACCESS COVER(S) AT GRADE _____ YES _____ NO _____
COVER(S) MATERIAL _____ LOAD RANGE _____
ACCESS COVER(S) WATERTIGHT AND SECURED _____ YES _____ NO _____
FLOAT SYSTEM / PRESSURE TRANSDUCER (Circle One)
IF FLOAT SYS.: REMOVABLE FLOAT TREE IN PLACE _____ YES _____ NO _____
CHAMBER FLOOR ELEVATION _____
LAG PUMP ON ELEVATION _____ (if applicable)
PUMP OFF ELEVATION _____
LAG PUMP OFF ELEVATION _____ (if applicable)
PUMP ON ELEVATION _____
ELECTRICAL PERMIT # _____ DATE _____
ALARM ON ELEVATION _____
PLUMBING PERMIT # _____ DATE _____
STORAGE CAPACITY _____
DOSING FREQUENCY _____ DOSING VOLUME _____
(1 or more times a day) (Gallons)

The undersigned certifies that the pump chamber & all associated equipment have been installed according to the approved design plan & specifications, & meet all State & Local Regulations _____ yes _____ no

(or)

The undersigned certifies that the pump chamber & all associated equipment have been installed with *changes* to the approved design plan &/or specifications, but according to all State & local regulations. _____ yes _____ no

(Note: All location changes shall be reflected on the certified as-built plan & all designer approved specification changes shall be listed on the reverse of this form.

Engineer/Inspector's Name, Title, & Company:

_____ Date: _____

Engineer/Inspector's Signature:

3.4. INNOVATIVE & ALTERNATIVE CHECKLIST & AS BUILT CERTIFICATION

(completed form must include the following)

I/A System Name: _____

DEP Permit Type: _____

(Remedial/Pilot/General/ Provisional)

MANUFACTURER: _____

(Name, Address & Phone)

MODEL #: _____

DE-NITRIFICATION DISTRIBUTOR: _____ Yes _____ No

DISTRIBUTOR: _____

(Name, Address & Phone)

MANHOLE(S) AT GRADE _____ Yes _____ No

MANHOLE MATERIAL _____

WATERTIGHT & SECURED _____ Yes _____ No

SAMPLING PORT(S) LOCATION: _____

AERATION *(required)* _____ Yes _____ No

VENTING *(required)* _____ Yes _____ No

PUMPING CONTRACT *(required)* _____ Yes _____ No

If so, Name of Pumper: _____

CONTRACT IN PLACE _____ Yes _____ No

DATE OF DEP APPROVAL *(If required)* _____

O & M CONTRACT TERM *(years)* _____

CONTRACT COMPANY _____

(Name, Address & Phone)

INFLUENT TESTING *(required)* _____ Yes _____ No _____ Frequency

ADDRESS: _____

MAP/ BLK/ LOT: _____

DATE OF APPROVED PLAN: _____

EFFLUENT TESTING *(required)* _____ Yes _____ No

TYPE OF EFFLUENT TESTING & FREQUENCY _____

ELECTRICAL PERMIT# _____ Insp. Date _____

(If required)

PLUMBING PERMIT# _____ Insp. Date _____

(If required)

OPERATOR'S NAME: _____ GRADE: _____

INSPECTOR'S NAME, TITLE & CERTIFICATION: _____

I CERTIFY THIS SYSTEM WAS INSTALLED ACCORDING TO
MANUFACTURER'S SPECIFICATIONS AND IN COMPLIANCE WITH DEP'S
(Department of Environmental Protection) APPROVAL.

(Inspector's Signature)

3.5. TITLE V INSPECTION REQUIREMENTS

- .0.1. Field Verifications of “Critical Components” when an adequate as-built plan is not on file for official inspections.
- .0.2. Critical components shall be defined as the leaching facility (actual horizontal and vertical location including bottom of SAS) and any wells within 100 feet, as pertains to official inspections.
- .0.3. “Adequate” as-built plan shall be defined as another specific plan made after installation (and not a copy of proposed plan that still shows proposed distances or wording that implies work that is not done or not verified) with field confirmations by designer or other engineer that specifically gives the elevation of verified leaching facility bottom in addition to a specific location of all wells within 100 feet.
- .0.4. Swing ties must be performed and documented on all septic inspections to verify component locations as found in field unless the engineered as-built on file clearly shows all components locations (as found in field by inspector) and is stamped by a registered land surveyor.
- .0.5. Comparison of the actual bottom of leaching facility elevation to high groundwater elevation is critical for the title V official inspection therefore, it would be required to be determined in the field (as least intrusively as possible) when this information is not clearly available on an adequate as- built plan.
- .0.6. Field location of all wells within 100 feet of the leaching facility is absolutely necessary as they all would need to be tested in accordance with official title V inspection parameters. Inspectors should keep in mind that new and replacement wells may have been installed after engineered reference plans on file and that some wells have no location plans on file. Most properties in Lakeville are serviced by one or more wells and it is the inspector’s responsibility to account for each property’s water source(s) within 100 feet of the septic system being inspected.
- .0.7. Any D box greater than 24 inches below grade requires a riser 9 to 12 inches below grade with watertight covers for both inspections and installs.
- .0.8. Tank inlet covers, greater than 24 inches below grade require a riser 9 to 12 inches below grade for both inspections and installs.
- .0.9. Tank outlet covers, require risers with covers at grade that are watertight and securable for both inspections and installs.
- .0.10. Pump chambers require watertight securable covers at grade for both inspections and installs.
- .0.11. Any system that has not received normal flow in the previous two weeks prior to Title V inspection will be considered “needs further evaluation”. The inspector will explain on the report the determined reason for such conditions for example: no power, no water, or house vacant. If actual time of non-use is known by inspector it will also be noted on report. This system will still require the BOH to witness the conditions & perform a walk-through. The owner of said system shall notify the inspector & BOH after the system has normal flow for two weeks so a re-inspection can be completed unless other additional assessment means are employed.

- 3.6. TITLE V INSPECTION OF EXISTING MANHOLES Upgrade requirement for existing non-conforming manhole covers found at Title V inspections. If an official title V inspection reveals non-conforming and unsafe conditions, a conditional pass or further evaluation is warranted to insure unsafe issues are corrected, and as required in

3.5.0.7 through 3.5.0.10. Any non-conforming and/or unsafe covers at grade need to be replaced with watertight (gasketed) and securable (bolt down or screw down) covers as required by 310 CMR 15.228(2), 15.227(7), 15.231(5), 15.227(1), 15.226(3), 15.222(8), 15.221(3) and 15.260(f), or lowered if applicable, to meet 15.221(13) when not otherwise required to be at grade by aforementioned state regulations.

3.7. TITLE V INSPECTION OF GREYWATER

for buildings found to have a separate leaching system for laundry and/or any greywater not in accordance with 310 CMR 15.262. Title V official inspection reports require an inspector to infer whether the existing laundry system(s) is/are on a separate (from a main title V septic system) sewage system. Additionally, the report states in follow-up, if yes, a separate inspection is required, and then asks if a separate inspection was performed. Unfortunately many of these greywater systems are found to exist but there is no further DEP guidance given or spaces for additional information provided on the inspection report. The Lakeville BOH has adopted a supplemental form that includes the following information to be attached to the report when this condition exists.

