



TOWN OF LAKEVILLE MEETING POSTING & AGENDA

Town Clerk's Time Stamp
received & posted:

K. Murray
LAKEVILLE TOWN CLERK
RCUD 2023 JUL 6 PM 1:03

48-hr notice effective
when time stamped

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

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

Cancelled/Postponed to: _____ (circle one)

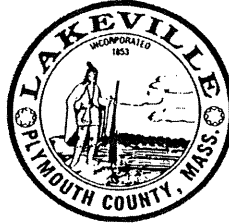
Clerk/Board Member Cancelling/Postponing: _____

A G E N D A

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

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

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



The LAKEVILLE ZONING BOARD OF APPEALS, acting in accordance with MASS GENERAL LAWS CHAPTER 40A, as amended, will conduct a public hearing on Thursday, July 20, 2023, at 7:00 P.M. in the LAKEVILLE PUBLIC LIBRARY, 4 PRECINCT STREET, upon the petition of **Thomas Terra**. A **Variance** is requested under **5.1** to construct an addition that would extend into the front setback. The property site is **8 Birch Street**.

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

John Olivieri, Jr., Chairman

July 6, 2023 & July 13, 2023



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

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

July 10, 2023

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

Re: ZBA meeting 7/20/23
Dear Chairman Olivieri:

We received a copy of the petition for 8 Birch Street, and the proposed addition will not interfere with the existing septic system. Providing the addition does not increase the number of bedrooms, then the Board of Health has no objections to the addition. The Board would like to request a layout of the rooms, to confirm that the dwelling will remain a two-bedroom dwelling.

The Board of Health has received a copy of the petition for 434 Bedford Street. The Board of Health received a complaint of loud power tools at 434 Bedford St. on 3/22/23. The Health Agent visited site on 3/22/23 to record decibel levels. Agent was on the property of 436 Bedford St. approximately 50 ft from workshop and highest decibel level from power tools was 71 decibels. Ambient noise was around 45 decibels and cars on Bedford St. averaged around 65 decibels. The loudest noise was a passing truck on Bedford St. which was 73 decibels. Owner of 436 Bedford St. claimed that somedays it was louder. The Health Agent did not find that the noise level was loud enough to warrant a violation. The Health agent informed owner of 436 Bedford St. that he could return if the noise was louder.

The Board of Health has received a copy of the petition for 24 Beechwood and the Board of Health has no objections to the proposed addition.

We received a copy of the Petition for Hearing for 29 Staples Shore Rd. and the Board of Health does not have any objections to the proposed porch or having two utility connections.

The Board of Health has received a copy of the petition for 20 Second Av. The Board of Health does not have any objections to razing and building a new 2-bedroom home, providing there will be a deed restriction limiting the dwelling to two-bedrooms and limiting the dwelling to seasonal use until a year-round potable water supply is provided. The Board of Health requests that a plan showing the proposed tight tank location and installation details be submitted to our office. The lot has sufficient area to install a proposed tight tank.

Sincerely for the Board of Health

A handwritten signature in black ink, appearing to read 'Edward Cullen', written in a cursive style.

Edward Cullen Health Agent



Town of Lakeville

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

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

MEMORANDUM

TO: Board of Appeals
FROM: Planning Board
DATE: July 17, 2023
SUBJECT: Petition Review for Terra – 8 Birch Street

At their Thursday, July 13, 2023, meeting, the Planning Board reviewed the above referenced Petition for Hearing from the Board of Appeals. The Board had no comments regarding this petition.

Petition to be filed with Town Clerk

EXHIBIT "A"

TOWN OF LAKEVILLE MASSACHUSETTS

ZONING BOARD OF APPEALS PETITION FOR HEARING

RECEIVED JUN 9 2023 BOARD OF APPEALS

Name of Petitioner: Thomas Terra

Mailing Address: 63 Freetown St Lakeville MA 02347

Name of Property Owner: Thomas Terra

Location of Property: 8 Birch St Lakeville

Property is located in a residential business industrial (zone)

Registry of Deeds: Book No. 32343 Page No. 226

Map 042 Block 009 Lot 003

Petitioner is: owner tenant licensee prospective purchaser

Nature of Relief Sought:

- Special Permit under Section (s) of the Zoning Bylaws
Variance from Section (s) Front setback 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.)
house addition 14' towards Birch St.
need front setback variance of 10 feet.
house is currently 44 feet from Birch St.

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: Thomas Terra Date: 6/5/23

Signed: Thomas M. Terra Telephone: 774-766-7573

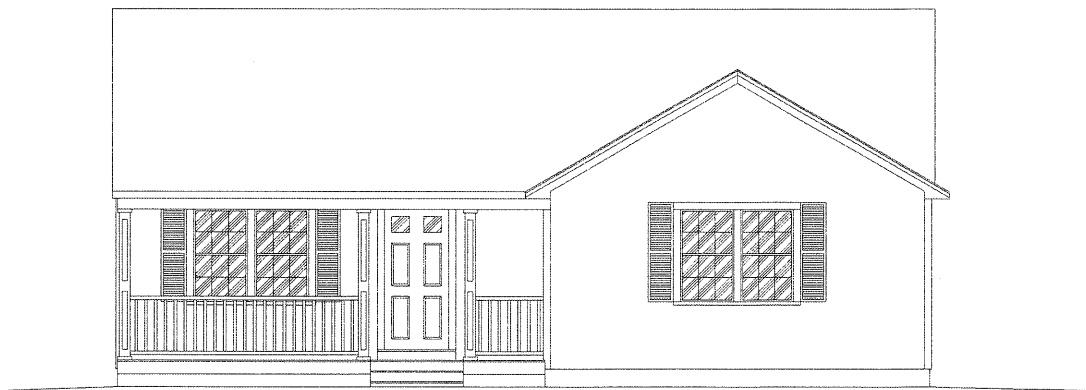
Owner Signature: Thomas M. Terra Owner Telephone: 774-766-8476 774-766-7573

Email: maeganterra@gmail.com

WILL YOU HAVE A REPRESENTATIVE OTHER THAN YOURSELF?

Yes No

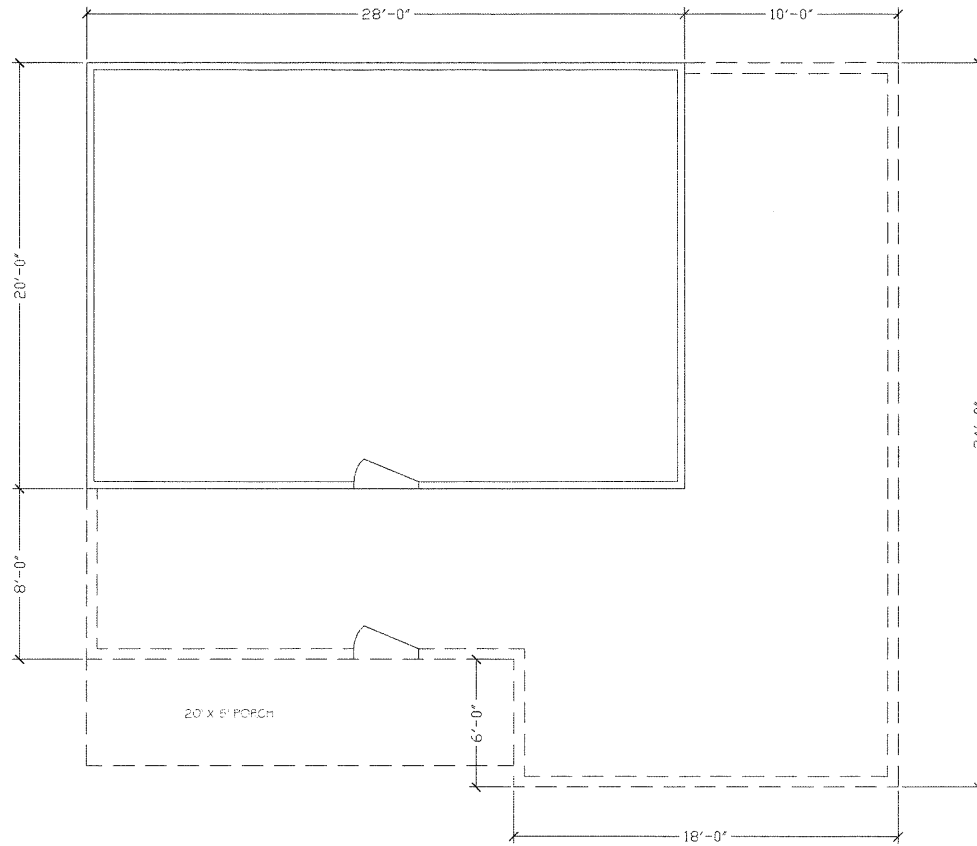
(Name and Title)



PROPOSED FRONT VIEW

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





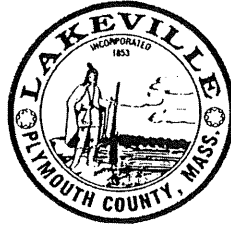
PROPOSED FLOOR PLAN

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

DR. BY: J. ROGERS



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



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

John Olivieri, Jr., Chairman

July 6, 2023 & July 13, 2023



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

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(508) 946-3473
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(508) 946-3971 fax

July 10, 2023

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

Re: ZBA meeting 7/20/23
Dear Chairman Olivieri:

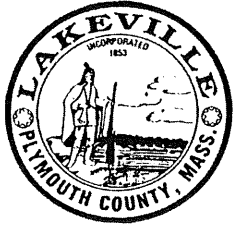
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The Board of Health has received a copy of the petition for 434 Bedford Street. The Board of Health received a complaint of loud power tools at 434 Bedford St. on 3/22/23. The Health Agent visited site on 3/22/23 to record decibel levels. Agent was on the property of 436 Bedford St. approximately 50 ft from workshop and highest decibel level from power tools was 71 decibels. Ambient noise was around 45 decibels and cars on Bedford St. averaged around 65 decibels. The loudest noise was a passing truck on Bedford St. which was 73 decibels. Owner of 436 Bedford St. claimed that some days it was louder. The Health Agent did not find that the noise level was loud enough to warrant a violation. The Health agent informed owner of 436 Bedford St. that he could return if the noise was louder.

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The Board of Health has received a copy of the petition for 20 Second Av. The Board of Health does not have any objections to razing and building a new 2-bedroom home, providing there will be a deed restriction limiting the dwelling to two-bedrooms and limiting the dwelling to seasonal use until a year-round potable water supply is provided. The Board of Health requests that a plan showing the proposed tight tank location and installation details be submitted to our office. The lot has sufficient area to install a proposed tight tank.



Town of Lakeville

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

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

MEMORANDUM

TO: Board of Appeals

FROM: Planning Board

DATE: July 17, 2023

SUBJECT: Petition Review for Chapin – 24 Beechwood Avenue

At their Thursday, July 13, 2023, meeting, the Planning Board reviewed the above referenced Petition for Hearing from the Board of Appeals. The Board had no comments regarding this petition.

Petition to be
filed with Town Clerk

TOWN OF LAKEVILLE
MASSACHUSETTS

ZONING BOARD OF APPEALS
PETITION FOR HEARING

EXHIBIT "A"
RECEIVED
JUN 26 2023
BOARD OF APPEALS

Name of Petitioner: CHRISTOPHER CHAPIN

Mailing Address: 15 SOUTH AVE., LAKEVILLE, MA

Name of Property Owner: NYNELYON, INC

Location of Property: 24 BEECHWOOD AVE, LAKEVILLE MA

Property is located in a residential business industrial (zone)

Registry of Deeds: Book No. 57718 Page No. 178

Map 00042 Block 0021 Lot 011

Petitioner is: owner tenant licensee prospective purchaser

Nature of Relief Sought:

Special Permit under Section (s) 6.1.3 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.)

- ① ADDITION OF SF OF HOME VIA ADDITION OF LIVING ROOM AND ATTACHED DECK
- ② INCREASE OF ROOF PITCH TO ALLOW FOR ATTIC STORAGE

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: CHRISTOPHER CHAPIN Date: 6/26/23

Signed: [Signature] Telephone: 508 728 2496

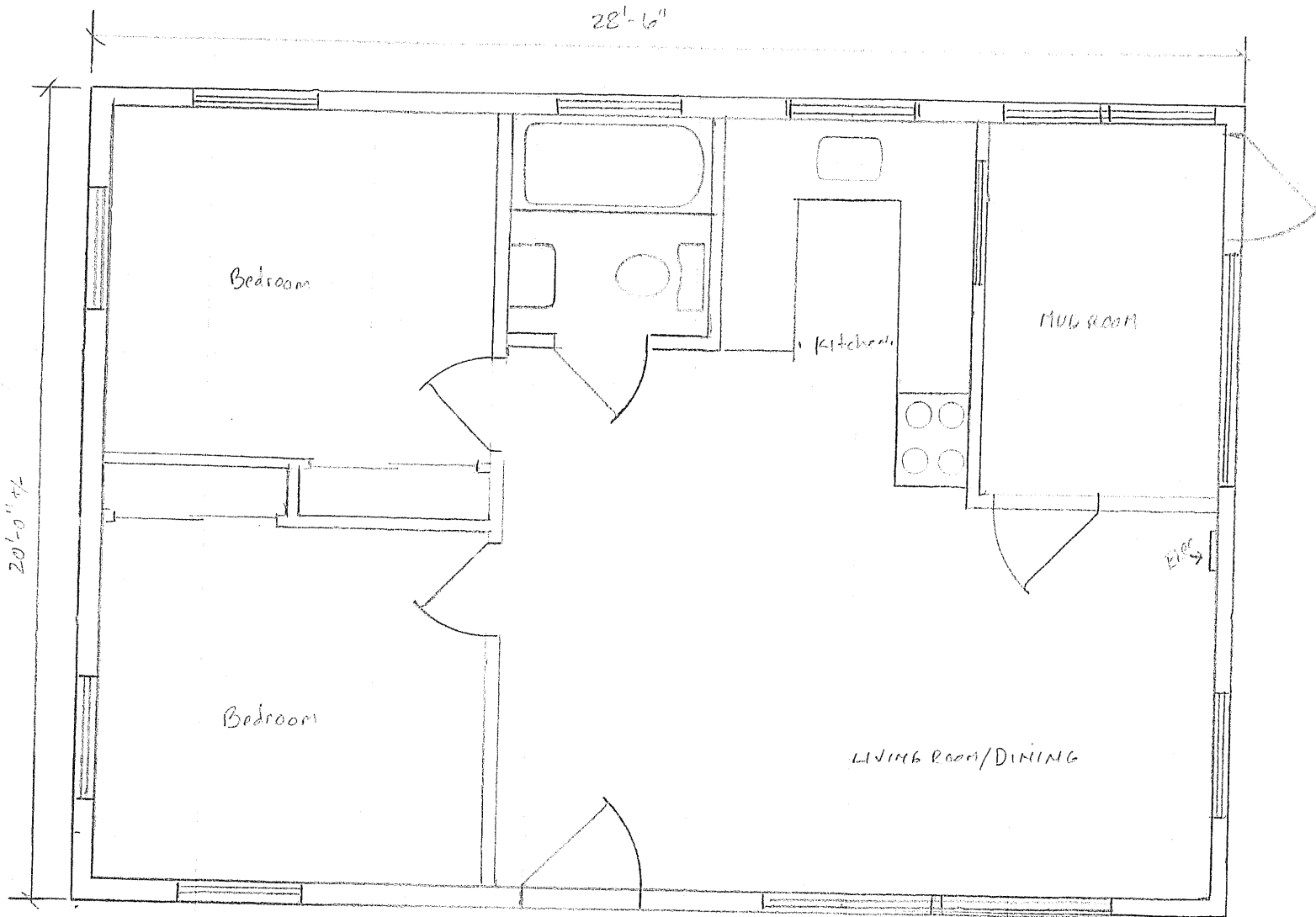
Owner Signature: — Owner Telephone: SAME
(If not petitioner)

Email: CHRISTCHAPIN@GMAIL.COM

WILL YOU HAVE A REPRESENTATIVE OTHER THAN YOURSELF?

Yes No

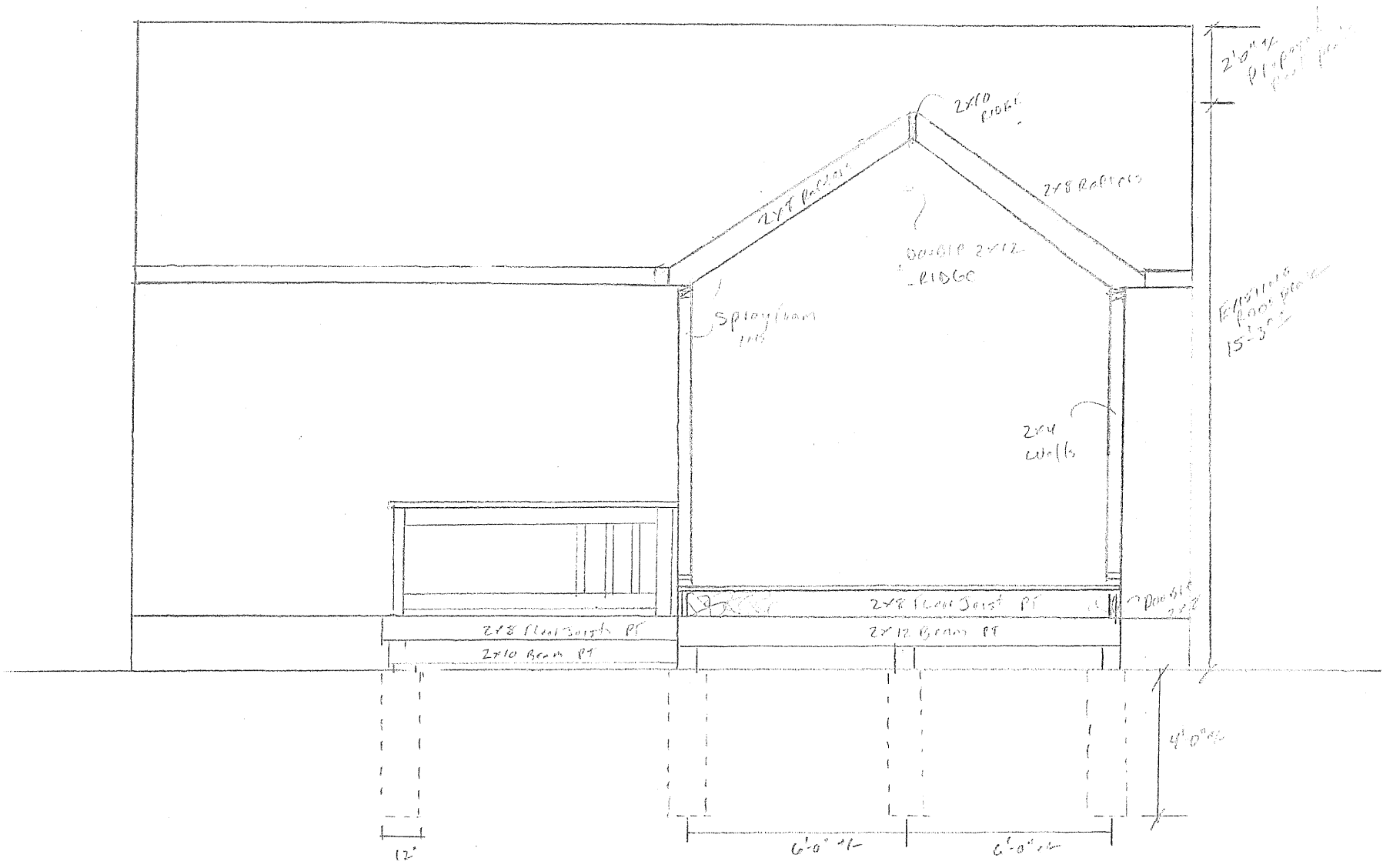
SCOTT BORDEN / CONTRACTOR
(Name and Title)



