

# TOWN OF LAKEVILLE MEETING POSTING & AGENDA

Town Clerk's Time Stamp  
received & posted:

*K. DeGuzia*

LAKEVILLE TOWN CLERK  
ROUD 2023 AUG 8 PM 4:23

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:	<b>Zoning Board of Appeals</b>
Date & Time of Meeting:	<b>Thursday, August 17, 2023 at 7:00 p.m.</b>
Location of Meeting:	<b>Lakeville Public Library 4 Precinct Street, Lakeville, MA 02347</b>
Clerk/Board Member posting notice:	<b>Cathy Murray</b>

Cancelled/Postponed to: \_\_\_\_\_ (circle one)

Clerk/Board Member Cancelling/Postponing: \_\_\_\_\_

## A G E N D A

1. **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.
2. **Garbitt/Pike hearing – 29 Staples Shore Road, continued** – 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.
3. **Benatti hearing, continued** – **Appeal** from Decision of the Building Inspector/Zoning Enforcement Officer relative to business activity in the residential district at **434 Bedford Street**
4. **Approve Meeting Minutes for July 20, 2023.**
5. **Correspondence**
6. **Next meeting . . . Thursday, September 21, 2023 at the Lakeville Public Library.**
7. **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*

## Cathy Murray, Appeals Board Clerk

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**From:** Garrett Piccirillo <[gpiccirillo@gpinet.com](mailto:gpiccirillo@gpinet.com)>  
**Sent:** Wednesday, August 9, 2023 3:45 PM  
**To:** Cathy Murray, Appeals Board Clerk  
**Cc:** Brian George; Marc Resnick; David Jordan  
**Subject:** RE: ZBA hearing-156 County Street

Hi Cathy,

Thank you for passing this along. We are requesting another continuance to the September meeting. We have made revisions to the site plan per recent coordination with Chief O'Brien and we now need a bit more time to iron out the septic design, as previously requested by the Board.

Thank you



Garrett Piccirillo, P.E.  
d 603.898.9486  
Greenman-Pedersen, Inc., *An Equal Opportunity Employer*

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**From:** Cathy Murray, Appeals Board Clerk <[cmurray@lakevillema.org](mailto:cmurray@lakevillema.org)>  
**Sent:** Wednesday, August 9, 2023 3:34 PM  
**To:** Garrett Piccirillo <[gpiccirillo@gpinet.com](mailto:gpiccirillo@gpinet.com)>  
**Cc:** Brian George <[bgeorge@rightspacestorage.com](mailto:bgeorge@rightspacestorage.com)>  
**Subject:** RE: ZBA hearing-156 County Street

Attached please find the meeting notice for the next ZBA meeting.

Cathy

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**From:** Garrett Piccirillo <[gpiccirillo@gpinet.com](mailto:gpiccirillo@gpinet.com)>  
**Sent:** Friday, June 9, 2023 1:02 PM  
**To:** Cathy Murray, Appeals Board Clerk <[cmurray@lakevillema.org](mailto:cmurray@lakevillema.org)>  
**Cc:** Brian George <[bgeorge@rightspacestorage.com](mailto:bgeorge@rightspacestorage.com)>  
**Subject:** RE: ZBA hearing-156 County Street

Thank you Cathy!



Garrett Piccirillo, P.E.  
d 603.898.9486  
Greenman-Pedersen, Inc., *An Equal Opportunity Employer*

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**From:** Cathy Murray, Appeals Board Clerk <[cmurray@lakevillema.org](mailto:cmurray@lakevillema.org)>  
**Sent:** Friday, June 9, 2023 12:04 PM  
**To:** Garrett Piccirillo <[gpiccirillo@gpinet.com](mailto:gpiccirillo@gpinet.com)>  
**Cc:** Brian George <[bgeorge@rightspacestorage.com](mailto:bgeorge@rightspacestorage.com)>  
**Subject:** RE: ZBA hearing-156 County Street

Good morning,



3 Main Street Lakeville, MA 02347  
(508) 947-4208 - [www.zcellc.com](http://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

RECEIVED JUN 26 2023 BOARD OF APPEALS

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  
Leo Pike Jr  
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 13<sup>th</sup> 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.