*Separate laundry/greywater system found but inaccessible and owner opts to reroute laundry/greywater flow into main sewer pipe and re-inspect main system after at least two weeks of normal flow and therefore will be considered a "Further evaluation by BOH" at this time and checked as such on initial report page. Owner will insure licensed plumber reroutes laundry with plumbing permit and contact title V inspector and BOH after at least 2 weeks of normal flow after rerouting for re-inspection.

*Separate laundry/greywater system found & system components & sizes are documented below from excavation and measurements.

Discharge (laundry sewer) pipe _____ inches below grade.

Tank present ____ dimensions _____ material of construction ____ Liquid Level _____

Leaching pit ____ dimensions _____ material of construction ____ Liquid Level _____

Other leaching facility ____ dimensions _____ material of construction _____

Distance from bottom of leaching to estimated high ground water: _____

_____ Pass (system passes if tank present & liquid level greater than 6" below invert & leaching facility bottom is above HGW)

_____ Conditional Pass (liquid level and HGW separation adequate but tank installation needed prior to leach facility.

_____ Fail (liquid level < 6" to leaching inlet invert or leaching bottom in HGW.

3.8. WATER TREATMENT SYSTEM BACKWASH

going into a sewer pipe that discharges to a title V leaching system.

State Code Reference 310 CMR 15.004(8)

A certified Title V Inspector working within the Town of Lakeville should, as part of the required walk-thru, document any such backwash system as a write-in conditional pass and disclose to the owner that this would need to be corrected. The correction can be made by rerouting backwash out onto the ground or into a drywell, assuming of course, that the type of backwash is non-hazardous and non-industrial. Any (pipe connections broken and re-piped and/or re-connected) plumbing changes should of course be subject to the State plumbing code and a licensed plumber with the appropriate plumbing permit, when required, by Building department. Once this has been done and witnessed and/or re-inspected (or documentation from Building Department given to the BOH from inspector or owner) compliance for a "passing" Title V Inspection report could then be given.

3.9. EXISTING 1000 GALLON SEPTIC TANK

Existing properties with existing 1000 gallon septic tanks can ask for a waiver (local variance request) during the repair or upgrade process, to retrofit and continue using the existing tank, provided that the tank is documented to be less than 20 years old, is certified structurally sound in writing by the designer, is constructed of DEP approved materials and can be made to conform to State water tightness parameters and manhole area requirements. Otherwise, compliance with 310 CMR 15.223 in every respect shall be incorporated into the design process requiring a new (1500 gallon minimum or 200%) tank be installed and compartmentalized with outlet filter as required per 2.8 & 2.9.

3.10. LOCAL CESS POOL/PRIVIES UPGRADE

All existing cesspools, privies and "overflow cesspools" in the Town of Lakeville are considered non-conforming systems in Lakeville and shall be upgraded to meet the standards set forth in the new Title V regulations at the time of or before a real estate transfer.

3.11. PLAN/PERMIT APPROVAL DEADLINE

Existing properties with plan/application permit approvals for repairs and/or upgrades must be completed (allowing COC to be issued within one year) within one year of the Agent's or Board's approval.

After the deadline, if the COC has not been issued, the applicant may be required to submit a whole new package (including fees and revised plans), the intent being that the plan and existing conditions have to be re-affirmed as current by the certified engineer, sanitarian and/or land surveyor, and/or any changes shown or noted on revised proposed plans, to be re-reviewed as necessary by the Health Agent and/or the Board. New construction (vacant lot) approved septic plans and permits are good for 3 years (everything complete to allow COC to be issued within the 3 years) although the wells must go in within 1 year.

4. PERCOLATION TESTING AND SOIL EVALUATION

- 4.0. Percolation tests shall not be performed during the period from June 1st extending to December 1st except when the Board of Health determines that such a test is necessary in order to repair or replace an existing sewage system and therefore apply to new construction as defined in title V.
- 4.1. Soil with a percolation rate over thirty minutes per inch is considered impervious and unsuitable for the subsurface disposal of sewage for new construction.
- 4.2. All test holes and observation holes must be at least 20' apart.
- 4.3. De-watered percolation testing is not allowed in Lakeville, and therefore the observed groundwater elevation cannot be altered to perform a percolation test.
- 4.4. Systems to be designed requiring a leaching system will require deep observation holes in the following manner:
 - a. The system shall not exceed 24" to the top of the SAS above the natural elevation at the location where percolation test was performed.

5. DISPOSAL WORKS INSTALLERS

- 5.0. The person, business or agent licensed in the Town of Lakeville to install subsurface sewage disposal systems in accordance with the provisions of Title V of the State Sanitary Code, shall sign the application for Disposal Works Construction License, pick up the license and the approved copy of the septic plan to ensure that the system be installed is one that has been approved and that the installer is properly licensed.
- 5.1. First Time Installer in Lakeville
The applicant will pay a \$250.00 fee at the time to receive their first Provisional Disposal Works Construction License. This \$250.00 will cover the 1st, 2nd and 3rd provisional as well as the first annual. These 4 licenses will not expire and do not have to be completed within a 12-month period. The Annual license fee renewal will begin upon completion of the calendar year when the 4th system is installed.
- 5.2. Annual License Renewals
Disposal works installer license shall be available only on an annual basis. No license shall be issued on the basis of one installation only.
- 5.3. Applications for License
Applications for annual license must be filed on forms available from the Board of Health no later than February 15 of the year for which a license is sought. Said applications must be accompanied by a check payable to the Town of Lakeville in the amount of \$100.00 for the annual fee. Should said application be denied by the Board the check shall be refunded.
- 5.4. Expiration of License
Such license shall expire at the end of the year in which they are issued unless earlier revoked for cause by said Board.

6. SEPTIC INSTALLATION INSPECTIONS

- 6.0. Agents of the Lakeville Board of Health will perform 3 inspections; an open hole, a final and a final grade inspection. The fee will be \$300.00 due at the time of plan submittal which covers plan review and the three required inspections. The 3rd (final grade) inspection which field confirmation will take place for but not limited to:
 - 1) minimum adequate (quantity and quality) fill over all components
 - 2) the appropriate type and number of frames and covers at grade;
 - 3) an acceptable form of erosion control is in place; and

- 4) all designated inspection ports and/or vent pipes are present at the proper height with the proper access and/or screening or filter.
- 6.1. As with the other inspections, 48 hours notice is recommended although not required, since availability cannot always be guaranteed due to public health priorities, which vary on a day to day basis.
- 6.2. Any re-inspections for any Title V shall be a \$50.00 fee.

7. Certificate of Compliance Deadline Enforcement

Effective April 21, 2006, the State Environmental Code was revised to include a 30 day deadline from the date of the final inspection of subsurface sewage disposal system construction. Within 30 days of the final required inspection by the town inspector, the as-built plan and any associated paperwork must be submitted by the engineer, and both the designer and the installer must certify in writing that the system was constructed in compliance with 310 CMR 15.000, and the approved design plans, and all local requirements, and that any changes from the design plans have been reflected on the as-built plans.