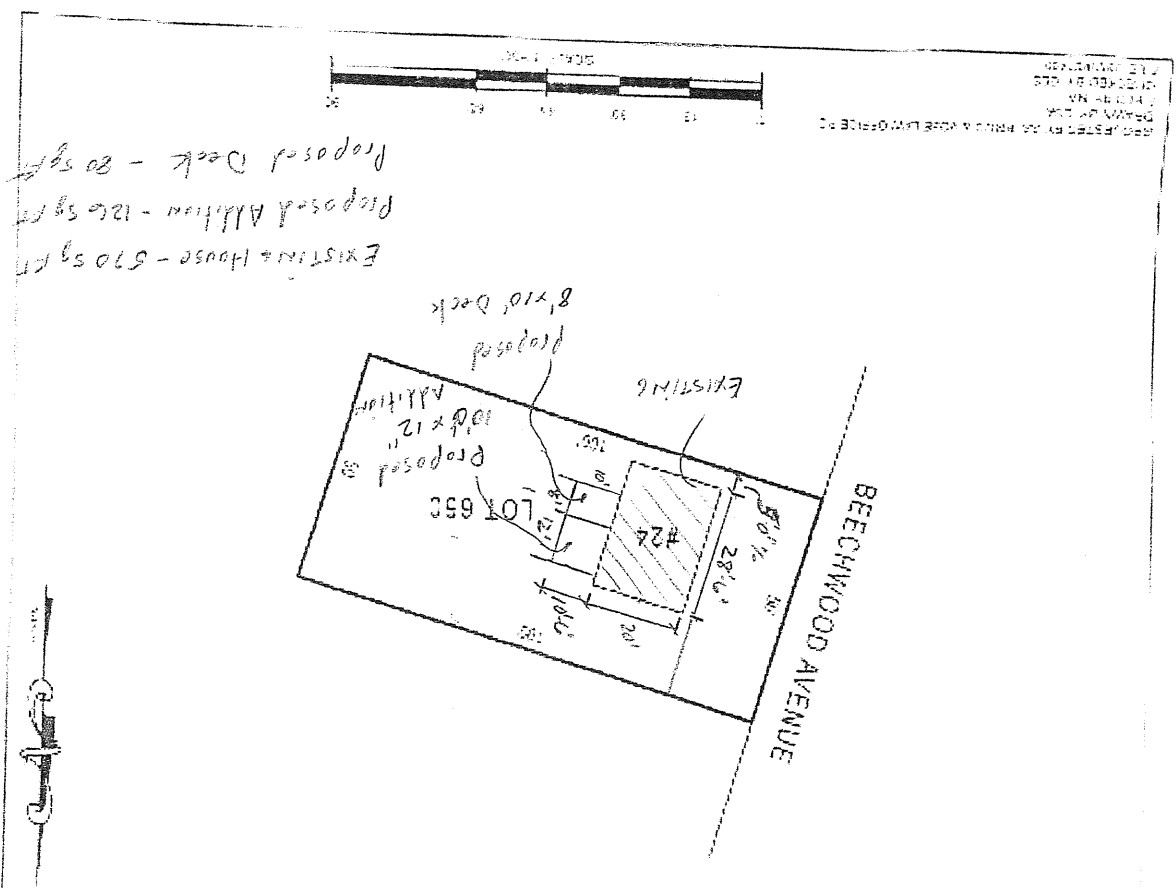
24 Beechwood Existing Floor Plan

1/4" = 1'-0"

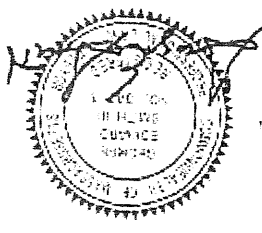
Sq. FT. 570 EXISTING



Section NEW ADDITION + Deck



25083000-28K
 25083000-28K
 25083000-28K
 25083000-28K
 25083000-28K



PROFESSIONAL LAND SURVEYORS
 710 MAIN STREET
 NORTH OXFORD, MA 01857
 PHONE: (508) 987-0026
 FAX: (508) 458-6604

MORTGAGE INSPECTION PLAN
 NAME: NANEY, JON
 LOCATION: 22 BEECHWOOD AVENUE, LAKEVILLE MA
 SCALE: 1" = 20'
 DATE: 02/27/23
 CLIENT: RENOVO FINANCIAL, PLYMOUTH
 DESIGNER: K. WESS, 4559290
 PLAN NUMBER: 4230 OF 1955
 202401010002

DATE OF TEST: APRIL 19, 2023 WITNESS: ED CULLEN
 TEST PIT #1 : ELEV.: 99.73 SOIL EVALUATOR: STEVE GILBERT, R.P.L.S.

DEPTH FROM SURFACE FEET	SOIL HORIZON	SOIL TEXTURE (USDA)	SOIL COLOR (MUNSELL)	SOIL MOTTLING	OTHER (STRUCTURE, STONES, BOLLERS, CONSISTENCY, & GRAVEL)
0 - 10	FILL & A	SANDY LOAM	10 YR 3/3		
10 - 30	B	SANDY LOAM	10 YR 5/6		
30 - 102	C	SANDY LOAM	2.5Y 5/3		

PERCOLATION RATE: 34 M.P.I @ 48"
 GROUNDWATER: NO WATER TO ELEV.: 91.23

TEST PIT INFORMATION

DESIGN CALCULATIONS

CAPACITY REQUIRED - RESIDENTIAL USE:
 DESIGN FLOW:
 2 BEDROOMS @ 110 Gal/Day/Bedroom = 220 Gal/Day

CAPACITY PROVIDED:
 SEPTIC TANK FIRST COMPARTMENT:
 DESIGN FLOW = 220 Gal/Day
 X 200%
 REQUIRED SIZE = 440 Gal/Day
 SIZE PROVIDED = 1,000 Gal/Day

SEPTIC TANK SECOND COMPARTMENT:
 DESIGN FLOW = 220 Gal/Day
 X 100%
 REQUIRED SIZE = 220 Gal/Day
 SIZE PROVIDED = 500 Gal/Day

LEACHING FACILITY:
 DESIGN PERCOLATION RATE: 34 MPI
 SOIL TEXTURAL CLASS: CLASS III
 LONG TERM ACCEPTANCE RATE (LTAR): 0.25 GPD/SF
 220 GAL/DAY / 0.25 GPD/SF = 880 SF REQ'D.
 WITH 40% REDUCTION ALLOWED WITH ADVANCED ENVIROSEPTIC:
 220 GAL/DAY X 80% = 176 GAL/DAY REQUIRED
 PRESBY DESIGN MANUAL REQUIRES 70 L.F./B.R. OF PIPE
 2 B.R. X 70 L.F./B.R. = 140' OF PRESBY ADVANCED ENVIRO-SEPTIC PIPE WITH 6" OF C-33 SAND BELOW
 INSTALL 5 ROWS OF 30' LONG PIPE
 PRESBY DESIGN MANUAL REQUIRES 529 S.F. SAND BED
 BOTTOM AREA: 32' x 17' = 544 SF
 SIDEWALL AREA: = 0
 TOTAL AREA = 544 SF
 X LTAR 0.25 Gal/Day/SF
 TOTAL CAPACITY = 136 Gal/Day

136 GAL/DAY PROVIDED > 132 GAL/DAY REQUIRED
 544 S.F. SAND BED PROVIDED > 529 S.F. REQUIRED
 SYSTEM IS NOT DESIGNED FOR A GARBAGE GRINDER NOR FOR WATER SOFTENER BACKWASH.

BOARD OF HEALTH NOTES

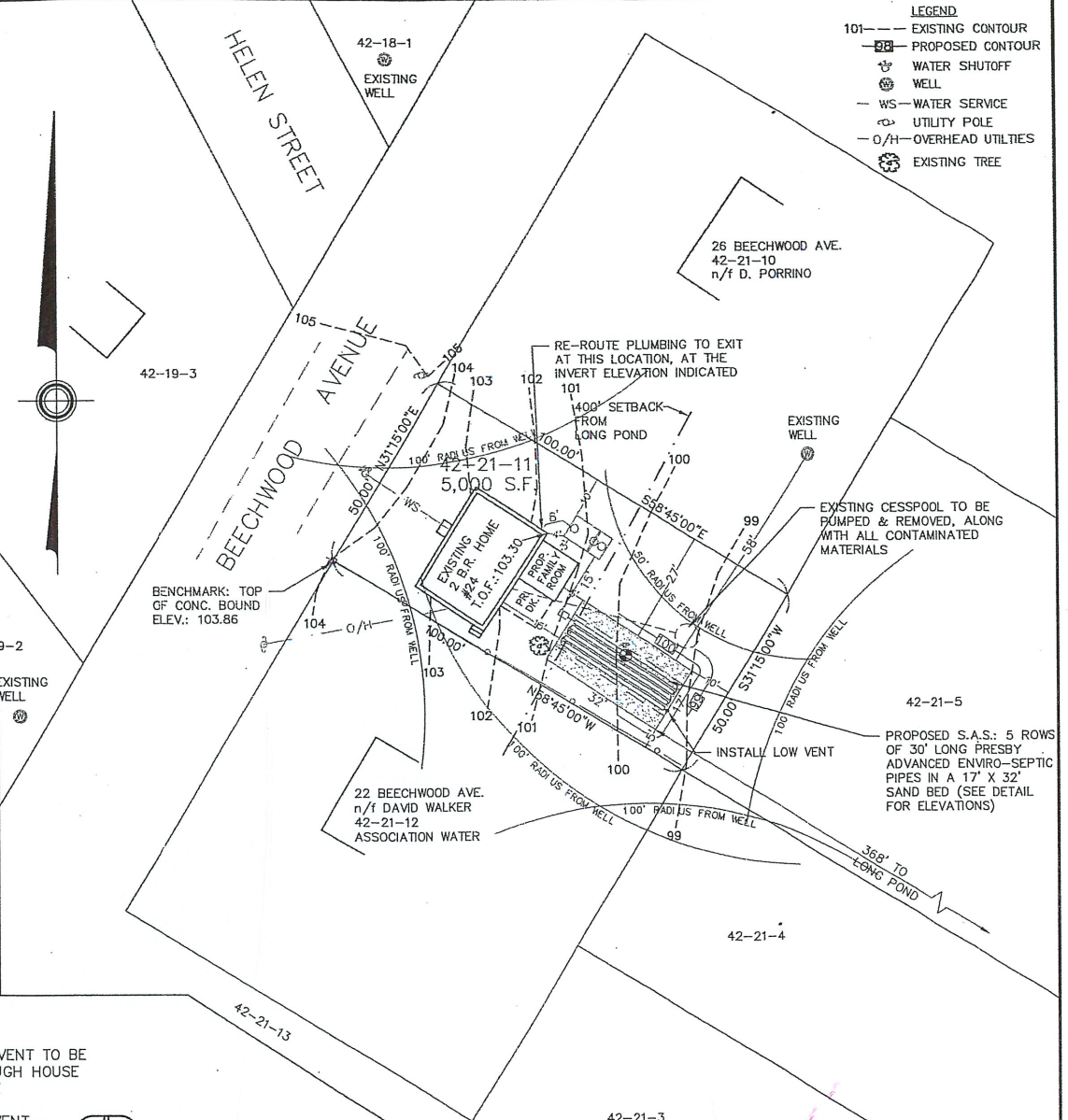
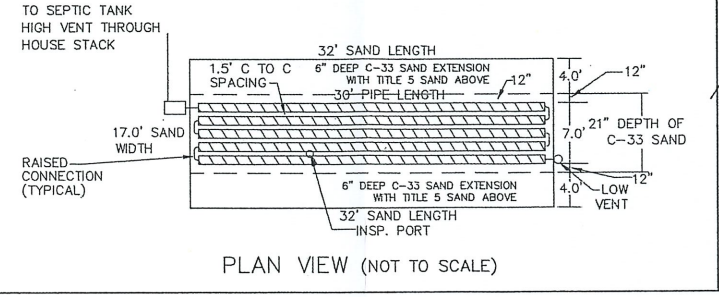
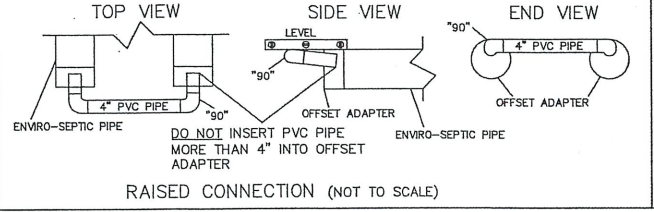
- THE PLUMBING SHALL BE RE-ROUTED IN THE CELLAR TO EXIT AT THE LOCATION SHOWN, AT THE INVERT ELEVATION INDICATED.
- INSTALL A 1500 GALLON, 2 COMPARTMENT SEPTIC TANK.
- BECAUSE THE HOUSE STACK WILL BE USED FOR THE HIGH VENT, AN EFFLUENT FILTER CANNOT BE INSTALLED IN THE SEPTIC TANK.
- THE LOW VENT IS TO BE PLACED IN AN AREA WHERE IT WILL NOT BE SUSCEPTIBLE TO DAMAGE.
- THE HOUSE STACK SHALL ACT AS THE HIGH VENT.
- BECAUSE THE SYSTEM IS A GRAVITY FED SYSTEM, DIFFERENTIAL VENTING IS ACCOMPLISHED THROUGH THE ROOF VENT.
- IF VENTING CANNOT BE ACCOMPLISHED THROUGH THE BUILDING STACK, THEN A HIGH VENT MUST BE PROVIDED OUT OF THE DIST. BOX, TO A HEIGHT A MINIMUM OF 10' ABOVE THE ELEVATION OF THE LOW VENT, AND AN EFFLUENT FILTER ADDED TO THE SEPTIC TANK OUTLET TEE.
- TANK CONSTRUCTION SHALL MEET THE REQUIREMENTS SPECIFIED IN TITLE 5, SECTION 15.226.
- CONCRETE IS TO BE 4000 PSI @28 DAYS.
- TONGUE & GROOVE JOINT TO BE SEALED WITH BUTYL RESIN TO MAKE WATERTIGHT.
- ALL RISERS ARE TO BE MADE WATERTIGHT.
- ALL PIPE IS TO BE SCH. 40 P.V.C. OR EQUIVALENT.
- ALL JOINTS ARE TO BE MADE WATERTIGHT.
- ALL STONE IS TO BE DOUBLE WASHED.
- ALL COMPONENTS SHALL HAVE A MINIMUM OF 9" AND A MAXIMUM OF 36" OF COVER.
- THE CONTRACTOR IS TO VERIFY ALL ELEVATIONS AND UTILITY LOCATIONS PRIOR TO CONSTRUCTION. ANY DIFFERENCES SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER.
- THE RESERVE AREA IS TO BE IN THE SAME LOCATION AS THE ACTIVE SYSTEM.
- THERE ARE NO CONFLICTS WITH TITLE 5, SECTION 15.220(4)(k) - LOCATION OF PUBLIC AND PRIVATE WATER SUPPLIES.
- THE SOIL BELOW THE S.A.S. SHALL BE EXCAVATED DOWN 30"± TO THE C LAYER, AND REPLACED WITH CLEAN SAND & GRAVEL AS PER TITLE 5, SECTION 15.255, OR WITH C-33 SAND.
- USE OF THE PRESBY ENVIRO-SEPTIC LEACHING SYSTEM, AS A REMEDIAL USE, ALLOWS FOR A 40% REDUCTION IN THE SIZE OF THE S.A.S. SAND AREA.

THE FOLLOWING LOCAL UPGRADES WERE GRANTED BY THE BOARD OF HEALTH ON JUNE 7, 2023, UNDER TITLE 5, SECTION 15.405(1):

- (c) TO ALLOW THE S.A.S. TO BE 5' FROM THE SOUTHERLY PROPERTY LINE OF WALKER AT 22 BEECHWOOD AVE. INSTEAD OF THE REQUIRED 10'.
- (b) TO ALLOW THE SEPTIC TANK TO BE 3' FROM THE CRAWL SPACE, INSTEAD OF THE REQUIRED 10'.
- (b) TO ALLOW THE S.A.S. TO BE 5' FROM THE CRAWL SPACE, INSTEAD OF THE REQUIRED 20'.
- (g) TO ALLOW THE S.A.S. TO BE 58' FROM THE ABUTTING WELL OF PORRINO AT 26 BEECHWOOD AVE., INSTEAD OF THE REQUIRED 100'.
- (g) TO ALLOW THE S.A.S. TO BE 368'± FROM A PUBLIC WATER SUPPLY (LONG POND), INSTEAD OF THE REQUIRED 400'.
- (k) TO ALLOW FOR ONE DEEP HOLE, INSTEAD OF THE REQUIRED TWO.

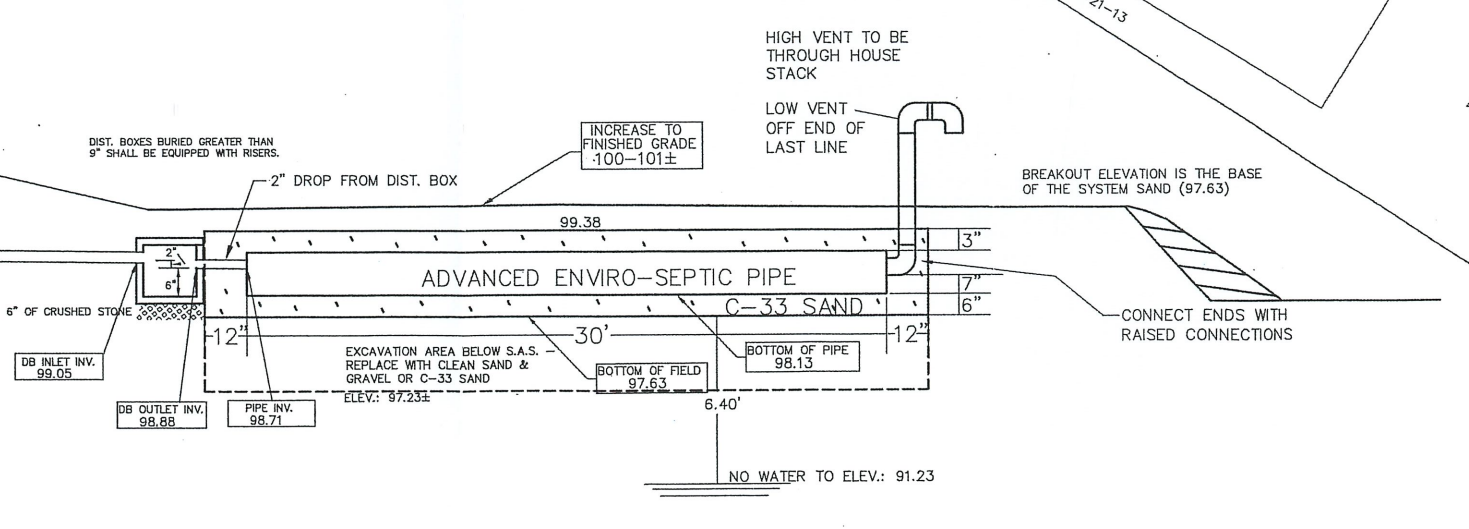
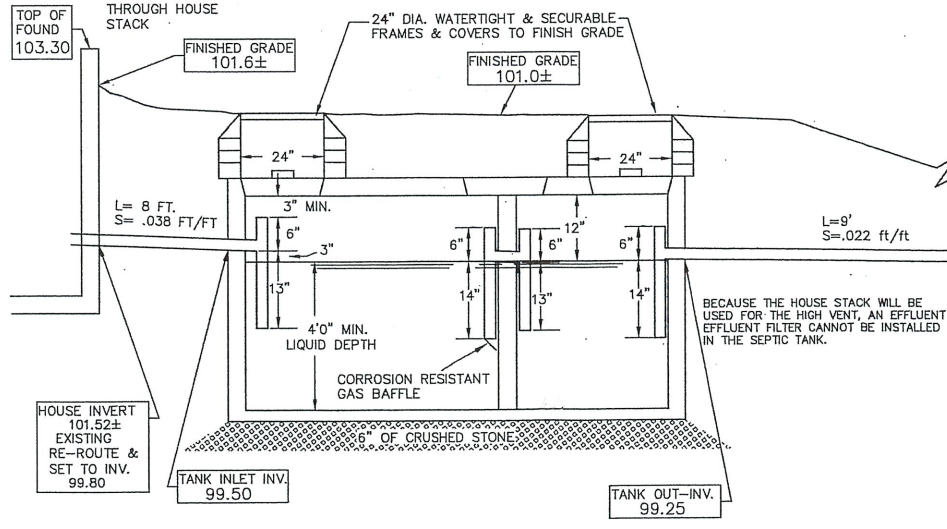
SYSTEM NOTES:

- THIS SYSTEM IS TO BE A PRESBY ADVANCED ENVIRO-SEPTIC PIPE SYSTEM (ALTERNATIVE SAS PATENTED SAND FILTER).
- THE DESIGN MANUAL IS ENTITLED "MASSACHUSETTS ADVANCED ENVIRO-SEPTIC DESIGN AND INSTALLATION MANUAL".
- A DISCLOSURE NOTICE IN THE DEED TO THE PROPERTY IS REQUIRED LISTING THE EXISTENCE OF THE ALTERNATIVE SYSTEM, ALONG WITH A TWO BEDROOM DEED RESTRICTION.
- CERTIFICATIONS BY THE DESIGNER AND INSTALLER WILL BE REQUIRED.
- WITHIN 24 HOURS OF ANY SYSTEM FAILURE, THE SYSTEM OWNER MUST NOTIFY THE LAKEVILLE BOARD OF HEALTH AT (508) 946-3473.
- THE SYSTEM OWNER MUST ACKNOWLEDGE THEIR RESPONSIBILITIES, IN ACCORDANCE WITH THE "STANDARD CONDITIONS FOR ALTERNATIVE SOIL ABSORPTION SYSTEMS WITH GENERAL USE CERTIFICATION AND/OR APPROVED FOR REMEDIAL USE" REVISED DATE: MARCH 5, 2018, AND WITH THE "MODIFIED REMEDIAL USE APPROVAL" DATE OF ISSUANCE: MODIFIED MARCH 15, 2022, TRANSMITTAL NUMBER 21-CLM-000073-APP.