F

Place as First page for Register of Deeds copy



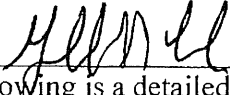
TOWN OF LAKEVILLE  
MASSACHUSETTS

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)

**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.

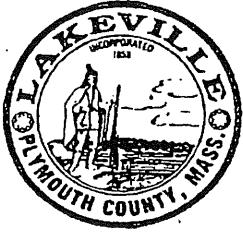
John Olivieri, Jr., Chairman  
Nemasket Week  
March 16, 2023 & March 23, 2023

**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. DeConce*  
LAKEVILLE TOWN CLERK  
ROUD 2023 MAR 18 PM2:17

*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. **I.D. 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 13<sup>th</sup> 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 27<sup>th</sup> day of December, 2022.

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

Renee M Garbitt  
Renee M. Garbitt

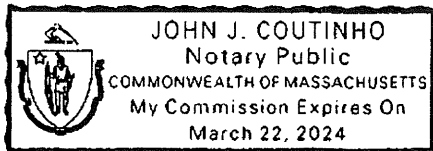
I, Leo L. Pike, Jr. hereby release any and all rights to the property herein conveyed that I may have in courtesy, dower and Homestead.

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

COMMONWEALTH OF MASSACHUSETTS

Plymouth, SS.

On this 27<sup>th</sup> day of December, 2022 before me, the undersigned notary public, personally appeared **Mary Anne Sena 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 18<sup>th</sup> day of December, 2022.

[Signature]  
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.

[Signature]  
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.

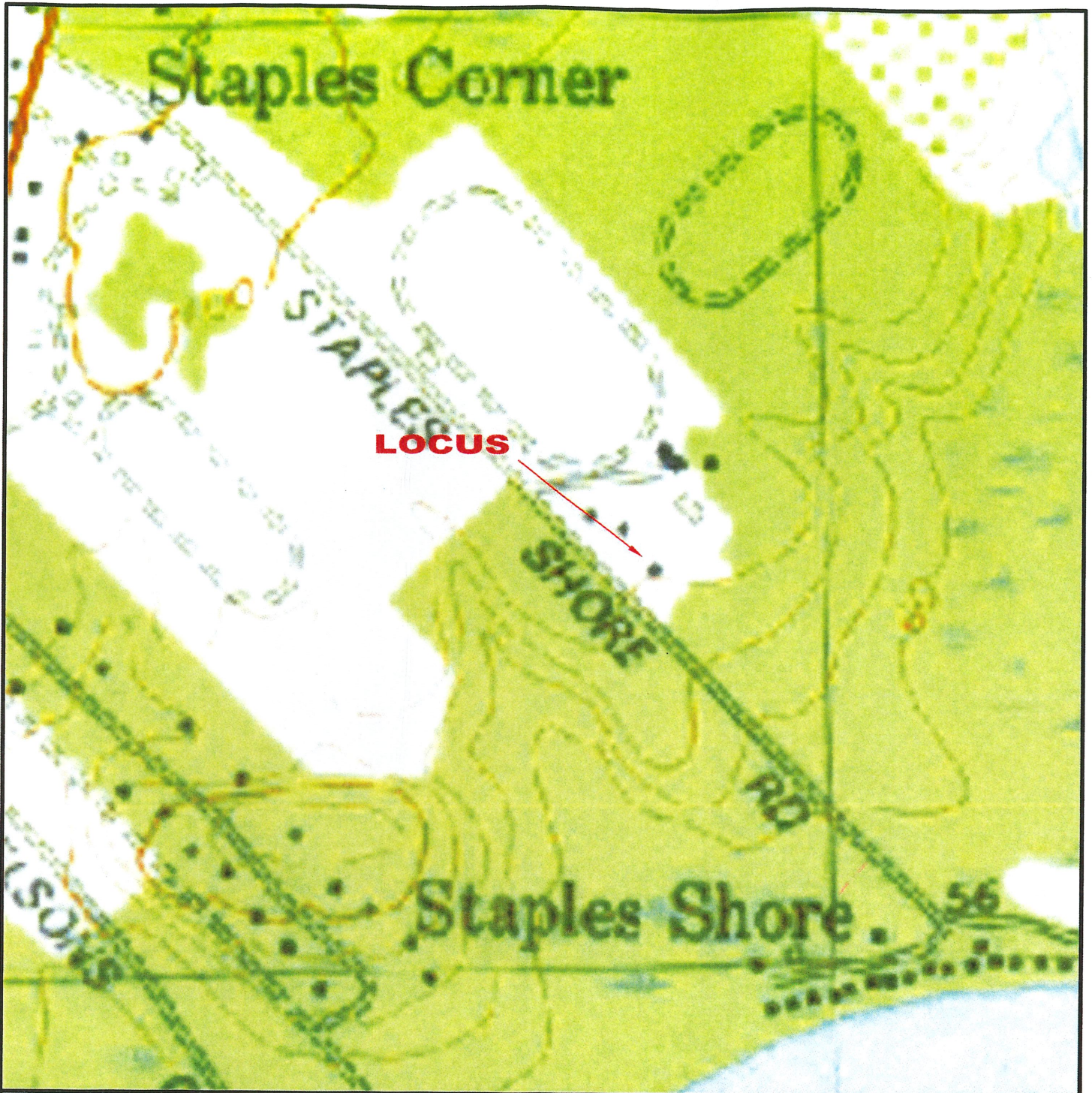
[Signature]  
Notary Public  
My Commission Expires:

(SEAL)



KEVIN COOPER  
MY COMMISSION # MH 076872  
EXPIRES: May 2, 2025  
Bounded This Notary Public Underwriting

Personally Known \_\_\_\_\_ OR Produced Identification X  
Type of Identification Produced FLDL Andrew Garbitt 6 613 41 076 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

- |                                    |  |  |
|------------------------------------|--|--|
| <b>SPECIAL FLOOD HAZARD AREAS</b>  |  | Without Base Flood Elevation (BFE)<br>Zone A, V, A99   |
|                                    |  | With BFE or Depth Zone AE, AO, AH, VE, AR  |
|                                    |  | Regulatory Floodway  |
| <b>OTHER AREAS OF FLOOD HAZARD</b> |  | 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 X |
|                                    |  | Future Conditions 1% Annual Chance Flood Hazard Zone X   |
|                                    |  | Area with Reduced Flood Risk due to Levee. See Notes, Zone X   |
|                                    |  | Area with Flood Risk due to Levee Zone L   |
| <b>OTHER AREAS</b>                 |  | NO SCREEN Area of Minimal Flood Hazard Zone X  |
|                                    |  | Effective LOMRs  |
|                                    |  | Area of Undetermined Flood Hazard Zone U   |
| <b>GENERAL STRUCTURES</b>          |  | Channel, Culvert, or Storm Sewer   |
|                                    |  | Levee, Dike, or Floodwall  |
| <b>OTHER FEATURES</b>              |  | 20.2 Cross Sections with 1% Annual Chance Water Surface Elevation  |
|                                    |  | 17.5   |
|                                    |  | 8 Coastal Transect   |
|                                    |  | 51.3 Base Flood Elevation Line (BFE)   |
|                                    |  | Limit of Study   |
|                                    |  | Jurisdiction Boundary  |
| <b>MAP PANELS</b>                  |  | Coastal Transect Baseline  |
|                                    |  | Profile Baseline   |
|                                    |  | Hydrographic Feature   |
|                                    |  | 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