- a. Any installer, who fails to certify/sign the compliance within the State deadline, will not be allowed to undertake any additional work requiring review/approval of the Town of Lakeville Board of Health, until the paper trail can be completed, and compliance issued, on any outstanding projects.
- b. Any engineering company that fails to submit the as-built plan or sign/certify any/all documents required for the certificate of compliance (i.e. retaining wall certifications, pump chamber as-builts, site plan as-builts, etc.) to be issued by the above mentioned deadline, will not be able to submit any additional plans for review/approval to the Lakeville Board of Health until the paper trail can be completed and compliance issued, on any outstanding projects.
- c. Adequate business contracts, proposals, scopes of work and all associated compensation between property owners and who they hire, is not the Town's responsibility nor is it reason for delays or deviation from this policy to insure all projects are completed in a timely manner per 310 CMR 15.021.

8. TIGHT TANKS

An executed 2 year renewable and transferable service contract with a licensed Town of Lakeville Septage Pumper must be submitted to the BOH.

An inspection and maintenance plan with a certified Title V inspector requiring inspection and pumping of the system at a minimum frequency of once every three months.

This report shall be in a form documenting the time and date of the visit, the person doing the inspection, the existing volume present in the tank prior to pumping, confirmation that the alarm is working and that the tank is still effectively watertight.

8.0. TIGHT TANK CHECKLIST AS-BUILT CERTIFICATION

(form available in office, information must include)

MAP/BLK/LOT: _____

ADDRESS: _____

PROPOSED PLAN APPROVAL DATE: _____

TANK VOLUME: _____

ACCESS COVER(S) AT GRADE: YES NO

COVER(S) MATERIAL _____ LOAD RANGE _____

WATERTIGHT AND SECURED YES NO

SEPTIC TANK FLOOR ELEVATION: _____

ALARM LOCATION: _____

AUDIBLE/VISUAL ALARM WORKING: YES NO

ALARM SEPARATE CIRCUIT: YES NO

ALARM ON ELEVATION: _____

CORROSION RESISTANT MATERIAL: YES NO

RISERS - WATERTIGHT: YES NO

The undersigned certifies that the Tight Tank has been made Watertight & All Associated Equipment have been installed according to the approved design plan & specifications, & meets all State & Local Regulations yes no

The undersigned certifies that the Tight Tank & all associated equipment have been installed with *changes* to the approved design plan &/or specifications, but according to all State & local regulations yes no (Note: All location changes shall be reflected on the certified as-built plan & all engineer approved specification changes shall be listed on the reverse side of this form.

Date: _____

Engineer/Inspector's Name, Title, & Company _____

Engineer/Inspector Contact Number _____ Engineer/Inspector's

Signature: _____

9. Connection to Municipal Water

Prior to connection to a municipal water main, the Lakeville Board of Health will require a proposed water supply plan submitted.

9.1. The plan shall include any pertinent features and basic lot identification information including the structure being connected to (but not limited to) and all pertinent easements. The plan shall specify the location (from street shutoff to building), depth, and type (material specification including pressure rating) of supply line and distances to all septic components and reserve areas within 50'.

9.2. If there is no engineered as-built plan on file, a Title V inspection (unless a valid title V inspection has been done within 3 years and accurately shows all components including the leaching facilities) shall be required prior to plan submittal in order that all of the septic components can be located, including the leaching area, and shown accurately on the appropriate report page with the proper swing ties to permanent reference points. This will allow the engineer to properly show the required setbacks to the proposed water supply line for proper plan review. On the plan there should be a note to specify proper abandonment of any existing well(s).

9.3. The plan should also specify magnetic marking tape to be attached to the water supply line unless the specified line already has metallic components or if the engineer is going to be locating the line prior to backfilling in order to accurately show the location on the As-built plan which should be submitted within 30 days of the completed connection. If there is an engineered plan on record, it may behoove the applicant to have the same engineering company provide the above mentioned plans since they would probably have most of the required information on file.

9.4. If any onsite wells are desired to be kept as non-potable and/or irrigation wells, all plumbing connections to the dwelling are required to be disconnected (with the appropriate plumbing permits through the building department), the as-built plan shall properly identify the well as irrigation or specified other, and distances shown to all septic components and reserve areas within 50' of the converted non-potable well.

10. WELLS

10.0. Article I. Authority

These regulations are adopted and, from time to time, amended by the Board of Health pursuant to Chapter 111, Section 31 of the Massachusetts General Laws.

10.1. Article II. Definitions

“Board”: The Board of Health of the Town of Lakeville.

“Leaching Facility”: Is an approved structure used for the dispersion of sewage effluent into the soil. These include leaching pits, galleries, chambers, trenches, and fields.

“Lot”: An area of land; in one ownership, with definite boundaries.

“Reserve Area”: An additional area of at least equal capacity as the original sewage disposal area, suitable for subsurface sewage disposal, and upon which no permanent structures will be constructed.

“Town”: The Town of Lakeville.

10.2. Article III. Severability

Each article shall be construed as separate to the end that if any regulation or sentence, clause, or phrase thereof shall be held invalid for any reason, the remainder of that regulation and all other regulations shall continue in full force.

11. Well Installers

- 11.0. Every person, business or association engaged in well construction or well installation in the Town of Lakeville for the purpose of obtaining water shall have a permit therefore to be issued by the State and listed on the Annual List of Registered Well Drillers under the Commonwealth of Massachusetts Department of Conservation and Recreation Well Driller Registration Program. This list includes individual who are qualified to engage in the business of well digging and drilling in all cities and towns throughout the Commonwealth of Massachusetts.
- 11.1. Permits for wells
- 11.2. Every person, business or association who installs a well for the purpose of obtaining water shall have a permit issued by the Board prior to the commencement of installation.
- 11.3. Permits for individual wells may be obtained by filing an application for same on a form supplied by the Board.
- 11.4. Applications for well permits shall be accompanied by a plot plan showing, at a minimum, property lines; location of any structures on the lot; proposed well location, location of any animal pens on the lot; and distances between proposed well and street line, property lines, sewage disposal systems and reserve areas on the lot, and if within 200 feet of proposed site, on adjoining lots.
- 11.5. The plan accompanying the well permit application need not be prepared by a registered professional engineer, although the Board reserves the right to request certification of the plan, including distance measurements, from a registered professional engineer.
- 11.6. A permit issued pursuant to Section 11.2 shall be valid for a period on one (1) year following the date of issuance. Upon written request, the Board may extend the permit, without charge, for additional periods of one year.

12. Sitting of well

- 12.0. The Board reserves the right to require greater distances between proposed wells and leaching facilities and reserve leaching facilities if geologic and topographic conditions warrant it.
- 12.1. No well shall be permitted within 20 feet of a street layout line or 10 feet of a side or rear line.
- 12.2. The Board may grant a variance indicating a lesser distance than that required in Sections 12.0, although not less than 100 feet from a leaching facility and reserve area, or of Section 12.1 if the Board determines that the installation of the well will not endanger the health of any potential user.
- 12.3. To minimize the hardship created by inadequate quality and quantity of water supply to dwellings used for year-round purposes as of the effective date of this regulation, the Board may grant a variance indicating a lesser distance than 100' from leaching and reserve area. Before said variance may be granted, though, the applicant shall certify in writing that he/she is aware that the minimum standards are designed to prevent contamination of wells and that he/she is aware of the request for variance.
- 12.4. In making a determination of the proper distances the Board may require the applicant to submit information relating to the character of local geology, nature of the soil, depth and slope of the water table and an assessment of the present and projected future density of subsurface disposal systems in the adjacent area.
- 12.5. There shall be no new shared wells allowed in the Town of Lakeville. Replacement of an existing well shall not be considered a new well, and no shallow wells will be permitted.