LEGEND

- 101-- EXISTING CONTOUR
- PROPOSED CONTOUR
- WS WATER SHUTOFF
- W WELL
- WS-WATER SERVICE
- U UTILITY POLE
- O/H-OVERHEAD UTILITIES
- ET EXISTING TREE

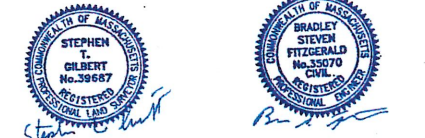
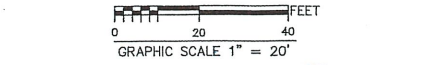
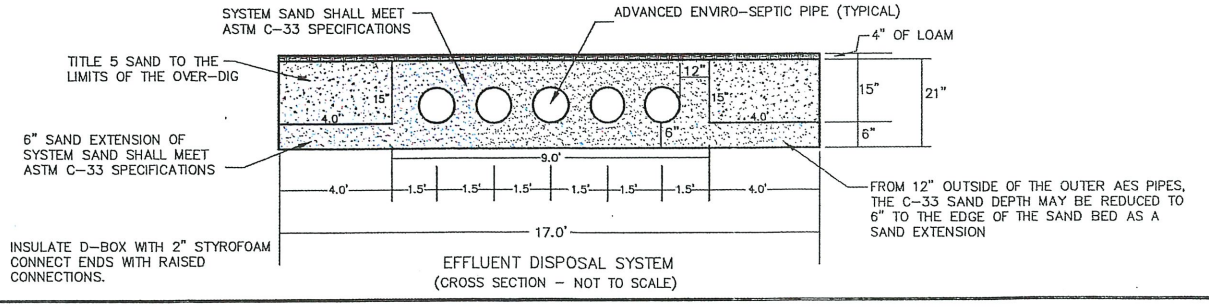


* INSTALL TEES IN ACCORDANCE WITH TITLE 5

1,500 GALLON TWO COMPARTMENT PRECAST CONC. SEPTIC TANK (4000 PSI CONC.)

TANKS & DIST. BOX FROM J & R PRE-CAST, INC.
 16 COUNTY STREET BERKLEY, MA 02779
 (508) 822-3311

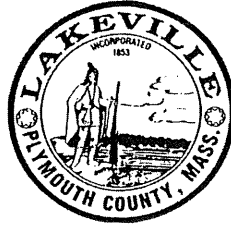
SYSTEM PROFILE (not to scale)



NOTE: THE JUNE 6, 2023 REVISION WAS DONE TO ADDRESS COMMENTS FROM THE BOARD OF HEALTH AT THE JUNE 7, 2023 HEARING.

24 BEECHWOOD AVENUE MAP 42, BLOCK 21, LOT 11
A SEPTIC SYSTEM REPAIR IN LAKEVILLE, MA FOR NYNELYON, INC.
 DATE: MAY 23, 2023
 REVISED: JUNE 8, 2023
 SENNA FITZGERALD GILBERT ASSOCIATES
 SFG ASSOCIATES, INC.
 CIVIL ENGINEERS & LAND SURVEYORS
 28 MAIN STREET LAKEVILLE, MA 02347
 (508) 946-5258 TEL./FAX. (508) 947-1090

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



The LAKEVILLE ZONING BOARD OF APPEALS, acting in accordance with MASS GENERAL LAWS CHAPTER 40A, as amended, will conduct a public hearing on Thursday, July 20, 2023, at 7:00 P.M. in the LAKEVILLE PUBLIC LIBRARY, 4 PRECINCT STREET, upon the petition of **Renee M. Garbitt & Leo L. Pike, Jr.** A **Special Permit** is requested under **6.1.3** and **7.4** to construct a porch, landing, and existing building location on a non-conforming structure located on a non-conforming lot. A **Variance** from **7.8.3.7** is also requested to allow the accessory apartment and principal dwelling to be serviced by two electric meters/services. The property site is **29 Staples Shore Road.**

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

John Olivieri, Jr., Chairman

July 6, 2023 & July 13, 2023



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

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

July 10, 2023

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

Re: ZBA meeting 7/20/23
Dear Chairman Olivieri:

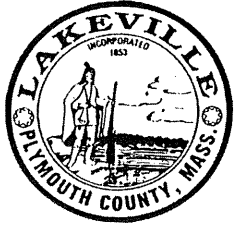
We received a copy of the petition for 8 Birch Street, and the proposed addition will not interfere with the existing septic system. Providing the addition does not increase the number of bedrooms, then the Board of Health has no objections to the addition. The Board would like to request a layout of the rooms, to confirm that the dwelling will remain a two-bedroom dwelling.

The Board of Health has received a copy of the petition for 434 Bedford Street. The Board of Health received a complaint of loud power tools at 434 Bedford St. on 3/22/23. The Health Agent visited site on 3/22/23 to record decibel levels. Agent was on the property of 436 Bedford St. approximately 50 ft from workshop and highest decibel level from power tools was 71 decibels. Ambient noise was around 45 decibels and cars on Bedford St. averaged around 65 decibels. The loudest noise was a passing truck on Bedford St. which was 73 decibels. Owner of 436 Bedford St. claimed that somedays it was louder. The Health Agent did not find that the noise level was loud enough to warrant a violation. The Health agent informed owner of 436 Bedford St. that he could return if the noise was louder.

The Board of Health has received a copy of the petition for 24 Beechwood and the Board of Health has no objections to the proposed addition.

We received a copy of the Petition for Hearing for 29 Staples Shore Rd. and the Board of Health does not have any objections to the proposed porch or having two utility connections.

The Board of Health has received a copy of the petition for 20 Second Av. The Board of Health does not have any objections to razing and building a new 2-bedroom home, providing there will be a deed restriction limiting the dwelling to two-bedrooms and limiting the dwelling to seasonal use until a year-round potable water supply is provided. The Board of Health requests that a plan showing the proposed tight tank location and installation details be submitted to our office. The lot has sufficient area to install a proposed tight tank.



Town of Lakeville

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

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

MEMORANDUM

TO: Board of Appeals

FROM: Planning Board

DATE: July 17, 2023

SUBJECT: Petition Review for Garbitt/Pike – 29 Staples Shore Road

At their Thursday, July 13, 2023, meeting, the Planning Board reviewed the above referenced Petition for Hearing from the Board of Appeals. The Board had no comments regarding this petition.



3 Main Street Lakeville, MA 02347
(508) 947-4208 - www.zcellc.com

- Civil Engineering
- Septic Design (Title 5)
- Septic Inspections (Title 5)
- Commercial and Industrial Site Plans
- Chapter 91 Permitting

NARRATIVE IN SUPPORT
OF A SPECIAL PERMIT
FOR 29 STAPLE SHORE ROAD
LAKEVILLE, MA 02347

PREPARED FOR:

RENEE M. GARBITT AND LEO L. PIKE, JR.
29 STAPLE SHORE ROAD
LAKEVILLE, MA 02347

PREPARED BY:

ZENITH CONSULTING ENGINEERS, LLC.
3 MAIN STREET
LAKEVILLE, MA 02347

JUNE 23, 2023

EXISTING SITE CONDITIONS

The locus site, 29 Staple Shore Road, is located on the northeasterly side of Staple Shore Road. The site is comprised of approximately 1.523+/- acres of land that includes a residential dwelling (under construction) and accessory buildings. Along with the dwelling is a new title 5 septic system, existing private water supply well and utilities. A plan entitled "Plan to Accompany a Zoning Board of Appeals Request" is part of this packet.

SPECIAL PERMIT / VARIANCE

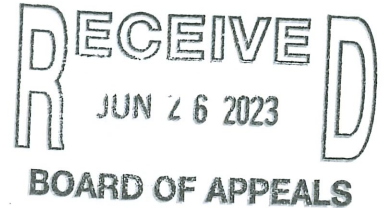
The applicant received a special permit from the Lakeville Zoning Board of Appeals in April of 2023. The house is under construction and the applicant is requesting that the Lakeville Zoning Board grant a special permit for the construction of the proposed porch, landing and existing building location. Per Section 6.1.3, pre-existing non-conforming structures or uses may be changed, extended, or altered by special permit from the board of appeals.

A variance is also being requested from section 7.8.3.7 of the Lakeville zoning by-law that states "The accessory apartment and the principal dwelling shall be serviced and monitored by common utilities. The applicant has two electric meters / services on the house and is requesting relief to section 7.8.3.7.

The client has designed and permitted improvements onsite including the installation of a well and title 5 compliant septic system. The applicant is in the construction process and this portion of the project is currently on hold pending the determination of the board. The improvements and changes, as proposed, will not negatively impact the neighborhood and will, in fact, enhance the aesthetics.

TOWN OF LAKEVILLE MASSACHUSETTS

ZONING BOARD OF APPEALS PETITION FOR HEARING



Name of Petitioner: Renee M. Garbitt and Leo L. Pike, Jr.

Mailing Address: 29 Staple Shore Road Lakeville, MA 02347

Name of Property Owner: Renee M. Garbitt and Leo L. Pike, Jr.

Location of Property: 29 Staple Shore Road Lakeville, MA 02347

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

Registry of Deeds: Book No. 57546 Page No. 307 (4 pages)

Map 058 Block 008 Lot 004

Petitioner is: XX owner tenant licensee prospective purchaser

Nature of Relief Sought:

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

XX Variance from Section (s) 7.8.3.7 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 narrative.

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

Petitioner: LEO PIKE

Date: 6/23/23

Signed: [Signature]

Telephone: (508) 509-2309

Owner Signature: (If not petitioner)

Owner Telephone:

Email:

WILL YOU HAVE A REPRESENTATIVE OTHER THAN YOURSELF?

XX Yes No

Jamie Bissonnette, Engineer from Zenith Consulting Engineers, LLC. (Name and Title)



2023 00027161

Bk: 57883 Pg: 158 Page: 1 of 9
Recorded: 05/04/2023 01:21 PM
ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

wait
eo Pike Sr
29 Staples Shore Rd
Lakeville MA 02347

THE COMMONWEALTH OF MASSACHUSETTS
LAKEVILLE
CITY OR TOWN

ZONING BOARD OF APPEALS

Date April 13, 2023

NOTICE OF SPECIAL PERMIT

(General Laws Chapter 40A, Section 18 as amended)

Notice is hereby given that a Special Permit has been granted
To Renee M. Garbitt & Leo L. Pike, Jr.
Owner or Petitioner
Address 29 Staples Shore Road
City or Town Lakeville, MA 02347

Identify Land Affected

by the town of Lakeville Board of Appeals affecting the
rights of the owner with respect to the use of the premises on
29 Staples Shore Road Lakeville
Street City or Town
the record title standing in the name of
Renee M. Garbitt & Leo L. Pike, Jr.

whose address is 29 Staples Shore Road Lakeville MA
Street City or Town State

by a deed duly recorded in the Plymouth County Registry of Deeds in
Book 57546, Page 307 Registry District of the Land Court
Certificate No. _____ Book _____ Page _____

The decision of said Board is on file with the papers in Decision or Case No. 23-03
in the office of the Town Clerk Lillian M. Drane
Certified this 13th day of April, 2023.

THE APPEALS BOARD

[Signature] Chairman
[Signature] Clerk

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

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

Attest

Register of Deeds

Notice to be recorded by Land Owner.

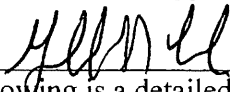
TOWN OF LAKEVILLE
MASSACHUSETTS

ZONING BOARD OF APPEALS

RECORD OF PROCEEDINGS

ON APPLICATION FOR A SPECIAL PERMIT

PETITION No. 23-03 DATE FILED March 1, 2023
(Copies of this Record of Proceedings with all attachments must be filed within 14 days of a decision by the Appeals Board in the Office of the Town Clerk.)

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

Renee M. Garbitt & Leo L. Pike, Jr., 29 Staples Shore Road, Lakeville, MA 02347
(Name and address of Applicant)

for a Special Permit under Section 6.1.3 & 7.4 of the Zoning By-law.

The Applicant desires: To raze a portion of a pre-existing, non-conforming house located on a non-conforming lot and construct a new dwelling.

The premises affected are located at 29 Staples Shore Road, Lakeville, MA

being in the Residential District, in which the above-mentioned use requires a Special Permit from the Appeals Board.

1. On March 1, 2023, an application of which a true copy marked "A" is made a part of this record was presented to the Appeals Board.
2. Thereupon, an advertisement, a true copy of which marked "B" is made a part of this record, was published in Nemasket Week a newspaper published in Middleboro, MA on 3/16/23 and on 3/23/23.
(Date) (Date)
3. Notice of the hearing, a copy of which marked "C" is made a part of this record, were mailed postpaid to the petitioner, abutter, and owners of the land within 300 feet of the property line, being the same persons named in the Assessors certificate which was a part of the petition heretofore referred to and marked "A", and to the Board of Selectmen, Building Inspector, and the planning boards of every abutting municipality.

4. On March 30, 2023, a hearing was held at the Lakeville Public Library, 4 Precinct Street, at which opportunity was given to all those interested, those to be heard in favor or opposition to said petition, application, or appeal at which hearing:

Mr. Jamie Bissonnette from Zenith Consulting Engineers was present.

Members present: J. Olivieri-CH , J. Youngquist-VCH, G. Noble-CLK ,
C. Campeau , C. Sheedy , A. Zucco .

5. Following the hearing the Board made the following specific findings regarding the land in question and the proposed use.

- The property is zoned residential.
- The property is non-conforming because it is approximately 67,518 sf. while 70,000 sf. is required.
- The proposed plan is to raze a portion of the pre-existing, non-conforming house and construct a new dwelling. The new dwelling will contain three (3) bedrooms in the new portion and one (1) bedroom in the existing portion which will be used as an in-law apartment.
- No Town Boards or committees expressed opposition to the proposed project.
- The Board of Health indicated there is a recently approved four-bedroom septic system plan on file.
- No neighbors or members of the public spoke to the proposed project.
- The ZBA hereby finds that the proposed plan is not substantially more detrimental than the existing structure.
- The ZBA find that the proposed change to this property is in harmony with the general purpose and intent of this bylaw and represents an improvement to the property and the neighborhood.
- The ZBA finds that the proposed project is not noxious, harmful or hazardous, is socially and economically desirable, and will meet an existing need to have a dwelling that will have improved infrastructure and will meet all current building codes.
- The ZBA finds that the advantages of the use outweigh any detrimental effects, and such detrimental effects on the neighborhood and the environment will not be greater than could be expected from development which could occur if the Special Permit were denied.
- The ZBA finds that the applicant has no reasonable alternative available to accomplish this purpose in a manner more compatible with the character of the immediate neighborhood.
- The ZBA finds that the proposal generally conforms to the principals of good engineering, sound planning, and correct land use, and the applicant has the means to implement the proposal if a Special Permit is granted.

NOTE: Restatement of mandatory provisions and requirements are not to be taken as findings.

Petition to be
filed with Town Clerk

EXHIBIT "A"

TOWN OF LAKEVILLE
MASSACHUSETTS

ZONING BOARD OF APPEALS
PETITION FOR HEARING

Name of Petitioner: Renee M. Garbitt and Leo L. Pike, Jr.

Mailing Address: 29 Staple Shore Road Lakeville, MA 02347

Name of Property Owner: Renee M. Garbitt and Leo L. Pike, Jr.

Location of Property: 29 Staple Shore Road Lakeville, MA 02347

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

Registry of Deeds: Book No. 57546 Page No. 307 (4 pages)

Map 058 Block 008 Lot 004

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

Nature of Relief Sought:

XX Special Permit under Section (s) 7.4 & 6.1.3 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.)
Demolish a portion of the existing house and construct a new dwelling on a new
foundation. The new house will have 2 stories and a porch in the front.

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: LEO PIKE JR, RENEE GARBITT Date: 2/27/23

Signed: [Signature] Telephone: (503) 509-2309

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

Email: _____

WILL YOU HAVE A REPRESENTATIVE OTHER THAN YOURSELF?

XX Yes _____ No

Jamie Bissonnette, Engineer from Zenith Consulting Engineers, LLC.
(Name and Title)

" B "

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

The LAKEVILLE ZONING BOARD OF APPEALS, acting in accordance with MASS GENERAL LAWS CHAPTER 40A, as amended, will conduct a public hearing on Thursday, March 30, 2023, at 7:00 P.M. in the LAKEVILLE PUBLIC LIBRARY, 4 PRECINCT STREET, upon the petition of **Renee M. Garbitt and Leo L. Pike, Jr.** A **Special Permit** is requested under **7.4 and 6.1.3** to raze a portion of a pre-existing, non-conforming house located on a non-conforming lot and construct a new dwelling. The new dwelling will contain three (3) bedrooms in the new portion and one (1) bedroom in the existing portion, which will be an in-law (accessory apartment) The property site is **29 Staples Shore Road.**

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

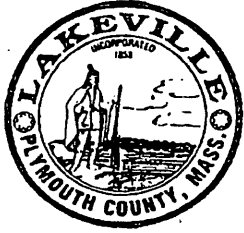
John Olivieri, Jr., Chairman
Nemasket Week
March 16, 2023 & March 23, 2023

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

The LAKEVILLE ZONING BOARD OF APPEALS, acting in accordance with MASS GENERAL LAWS CHAPTER 40A, as amended, will conduct a public hearing on Thursday, March 30, 2023, at 7:00 P.M. in the LAKEVILLE PUBLIC LIBRARY, 4 PRECINCT STREET, upon the petition of **Renee M. Garbitt and Leo L. Pike, Jr.** A **Special Permit** is requested under **7.4 and 6.1.3** to raze a portion of a pre-existing, non-conforming house located on a non-conforming lot and construct a new dwelling. The new dwelling will contain three (3) bedrooms in the new portion and one (1) bedroom in the existing portion, which will be an in-law (accessory apartment) The property site is **29 Staples Shore Road.**

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

John Olivieri, Jr., Chairman
Nemasket Week
March 16, 2023 & March 23, 2023



TOWN OF LAKEVILLE MEETING POSTING & AGENDA

Town Clerk's Time Stamp
received & posted:
K. DeGuzia
LAKEVILLE TOWN CLERK
ROUD 2023 MAR 16 PM 2:17

*48-hr notice effective
when time stamped*

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

Name of Board or Committee:	Zoning Board of Appeals
Date & Time of Meeting:	Thursday, March 30, 2023 at 7:00 p.m.
Location of Meeting:	Lakeville Public Library 4 Precinct Street, Lakeville, MA 02347
Clerk/Board Member posting notice:	Cathy Murray

Cancelled/Postponed to: _____ (circle one)

Clerk/Board Member Cancelling/Postponing: _____

A G E N D A

1. **LD. Sign Group hearing – 15 Main Street** – request for a **Special Permit** under 6.6.6.3 for an internally illuminated sign that will include non-illuminated changeable copy.
2. **Garbitt/Pike hearing – 29 Staples Shore Road** – request for a **Special Permit** under 7.4 and 6.1.3 to raze a portion of a pre-existing, non-conforming house located on a non-conforming lot and construct a new dwelling. The new dwelling will contain three (3) bedrooms in the new portion and one (1) bedroom in the existing portion, which will be an in-law (accessory apartment).
3. **North Bedford Crossing LLC hearing– 109 Bedford Street, continued** – request for a **Comprehensive Permit** to construct twelve (12) single family residential dwellings of which three (3) units or twenty-five (25%) will be affordable to households earning up to eighty (80%) of the Area Median Income.
4. **The Residences at LeBaron Hills, LLC, hearing, continued** – request to modify their **Comprehensive Permit** and add three ten-unit buildings and one five-unit building in Phase 5.
5. Approve Meeting Minutes for February 16, 2023.
6. Correspondence
7. Next meeting . . . Thursday, April 20, 2023 at the Lakeville Public Library.
8. Adjourn

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

ZONING BOARD OF APPEALS

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

Date: April 13, 2023

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

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

TO Renee M. Garbitt & Leo L. Pike, Jr.

Owner or Petitioner

ADDRESS 29 Staples Shore Road, Lakeville, MA 02347

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

29 Staples Shore Road, Lakeville, MA 02347

Identity of Land Affected

The record title standing in the name of

Renee M. Garbitt & Leo L. Pike, Jr.

whose address is 29 Staples Shore Road Lakeville MA

Street

City or Town

State

by a deed duly received in the Plymouth District,

Registry of Deeds in Book 57546, Page 307.

Registry District of Land Court, Certificate No. _____

Book _____, Page _____

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

Signed and certified this 13th day of April, 2023.