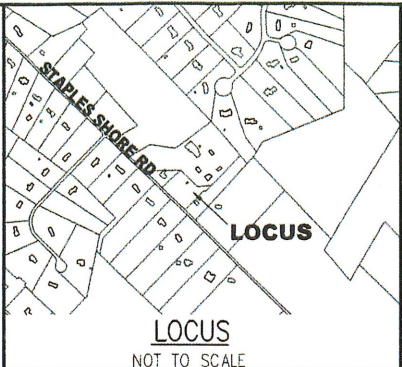
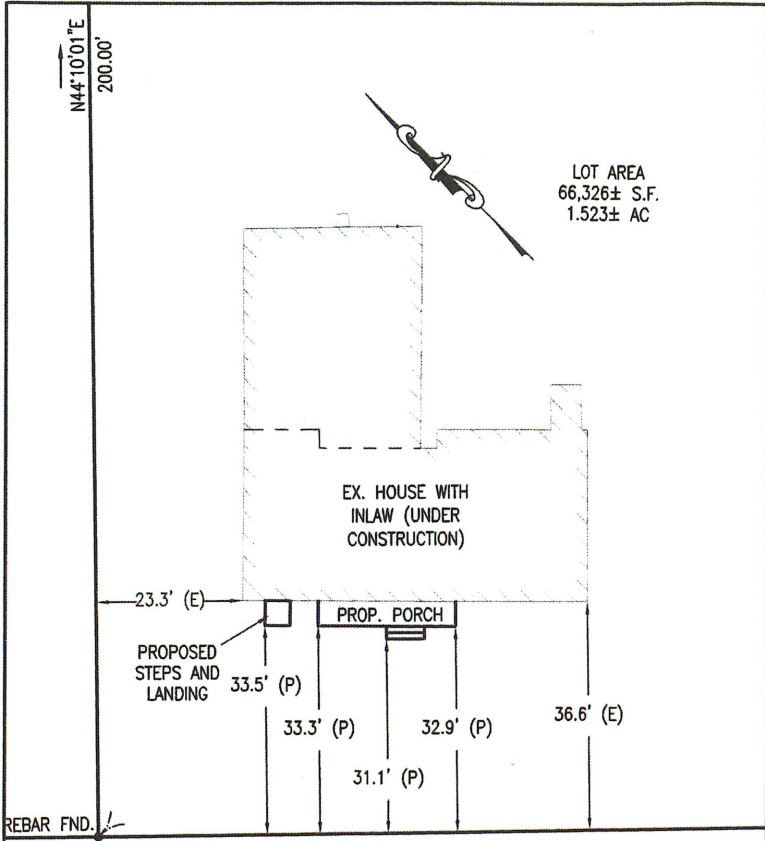
The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **10/13/2022 at 2:00 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded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