13. Non-potable wells

- 13.0. The Board may issue permits pursuant to Section 11.2 for wells designed for non-potable purposes.
- 13.1. Non-potable wells may be installed notwithstanding the siting requirements only if the applicant has a year-round source of potable water of quality and quantity satisfactory to the Board.

14. Well standards

- 14.0. The submergence setting of a foot valve or ejector in any well installed in unconsolidated material shall be a minimum of 10 feet below the static water level. The submergence setting of the uppermost inlet of a well point installed in unconsolidated material shall be a minimum of 10 feet below the static water level.
- 14.1. A well installed in an aquifer consisting of unconsolidated material for the purpose of providing potable water for a new dwelling shall provide no less than a minimum continuous yield of five (5) gallons per minute.
- 14.2. A drilled well installed for the purpose of providing potable water for a new dwelling shall have as a minimum the following capacities:
 - Depth of Well Required Volume
 - Less than 150 feet 5 gallons/minute
 - 150 feet to 300 feet 3 gallons/minute
 - More than 300 feet 2 gallons/minute
- 14.3. The well casing of a drilled well shall extend a minimum of eight (8) inches above finish grade.
- 14.4. Water distribution piping shall be connected to a drilled well with steel casings by means of a pitless adapter installed below the frost line.
- 14.5. Any well installation failing to meet the criteria of Sections 14.0, 14.1 or 14.2, shall be deemed inadequate to meet the ordinary needs of a dwelling.
- 14.6. The Board may grant a variance from Section 14.6 following examination of the request for variance. In making its determination the Board may request that the applicant provide additional storage capacity.

15. Well analysis standards

- 15.0. Chemical and bacteriological analysis (including VOC's) must be made of water from each well intended for drinking purposes prior to its connection to the plumbing system of the dwelling or structure where the water will be consumed.
- 15.1. Water analysis and collection shall be performed by a laboratory approved by the Mass. Department of Environmental Quality Engineering for microbiological and chemical analysis of drinking water.
- 15.2. Prior to the water sample collection, the well should be developed by sustained pumping over a period of not less than eight (8) hours.
- 15.3. The analysis pursuant to Section 15.1 shall contain, as a minimum, the following: total Coliform count; sediment, odor; taste; total hardness; sodium, total iron; manganese; chloride; and nitrogen-nitrate.
- 15.4. A copy of the laboratory analysis shall be submitted to the Board. The copy shall include the property plot plan number as stated on the permit and well installer's report to Board.
- 15.5. Following examination of the analysis, the Board reserves the right to recommend a suitable water conditioner or filter be installed.
- 15.6. In the case of a new dwelling, no building permit shall be issued prior to the installation of the well and the submission of the well analysis to the Board, and approval of the analysis by the Board.

16. Responsibility of the well installer

- 16.0. The person, business or association that drills the well must pick up the individual well permit and driller's permit. This would provide assurance to the registered driller that a well permit has been issued by the Board.

16.1. The driller shall promptly submit to the Board a report of the well installation, on a form approved by the Board, stating the location of the well, the type well, its yield and depth, as well as any other similar information as may be required by the Board.

16.2. There shall be no deviation from the well location as shown on the plot plan prepared for the Board as part of the application for a well permit without prior approval of the Board or its designee.

17. Previous well permits

17.0. All permits to install wells issued prior to the effective date of this regulation shall be valid for one full year following the effective date of this regulation.

18. WATER ANALYSIS REQUIREMENTS

18.0 Any Well Only Permit must have a Current Title V Inspection or Certificates of Compliance (up to 2 years old) can be submitted to show sewage disposal facility adequacy.

18.1 Any Septic Repair or Upgrade Permit must have a Current Water Analysis (*up to one year old*) can be submitted to show water adequacy, provided they include all Potability parameters including Nitrates and Volatile Organic Compounds, and provided they have been collected objectively by a DEP Certified Employee or Certified Water Operator.

18.2 No building permit for an addition to any dwelling or structure shall be issued until the Board of Health has approved the adequacy of the water supply and sewage disposal facilities for the proposed use.

18.3 No permit required by the Town of Lakeville shall be issued in circumstances which indicate a substantial change in use or a significant expansion in use of any structure or dwelling within the town, unless the applicant can demonstrate that all regulations and requirements of the State Sanitary Code, Chapter 111 of the General Laws of Massachusetts, the State Building Code, and the regulations and by-laws of the Town of Lakeville have been met.

19. WELL ANALYSIS SPECIFICATION

Previously a Standard Well Analysis for potability has been accepted for private wells, unless required for a Title V Inspection which involves different parameters. To eliminate confusion for required analyses for different types of site work regarding well water, it has been decided to expand the Required Analysis to include Volatile Organic Compounds, (*hereafter referred to as VOC's*).

Well Analyses greater than One Year Old are not considered current and are not considered suitable for any permitting or compliance process. The Board of Health also acknowledges that the State DEP recommends further testing initially for new wells. Recommended testing parameters are outlined from the Department Environmental Protection Private Well Guidelines which can be found at <http://www.mass.gov/dep/water/drinking/privatew.htm> . Certain areas can have additional contaminants that are not normally checked for with a standard well analysis and it may behoove the home owner to do their own additional testing to insure safe drinking water.

Typical "Potability" parameters include: Total Coliform Bacteria, pH
Ammonia nitrogen, Nitrate nitrogen,
Iron, Hardness, Manganese, Sodium,
Sediment, Chloride, Magnesium, & Calcium
Arsenic (added 5/12/2010) & VOC's

Sampling should take place by the certified lab performing the analysis as referenced in our local BOH regulation (6.2), although we can accept sampling by an objective third party provided a copy of the chain of custody is attached to the report for legal purposes.

In addition, sampling for new wells, replacement wells and well repairs should be preceded by 6 to 8 hours of sustained pumping per local BOH regulation (6.3) a report for which documenting said pumping should be provided to the BOH by the licensed driller.

Please note: Onsite wells need to be tested prior to any septic permit being released unless there is a current (not more than one year old) analytical report on file.

Also note: Any well(s) within 100 feet of a proposed septic leaching component must be tested and the results submitted for review, to the Health Department, at least one week prior to the public meeting at which the setback divergence(s) will be discussed.

20. Waiver for Title V Mandated Well Analysis

Page 3 of the Commonwealth of Massachusetts "Official Inspection Form" mandates a water analysis when a Soil Absorption System (SAS) is found to lie within 100 feet of a private water supply well. In some instances, homeowners abutting the inspected property have been reluctant to allow access to measure their private well locations and/or to obtain samples for analysis. When an abutter's well is concerned, the owner of the property being inspected hires a State Certified Laboratory to collect the samples to avoid any conflicts. If an abutter refuses to cooperate, the Inspector shall obtain the signature (See **) of the abutter refusing access to legally document the reason why all the appropriate analyses are not attached to the inspection report as required by 310 CMR 15.303(2)c.