THE APPEALS BOARD

[Signature] Chairman
[Signature] Clerk

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

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

[Signature]
Signature and seal of the Town Clerk 5/4/23

MASSACHUSETTS EXCISE TAX
Plymouth District ROD #11 001
Date: 12/27/2022 11:00 AM
Ctrl#
Fee: \$.00 Cons: \$1.00

Quitclaim Deed

Property Address: 29 Staples Shore Road, Lakeville, MA 02347

We, **Mary Anne Sena (formerly known as Mary Anne Sena Garbitt)**, being unmarried, AND **Andrew J. Garbitt**, being married to **Heather Garbitt**, AND **Renee M. Garbitt**, being married to **Leo L. Pike, Jr.**, of Lakeville, Massachusetts, in full consideration paid in the amount of **One Hundred and 00/100 Dollars (\$100.00)**, grant to, **Renee M. Garbitt & Leo L. Pike, Jr.**, Husband and Wife as Tenants by the Entirety, of 29 Staples Shore Road, Lakeville, MA, Massachusetts, with **Quitclaim Covenants**,

The land in Lakeville, Plymouth County, Commonwealth of Massachusetts, with the buildings thereon, on the Northeasterly side of Staples Shore Road, bounded and described as follows:

Beginning at a point in the Northeasterly line of said road 100 feet Northwesterly, as measured in the Northeasterly line of said road, from the corner of land formerly of Mildred L. Stafford in the Northwesterly line of said road which last mentioned corner is 40 feet North 55 degrees 13' 40" East from an iron pipe in the Southwesterly line of said road; thence North 34 degrees 46' 20" West 212.50 feet to a corner; thence South 55 degrees 13' 40" West 200 feet to Staples Shore Road' thence by said Road South 34 degrees 46' 20" East 212.50 feet to the bound first mentioned.

Being the same premises conveyed in deed of Donald T. Sena et al, dated June 26, 1984, recorded with the Plymouth County Registry of Deeds in Book 6009, Page 51.

ALSO

A certain parcel of land with a portion of a barn thereon situated off the Northeasterly side of Staples Shore Road in Lakeville, Plymouth County, Massachusetts, and more particularly shown as Lot C-1 on a plan entitled, "Plan of Lots Staples Shore Road Lakeville, Massachusetts, October 30, 1984, 40 feet to an inch, William L. Phinney, Registered Land Surveyor, Middleboro, Massachusetts" and more particularly bounded and described according to said plan as follows:

Beginning at a point marking the Northwesterly corner of the herein conveyed premises, said point being in line of land of Donald T. Sena, et al, as shown on said plan:

Thence South 85 degrees 31' 00" East, a distance of 105.74 feet along land of the Lakeville Lions Club, being more properly known as Lions Club of Lakeville, Inc., to a point;

Thence North 55 degrees 14' 00" East, a distance of 343.48 feet continuing along said land shown as of said Lakeville Lions Club to a point in line of land now or formerly of Jean H. and William P. Shing, as shown on said plan;

Thence South 31 degrees 20' 00" East, a distance of 66.66 feet along said land now or formerly of Shing to a point;

Thence South 59 degrees 46' 20" West, a distance of 422.71 feet along Lot C-2, as shown on said plan to a point and common corner of land of Dale R. Lawrence and said Donald T. Sena, et al'

Thence North 34 degrees 46' 00" West, a distance of 100.00 feet along said land of Donald T. Sena, et al, to the point of beginning.

Subject to an Easement to the Thirty-One SSR Realty Trust recorded on 01/05/2010 in Book 38106, Page 115.

Subject to an Easement to the Lions Club of Lakeville, Inc. recorded on 12/18/2012 in Book 42413, Page 109.

Subject to all matters of record (easements, restrictions, covenants, reservations, etc.) insofar as in force and applicable.

The Grantors hereby release any and all rights of Homestead in the parcel being conveyed and certify under oath that there are no other persons entitled to any rights of Homestead under M.G.L. c. 188 in the premises conveyed herein, apart from those joined in this deed.

Being all of the Grantor's title and interest in premises by deed from **Mary Anne Sena Garbitt**, dated **11/07/2000** and recorded in **Book 19048, Page 98**, on **11/07/2000**, at the Plymouth County Registry of Deeds.

Return: Coutinho Law Group, P.C., 511 West Grove Street, Suite 302, Middleboro, MA 02346

WITNESS our hands and seals this 27th day of December, 2022.

Mary Anne Sena
Mary Anne Sena (f/k/a Mary Anne Sena Garbitt)

Renee M. Garbitt
Renee M. Garbitt

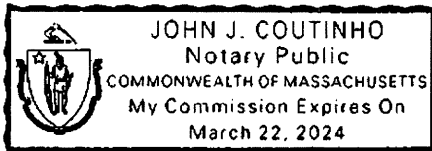
I, Leo L. Pike, Jr. hereby release any and all rights to the property herein conveyed that I may have in courtesy, dower and Homestead.

Leo L. Pike, Jr.
Leo L. Pike, Jr.

COMMONWEALTH OF MASSACHUSETTS

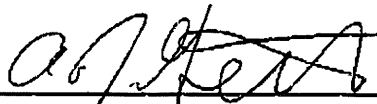
Plymouth, SS.

On this 27th day of December, 2022 before me, the undersigned notary public, personally appeared **Mary Anne Senna Garbit & Renee M. Garbitt & Leo L. Pike, Jr.**, and proved to me through satisfactory evidence of identification, which was Commonwealth of Massachusetts driver's license, to be the people whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.



John J. Coutinho
Notary Public: John J. Coutinho
My commission expires: March 22, 2024

WITNESS our hands and seals this 18th day of December, 2022.



Andrew J. Garbitt

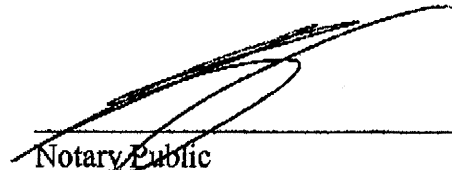
I, Heather Garbitt hereby release any and all rights to the property herein conveyed that I may have in courtesy, dower and Homestead.



Heather Garbitt

STATE OF FLORIDA
COUNTY OF MONTE

Sworn to and subscribed before me, by means of physical presence, this date of December 18, 2022, by Andrew J. Garbitt & Heather Garbitt.



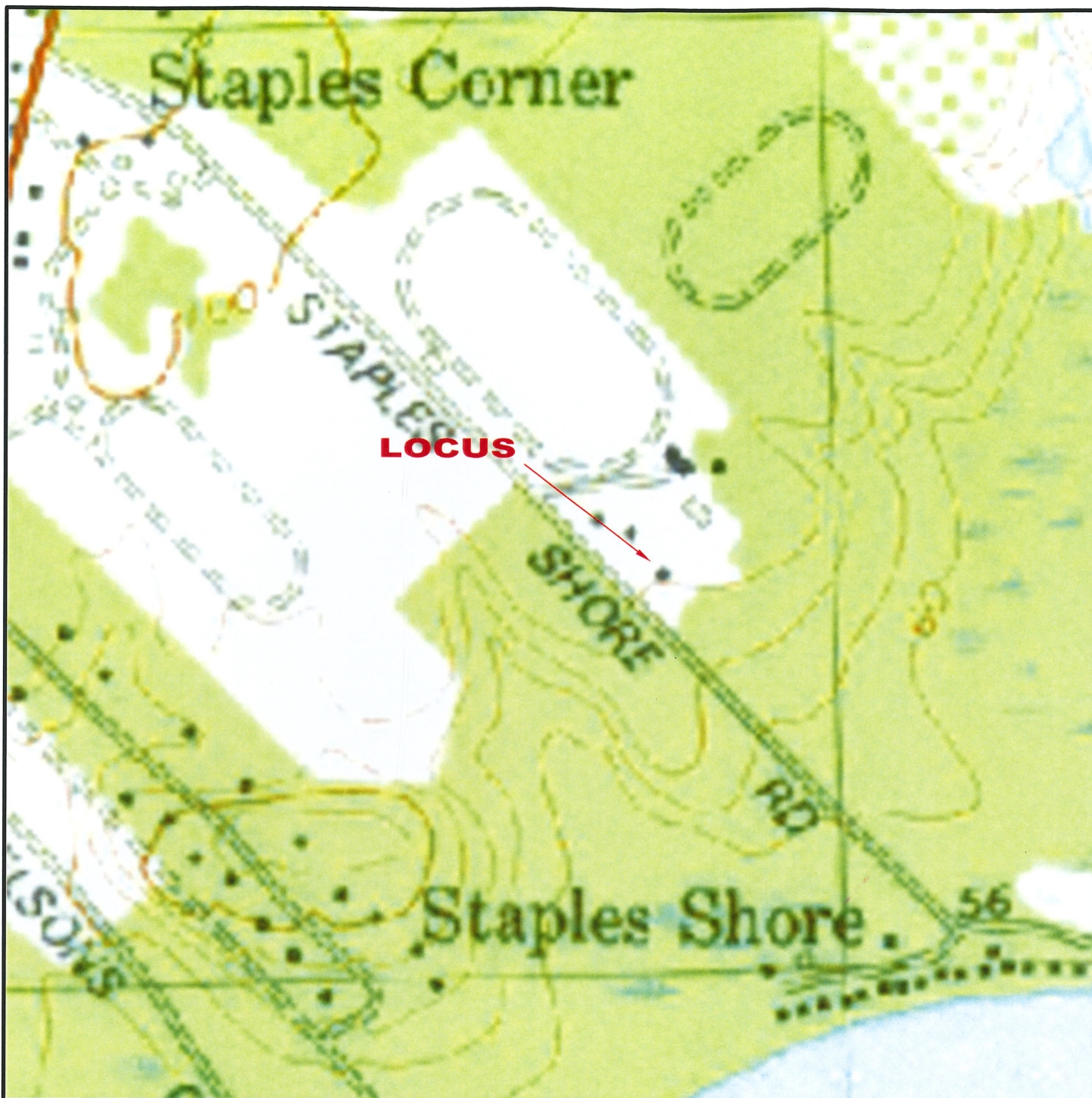
Notary Public
My Commission Expires:

(SEAL)



KEVIN COOPER
MY COMMISSION # RH 076872
EXPIRES: May 2, 2025
Notary Public Underwritten

Personally Known _____ OR Produced Identification X
Type of Identification Produced FLDL Andrew Garbitt 6 613 01 076 1700
FLDL Heather Garbitt 6 613 334 857890



SHEET NAME:

USGS MAP

PROJECT SITE:

**29 STAPLES SHORE ROAD
LAKEVILLE, MASSACHUSETTS**

CLIENT INFO:

**LEO PIKE
LAKEVILLE, MASSACHUSETTS**



ZENITH CONSULTING ENGINEERS, LLC

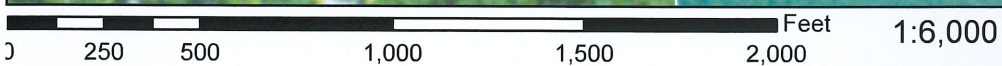
3 MAIN STREET LAKEVILLE, MA 02347

PHONE: (508) 947-4208

National Flood Hazard Layer FIRMette



70°56'5"W 41°51'38"N



Legend

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

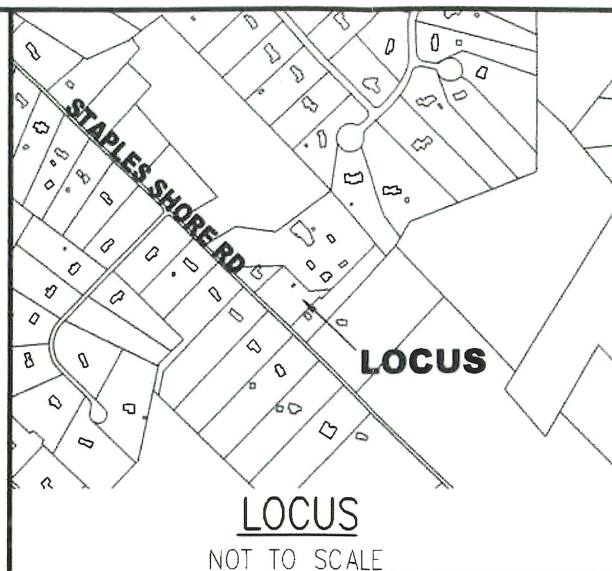
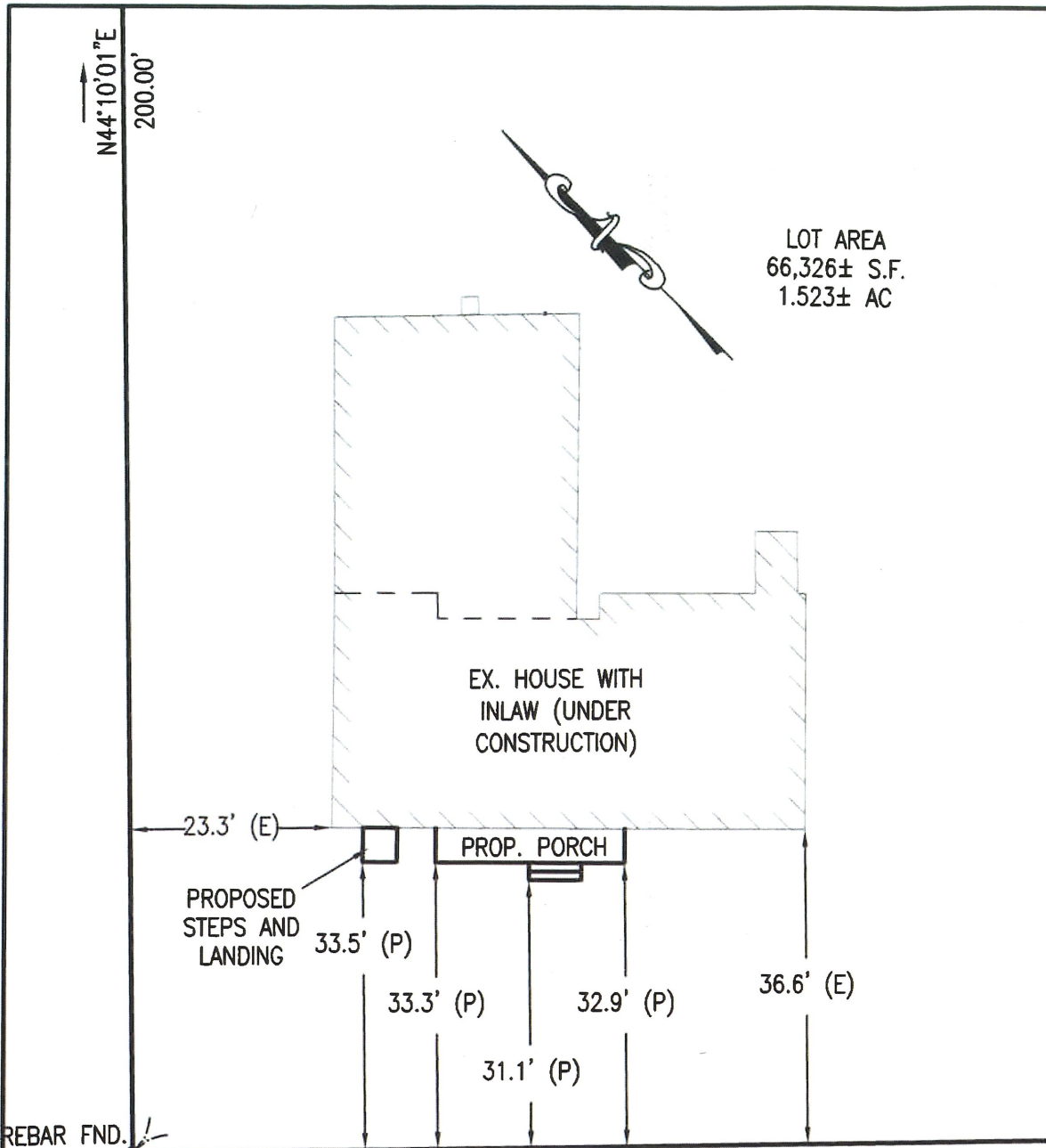
- | | |
|------------------------------------|---|
| SPECIAL FLOOD HAZARD AREAS | <ul style="list-style-type: none"> Without Base Flood Elevation (BFE)
<i>Zone A, V, A99</i> With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i> Regulatory Floodway |
| OTHER AREAS OF FLOOD HAZARD | <ul style="list-style-type: none"> 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone</i> Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i> Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i> Area with Flood Risk due to Levee <i>Zone L</i> |
| OTHER AREAS | <ul style="list-style-type: none"> NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i> Effective LOMRs Area of Undetermined Flood Hazard <i>Zone</i> |
| GENERAL STRUCTURES | <ul style="list-style-type: none"> Channel, Culvert, or Storm Sewer Levee, Dike, or Floodwall |
| OTHER FEATURES | <ul style="list-style-type: none"> 20.2 Cross Sections with 1% Annual Chance Water Surface Elevation 17.5 Coastal Transect Base Flood Elevation Line (BFE) Limit of Study Jurisdiction Boundary Coastal Transect Baseline Profile Baseline Hydrographic Feature |
| MAP PANELS | <ul style="list-style-type: none"> Digital Data Available No Digital Data Available Unmapped |

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

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

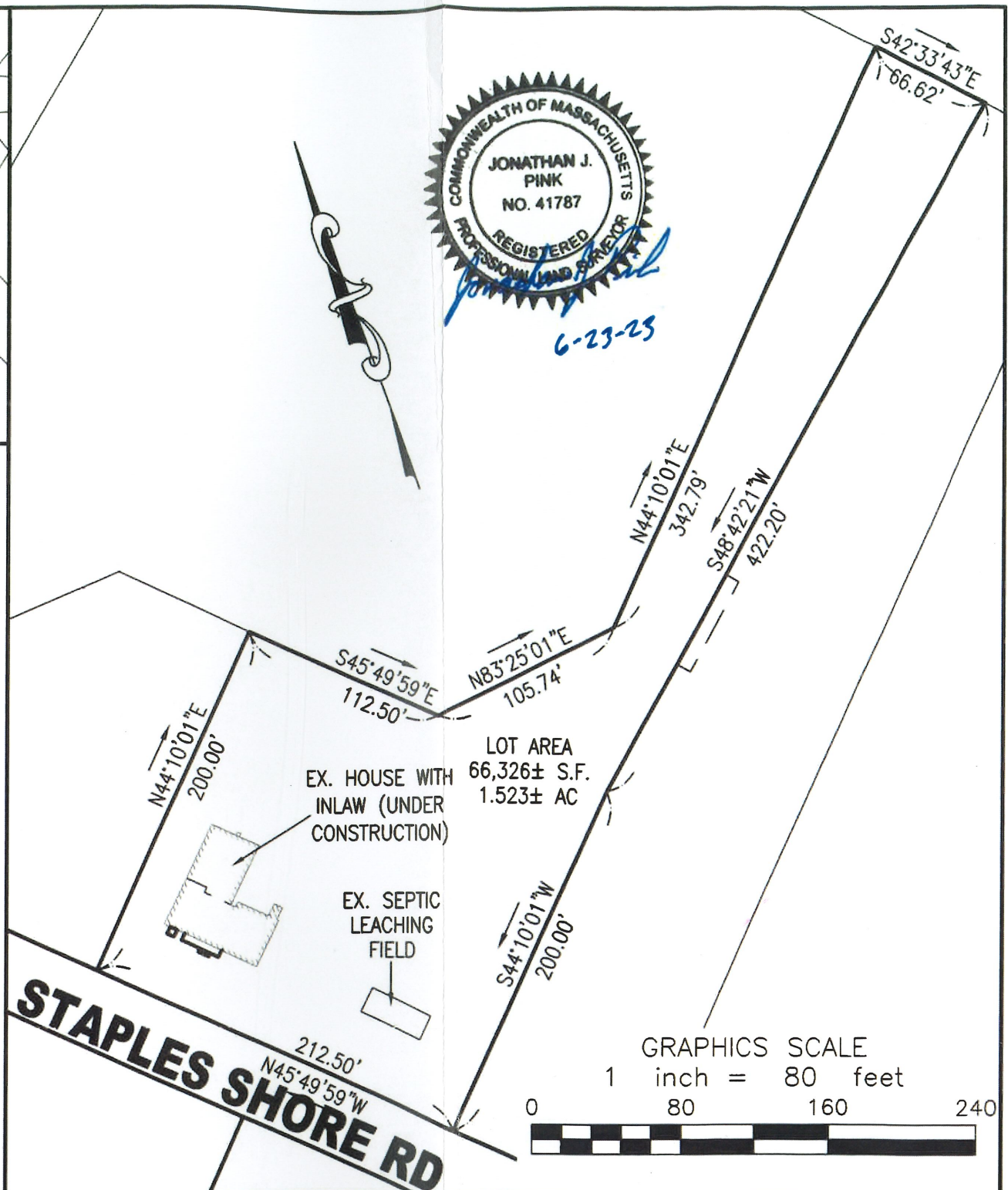
The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **10/13/2022 at 2:00 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

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



SITE INFORMATION:

- THE SITE IS SHOWN ON THE TOWN OF LAKEVILLE ASSESSORS MAP AS MAP 58 BLOCK 8 LOT 4.
- PROPERTY LINE INFORMATION WAS TAKEN FROM
 - FOR TITLE REFERENCE TO THE SUBJECT PROPERTY REFER TO BOOK 19048, PAGE 98 IN THE PLYMOUTH COUNTY REGISTRY OF DEEDS.
- PROPERTY LINE AND EXISTING CONDITIONS INFORMATION TAKEN FROM FIELD SURVEY BY ZENITH LAND SURVEYORS, LLC. IN NOVEMBER 2022 AND A FOUNDATION AS-BUILT IN 2023.
- THE SUBJECT PROPERTY IS LOCATED IN ZONE X, AS SCALED FROM THE FLOOD INSURANCE RATE MAP (F.I.R.M.) OF PLYMOUTH COUNTY, MAP NUMBER 25023CO431K, EFFECTIVE DATE JULY 16, 2015.
- SEE ZONING BOARD OF APPEALS DECISION DATED APRIL 13, 2023 RECORDED IN THE PLYMOUTH COUNTY REGISTRY OF DEEDS BOOK 57883 PAGE 158 PAGES 1 TO 9.