Address/Lot # of abutting well that may be within 100' & may be required to have an analysis

Printed name of owner of said property containing private well

Address/Lot# of septic system currently being inspected

Name and Company of Septic Inspector for system currently being inspected

Owner of Septic System currently being inspected

The undersigned acknowledges that a Well Location and Analysis is required under the State Environmental Code but for whatever reason wishes to deny access to the State Certified Inspector and hereby waives the right to have their well water tested and/or access to locate said well. The undersigned also acknowledges by doing so may fail to identify a water quality issue that may be caused by the septic system currently being inspected, and could enable further and increased contamination of said water supply.

Signature of Well Owner or Representative of Requesting Waiver _____

Printed Name of Well Owner _____

Date _____

**A Certified Mail Receipt can be attached in lieu of a signature if abutter is unavailable or out of town

21. EMERGENCY WELL REPLACEMENT

When an existing well servicing an existing dwelling needs to be replaced on an Emergency Basis, the Board of Health can release a Well Drilling Permit with a letter of waiver from the owner. This well permit would be released on the assumption that the existing well is located in compliance with all setbacks, and that the replacement well should be in compliance as well. The letter of waiver will also document an "understanding" by the owner, that the responsibility to research and document (after the fact) the new well location by a certified person with a certified as-built plan, will still be required "within 30 days of the permit release date" in lieu of the proposed well plan to expedite an urgent need for potable water within an existing occupied dwelling. Should the new well be constructed in Non-Compliance with any or all required setbacks, it is also the Applicant/Owner's responsibility to insure that this new well is properly permitted after the fact with any required variances, or if necessary, capped and relocated and re-drilled so that it does comply with all state and local regulations.

22. Nitrogen Loading and Advanced treatment septic systems Protection

If a site is served by a subsurface sewage disposal system, and three or more abutting wells are within 100 feet, an advanced I/A treatment system (approved for denitrification by the DEP) may be required depending on the following criteria which would allow the board to make an informed decision and risk assessment:

- 22.0 all wells have to be accurately located (RLS) and evaluated and labeled appropriately per type (i.e. deep vs. shallow, bedrock vs. gravel packed) on plan
- 22.1 topography clearly shown between wells and proposed septic system to allow evaluation of the system components shown to be up gradient or down gradient
- 22.2 lot size as well as abutting lots sizes with said wells
- 22.3 groundwater flow should be shown (especially if arguing against advanced treatment)
- 22.4 soils should be identified with sufficient soil logs throughout area for a hydro-geological assessment (especially if arguing against advanced treatment)
- 22.5 nitrogen loading (structures flow vs. acreage) of locus lot and abutting lots should also be discernible from the proposed plan and will be taken into consideration
- 22.6 number of animals and locations of pens (i.e. paddocks, kennels, etc.) and manure piles should also be provided for consideration, if applicable
- 22.7 recent (less than one year old) water analyses (including nitrates) should be provided on all wells if available for consideration

Any proposed plan without sufficient information (as requested above) for assessment will mostly likely require an advanced treatment system approved for de-nitrification although each situation is under the discretion of the Board of Health.

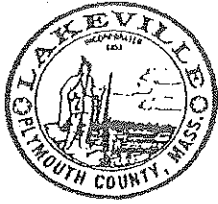
23. DEMOLITION

- 23.0 The Board of Health does not need to sign off on a demolition permit, however, if the property has any public or private wells or an onsite septic system that need(s) to be abandoned; it would be the applicant's responsibility to apply for the appropriate permits to decommission the well(s) and/or septic components through the Health Department.
- 23.1 Any hazardous materials/waste that require removal per State regulations (i.e. asbestos, fuel oil, fuel oil tanks, etc.) need also to be properly dealt with and permits applied for through the appropriate

department (fire, building, and/or the Department of Environmental Protection) and all work performed by certified or licensed professionals in that field.

23.2 If the site is served by a **Subsurface Sewage Disposal System**, the system components need to be properly abandoned per 310 CMR 15.354 and with the proper permit from a licensed installer through the Health Department. If there is to be on-site reconstruction in the near future and the septic components need to be re-utilized for another structure, a Title V Inspection would be required to determine adequacy for the expansion/change in use, or to determine if an upgrade or expansion of the system would be required. If the septic system passes an inspection and will be re-utilized after demolition, the proper marking of all components with suitable flagging for protection, must be completed prior to issuance of the demolition permit. If the septic system does not pass an inspection and/or a new system is to be designed for a reconstructed building, the old system can be properly abandoned under the permit for the new system to be reconstructed after the demolition, provided there are no public health and/or safety issues. It is the owner's and site contractor's responsibility to maintain site safety during all operations and in order to insure that, it may be necessary to obtain an abandonment permit prior to demolition.

23.3 If the property is serviced by existing **Public or Private Well(s)**, the well(s) would need to be properly abandoned and sealed as necessary to prevent a public health danger per State private well guidelines and any local board of health regulations or policies. If there is to be on-site reconstruction in the near future and the well(s) need to be re-utilized for another structure, a well analysis (for private wells per local specified parameters) would be required to be submitted to determine adequacy for the expansion/change in use. If the well passes the analytical requirements and will be re-utilized after demolition, the proper marking of any wells with suitable flagging for protection, must be completed prior to issuance of the demolition permit. If the property has a public well, the DEP and the certified water operator would need to be contacted for the appropriate conditions for decommissioning, and any documentation forwarded to this office for our records. If a private well is to be properly abandoned, it must be done so through the Health department with the appropriate permit, by a licensed well driller per State guidelines.



FEE: \$50

Ck# _____

Date: _____

BOARD OF HEALTH
Town of Lakeville

TITLE V INSPECTION APPLICATION

- Fee for witnessing \$50.00 to be paid at time of filing application.

Please print clearly or type in the following:

OWNER'S NAME _____

PROPERTY ADDRESS _____
Assessors Map _____ Block _____ Lot _____

TELEPHONE NUMBER _____

INSPECTOR'S NAME _____

COMPANY'S NAME _____

TELEPHONE NUMBER _____

REASON FOR INSPECTION: _____ Property Transfer _____ Additon/Construction _____ Other
(new well, garage, etc.)

NOTE TO INSPECTOR:

The Board of Health requires the following:

- ✓ Dwelling Inspection
- ✓ Site Plans/As-Built drawings available at time of inspection
- ✓ All system components openings will be uncovered and open for inspection
- ✓ Field/Trench observation holes, tank(s) may be required depending on site conditions

Date Scheduled: _____

Time: _____

No. _____

THE COMMONWEALTH OF MASSACHUSETTS
BOARD OF HEALTH

Fee _____

OF _____

APPLICATION FOR DISPOSAL SYSTEM CONSTRUCTION PERMIT

Application for a Permit to Construct () Repair () Upgrade () Abandon () - Complete System Individual Components

Location	Owner's Name
Map/Parcel #	Address
Lot #	Telephone #
Installer's Name	Designer's Name
Address	Address
Telephone #	Telephone #

Type of Building: _____ Lot Size _____ Sq. feet
 Dwelling — No. of Bedrooms _____ Garbage Grinder ()
 Other — Type of Building _____ No. of persons _____ Showers (), Cafeteria ()
 Other fixtures _____

Design Flow (min. required) _____ gpd Calculated design flow _____ gpd Design flow provided _____ gpd
 Plan Date _____ Number of sheets _____ Revision Date _____
 Title _____

Description of Soil(s) _____
 Soil Evaluator Form No. _____ Name of Soil Evaluator _____ Date of Evaluation _____

DESCRIPTION OF REPAIRS OR ALTERATIONS

The undersigned agrees to install the above described individual Sewage Disposal System in accordance with the provisions of TITLE 5 and further agrees not to place the system in operation until a Certificate of Compliance has been issued by the Board of Health.

Signed _____ Date _____

Inspections _____

FORM 1 - APPLICATION FOR DSCP DEP APPROVED FORM 5/96

No. _____

THE COMMONWEALTH OF MASSACHUSETTS
BOARD OF HEALTH
CERTIFICATE OF COMPLIANCE

Fee _____

Description of Work: Individual Component(s) Complete System

The undersigned hereby certify that the Sewage Disposal System: Constructed (), Repaired (), Upgraded (), Abandoned ()
by: _____

at _____
has been installed in accordance with the provisions of 310 CMR 15.00 (Title 5) and the approved design plans/as-built plans relating to application No. _____ dated _____ Approved Design Flow _____ (gpd)

Installer _____

Designer: _____ Inspector _____ Date _____

The issuance of this certificate shall not be construed as a guarantee that the system will function as designed.
FORM 3 - CERTIFICATE OF COMPLIANCE DEP APPROVED FORM 5/96

No. _____

THE COMMONWEALTH OF MASSACHUSETTS
BOARD OF HEALTH

Fee _____

DISPOSAL SYSTEM CONSTRUCTION PERMIT

Permission is hereby granted to Construct () Repair () Upgrade () Abandon () an individual sewage disposal system at _____ as described

in the application for Disposal System Construction Permit No. _____, dated _____.

Provided: Construction shall be completed within three years of the date of this permit. All local conditions must be met.

Date _____ Board of Health _____

FORM 2 - DSCP DEP APPROVED FORM 5/96

FORM 1255 (REV 5/96) HAW HOODS & WARREN™ PUBLISHERS - BOSTON

Lakeville Conservation Commission Permits and Regulations

Wetlands Protection Act Permits can be found at:

<http://www.mass.gov/dep/water/approvals/wwforms.htm#wetlands>

Additional Conservation-related Websites:

Massachusetts Department of Environmental Protection (MassDEP)

<http://www.mass.gov/dep/>

Massachusetts Department of Fish and Game (DFG)

<http://www.mass.gov/dfwele/dfw/index.htm>

Massachusetts Association of Conservation Commissions

<http://www.maccweb.org/>

Lakeville Conservation Commission Submittal Requirements

July 18, 2012

To Whom It May Concern:

The following are requirements for submittals to the Lakeville Conservation Commission.

1. All filings, including the plan of record, must be submitted by noon on the day of the deadline and must be accompanied by the appropriate fees. Additional information for continued hearings must be supplied to the Commission at least ten days prior to the hearing date. The 2012 meeting schedule and submittal deadlines are enclosed. All submittals may be left with the Town Clerk if the Conservation Commission office is not open.
2. The Commission requires 4 copies of full-sized plans and 7 copies of 11"x17" plans. Applicants may submit only 2 copies of all storm water/drainage reports and additional documentation IF the information has also been submitted via PDF email. The Commission requests that all information, including plans, also be submitted electronically to jjewell@lakevillema.org.
3. All plans must have a locus that clearly identifies the location of the property. The 100' buffer zone, the 25' buffer zone and all water and septic lines must be clearly defined and the legend must be correct. The plans must show topography, direction of hydrology flow and annual mean water. All plans and filings must be submitted to the Commission in conjunction with submittal to the Department of Environmental Protection. All Notice of Intent and Abbreviated Notice of Resource Area Delineation filings require abutter notification.
4. All areas depicted on the plans at the time of submission including wells and proposed dwellings must be flagged and/or staked out in the field for review by the Commission.
5. It is the responsibility of the applicant to contact the Conservation Commission office (508-946-8823) for posting deadlines and verification of the time and date of the hearing.
6. All newspaper notices will be published in the New Bedford Standard Times and will be submitted by the Commission. The applicant is responsible for payment.
7. If an applicant wishes to withdraw a filing the request must be made in writing. Any requests for a continuance must be made, in writing, at least 48 hours in advance. The Commission may issue a denial if this requirement is not met.
8. For any property that abuts Long Pond, Assawompsett Pond, Elders Pond or their tributaries a complete copy of the filing must be sent to:

Taunton Water Department 91 Precinct Street Lakeville, MA 02347	New Bedford Water Department 1 Negus Way East Freetown, MA 02717
-----------------------------------------------------------------------	------------------------------------------------------------------------
9. Please refer to the fee schedule for all submittals, effective August 10, 2009.

Lakeville Fire Department Permits

Permits are available at:

<http://www.mass.gov/eopss/agencies/dfs/dfs2/osfm/osfm-forms.html>

PLEASE VIEW NEW PERMIT FEES BEFORE FILING PERMITS.

Lakeville Planning Board Permits and Regulations

ZONING BY-LAW

SECTION 6.7 - SITE PLAN APPROVAL

(Added at Special Town Meeting of December 9, 1997)

6.7 SITE PLAN REVIEW

6.7.1 Purpose

The purpose of site plan review is to ensure that the design and layout of certain developments permitted as of right or by Special Permit will constitute suitable development and will not result in a detriment to the neighborhood or the environment.

The site plan review shall consider the following:

- 6.7.1.1 Protection of adjacent areas against detrimental or offensive uses on the site by provision of adequate surface water drainage, buffers against light, sight, sound, dust and vibration, and preservation of light and air.
- 6.7.1.2 Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas;
- 6.7.1.3 Adequacy of the methods for disposal of wastes;
- 6.7.1.4 Protection of environmental features on the site and in adjacent areas.
- 6.7.1.5 Management of stormwater runoff to minimize stormwater runoff, maximize infiltration and recharge where possible and minimize pollutants in the runoff as required to meet the performance standards of the Massachusetts Department of Environmental Protection's March 1997 Stormwater Management Policy as amended;
- 6.7.1.6 Minimization of on-site erosion and the prevention of eroded soil from being deposited onto adjacent properties, rights-of-way, the municipal storm drainage system, wetlands or water courses during and after construction.

6.7.2 Procedure-Business or Industrial

Applicants for a building permit for new construction or for modification of or addition to a business or industrial structure resulting in floor area of over 1,500 square feet in the aggregate shall submit six (6) copies of a site plan as described herein to the Town Clerk for Planning Board approval.

Failure of the Planning Board to act within twenty-one (21) days of receipt of a site plan shall be deemed lack of opposition thereto.