SHEET NAME: PLAN TO ACCOMPANY A ZONING BOARD OF APPEALS REQUEST		DRAWN BY: JLB	
PROJECT SITE: 29 STAPLE SHORE ROAD LAKEVILLE, MASSACHUSETTS		DESIGNED BY:	
CLIENT INFO: RENEE GARBITT & LEO PIKE LAKEVILLE, MA 02347		CHECKED BY: NCZ	DATE: 6-23-23
		APPROVED BY JLB	PROJECT NUMBER 1018-01-01
		SHEET ID ZBA PLAN	

ZCE

ZENITH CONSULTING ENGINEERS, LLC

3 MAIN STREET LAKEVILLE, MA 02347

PHONE: (508) 947-4208

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



The LAKEVILLE ZONING BOARD OF APPEALS, acting in accordance with MASS GENERAL LAWS CHAPTER 40A, as amended, will conduct a public hearing on Thursday, July 20, 2023, at 7:00 P.M. in the LAKEVILLE PUBLIC LIBRARY, 4 PRECINCT STREET, upon the petition of **Julio Barbosa**. A **Special Permit** is requested under **6.1.3** and **7.4** to raze the existing dwelling and garage and construct a new dwelling on a new foundation and a new garage located on a non-conforming lot. The property site is **20 Second Avenue**.

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

John Olivieri, Jr., Chairman

July 6, 2023 & July 13, 2023



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

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

July 10, 2023

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

Re: ZBA meeting 7/20/23
Dear Chairman Olivieri:

We received a copy of the petition for 8 Birch Street, and the proposed addition will not interfere with the existing septic system. Providing the addition does not increase the number of bedrooms, then the Board of Health has no objections to the addition. The Board would like to request a layout of the rooms, to confirm that the dwelling will remain a two-bedroom dwelling.

The Board of Health has received a copy of the petition for 434 Bedford Street. The Board of Health received a complaint of loud power tools at 434 Bedford St. on 3/22/23. The Health Agent visited site on 3/22/23 to record decibel levels. Agent was on the property of 436 Bedford St. approximately 50 ft from workshop and highest decibel level from power tools was 71 decibels. Ambient noise was around 45 decibels and cars on Bedford St. averaged around 65 decibels. The loudest noise was a passing truck on Bedford St. which was 73 decibels. Owner of 436 Bedford St. claimed that some days it was louder. The Health Agent did not find that the noise level was loud enough to warrant a violation. The Health agent informed owner of 436 Bedford St. that he could return if the noise was louder.

The Board of Health has received a copy of the petition for 24 Beechwood and the Board of Health has no objections to the proposed addition.

We received a copy of the Petition for Hearing for 29 Staples Shore Rd. and the Board of Health does not have any objections to the proposed porch or having two utility connections.

The Board of Health has received a copy of the petition for 20 Second Av. The Board of Health does not have any objections to razing and building a new 2-bedroom home, providing there will be a deed restriction limiting the dwelling to two-bedrooms and limiting the dwelling to seasonal use until a year-round potable water supply is provided. The Board of Health requests that a plan showing the proposed tight tank location and installation details be submitted to our office. The lot has sufficient area to install a proposed tight tank.



Town of Lakeville

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

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

MEMORANDUM

TO: Board of Appeals
FROM: Planning Board
DATE: July 17, 2023
SUBJECT: Petition Review for Barbosa – 20 Second Avenue

At their Thursday, July 13, 2023, meeting, the Planning Board reviewed the above referenced Petition for Hearing from the Board of Appeals. The Board had no comments regarding this petition.



3 Main Street Lakeville, MA 02347
(508) 947-4208 - www.zcellc.com

- Civil Engineering
- Septic Design (Title 5)
- Septic Inspections (Title 5)
- Commercial and Industrial Site Plans
- Chapter 91 Permitting

NARRATIVE IN SUPPORT
OF A SPECIAL PERMIT
FOR 20 SECOND AVE
LAKEVILLE, MA 02347

PREPARED FOR:

JULIO BARBOSA
10 FIELDSTONE FARM DRIVE
DARTMOUTH, MA 02748

PREPARED BY:

ZENITH CONSULTING ENGINEERS, LLC.
3 MAIN STREET
LAKEVILLE, MA 02347

JUNE 23, 2023

EXISTING SITE CONDITIONS

The locus site, 20 Second Ave, is located on the westerly side of Second Ave. The site is comprised of approximately 6,970+/- s.f. of land that includes a residential dwelling and accessory buildings. Along with the dwelling is an existing cesspool with plans to upgrade to a tight tank. A plan entitled "Plan to Accompany a ZBA Petition" is part of this packet.

PROPOSED SITE IMPROVEMENTS

The applicant is proposing to raze the existing dwelling and construct a new residential dwelling along with a detached garage. The new dwelling will be 2 stories and contain 2 bedrooms and the garage will be 25' x 18'. Per Section 6.1.3, pre-existing non-conforming structures or uses may be changed, extended, or altered by special permit from the board of appeals.

SPECIAL PERMIT CONDITIONS

The applicant has designed and permitted improvements onsite including the installation of a title 5 compliant tight tank. The applicant is proposing to raze the existing structure and construct a new dwelling with a detached garage as shown on plan. The improvements, as proposed, will not negatively impact the neighborhood and will, in fact, enhance the aesthetics.

Petition to be filed with Town Clerk

TOWN OF LAKEVILLE MASSACHUSETTS

ZONING BOARD OF APPEALS PETITION FOR HEARING

EXHIBIT "A" RECEIVE JUN 26 2023 BOARD OF APPEALS

Name of Petitioner: Julio Barbosa

Mailing Address: 10 Fieldstone Farm Drive Dartmouth, MA 02748

Name of Property Owner: Julio Barbosa

Location of Property: 20 Second Ave Lakeville, MA 02347

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

Registry of Deeds: Book No. 57427 Page No. 7 (3 pages)

Map 041 Block 013 Lot 002

Petitioner is: XX owner tenant licensee prospective purchaser

Nature of Relief Sought:

XX Special Permit under Section (s) 7.4 & 6.1.3 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.) Raze the existing house and construct a new dwelling on a new foundation and a new detached garage. See attached narrative.

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

Petitioner: Julio Barbosa Date:

Signed: [Signature] Telephone:

Owner Signature: [Signature] Owner Telephone: 608-958-2281

Email: Carlhveinvestments@gmail.com

WILL YOU HAVE A REPRESENTATIVE OTHER THAN YOURSELF?

XX Yes No

Jamie Bissonnette, Engineer from Zenith Consulting Engineers, LLC. (Name and Title)

*** Electronic Recording ***
Doc#: 00092223
Bk: 57427 Pg: 7 Page: 1 of 3
Recorded: 11/16/2022 01:56 PM
ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

MASSACHUSETTS EXCISE TAX
Plymouth District ROD #11 001
Date: 11/16/2022 01:56 PM
Ctrl# 161619 09606
Fee: \$638.40 Cons: \$140,000.00

After Recording Return To:

Williams, Quintin & O'Leary

651 Orchard Street, Suite 200

New Bedford, MA 02744

QUITCLAIM DEED

THIS DEED, Made on the 27 day of OCTOBER ²⁰²² by and between **Wells Fargo Bank, N.A.**, as **Trustee for Carrington Mortgage Loan Trust, Series 2006-FRE2 Asset-Backed Pass-Through Certificates**, having a place of business at 1600 South Douglass Avenue, Anaheim CA 92806 (hereinafter referred to as "Grantor") for valuable consideration of **One Hundred Forty Thousand and 00/100 Dollars (\$140,000.00)**, received to its full satisfaction from **Julio Barbosa**,* (hereinafter referred to as "Grantee") does give, grant, bargain, sell and confirm unto said Grantee and their heirs and assigns, the real property described on **Schedule "A"** attached hereto with quitclaim covenants and made a part hereof.

*10 Fieldstone Farm Dr., Dartmouth, MA
02748

AND BEING same property conveyed to the Grantor herein by virtue of a Foreclosure Deed recorded 12/14/2021 in Book 56169 Page 145 of the Plymouth County Registry of Deeds.

TO HAVE AND TO HOLD the premises to Grantee and unto Grantee, their heirs and assigns forever, to its and their own proper use and behoof.

AND ALSO, Grantor does, for itself its successors and assigns, covenant with Grantee, their heirs and assigns forever, that the premises are free from all encumbrances made or suffered by Grantor.

AND FURTHERMORE, Grantor does by these presents, bind itself, its successors and assigns forever, to warrant and defend the Premises to Grantee, their heirs and assigns forever, against claims and demands made or suffered by Grantor, except as aforesaid, but against none other.

Property does not represent all or substantially all of Grantor's assets in Massachusetts.

Commonly known as: 20 Second Avenue Lakeville MA 02347

This Deed is signed and attested to by the Grantor's proper corporate officers as of the date at the top of the first page. Its corporate seal is affixed.

Wells Fargo Bank, N.A., as Trustee for Carrington Mortgage Loan Trust, Series 2006-FRE2 Asset-Backed Pass-Through Certificates, by Carrington Mortgage Services, LLC as Attorney in Fact

[Signature]

WITNESS **Cecilia Alonso**

[Signature]

WITNESS

By: [Signature] **OCT 27 2022**

Joseph Anthony Barragan
Post Foreclosure Supervisor
Carrington Mortgage Services, LLC attorney in fact

Its: _____

* For authority see POA recorded Book 06367 Page 115 in the Franklin County Registry of Deeds

STATE OF CALIFORNIA }

COUNTY OF ORANGE }

Before me, the undersigned authority, on this day appeared Joseph Anthony Barragan

_____ of Carrington Mortgage Services LLC as Attorney in Fact for Wells Fargo Bank, N.A., as Trustee for Carrington Mortgage Loan Trust, Series 2006-FRE2 Asset-Backed Pass-Through Certificates, an LLC organized and existing under the laws of California, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she signed it voluntarily for its stated purpose as the voluntary act of said Wells Fargo Bank, N.A., as Trustee for Carrington Mortgage Loan Trust, Series 2006-FRE2 Asset-Backed Pass-Through Certificates.

Given under my hand and seal of office on this 27 day of October 2022

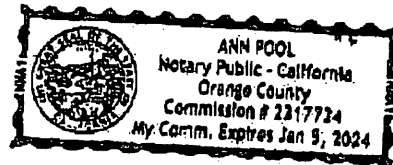
[Signature]

Notary Public Signature

Ann Pool

Notary Public Printed Name

My commission expires: 1-5-2024



SCHEDULE A

**THE FOLLOWING PROPERTY IN LAKEVILLE, PLYMOUTH COUNTY, MASSACHUSETTS.
A CERTAIN PARCEL OF LAND IN LAKEVILLE, POSTAL ADDRESS 20 SECOND AVENUE, LAKEVILLE,
BOUNDED AND DESCRIBED AS FOLLOWS
EASTERLY BY SECOND AVENUE SIXTY (60.0) FEET.
NORTHERLY BY LOT 39 ON A PLAN HEREINAFTER REFERRED TO, NINETY (90.0) FEET.
WESTERLY BY LOTS 48 AND 49 ON SAID PLAN NINETY-FIVE AND 05/100 (95.05) FEET.
SOUTHERLY BY LOTS 46 AND 37 ON SAID PLAN NINETY-SIX AND 6/10 (96.6) FEET.
BEING LOT 38 AS SHOWN ON PLAN OF DEAN SHORES, LONG POND IN SAID LAKEVILLE, ORIGINAL PLAN
DATED JUNE 13, 1947, REVISED MAY 14, 1948, BY BENJAMIN E. EVANS, SURVEYOR, RECORDED WITH
THE PLYMOUTH COUNTY REGISTRY OF DEEDS IN PLAN BOOK 7, PAGE 734.**

Tax ID: 041/013/002/ /



SHEET NAME:

USGS MAP

PROJECT SITE:

**20 SECOND AVE
LAKEVILLE, MASSACHUSETTS**

CLIENT INFO:

**JULIO BARBOSA
DARTMOUTH, MA 02748**



ZENITH CONSULTING ENGINEERS, LLC

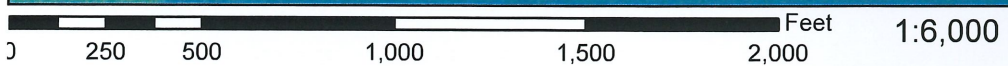
3 MAIN STREET LAKEVILLE, MA 02347

PHONE: (508) 947-4208

National Flood Hazard Layer FIRMette



70°57'35"W 41°49'5"N



70°56'58"W 41°48'39"N

Legend

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

- SPECIAL FLOOD HAZARD AREAS**
 - Without Base Flood Elevation (BFE) Zone A, V, A99
 - With BFE or Depth Zone AE, AO, AH, VE, AR
 - Regulatory Floodway

- OTHER AREAS OF FLOOD HAZARD**
 - 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone
 - Future Conditions 1% Annual Chance Flood Hazard Zone X
 - Area with Reduced Flood Risk due to Levee. See Notes. Zone X
 - Area with Flood Risk due to Levee Zone D

- OTHER AREAS**
 - NO SCREEN Area of Minimal Flood Hazard Zone X
 - Effective LOMRs
 - Area of Undetermined Flood Hazard Zone

- GENERAL STRUCTURES**
 - Channel, Culvert, or Storm Sewer
 - Levee, Dike, or Floodwall

- OTHER FEATURES**
 - Cross Sections with 1% Annual Chance Water Surface Elevation
 - Coastal Transect
 - Base Flood Elevation Line (BFE)
 - Limit of Study
 - Jurisdiction Boundary
 - Coastal Transect Baseline
 - Profile Baseline
 - Hydrographic Feature

- MAP PANELS**
 - Digital Data Available
 - No Digital Data Available
 - Unmapped

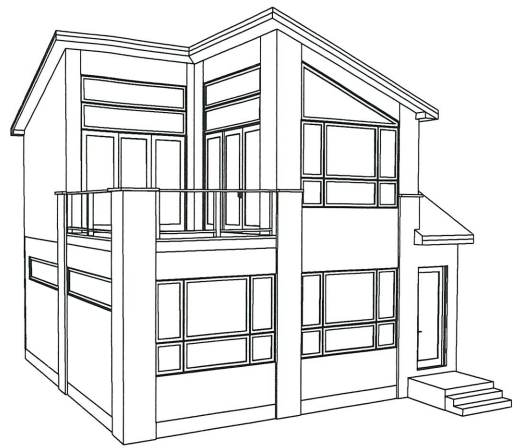


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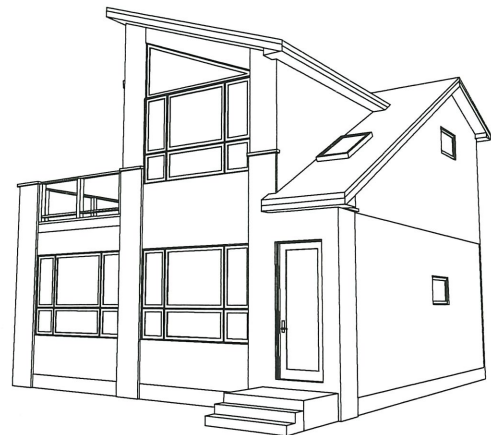
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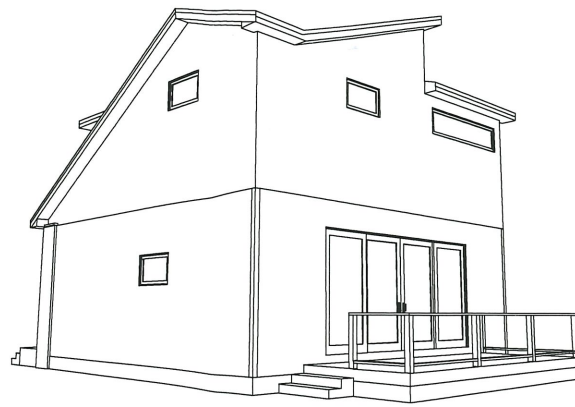
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FRONT PERSPECTIVE 1
NOT TO SCALE



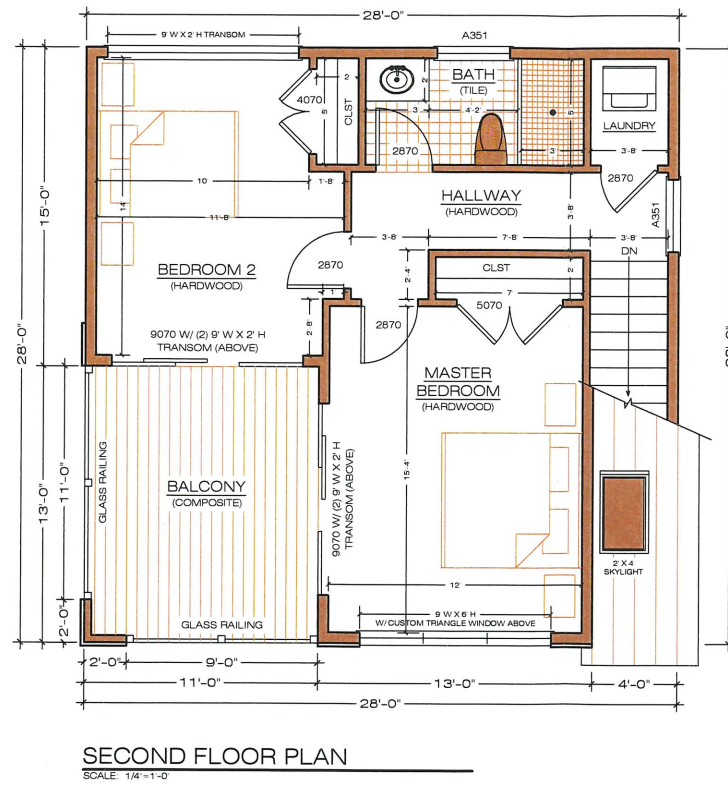
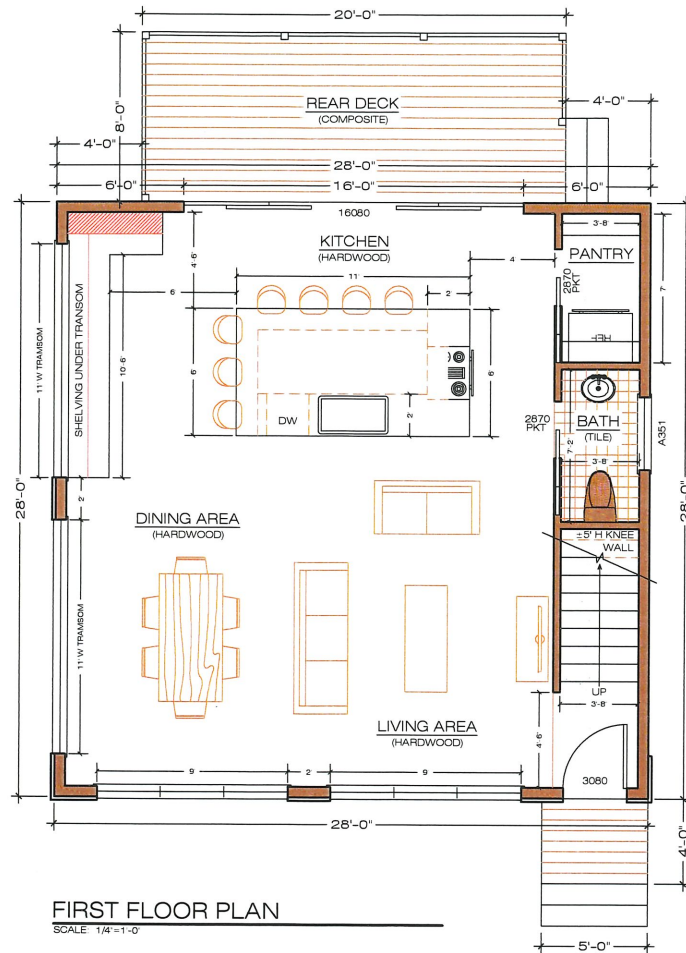
FRONT PERSPECTIVE 2
NOT TO SCALE



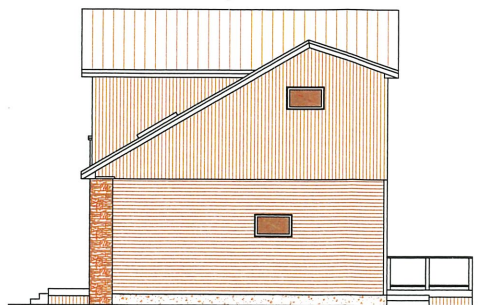
REAR PERSPECTIVE 1
NOT TO SCALE



REAR PERSPECTIVE 2
NOT TO SCALE



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



RIGHT SIDE ELEVATION
SCALE: 1/8"=1'-0"



REAR ELEVATION
SCALE: 1/8"=1'-0"



LEFT SIDE ELEVATION
SCALE: 1/8"=1'-0"

SCHEME 1.2

PROJECT NAME: **BARBOSA**
PROJECT #: **117233**

OWNER:

LOCATION:
**20 2ND AVENUE
LAKEVILLE, MA**

DATE:
2.22.2023

DRAWN BY: **JL** CHECKED BY: **JG, DS**

Pre-Construction Documents Phase Approval Milestone
Client must review & sign off on the following prior to authorizing final construction documents to be completed.