The following information shall be required by the applicant for site plan review:

- 1) locus plan;
- 2) location of structures within 200 feet of property lines;
- 3) existing and proposed buildings, showing setbacks from property lines;
- 4) building elevations;
- 5) parking areas, driveways, and facilities for pedestrian movement including parking calculations based on current regulations;
- 6) drainage system;
- 7) utilities and lighting;

- 8) landscaping, including trees to be removed and retained;
- 9) loading and unloading facilities;
- 10) provisions for refuse removal;
- 11) drainage calculations and verification of soil types;
- 12) existing and projected traffic volumes from the site and effect on the local road network;
- 13) existing and proposed contour elevations in five (5) foot increments;
- 14) location of well or public drinking water supply;
- 15) location of wetlands approved by the Conservation Commission;
- 16) proposed and existing location of signs;
- 17) any building over 35,000 cubic feet should be accompanied by engineered plans drawn by a certified architect as required by the Massachusetts building code;
- 18) all information should pertain to existing and proposed;
- 19) Stormwater Management Plan detailing the Best Management Practices that will be employed at the site such that stormwater runoff shall meet the performance standard found in the most current version of the Massachusetts Department of Environmental Protection's Stormwater Management Policy;
- 20) Sediment and Erosion Control Plan detailing the location, installation and maintenance of sediment and erosion controls during and after construction. The Plan shall adhere to the standards and specifications found in the Massachusetts Erosion and Sediment Control Guidelines dated March 1997 as amended;
- 21) other information as may be necessary to determine compliance with the provisions of this By-Law.

In addition, at least ten (10) days prior to filing a site plan with the Planning Board, an applicant shall submit one copy of the site plan to each of the following boards and officers, together with a request for review and recommendation to the Planning Board pursuant to this section:

Police Chief
 Fire Chief
 Board of Health
 Conservation Commission
 Highway Surveyor
 Building Department
 Open Space Committee
 Board of Selectmen

Said boards and officers shall review the site plan, considering the effects of the purposed use and related construction, and shall make recommendations as they deem appropriate to minimize any detrimental effects of the development on nearby property or on Town Roads or other infrastructure. *(Adopted at Special Town Meeting June 11, 2001, approved by attorney general September 19, 2001)*

6.7.3 Procedure-Residential

Applicants for a building permit for new construction of or for modification or addition to any residential structure which will disturb more than 3,000 square feet of ground for which filing of a Notice of Intent with the Lakeville Conservation Commission is not required shall submit three (3) copies of a site plan as described herein the Town Clerk for Planning Board approval. Failure of the Planning Board to act within twenty-one (21) days of receipt of a site plan shall be deemed lack of opposition thereto.

The following information shall be required by the applicant for site plan review:

- 1) locus plan;
- 2) location of structures within 100 feet of property lines;
- 3) existing and proposed buildings, showing setbacks from property lines;
- 4) existing and proposed contour elevations in two (2) foot increments;
- 5) location of well or public drinking water supply;
- 6) location of wetlands approved by the Conservation Commission;
- 7) all information should pertain to existing and proposed;
- 8) Stormwater Management Plan detailing the Best Management Practices that will be employed at the site such that stormwater runoff shall meet the performance standard found in the most current version of the Massachusetts Department of Environmental Protection's Stormwater Management Policy;
- 9) Sediment and Erosion Control Plan detailing the location, installation and maintenance of sediment and erosion controls during and after construction. The Plan shall adhere to the standards and specifications found in the Massachusetts Erosion and Sediment Control Guidelines dated March 1997 as amended;
- 10) other information as may be necessary to determine compliance with the provisions of this By-Law.

In addition, at least ten (10) days prior to filing a site plan with the Planning Board, an applicant shall submit one copy of the site plan to each of the following boards and officers, together with a request for review and recommendation to the Planning Board pursuant to this section:

Police Chief
Fire Chief
Board of Health
Building Department
Conservation Commission
Highway Surveyor
Open Space Committee
Board of Selectmen

Said boards and officers shall review the site plan, considering the effects of the purposed use and related construction, and shall make recommendations as they deem appropriate to minimize any detrimental effects of the development on nearby property or on Town Roads or other infrastructure.

(Bolded text Adopted 6/13/05; Approved by Attorney General 9/30/05)

**Town of Lakeville
Planning Board**

RECEIPT OF SITE PLAN

Site Plan Address: _____

The undersigned hereby certify receiving a copy of the above specified site plan(s) for their Department /Board review and comment **WITHIN 10 DAYS. I WILL BE PRESENTING THIS PLAN TO THE PLANNING BOARD ON _____.**

Official and/or Board	Signature	Date
------------------------------	------------------	-------------

1. Conservation Commission _____

2. Police Chief _____

3. Fire Chief _____

4. Board of Health _____

5. Highway Surveyor _____

6. Building Department _____

7. Open Space Committee _____

8. Board of Selectmen _____

7.9 DEVELOPMENT OPPORTUNITIES (DO) DISTRICT

7.9.1 Purpose

The purpose of the Development Opportunities (DO) District is to authorize the innovative use of certain portions of a defined overlay district for activities appropriate to large land areas by the issuance of a special permit with safeguards and conditions to prevent detrimental effects and impact upon neighboring properties, natural resources and upon the Town of Lakeville as a whole. The intent of the DO District is to provide opportunities for economic development expansion in a planned multi-use district while protecting the natural resources of the Town. The Development Opportunities District is an overlay district superimposed over those underlying districts as shown on the zoning map of the Town of Lakeville.

7.9.2 USES IN THE DO DISTRICT

Uses allowed by special permit and as accessory to uses allowed by special permit pursuant to this section shall be the only uses allowed in the DO District except that this section shall not apply to nor shall it prohibit uses permitted as of right or by special permit from the Board of Appeals in the underlying use district.

7.9.2.1 The following uses shall be permitted by special permit in the DO District:

- a) Manufacturing and industrial uses including processing, fabrication and assembly;
- b) High technology activities;
- c) Warehouses, wholesale distribution centers;
- d) Municipal and public service facilities;
- e) Transportation terminal;
- f) Hotel or motel;
- g) Research and development;
- h) Office building;
- i) Medical center;
- j) Trade or professional school;
- k) Country Club;

- l) Retail sales facilities;
- m) Service businesses;
- n) Theaters;
- o) Restaurants;
- p) Other places of public assembly, as may be exempt from zoning by M.G.L.

Uses accessory to special permit uses:

Uses deemed by the SPGA to be accessory to uses allowed by special permit may be authorized under the special permit for the primary use. Accessory uses may include retail sales facilities, which are directly related but subordinate to one of the above listed uses, allowed by special permit. The accessory uses must be subordinate in use and importance to the primary use. Any retail sales facility may only sell the same product line that is authorized by the special permit for the primary use.

7.9.3 GENERAL REGULATIONS

- 7.9.3.1. The Planning Board shall be the special permit granting authority (SPGA) in the DO District.
- 7.9.3.2 No special permit shall be granted unless the total land area, including streets, of the subject property consists of twenty-five or more acres.
- 7.9.3.3 Any of the following changes shall require modification of the special permit from the Planning Board. The procedure, standards and requirements to obtain modification shall be the same as that for issuance of a special permit:
 - a) Any change in the exterior boundaries of the land or the size of the area which is the subject of the special permit;
 - b) Any change in the boundary or boundaries of any lot within the land area which is the subject of a special permit;

- c) Relocation or grade alteration of a street;
- d) Construction of a building or structure not provided for by the special permit or any addition to, alteration of or change in the exterior of any building or structure;
- e) Any change in use(s) allowed by a special permit or commencement on land (which is the subject of a special permit) of a use which is permitted as of right or by special permit in the underlying district.