1. Confirm all openings, position, location, style, quantity, brand, type, color, finish and accessories, such as, trim, j-channel, hardware, etc.
2. Exterior materials, ie siding, trim, roofing, masonry, type, color, finish.
3. Steps, Deck, Porches, Entrances, bulkheads, Vestibules, Canopies, position, size, materials, type, color, finish.
4. Floor plan, room sizes, all room finishes, including built-ins, special fixtures, all tile at walls, backsplash, floors, carpet, wood, type, color, finish.
5. All zoning regulations confirmed via research, plot plan, site plan or zoning enforcement officer ie set-backs, lot coverage, use, topography, access, utilities.
6. Confirm all client "wish-list" items have been executed.
7. Discuss & Confirm items that are not present during Schematic Design Development Phase such as,
 - A. Cathedral/vault locations with defined construction method ie, peak cathedral, scissor truss, conventional, structural ridge beams, collar-tie, collar beams (exposed or concealed) timber vault, soffits, trays, coffers.
8. Confirm or specify any special scope notations, preferred construction process or structural methodology, such as, girder, floor or roof joist types, truss, engineered system, concrete foundation wall/floor details such as wall thickness, shelves, height, PSI, drainage, etc.

Failure to acknowledge or verify the items above may result in issues during the permitting or construction phases. South Coast & Associates, Inc. shall not be liable for incidental, special, consequential, or indirect damages of any kind, including, but not limited to, loss of anticipated profits, business opportunity, or other economic loss arising out of the use of services or any construction plans received South Coast & Associates, Inc. even if South Coast & Associates, Inc. has been advised of the possibility of such damage. It is the owner/ builders responsibility to ensure the accuracy, compliance with applicable statute or regulation, and fitness of purpose of any plans or construction information received from South Coast & Associates, Inc. South Coast & Associates, Inc. reserves the right to apply hourly charges, as outlined in the design contract, in the event that project requirements significantly exceed the anticipated professional time originally intended.

Owner/Builder: _____ Date: _____

Any reproduction, possession, or use of this drawing or any part thereof without the written permission of South Coast & Associates, Inc. is prohibited.

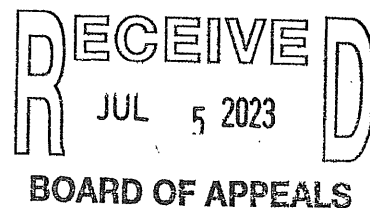
One Lakeville Business Park
Suite 1A
Lakeville, MA 02347

Tel (508) 946-0066
Fax (508) 946-4474
E-Mail: rjmather@rjmatherlaw.com

VIA US MAIL AND EMAIL

Date: July 5, 2023

M. John Olivieri, Chairman
Town of Lakeville
Zoning Board of Appeals
346 Bedford Street
Lakeville, MA 02347



Re: LeBaron Residential, LLC
Modification of Comprehensive Permit

NOTICE OF PROJECT CHANGE

Dear Mr. Olivieri and Board Members:

I am writing as attorney for LeBaron Residential, LLC. Reference is made to Town of Lakeville Zoning Board of Appeals Comprehensive Permit entitled "Decision on Comprehensive Permit Application" LeBaron Residential LLC dated June 17, 2004, issued pursuant to M.G.L. Chapter 40B, Sections 20 to 23, as modified (collectively "the Comprehensive Permit").

We are seeking a modification to the Comprehensive Permit to allow the following:

To allow the reconfiguration of Lot 49, Lot 50 and Lot 51 and the elimination of the 40' right of way in Phase 3. The reconfiguration shall be to create new Lot 49A, Lot 50A, Lot 51A and Parcel A. The purpose for the modification is to create new Parcel A, which Parcel A will be added to the property to be proposed for Phase 6, to provide more separation between Phase 3 and Phase 6.

We believe that the requested modifications are insubstantial under the regulations cited below.

This notice is being provided pursuant to 760 CMR 56.05(11)(a). Pursuant to these regulations, the Board shall determine within twenty (20) days whether these changes

are substantial in accordance with 760 CMR 56.05(11)(c) and (d). Please note that I waited to send this Notice of Project Change until this date so that the Board would not have to hold a special meeting within twenty days of receipt of the Notice so you could deal with this at your next regularly scheduled meeting on July 20, 2023. If it is determined that they are insubstantial changes, or if notice is not provided to the applicant to the contrary within such twenty (20) day period, the Comprehensive Permit shall be deemed modified to incorporate the changes. The above process does not require a public hearing. A public hearing would be required if you determine that the changes are substantial changes, and if so, and pursuant to the aforesaid regulations, a public hearing is to be held within thirty (30) days.

If you have any questions, please feel free to contact me.

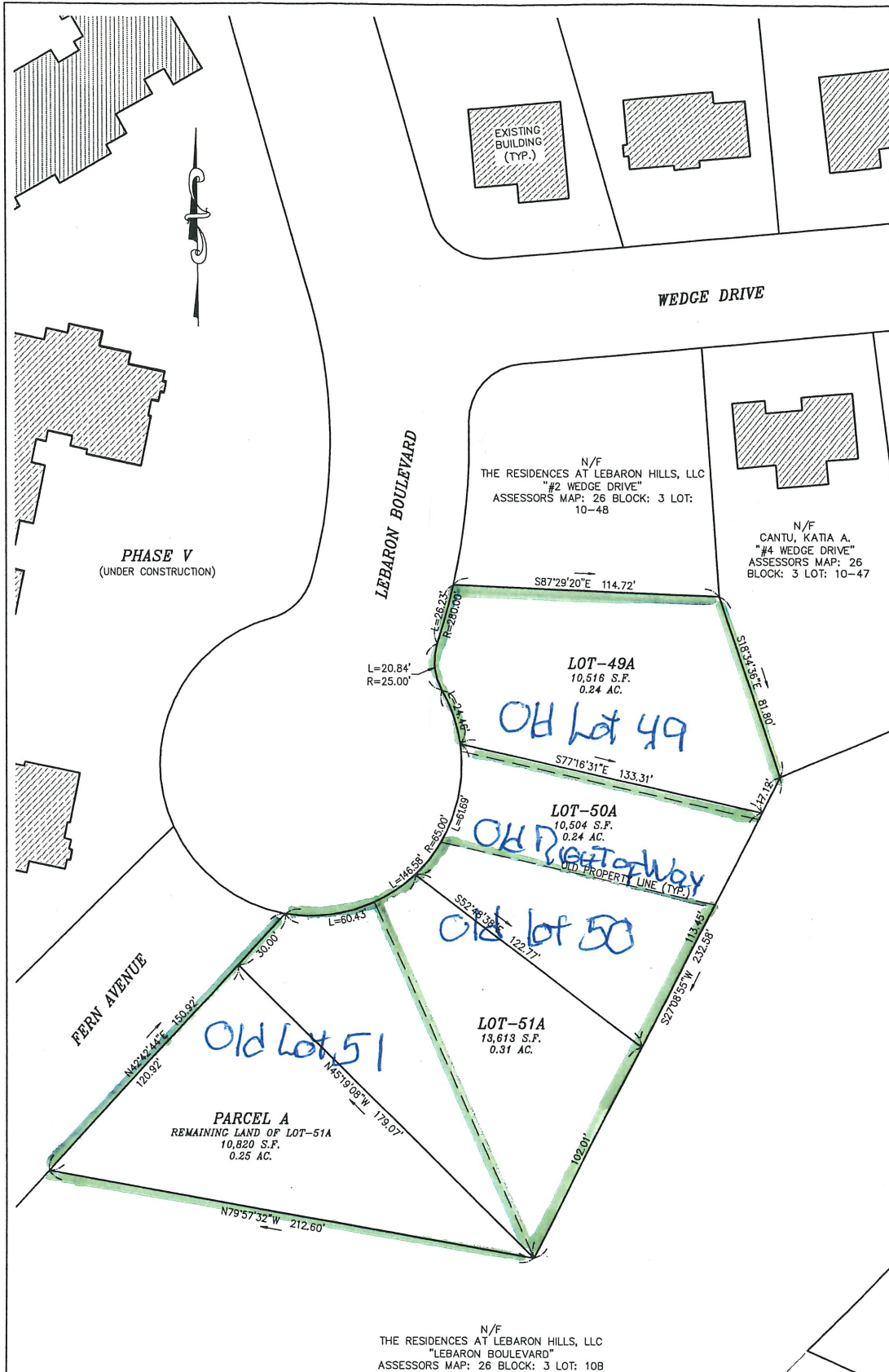
Thank you!.

Very truly yours,



Robert J. Mather, Esq.

EXHIBIT "C" - OVERLAY OF LOTS 49, 50, 51 AND RIGHT OF WAY



FOR REGISTRY USE ONLY
I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

DATE _____ PROFESSIONAL LAND SURVEYOR _____

APPROVED AND ENDORSED UNDER M.G.L. C. 40B BY THE LAKEVILLE ZONING BOARD OF APPEALS.

DATE: _____

LAKEVILLE ZONING BOARD OF APPEALS

I CERTIFY THAT 20 DAYS HAVE ELAPSED SINCE PLANNING BOARD APPROVAL, AND THAT NO APPEAL HAS BEEN FILED AT THIS OFFICE.

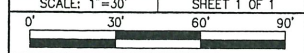
TOWN CLERK-TOWN OF LAKEVILLE

OWNER
THE RESIDENCES AT LEBARON HILLS, LLC
32 NORFOLK AVENUE
SOUTH EASTON, MA 02375
ASSESSORS MAP: 26 BLOCK: 3 LOT: 10-49
ASSESSORS MAP: 26 BLOCK: 3 LOT: 10-50
ASSESSORS MAP: 26 BLOCK: 3 LOT: 10-51

PHASE 3 MINOR MODIFICATION PLAN
"THE ESTATES AT LEBARON HILLS"
LAKEVILLE, MASSACHUSETTS

Outback Engineering Incorporated
165 EAST GROVE STREET
MIDDLEBOROUGH, MA 02346
TEL: (508)-946-9231
www.outback-eng.com

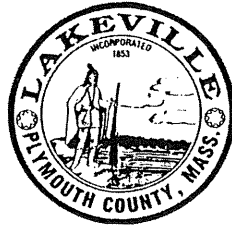
DATE: JUNE 13, 2023
DRAWN BY: J.E.Y. CHECKED BY: J.A.Y.
SCALE: 1"=30' SHEET 1 OF 1



OE-1865C

NOTE:
THE PURPOSE OF THIS PLAN IS TO RECONFIGURE THE PROPERTY LINES BETWEEN LOTS 49A, 50A AND 51A AS SHOWN ON "THE ESTATES AT LEBARON HILLS, PHASE III, A RESIDENTIAL SUBDIVISION IN LAKEVILLE, MASSACHUSETTS," DATED 2/1/16 AND REVISED THRU 5/10/17 BY OUTBACK ENGINEERING INC.

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



The LAKEVILLE ZONING BOARD OF APPEALS, acting in accordance with MASS GENERAL LAWS CHAPTER 40A, as amended, will conduct a public hearing on Thursday, July 20, 2023, at 7:00 P.M. in the LAKEVILLE PUBLIC LIBRARY, 4 PRECINCT STREET, upon a petition of an Appeal from Decision of the Building Inspector/Zoning Enforcement Officer relative to business activity in the residential district at **434 Bedford Street** submitted by **John H. Benatti**.

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

John Olivieri, Jr., Chairman

July 6, 2023 & July 13, 2023



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

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

July 10, 2023

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

Re: ZBA meeting 7/20/23
Dear Chairman Olivieri:

We received a copy of the petition for 8 Birch Street, and the proposed addition will not interfere with the existing septic system. Providing the addition does not increase the number of bedrooms, then the Board of Health has no objections to the addition. The Board would like to request a layout of the rooms, to confirm that the dwelling will remain a two-bedroom dwelling.

The Board of Health has received a copy of the petition for 434 Bedford Street. The Board of Health received a complaint of loud power tools at 434 Bedford St. on 3/22/23. The Health Agent visited site on 3/22/23 to record decibel levels. Agent was on the property of 436 Bedford St. approximately 50 ft from workshop and highest decibel level from power tools was 71 decibels. Ambient noise was around 45 decibels and cars on Bedford St. averaged around 65 decibels. The loudest noise was a passing truck on Bedford St. which was 73 decibels. Owner of 436 Bedford St. claimed that some days it was louder. The Health Agent did not find that the noise level was loud enough to warrant a violation. The Health agent informed owner of 436 Bedford St. that he could return if the noise was louder.

The Board of Health has received a copy of the petition for 24 Beechwood and the Board of Health has no objections to the proposed addition.

We received a copy of the Petition for Hearing for 29 Staples Shore Rd. and the Board of Health does not have any objections to the proposed porch or having two utility connections.

The Board of Health has received a copy of the petition for 20 Second Av. The Board of Health does not have any objections to razing and building a new 2-bedroom home, providing there will be a deed restriction limiting the dwelling to two-bedrooms and limiting the dwelling to seasonal use until a year-round potable water supply is provided. The Board of Health requests that a plan showing the proposed tight tank location and installation details be submitted to our office. The lot has sufficient area to install a proposed tight tank.



Town of Lakeville

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

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

MEMORANDUM

TO: Board of Appeals
FROM: Planning Board
DATE: July 17, 2023
SUBJECT: Petition Review for Benatti – 434 Bedford Street

At their Thursday, July 13, 2023, meeting, the Planning Board reviewed the above referenced Petition for Hearing from the Board of Appeals. The Board had no comments regarding this petition.

Petition to be
filed with Town Clerk

TOWN OF LAKEVILLE
MASSACHUSETTS

EXHIBIT "A"
RECEIVED
JUN 2 2023
BOARD OF APPEALS

ZONING BOARD OF APPEALS
PETITION FOR HEARING

Name of Petitioner: JOHN H. BENATTI

Mailing Address: 436 BEDFORD ST. LAKEVILLE MA.

Name of Property Owner: EDWARD HASKELL

Location of Property: 434 BEDFORD ST. LAKEVILLE MA.

Property is located in a residential business industrial (zone)

Registry of Deeds: Book No. 8941 Page No. 280

Map 065 Block 001 Lot 001

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.)

SEE ATTACHED LETTER

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: JOHN H. BENATTI

Date: 6-2-23

Signed: John H. Benatti

Telephone: 774-766-2741

Owner Signature: _____
(If not petitioner)

Owner Telephone: _____

Email: JPSD1105@MSN.COM

WILL YOU HAVE A REPRESENTATIVE OTHER THAN YOURSELF?

Yes No

(Name and Title)

Dear Planning Board,

Please reference sound clips and pictures from the flash drive.

Background: Back in March 2022 , Nate Darling advised me (unsolicited) that there was a tow truck operating illegally at 434 Bedford St. I assumed it was legal, but the application had been denied all the way back on Jan 18, 2021 for residential. I was very glad when he said he would order them to stop because the truck can go several times a day with a 90 db back up alarm, sometimes til 9:30 PM , occasional weekends and holidays. Cars are often towed there. It's tough to handle. Unfortunately , nothing was ever done so I complained to have the decision enforced. but after 18 months of illegal operation the decision was actually overturned due to an "ambiguous law". Now we have an active tow operation and auto repair in a residential zone.

I mention this to point out the continuing lack of enforcement or regard for my property rights. This new noise was in addition to the ever increasing auto repair noise already coming from 434 Bedford St., especially in the last 7 years or so. I've attached a handful of audio clips and some pictures. I've addressed this with the owner several times to no effect and the last time was dismissively told to go to the town. There's certainly no fear of the town, it's by laws or enforcement.

I had always assumed the property at 434 Bedford was legit, grandfathered special permitted etc but I decided to research the property anyway.. Amazingly , I found that it was supposed to be shutdown (for good) for 3 violations including auto repair back in 1989, see attached info. The town never once followed up. The building commission provided the information to me but did not deem it fit to visit the site even though I was told no officials had been on the site for 30 years. That caused me great concern and since there was no forthcoming resolutions of any kind for noise or environmental issues, I had no choice but to file a formal complaint dated Sep 6,2022 The complaint was unequivocally ignored to the extent that I did not even receive an acknowledgement of the complaint, though I asked for one. Not one single response in 9 months. After several months of also wrangling with various town officials to no avail, I decided to file a de facto appeal at my own time and expense.

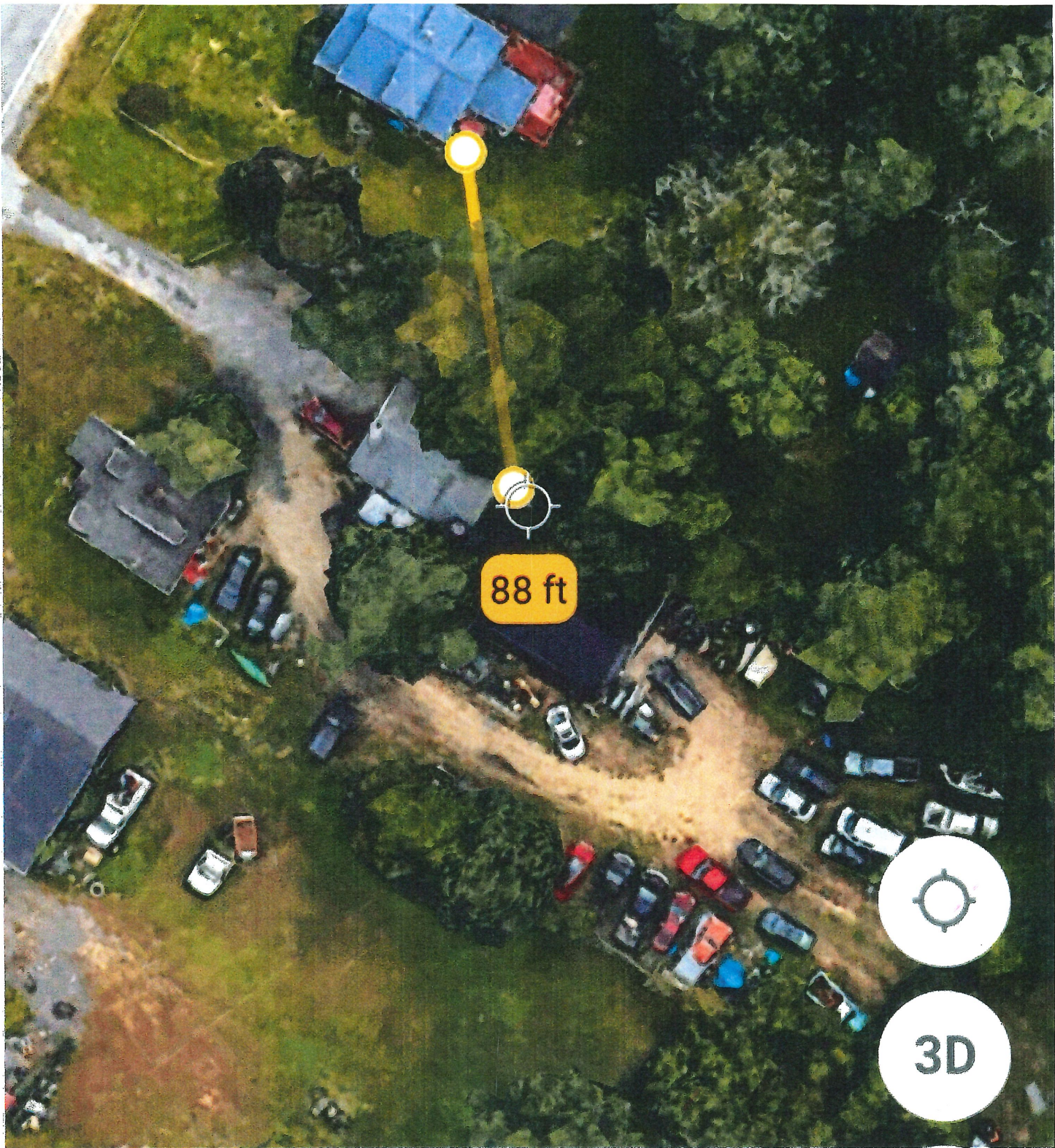
I hope you can truly understand the impact of not being able to enjoy your deck or yard without the random screeching of power tools, hammers banging, cars revving, or tow truck back up alarms and hydraulics. Many summer days we're stuck in the house with windows shut . Also note, we live here , we don't drive in from another town make noise and leave. No one would or should put with it.

I expect that you will now do the right thing and protect my family against the noise and other truck issues associated with this illegal operation by any means at your disposal. My wife and I are retired after working for 50 years and ourselves and grandchildren (one autistic) need to be able to enjoy the property with the same safeguards as anyone else in a residential zone. It's a tremendous stress dealing with this every day. I'm exhausted and sick of the whole thing. My wife especially is not well and the sooner this is resolved the better.

Regards,

John Benatti 774-766-2241 jpsd1105@msn.com





88 ft



3D

Bedford Street Engine Services



5.0 ★★★★★ (9)

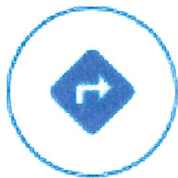
Auto repair shop in Lakeville, Massachusetts

OVERVIEW

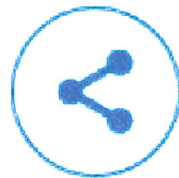
REVIEWS

PHOTOS

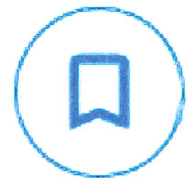
ABOUT



DIRECTIONS



SHARE



SAVE



434 Bedford St, Lakeville, MA
02347
109 ft



Bedford Str
Engine Serv



Own this business? Claim it now



Add place's phone number





4.0 USE REGULATIONS

Except as provided by law or in this By-Law, no building, structure or land shall be used except for the purpose permitted in the district as described in this section. Any use not listed shall be construed to be prohibited.

A use listed in Section 4.1 is permitted as of right in any district under which it is denoted by the letter "Y" subject to such requirements as may be specified elsewhere in this By-Law. If designated in the Table by the letters "SP", the use may be permitted as an exception only if the Special Permit Granting Authority so determines and grants a Special Permit therefore as provided in Section 7.0 subject to such restrictions as set forth elsewhere in this By-Law and such further restrictions as said Special Permit Granting Authority may establish. The letter "N" shall designate that the use is not permitted.

4.1 Table of Use Regulations: R-Residential; B-Business; I-Industrial; I-B Industrial-B (Adopted June 16, 1997; approved by Attorney General August 11, 1997)

LAKEVILLE ZONING DISTRICTS

(I-B and allowed uses as shown, Adopted June 16, 1997; Approved by Attorney General August 11, 1997)

4.1.1 Residential Uses

	R	B	I	I-B
Accessory Apartment <i>(Adopted 6/15/2009, approved by Attorney General 8/18/2009)</i>	Y	SP	N	SP
Single-family, detached dwellings	Y	SP	N	SP
Farm, garden, greenhouse or nursery, including the display and sale of natural products; when involving the raising and keeping of livestock other than for the private use of the residents, allowed only on parcels of five (5) acres or larger.	Y	Y	Y	Y
Stand for the sale of agricultural products less than 5 acres	SP	SP	SP	SP
Religious, educational, or use by the Town of Lakeville	Y	Y	Y	Y
Mobile Home other than allowed in 8.7.1 and 8.7.2 <i>*(Adopted 6/13/2005; approved by Attorney General 9/30/2005 (Underlined-Adopted adjourned ATM 6/19/2017; approved by Attorney General 9/19/2017)</i>	N*	N*	N	N
Alterations, otherwise prohibited, of a dwelling in existence as of January 1, 1978 for two (2) families	SP	SP	N	N
Conversion of a seasonal home or non-residential building for year-round residential occupancy, subject to Board of Health approval and to conditions and limitations on the occupancy and use	SP	SP	N	N
Hospital, convalescent or nursing home	SP	Y	N	N

Home for the elderly, residential care facility, charitable institution or use	SP	Y	N	N
Cemetery	SP	SP	SP	SP
Golf Course	SP	SP	SP	SP
Riding Stable	SP	SP	SP	SP
Private Club not conducted for profit and not containing sleeping quarters for more than four (4) persons	SP	SP	SP	SP
Recreational or sports facilities primarily for participatory, rather than spectator sports, including day or seasonal camp for boys and girls	SP	SP	SP	SP

4.1.2 **Business Uses**

	R	B	I	I-B
Large –scale retail building with 35,000 or more square feet of gross floor area and smaller retail stores within such building, subject to Section 7.6 (Adopted 6/ 14/2004; approved by Attorney General 9/16/ 2004) *(Adopted 6/13/2005; approved by Attorney General 9/30/2005)	N	SP*	Y	Y
Retail business, service or public utility not involving manufacture on the premises except of products the major portion of which is to be sold at retail by the manufacturer to the consumer and provided further that not more than ten (10) operators shall be employed in such manufacture	N	Y	SP	SP
Newspaper or job printing	N	Y	Y	Y
Business or professional office or bank	N	Y	Y	Y
Restaurant	N	Y	Y	Y
Theater (seating capacity of less than 300), bowling alley or other commercial amusement, provided all business is conducted within the structure	N	Y	SP	Y
Museum	SP	Y	Y	Y
Hotel or Motel	N	Y	Y	N
Wholesale office or showroom with no on-site storage	N	Y	Y	Y
Launderette	N	SP	N	N
Funeral Home, Mortuary or Crematory (Adopted adjourned ATM 6/19/2017; approved by Attorney General 9/19/2017)	N	Y	N	N
Animal kennel or hospital	N	SP	N	N
Radio or television studio	N	Y	Y	Y
Bus or railroad terminal or passenger station	N	SP	SP	SP
Commercial parking facility	N	SP	SP	SP
Auto or boat sales, rentals or service (Underlined: Adopted STM 4/30/18; approved by AG June 8, 2018)	N	SP	N	N
Car Wash	N	SP	N	N
Filling <u>Station</u> allowed only in areas served by municipal water (Adopted 5/8/2006; approved by Attorney General 6/14/2006) (Underlined: Adopted STM 11/13/18; approved by AG January 7,2019)	N	SP	N	N
Storage of junk for commercial purposes	N	SP	SP	N



Town of Lakeville Zoning Map

THIS IS TO CERTIFY THAT THIS IS THE ZONING MAP OF THE TOWN OF LAKEVILLE, MASSACHUSETTS REFERRED TO IN THE ZONING BY-LAW OF THE TOWN OF LAKEVILLE, MASSACHUSETTS WHICH WAS APPROVED BY THE TOWN COUNCIL

ARTIST *Kiripane*

TOWN CLERK *10/11/18* TOWN SEAL

RAYNHAM

TAUNTON

BERKLEY

FREETOWN

ROCHESTER

MIDDLEBOROUGH

MIDDLEBOROUGH-LAKEVILLE

Approved by Lakeville Planning Board August 9, 2018. Maps produced by SP1600 are for the sole purpose of aid in legal planning decisions and are not warranted for any other use. This map is not intended for engineering, legal, or survey purposes. Data sources: MassGIS, MassDOT and the town of Lakeville.

Legend

- | | | | |
|----------------|--|--------------------------|---------------------------------|
| Residential | Mixed Use Development District | Municipal Boundaries | MBTA Active Commuter Stations |
| Industrial - B | Planned Special Purpose Overlay District (PSP) | Interstates | MBTA Active Commuter Rail Lines |
| Industrial | Smart Growth Overlay District (C.AOR) | Arterials and Collectors | MBTA Proposed Commuter Rail |
| Business | Water | Local Roads | |

1 mile



Town of Lakeville

COMPLAINT FORM

Date: 9/6/2022

Name of person(s) filing complaint JOHN BENATTI
Mailing Address: 436 BEDFORD ST. LAKEVILLE, MA 02347
Address (if different then above) _____
Phone # 508-946-1105 Cell # 774-766-2241

To: Building Commissioner
Town of Lakeville
346 Bedford Street
Lakeville, MA 02347

Dear Sir:

This is a formal request for enforcement of an alleged violation of Lakeville's Zoning By-laws. Within fourteen (14) days of your receipt of this request, I expect to have you mail me a letter stating the action taken, or refusal to act, and the reasons therefore on the following complaint.

Property address or alleged violation: 434 BEDFORD ST. LAKEVILLE, MA.

Property owner's name ED HASSELL

Property owner's mailing address: 434 BEDFORD ST. LAKEVILLE MA.

Date(s) of alleged violation(s) ON-GOING

Nature and details of violation(s): AUTO BUSINESS IN RESIDENTIAL ZONE + OTHER VIOLATIONS PURSUANT TO BLDG COMMISSIONER'S LETTER TO PREVIOUS OWNER DATED 4/26/89

I qualify as an aggrieved party and do believe the understand that if it is necessary for the Town of action in the courts, I hereby agree to testify as a of Lakeville, Massachusetts.

JOHN BENATTI

PRINT NAME (S)

John Benatti
SIGNATURE (S)

ORIGINAL
COMPLAINT FORM
NEVER ANSWERED



Town of Lakeville

~~NOV 8, 2022~~

COMPLAINT FORM

Date: ~~7/20/22~~

NOV 9, 2022

Name of person(s) filing complaint JOHN BENATTI

Mailing Address: 436 BEDFORD ST. LAKEVILLE, MA.

Address (if different than above) _____

Phone # 508-946-1105

Cell # 774-766-2341

To: Building Commissioner
Town of Lakeville
346 Bedford Street
Lakeville, MA 02347

Dear Sir:

This is a formal request for enforcement of an alleged violation of Lakeville's Zoning By-laws. Within fourteen (14) days of your receipt of this request, I expect to have you mail me a letter stating the action taken, or refusal to act, and the reasons therefore on the following complaint.

Property address or alleged violation: 434 BEDFORD ST. LAKEVILLE MA

Property owner's name ED HASKELL

Property owner's mailing address: 434 BEDFORD ST. LAKEVILLE MA

Date(s) of alleged violation(s) On-going EVERY DAY, SOMETIMES NIGHTS + WEEKEND

Nature and details of violation(s): AUTO REPAIR BUSINESS IN RESIDENTIAL ZONE

THIS VIOLATION IS CURRENT ONGOING AND ATTRIBUTABLE TO THIS OWNER AT THE PROPERTY ABOVE.

I qualify as an aggrieved party and do believe that the understand that if it is necessary for the Town of Lake action in the courts, I hereby agree to testify as a witness of Lakeville, Massachusetts.

JOHN BENATTI
PRINT NAME (S)

John Benatti
SIGNATURE (S)

Follow-up
Complaint
for clarification
also never
answered.

1/17/23

Dear Select Board,

My name is John Benatti. I've lived with my family at 436 Bedford St for 22 years,. We live next door to an auto repair shop which I assumed had a provision which allowed it to operate in a residential zone. We suffer loud auto repair noise throughout our property sometimes extending to weekends and holidays. It's become intolerable so I decided to research all documents for this property . I was astonished to find the property has no right to operate and multiple unresolved violations on the books from 1989 per the Lakeville Building Commission., see attached. No one from the town has ever followed up. I filed a formal complaint(attached) back on 9/6/22 asking for citation of the violations pursuant to the original letter from the town. To date I have not received a single word from the building commission. not even an acknowledgement of the complaint. Mr Sky tried to help out and was told the issue was complicated by the violations being issued to a previous owner. I think I was misunderstood. The violations have never resolved with the current owner. To clarify, I went ahead and filed another complaint on 11/9/22. This complaint specifically calls out the current owner and current violations at the property. Also attached. This complaint has not been answered either, nor addressed in any capacity.

The fact that something has been going on for a long time (illegally) does not justify it's continued existence at the hardship of law abiding neighbors not to mention the detrimental health and environmental concerns.(see photo).

My wife and I are senior citizens and were looking forward to a peaceful retirement. I appeal to the select board to help provide answers to this situation. If you have any questions please call or write me, I'll be glad to address them 774 766 2241 ipsd1105@msn.com

Thanks for your time, I look forward to hearing from you on this matter.

Regards,

SELECT BOARD
Letter 1/17/23



OFFICE OF
BUILDING COMMISSIONER

Town of Lakeville

Bedford Street

Lakeville, Mass. 02347

April 26, 1989

Mr. Jon R. LaPointe
432 Bedford Street
Lakeville, MA 02347

Dear Mr. LaPointe:

As the result of a complaint I received regarding the use of your property at 434 Bedford Street, I have made two inspections of the property.

The first inspection was made on March 13, 1989. Those present at the time of the inspection were Deputy Fire Chief Douglas Mills, you, and myself. The second inspection was made on March 27, 1989. Those present at that time were Eric Johnson of the Department of Environmental Quality Engineering, you, and myself.

As a result of these inspections I have determined that your property is in violation of the State Building Code Section 113.0 (Application for Permit), and the Protective By-laws of the Town of Lakeville, Chapter III (Building Inspector) Sections 18 thru 23 and Section III-A (Residence District Uses).

You shall within fourteen days of the receipt of this letter notify me in writing what action you will be taking to bring this property into compliance and a time in which this will be done.

Please be advised there are provisions in the Protective By-laws of the Town of Lakeville and the State Building Code, that anyone aggrieved by an order of the Building Commissioner may appeal his order to the Lakeville Board of Appeals and the State Building Code Board of Appeals.

Very truly yours,

Merrill S. Norton

Merrill S. Norton
Building Commissioner

ORIGINAL
CORRESPONDENCE
RE: VIOLATIONS
AT 434 BEDFORD
ST.

OBTAINED THROUGH
PUBLIC DOC REQUEST
BUDG Comm. E-MAIL ATTACHED



OFFICE OF
BUILDING COMMISSIONER

Town of Lakeville

Bedford Street

Lakeville, Mass. 02347

May 30, 1989

Mr. Jon R. LaPointe
432 Bedford Street
Lakeville, MA 02347

Dear Mr. LaPointe:

I am in receipt of your letter of May 10, 1989 regarding your seeking an alternate location for the activities currently being conducted at your property located at 434 Bedford Street.

Please be advised if the zoning violation that presently exists on your property has not been corrected by July 1, 1989, the Building Department will take the necessary action to bring this property into compliance with the Protective By-Laws of the Town of Lakeville.

Please be advised there are provisions in the Protective By-Laws that anyone aggrieved by an order of the Building Commissioner may appeal his order to the Lakeville Board of Appeals.

Very truly yours,

Merrill S. Norton

Merrill S. Norton
Building Commissioner

MSN/nmt

May 10, 1989

Jon R. LaPointe
432 Bedford Street
Lakeville, MA 02347

Merrill S. Norton
Town of Lakeville
Building Commissioner

Dear Mr. Norton:

I am in receipt of your letter dated April 16, 1989 concerning the uses of the property at the above address.

I am presently seeking an alternate location for the activities currently being conducted at the above address.

You will be notified when I am successful in this search.

Thanking you in advance for your cooperation in this matter, I remain,

Sincerely yours,



Jon R. LaPointe

Hello John, Please see attached Building/Zoning Permit activity related to 434 Bedford Street. I have also attached some documentation from 1989 that Inspectional Services staff uncovered during the search for your requested information. While you had not requested this information, I deemed it relevant to your concerns and thought it should be included in your request. As limited time allows, both staff and I have been scouring our records further and the Plymouth County Registry of Deeds to find anything that would explain what happened here and why there is no additional records on the matter for 33 years and four additional Building Commissioners. I had hoped to provide clarification on this prior to sharing the information but I also felt that you have been very patient and did not want you to think we were not working on your request. I will continue to look into the facts surrounding this situation but please feel free to reach out to me should you have any questions or any information you can add to this. Respectfully, Nate Nathan Darling Building Commissioner 346 Bedford Street Lakeville, MA 02347 Phone: 508-946-8804 Fax: 508-946-8812

RECEIVED

8/8/2022

**Zoning Board of Appeals
Lakeville, Massachusetts
Minutes of Meeting
May 18, 2023**

On May 18, 2023, the Zoning Board held a meeting at the Lakeville Public Library. The meeting was called to order by Chairman Olivieri at 7:02 p.m. LakeCam was making a video recording.

Members present:

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

Others present:

Marc Resnick, Town Planner

Thompson hearing – 4 Hollis Avenue

Mr. Olivieri opened the Thompson hearing at 7:02 and read the legal ad into the record. Mr. Olivieri then read the May 10, 2023, letter from the Board of Health into the record. It noted that the plan did not show the location of the footings to support the deck. The applicant would need to confirm with the Board of Health that no sonotube would be within five feet of the existing septic tank prior to construction, or they would need to request a waiver. The May 12, 2023, memo from the Planning Board had no comment on the petition.

Mr. Mark Thompson was present. He said he was adding on to an existing deck. He understood the Board of Health's concerns, and he could accommodate that. The sonotubes would be inside the deck not outside, so they would be outside of the five feet required by the Board of Health. Mr. Olivieri noted that the existing deck was already within the side boundary and this would only extend it and not intrude further. There was an existing shed which appeared to also be well within the setback. He asked if members had any comments. There were none. There were also no comments from anyone present.

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

1. The proposed expansion of the deck will comply with the Board of Health regulation that no structure, such as sonotubes, decks, sheds, etc., shall be within five feet of any septic component.

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

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

The hearing closed at 7:07.

Documents distributed for the hearing:

Petition packet
Legal ad
Board of Health letter of May 10, 2023
Planning Board memo of May 12, 2023

Darling hearing – 13 Dunbar Road

Mr. Olivieri opened the Darling hearing at 7:07 and read the legal ad into the record. He then read the May 10, 2023, letter from the Board of Health. It stated that as long as there was to be no living space in the garage, the Board would have no objections to the proposed garage. The May 12, 2023, memo from the Planning Board had no comment on the petition.

Mr. Darling was present. He distributed plans to the Board for the record. He advised he had purchased the property and razed the original old, dilapidated cottage. The house he then built has become his permanent full-time residence. It is a small lot with a few issues such as the septic location and proximity to the porch, the grade behind the garage, the well, and the lot size. This plan had been drawn up when he built the house so he would have an idea of what he could do in the future. He noted that it is a two-bedroom house with no storage, and he needed a place to store his vehicles. Originally, there was a storage shed on the property line, but he has since removed it. The proposed garage has been sited as best as the lot allows.

Mr. Olivieri asked if there was an intention to have electricity or plumbing. Mr. Darling said if he could, he would put in a light, but it is strictly for storage and there would be no second floor. It would be a slab on grade and 12' x 20'. Mr. Youngquist asked if the garage could be spun a bit to get it further from the property line. Mr. Darling said he had asked the engineer, but if he moves it one way it then goes closer on another side. If he spins it, it will then be closer to the corner of the porch. There are just not too many places to go with it.

The roadway that goes through the property was then discussed. Mr. Darling explained the road comes in and goes around the corner and crosses through everybody's property and is used by everyone. Mr. Youngquist asked if he had thought of attaching the garage to the house. Mr. Darling replied that financially, he would not be able to do that, and the proposed plan was the best he could do. Mr. Noble asked about the proximity of the garage to the road. Mr. Darling said it is one foot off the property line, but probably about fourteen feet from the road so there will be room to access the garage. Mr. Noble asked if it would be where the storage unit is. Mr. Darling replied that is the amount of space between the road. The storage unit was only a temporary solution, and the garage will be placed either there or maybe a little further back. He would be removing it and replacing it with the garage, if he is able to get the permit.

Mr. Youngquist asked if he had an easement to go over the road. Mr. Darling said yes there is, for them to drive over it and along it. He clarified that whether there was a garage in his yard or not, nothing would change as that is his driveway, and he has to back out of it. Mr. Olivieri said he thought the concern was that Mr. Darling was going to get very close to property that he does not own. Even with a Special Permit, it does not preclude there being a problem down the road. Mr. Youngquist said that he also wanted Mr. Darling to be aware of the fact that if he does not own that, what if the next owner of the property does not allow that access use to continue. Mr.

Youngquist said that is why he mentioned turning the garage, because then he could continue to have access, without crossing that other property.

Ms. Kelley Fess of 12 Dunbar Road then spoke. She said that people are crossing that now, and she did not think she could say she now wants that piece for her yard. This is working for the neighbors, and she was not looking to blow that up. Mr. Youngquist said he was not saying that it could be changed, but just making her aware of the fact. Ms. Fess was not opposed to the garage. Other neighbors present were also in favor of the proposed garage.

Mr. Noble asked about the plans for construction of the garage. Mr. Darling said he had included a picture of his house, and he would make something similar to match it. He noted that the idea of turning the garage was a good one, but the problem it creates is that the way everything is laid out it would wind up being right in front of the house. That is why the engineer had gone with the proposed layout angle.

Mr. Olivieri made a motion, seconded by Mr. Zucco, to approve the petition with the following condition:

1. The storage shed will be removed upon the completion of the garage.

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

The hearing closed at 7:29.

Documents distributed for the hearing:

- Petition packet
- Legal ad
- Board of Health letter of May 10, 2023
- Planning Board memo of May 12, 2023

Bell hearing – 113 Staples Shore Road

Mr. Olivieri opened the Bell hearing at 7:27 and read the legal ad into the record. Mr. Olivieri then read comments from the Town Boards into the record. The May 10, 2023, letter from the Board of Health advised that the plan submitted would be defined as a 4-bedroom dwelling, but the septic system is designed for a 3-bedroom dwelling. Therefore, the proposed house would not be compliant with the existing septic system, and the Board of Health recommends a redesign of the proposed house. In the May 17, 2023, follow up letter from the Board of Health, it was indicated that the plan had been revised to a 3-bedroom dwelling and was now compliant. The Board of Health now had no objection to the revised, proposed 3-bedroom dwelling. The May 12, 2023, memo from the Planning Board had no comment regarding the petition.