7.9.3.4. Subparagraph 7.9.3.3 shall not be construed to require modification in the event all or a part of the land which is the subject of a special permit is sold or conveyed unless such sale or conveyance creates a new lot boundary or boundaries within the area which is the subject of a special permit different from a boundary or boundaries existing prior to such sale or conveyance.

7.9.4 PROCEDURES

The special permit granting authority (SPGA) for this District shall be subject to the provisions of Section 7.4 of this By-law applicable to the granting of special permits, including without limitation the requirement to make the affirmative findings of Section 7.4. The SPGA shall not grant a special permit unless it determines affirmatively the following:

- A. that water and sewerage facilities will be adequate to service the activities without a detrimental effect upon municipal services in any other area of the town.
- B. that the activities are consistent with the comprehensive plans of the Planning Board for the general development of the Town of Lakeville as a whole as well as for the DO District.

- C. that the activities are compatible with or separated by sufficient space or topographical features from adjacent areas.
- D. that resources of open space, surface and ground waters are protected and preserved.
- E. that public health and safety are secured.

7.9.5 CONSTRUCTION

Streets and utilities to be constructed pursuant to a special permit shall be designed and installed in accordance with the Rules and Regulations Governing the Subdivision of Land of the Planning Board in effect at the time of the filing of an application for a special permit or authorized revision as the case may be.

7.9.6 RULES AND REGULATIONS OF THE SPGA

The SPGA may provide for informal pre-application hearings for the consideration of preliminary plans. All special permits shall be exercised in conformity with rules and regulations of the Planning Board. Within 14 days of the receipt of an application, the SPGA shall refer applications and information, data to the Board of Selectmen, The Board of Health, the Chiefs of the Police and Fire Departments, the Conservation Commission, and to other municipal Boards and Officials as the SPGA shall deem appropriate. Such regulations may include, but need not be limited to the following provisions:

- A. **Site Plans:** The applicant for a special permit shall submit a site plan prepared in accordance with 6.7 of the zoning bylaws, by a registered professional engineer in the quantities and scale required, oriented to true north, and showing boundaries of the district, of the lots in question, names of abutting owners, natural and manmade features, including any wetlands and the boundaries of a wetlands district, and the location of existing and proposed structures and means of access, roadways, parking areas, buffer strips, landscaped areas and such other requirements as the SPGA may require.
- B. **Potential Hazardous Uses:** The SPGA may adopt criteria in its regulations to be used to evaluate

dangerous or objectionable elements at the point of origin or at any point beyond for fire and explosive hazard, radioactivity, electrical disturbance, smoke, fly ash, fumes, other sources of air pollution, and liquid and solid wastes; and to evaluate noise and vibration at the lot lines and at specified points, both for daytime and nighttime use.

- C. **Traffic Impact Study:** To assist the SPGA in the evaluation of the effect of a proposed activity requiring a special permit, the SPGA may require the applicant to furnish information relative to proposed access routes and the relation to existing public ways; an analysis of existing traffic conditions using data relative to road widths and capacities, traffic volumes, and conditions at critical intersections. Traffic counts will include average daily volumes and the peak hour AM and PM volumes. Projected future traffic information shall include volume and distribution related to major land developments within one mile of the proposed site. The SPGA may require the applicant to provide a traffic impact analysis of the operating levels of roadways and intersections both before and after the proposed development and including the associated cost to the town necessary to meet the impact of development related traffic; and also an analysis of the impact of heavy trucking upon roadways and bridges on proposed access routes, together with recommendations for improvements to cope with anticipated traffic impact.
- D. **Phased Development:** The SPGA may require that development under a special permit be authorized in phases, that certain uses shall be commenced within twelve months after the grant of the special permit, and that other uses shall be commenced only when a specified proportion of the initial phases have been substantially completed.
- E. **Dimensional Provisions:** The SPGA may adopt regulations relative to densities of land use, the bulk and height of structures, yard sizes, lot areas, setbacks, open spaces, parking, use of signs and other dimensional criteria.

- F. The SPGA may require an applicant to pay reasonable fees to meet the cost of hearings, notices, publication, peer review by consultants and other costs of administration.
- G. The SPGA may waive strict compliance with its regulations when in the judgment of the SPGA such action is in the public interest and consistent with the intent and purposes of the zoning bylaws.

(Bold text adopted June 4, 2012 at ATM; approved by Attorney General July 18, 2012)

8.0 ADMINISTRATION

8.1 Enforcement

This By-Law shall be enforced by the Building Commissioner appointed by the Board of Selectmen, and upon any well founded information as to a violation, immediate steps to enforce this By-Law in any manner provided by law shall be taken. If the Building Commissioner declines to act upon a written request to proceed against an alleged violation, he shall notify in writing the party making such request of the reasons for non-action within fourteen days of the receipt of such request.

8.2. Board of Appeals

- 1) The Board of Appeals shall consist of five citizens of the Town appointed by the Selectmen.
- 2) The length of terms shall be such that the term of one member expires each year.
- 3) The Board of Appeals must elect a chairman from within its own membership and a clerk each year.
- 4) A member can only be removed for cause by the appointing authority and only after written charges have been made and a public hearing has been held.
- 5) Vacancies shall be filled in the same manner as appointments. The Board of Selectmen shall also appoint in like manner two or more associate members of the Board of Appeals. An associate member shall be designated by the Chairman of the Board of Appeals to sit on the Board in case of absence, inability to act or conflict of interest on part of any member or in the event of a vacancy until it is filled.

No member shall act in any case in which he may have a personal or financial interest.

The Board of Appeals shall be the Permit Granting Authority and the Special Permit Granting Authority, except as may be otherwise specifically provided by this By-Law, with the powers and duties as defined herein and in Chapter 40A of General Laws.

8.2.1 Method of Appeal

Any person aggrieved because of an inability to obtain a permit or enforcement action from any administrative office or Board may appeal from such decision to the Board of Appeals.

8.2.2 Variances

The Board of Appeals shall have the power to authorize with respect to a particular building or parcel of land a Variance from any of the terms of this By-Law, where, owing to circumstances relating to the soil conditions, shape or topography and especially affecting said building or parcel, but not affecting generally the district in which it is located, a literal enforcement of the provisions of this By-Law would involve substantial hardship to the petitioner and where desirable relief may be granted without substantial detriment to the public good and without substantial derogation from the intent or purpose of this By-Law, as provided in Section 10 of Chapter 40A of General Laws.

8.2.3 Public Hearing and Notice

In the case of every appeal made to said Board and of every application for a Special Permit or Variance made to it under the provisions of this By-Law, the Board of Appeals shall hold a public hearing to consider the appeal or application in question and shall cause a notice thereof to be published in a newspaper of general circulation in the town and posted on the Bulletin Board in the Town Office Building not less than fourteen days before the date set for said hearing and shall cause a copy of the notice to be sent postage prepaid to parties in interest as outlined in Section II, Chapter 40A.

- 8.3 Any construction of operation under a Special Permit or building permit shall conform to subsequent zoning amendments, unless such construction or operation is commenced within six months after the issuance of such permit or permits and, if construction continues to completion as expeditiously as is reasonable. If construction or substantial use under a Special Permit has not commenced within two years after the issuance of such permit, except for a good cause and including any time needed to await the