Mr. Bob Forbes from Zenith Consulting Engineers was present. Mr. Forbes then displayed the proposed plan. They were asking for a Special Permit to raze the existing house and build a new house very close to the same location. It is an existing, non-conforming lot and this proposed structure slightly increases one of the side setbacks and meets the other side setback. It still meets

the front setback. He advised the proposed structure is slightly larger than the existing, so they have removed some of the driveway to maintain the current lot coverage.

Mr. Forbes advised there is a 5'2" setback in the back towards the water. This structure is built too low in the flood zone and needs to be built to conform to FEMA regulations so it was raised up approximately three feet. This resulted in needing additional steps, with the resulting setback dimension being 4'2" or about one foot closer to the water. Mr. Olivieri asked members if they had any questions. Mr. Sheedy asked if the steps were the full width of the structure. Mr. Forbes said they were not being shown as that right now. There is a rear deck with a balcony overhang that will extend over the top of the deck. These steps come around and do not go the full width.

Mr. Zucco asked if the steps could go on the side of the porch. Mr. Forbes said that the way the house is designed, he did not believe they could be moved to the side, and they would then extend into the side setback. They had looked at putting the house closer to the road, but they had to maintain the setback from the septic tank. Mr. Forbes said they had discussed this with the Building Commissioner, and he believed that he had said that it wasn't considered a part of the actual structure. Mr. Resnick asked if they had filed with the Conservation Commission. Mr. Forbes replied they had not yet done that. It was then discussed whether they could either shorten the deck or move the stairs. Mr. Olivieri noted that decision would have to be made by the Conservation Commission.

Mr. Sheedy made a motion, seconded by Mr. Youngquist, to approve the Special Permit for the proposal with the following condition:

1. The proposal will require Conservation Commission approval.

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

The hearing closed at 7:41.

Documents distributed for the hearing:

- Petition packet
- Legal ad
- Board of Health letter of May 10, 2023
- Board of Health letter of May 17, 2023
- Planning Board memo of May 12, 2023

Lakeville Nursery Redevelopment LLC hearing – 5 Harding Street

Mr. Olivieri stepped down as Chair. Mr. Youngquist opened the hearing at 7:42 and read the legal ad into the record. Atty. Robert Mather was present and represented the applicant. Mr. Forbes, engineer from Zenith Consulting Engineers, was also present for this hearing. Atty. Mather advised the site, 5 Harding Street, borders Lakeville and Middleboro. They were asking for a Special Permit to allow an automotive repair facility in the Business District. He noted that this project had started in October of 2019. A plan had been prepared for contractor bays, and the Site Plan had been approved by the Planning Board. The site had not been constructed due to Covid and other miscellaneous issues. He noted that previously auto service had been an allowed use in

the Business Zone. His client could construct this building tomorrow, and it could be used for assorted contractor bays for a plumber, electrician, well driller, etc., but not an auto service.

Atty. Mather advised that his client had been approached by an auto dealer who is looking to purchase the entire site for additional space, but wanted to know that auto repair would be allowed. The Building Commissioner had pointed out that previously an allowed use in the Business District, it had been changed to be allowed by Special Permit only. The Zoning By-Law Review Advisory Committee (ZBRAC) had recommended the change as auto or boat sales could be a large facility that should not be allowed by right with no regulation, it should be by Special Permit. He advised if this dealership purchases this, they would probably change the configuration of the building. That would not be their issue, but they would have to return to the Planning Board for Site Plan Review. Tonight, they were just looking to receive approval for the use of auto repair.

Mr. Forbes then spoke. He said that he had done the original design in 2019 and helped with the permitting process. He explained there is an entrance that snakes through a couple of wetlands, with a 24-foot wide driveway as required. Once they get into the other area, they have 30 feet going around the building. There is parking and offices in the front and around the back, it is set up for garage overhead doors so that you could pull a vehicle in. The site was designed so that it could be used for a number of different things, including auto repair. Anywhere you have overhead doors, building code requires floor drains going into a tight tank.

Mr. Forbes said Poquoy Brook, which is also the town line separation, is known as a cold-water fishery which gets special consideration when you are doing a storm water design. It requires a higher standard than a typical site, and there were special Best Management Practices (BMPs) that they had to incorporate. He indicated the wetlands that surround the property on the plan and noted that portions of the site are in a Natural Heritage Endangered Species Program area. Anything that is beyond the indicated development portion of the site had to have a Conservation Restriction put on it, so it cannot be spread out in any direction. If anything does change, it will be within the footprint of what was already proposed. There is really no option to do anything different. Mr. Forbes displayed the aerial plan. He noted that the site is surrounded by wetlands and the closest house is on Cross Street. That house is 480 feet away from the development. The area in between is a turtle nesting area that had to be constructed by the owner of the property, and that can never be changed.

Atty. Mather then confirmed that there would be only one entrance and exit to the property. They could not go out to Cross Street, and it would be an only out to Route 44. He then read the May 12, 2023, memo from the Planning Board into the record. They had concerns regarding the property and stated that there should be no public access to the back of the building. They also wanted clearly designated parking for automotive repair customers. Atty. Mather said this is not a contractor's yard. There will not be equipment out there, and all of the work is to be done inside the units. Customers will have to drive in the back and pull in, and then go up to the waiting room.

Atty. Mather then read the section of the bylaw that related to auto/boat sales, rentals, or service. It must be compatible with the surrounding area and is subject to Site Plan Review by the Planning Board. He believed this site was the most compatible area in Town, and the bylaw had been changed for areas like Main Street that were a lot more sensitive as to what might go there. This area is surrounded by commercial businesses.

Mr. Sheedy asked if the building would have a second floor for office space. Atty. Mather said it would have one floor only. Mr. Youngquist then read the May 10, 2023, letter from the Board of Health into the record. As this building will be connected to municipal water and the upland was sufficient to install a septic system, they had no objection to the proposed commercial building. He then asked if anyone present would like to speak.

Mr. Wayne Cardoza of 43 Cross Street then spoke. He said he did not agree that auto service was a good use for this property. It was a very environmentally sensitive area, and he was concerned about hazardous fluids. Mr. Campeau asked when this business was separated out from by right businesses, what were some of the things that were brought out as considerations of possible items that should be conditioned. Atty. Mather replied not really any. When this site was designed, it was contemplated to have all types of businesses, including automotive repair.

Mr. Resnick said he understood this was a dealer's yard, and they operate differently from a regular garage. Oftentimes, there are significantly damaged vehicles waiting for repairs, parts, etc., and they are stored outside. He thought there should be some sort of limitation or condition placed on the outdoor storage of vehicles or the length of time they can be stored outside. It is an environmentally sensitive area and although well designed, he felt having some sort of limitation placed on that specific portion of storage of vehicles would be a wise thing to do. Mr. Youngquist said that most car dealers don't deal with wrecked vehicles. He thought it would be mostly routine maintenance, oil changes, tune-ups, etc. Atty. Mather said that he would agree.

Mr. Campeau asked if auto repair was allowed, what would happen if the site got purchased and a new design was proposed. Mr. Resnick said the redesign would go back to the Planning Board for a new Site Plan Approval. The Planning Board could also attach certain conditions based on what would be discussed in the new site design or layout. Mr. Zucco said that he felt that a dealership would be less of an impact on the environment than contractor bays.

After further discussion, Mr. Sheedy said that the concern is that down the road, if the dealership does not go in, you could have five independent auto repair shops. Atty. Mather responded, environmentally, it would be fully regulated, and all work is done inside and nothing outside. Would it really be any different? Mr. Sheedy said it goes back to the point of storing vehicles outside, with the possible leakage of fluids. It is not like a dealership where they get it in for repair and get it out. With an independent contractor, what precautions are there to contain whatever could be leaking? Atty. Mather said that is regulated, but if the Board would want to put a provision in that if the entire facility is not used for an auto repair service, there be no outside storage of vehicles that are worked on. He did not think they would have a problem with that.

Mr. Campeau made a motion, seconded by Mr. Sheedy, to approve the petition with the following conditions:

1. No vehicles are to be stored or worked on outside.
2. When the vehicle repair is completed, the vehicle and/or equipment must leave the yard within 24 hours.

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

The hearing closed at 8:23

Documents distributed for the hearing:

- Petition packet
- Legal ad
- Board of Health letter of May 10, 2023
- Planning Board memo of May 12, 2023

Meeting minutes

Mr. Noble made a motion, seconded by Mr. Youngquist, to approve the meeting minutes from the March 30, 2023, meeting. The **vote** was **unanimous for**.

Next meeting

The next meeting is scheduled for June 15, 2023, at 7:00 p.m. at the Lakeville Public Library.

Adjourn

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

Meeting adjourned at 8:24.

**Zoning Board of Appeals
Lakeville, Massachusetts
Minutes of Meeting
June 15, 2023**

On June 15, 2023, the Zoning Board held a meeting at the Lakeville Public Library. The meeting was called to order by Chairman Olivieri at 7:02 p.m. LakeCam was making a video recording.

Members present:

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

Others present:

Marc Resnick, Town Planner

Mazin/Bud's Goods hearing – 475 Kenneth W. Welch Drive

Mr. Olivieri opened the Mazin/Bud's Goods hearing at 7:02 and read the legal ad into the record. Mr. Olivieri advised that there is still an open item that needs to be handled through the Select Board. He then read the June 15, 2023, email from Atty. Silverman into the record. Atty. Silverman requested to continue the hearing until the Board's July 20th meeting to allow the Host Community Agreement to be approved by the Select Board.

Mr. Youngquist made a motion, seconded by Mr. Sheedy, to continue the Mazin/Bud's Goods hearing until July 20, 2023, at 7:00 p.m. The **vote** was **unanimous for**.

The hearing closed at 7:05.

Gear hearing – 22 Crooked Lane

Mr. Olivieri opened the Gear hearing at 7:05 and read the legal ad into the record. He then read the June 8, 2023, letter from the Board of Health. They had no objection to the proposed addition. The June 8, 2023, memo from the Conservation Commission indicated there were no wetland issues. The June 12, 2023, memo from the Planning Board had no comment on the petition.

Mr. Gear was present. He advised they were looking to add a mudroom entrance to the house as presently the entrance is directly into the kitchen. This is a 15' x 17' addition and will encroach approximately two feet into the setback. Mr. Olivieri asked if there were any comments from Board members. There were none. There were also no comments from anyone present

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

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

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

The hearing closed at 7:09.

Documents distributed for the hearing:

- Petition packet
- Legal ad
- Board of Health letter of June 8, 2023
- Conservation Commission memo of June 8, 2023
- Planning Board memo of June 12, 2023

NSA Property Holdings, LLC hearing – 156 County Street

Mr. Olivieri opened the NSA Property Holdings, LLC hearing at 7:09 and read the legal ad into the record. Mr. Olivieri then read comments from the Town Boards into the record. The June 12, 2023, memo from the Planning Board stated some concerns they had regarding how close the placement of the buildings were to each other. The Planning Board recommended that the ZBA make sure the aisle width between the buildings is sufficient for vehicle and pedestrian flow. The June 8, 2023, memo from the Conservation Commission indicated that the project will require a Notice of Intent. The June 8, 2023, letter from the Board of Health advised that the plan for three proposed storage facilities show that one unit would be on top of the existing leach field, and one unit would be on top of the existing force main for the septic system and water lines. Neither could be built on the proposed location and would need to be relocated.

Mr. Youngquist said that he would like to recuse himself from this hearing. Mr. Garrett Piccirillo, an engineer from GPI, was present for the applicant. Mr. Olivieri said that with the recusal of Mr. Youngquist, they would only have four members available to vote. Mr. Youngquist said that he was the original engineer for this site. He would participate if Mr. Piccirillo wanted him to. Mr. Olivieri said that he had been the original engineer but that now there was no interest, and he didn't think there was any danger. However, this should be pointed out to the applicant. Mr. Resnick asked if he had any financial interest in the site. Mr. Youngquist replied none whatsoever. Mr. Piccirillo said that it would be okay for Mr. Youngquist to speak.

Mr. Youngquist then explained they were going to have trouble finding another spot to relocate the septic system. Mr. Piccirillo said there is a plan showing where they planned to relocate the system, but they have not done test pits yet. He said that he was comfortable with Mr. Youngquist participating in the hearing. Mr. Olivieri said the first thing they need to do is talk about the Board of Health issue. Mr. Piccirillo replied they had not performed test pits yet. They have an initial preliminary septic relocation plan. In response to the Board of Health, they understand this and it is totally accurate. He indicated on the plan where they would like to relocate the leach field. He noted that the system was installed in 2008, and at that time these other four buildings were not yet built.

Mr. Youngquist asked if he was aware that the units were all heated and cooled with geothermal. There are two massive wells, and he thought they might have a problem with those pipes unless they were somehow connecting them up. Mr. Piccirillo clarified that there is a well, with no domestic water connection to the site. The existing units are heated and cooled by geothermal

from the well. They had actually gone out in the field and did ground penetrating radar to try to locate those lines. They found that those lines do not go underneath that floor, and that has been verified by a Board of Health As-built Septic Design Plan.

Mr. Olivieri said they will need Board of Health approval for the final septic design. Mr. Piccirillo said they were going to do that after. They wanted to go through this process first, and they will also have to go through the Planning Board for Site Plan Approval. Mr. Olivieri asked if there were any comments. Mr. Resnick said the Planning Board had concerns regarding the distance between the buildings, which was only 10 feet. He also noted that they had not received anything from the Fire Department.

Mr. Piccirillo said they are proposing to provide only 10 feet, but the plan is to have only pedestrian access between the buildings. He then indicated where the doors would be. It is meant for pedestrians. Cars are not meant to drive in between the buildings. He noted that the applicant had met with the Deputy Chief approximately six months ago for a preliminary discussion where the plan had been shared. Some concerns had been brought up. They were told they needed to show a fire truck could move safely around the site on a truck turn plan. They are able to show on their plan that the fire truck can circulate the entire site every which way around these buildings, with the exception being between the proposed buildings. He thought that they were going to be given more details from the Fire Department, but they had not heard anything to date.

Mr. Sheedy asked if that was available. Mr. Piccirillo then displayed the fire turn plan. Mr. Sheedy said that it appeared it was very tight. Mr. Olivieri said in regards to this issue, they would need a memo from the Fire Department saying they had no safety concerns with the proposed buildings. Mr. Resnick added that he knew that landscaping at one point had been an issue. There should be an enhanced Landscaping Plan for along County Street in particular. As there were no further questions, Mr. Olivieri opened it up to the audience.

Mr. Ken Chainay of 153 County Road, was present. He advised he lives across the street and did not really have a problem with the storage. He did want to note that about a month ago there had been an intruder on their property. Although he has a full surveillance system, he had gone to the storage facility to see if that system might have caught something additional. He was told that they system was not working correctly. He also noted that the gate had not been closed for at least a few weeks. He felt this was a big concern. Mr. Olivieri said he appreciated his comments for the record, but was not sure how much purview they had over making sure the site was secure. There were no additional comments.

Mr. Olivieri said there are a couple of outstanding items. The septic issue will need to be addressed and approved by the Board of Health. In addition to that, they will need a sign off from the Fire Department that the proposed buildings do not present any safety concerns. Mr. Resnick said he would recommend that they get clarification on these issues, as they relate to the use. Mr. Olivieri said that he would recommend that Mr. Piccirillo continue until July, although he had the right to call for a vote. Mr. Piccirillo said that he would like to continue until July.

Mr. Youngquist made a motion, seconded by Mr. Sheedy, to continue the NSA Property Holdings, LLC hearing until July 20, 2023 at 7:00 p.m. The **vote** was **unanimous for**.

The hearing closed at 7:33.

Documents distributed for the hearing:

Petition packet
Legal ad
Board of Health letter of June 8, 2023
Conservation memo of June 8, 2023
Planning Board memo of June 12, 2023

Lakeville Nursery Redevelopment LLC hearing – 5 Harding Street

Mr. Olivieri recused himself and stepped down as Chair. Mr. Youngquist then opened the hearing at 7:34 and read the legal ad into the record. Atty. Robert Mather was present and represented the applicant. He stated that it appears there were only four members present, meaning a vote would have to be unanimous. He would request when the Board was ready to vote, that a straw poll be taken. If there is opposition, he would like to continue and have a full Board if that is acceptable

Mr. Youngquist asked Atty. Mather to explain to the Board why they are changing this. Atty. Mather advised they are asking to modify a Special Permit and in order to get a Special Permit you need a super majority, or four out of five. This allows for only one negative vote. With a four-member Board, the vote would need to be unanimous. Mr. Youngquist said he was fine with that.

Atty. Mather stated at the last hearing, they had requested a Special Permit to allow automotive repair as a use, and they were talking about 21 contractor bays. They mentioned they were negotiating with a car dealer to use the entire facility for repair. He can now say they are dealing with Greco Ford, who wants to have a stand-alone facility for repairs. They would eliminate the bays which would also result in them having to go back to the Planning Board for the design of a different shaped building.

The following two conditions had been imposed by the Board. No vehicles were to be stored or worked on outside, and when vehicle repair is complete, the vehicle and/or equipment must leave the yard within 24 hours. When they spoke to Greco, it had been pointed out to them that it is very normal for vehicles to remain on site for longer than a day. He understood that with the possibility of multiple repair shops, they would have no problem with that restriction. However, the request now is to modify the restriction that vehicles not be stored outside to not apply if the facility is used for automotive repair by one user or owner.

Atty. Mather then distributed the conditions that had been put on the previous Special Permit. He advised when Greco was informed of them, they responded that no one could have a single owner/use facility with the inability to park cars that are waiting for service, or for parts to come in. They did not feel this would be necessary for this type of facility which is going to be a first-class automotive repair facility, and an estimated \$6 million project. They were suggesting a revision to the condition that no vehicles are stored or worked on outside, be modified to no vehicles are worked on outside. The revision to the second condition to say if the entire site is used by one owner/operator for an automotive repair facility, vehicles waiting for repair are to be picked up after repair and may be parked on the site with no time limitations.

Atty. Mather noted that presently the site can be fully utilized with no restriction as to parking and no restriction as to working outside on vehicles. You could have contractors with backhoes and large machinery as a matter of right. They think this change to a one owner/operator is better and more beneficial to what they have now. He would respectfully ask the Board to consider revising the restrictions as he had presented. Mr. Sheedy said he thought this was a very reasonable presentation. Mr. Zucco agreed. Mr. Youngquist asked if there were any additional questions from the Board or the audience.

Mr. Wayne Cardoza of 43 Cross Street then spoke. He was a direct abutter, and advised when they came in last month, he was not in favor of the proposal. Mr. Zucco had said that it was better than the alternative of the 21 bays, and after considering that, he and his wife decided having nothing was the best, but this was the better option of the two. He did note that when he had brought his vehicle in for repair, it had been allowed to be parked outside with oil leaking into the ground. He wanted the Board to be aware of this. There were no additional comments.

Mr. Youngquist then took a poll of members and asked if they would be in favor of the modified conditions as presented. All members responded affirmatively.

Mr. Campeau then made a motion, seconded by Mr. Sheedy, to approve the proposed modifications to the Special Permit with the following revised conditions:

1. No vehicles are to be worked on outside.
2. If the entire site is used by one owner/operator for an automotive repair facility, vehicles waiting for repair are to be picked up after repair and may be parked on the site with no time limitations.

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

Documents distributed for the hearing:

- Petition packet
- Legal ad
- Board of Health letter of June 8, 2023
- Planning Board memo of June 12, 2023

Meeting minutes

Mr. Youngquist made a motion, seconded by Mr. Sheedy, to approve the meeting minutes from the April 20, 2023, meeting.

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

Mr. Resnick said that he had one additional item for the Board. He had been asked to contact an applicant who had submitted a 20-year old septic plan. He had informed him, as a policy, the Board does not encourage that any more. They are also using someone else's old engineered drawings for something different than the original intent. He noted that the Board's rules and regulations are over 20 years old and should be revised. He hoped to have at least an outline done for their next meeting.

Mr. Olivieri said how do they want to define what type of plans they want, so when people come in they don't have to guess what they are going to accept or not accept. Did they want to require stamped plans? Mr. Resnick replied most of the plans that have been received over the past several months have been updated, surveyed plans. Mr. Youngquist said if they are showing setbacks to property lines, he would want to see a stamped plan. Mr. Sheedy asked if this would be cost prohibitive for some applications.

After further discussion, Mr. Youngquist said if they were putting a foundation in the ground, a stamped plan should be required. Mr. Olivieri clarified that it should be for any foundational structure so that it would include any addition on sonotubes. Mr. Olivieri said he did not think they needed a formal vote, but the consensus of the group is that the Board wants stamped plans for anything that has a foundational structure.

The last item discussed was an email from Member Carmichael. He had advised that due to his schedule, he would be unable to continue serving on the Board. Mr. Olivieri said they have two Associate members now. He would make a motion to recommend to the Select Board that Mr. Sheedy be moved up to full member. Mr. Youngquist seconded it. The **vote** was **unanimous for**.

Next meeting

The next meeting is scheduled for July 20, 2023, at 7:00 p.m. at the Lakeville Public Library.

Adjourn

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

Meeting adjourned at 8:01.