0 500 1000 1500 2000 Feet 1:6,000

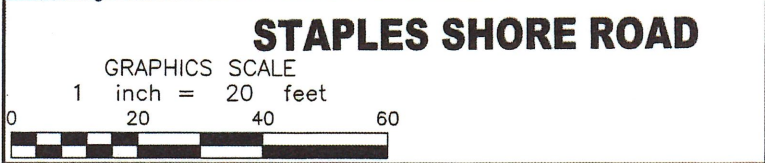
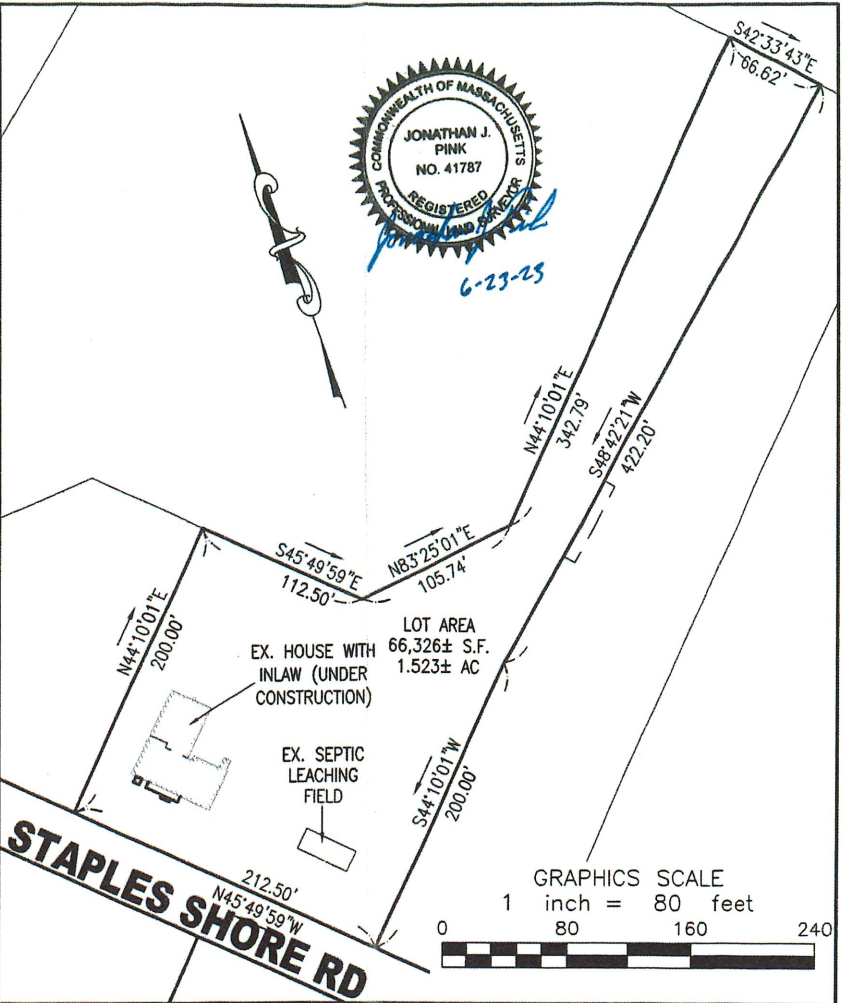
70°55'28"W 41°51'11"N





**SITE INFORMATION:**

1. THE SITE IS SHOWN ON THE TOWN OF LAKEVILLE ASSESSORS MAP AS MAP 58 BLOCK 8 LOT 4.
2. PROPERTY LINE INFORMATION WAS TAKEN FROM
  - 2.1. FOR TITLE REFERENCE TO THE SUBJECT PROPERTY REFER TO BOOK 19048, PAGE 98 IN THE PLYMOUTH COUNTY REGISTRY OF DEEDS.
3. 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.
4. 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 25023C0431K, EFFECTIVE DATE JULY 16, 2015.
5. 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: <b>PLAN TO ACCOMPANY A ZONING BOARD OF APPEALS REQUEST</b>	DRAWN BY: JLB		
	DESIGNED BY:		
PROJECT SITE: <b>29 STAPLE SHORE ROAD LAKEVILLE, MASSACHUSETTS</b>	CHECKED BY: NCZ	DATE: 6-23-23	
	APPROVED BY: JLB	PROJECT NUMBER 1018-01-01	SHEET ID ZBA PLAN
CLIENT INFO: <b>RENEE GARBITT &amp; LEO PIKE LAKEVILLE, MA 02347</b>			

**ZCE**

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



*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.

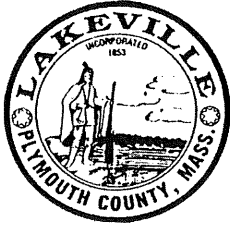
We received a copy of the Petition for Hearing for 29 Staples Shore Rd. and the Board of Health does not have any objections to the proposed porch or having two utility connections.

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 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: \_\_\_\_\_ Owner Telephone: \_\_\_\_\_  
(If not petitioner)  
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.

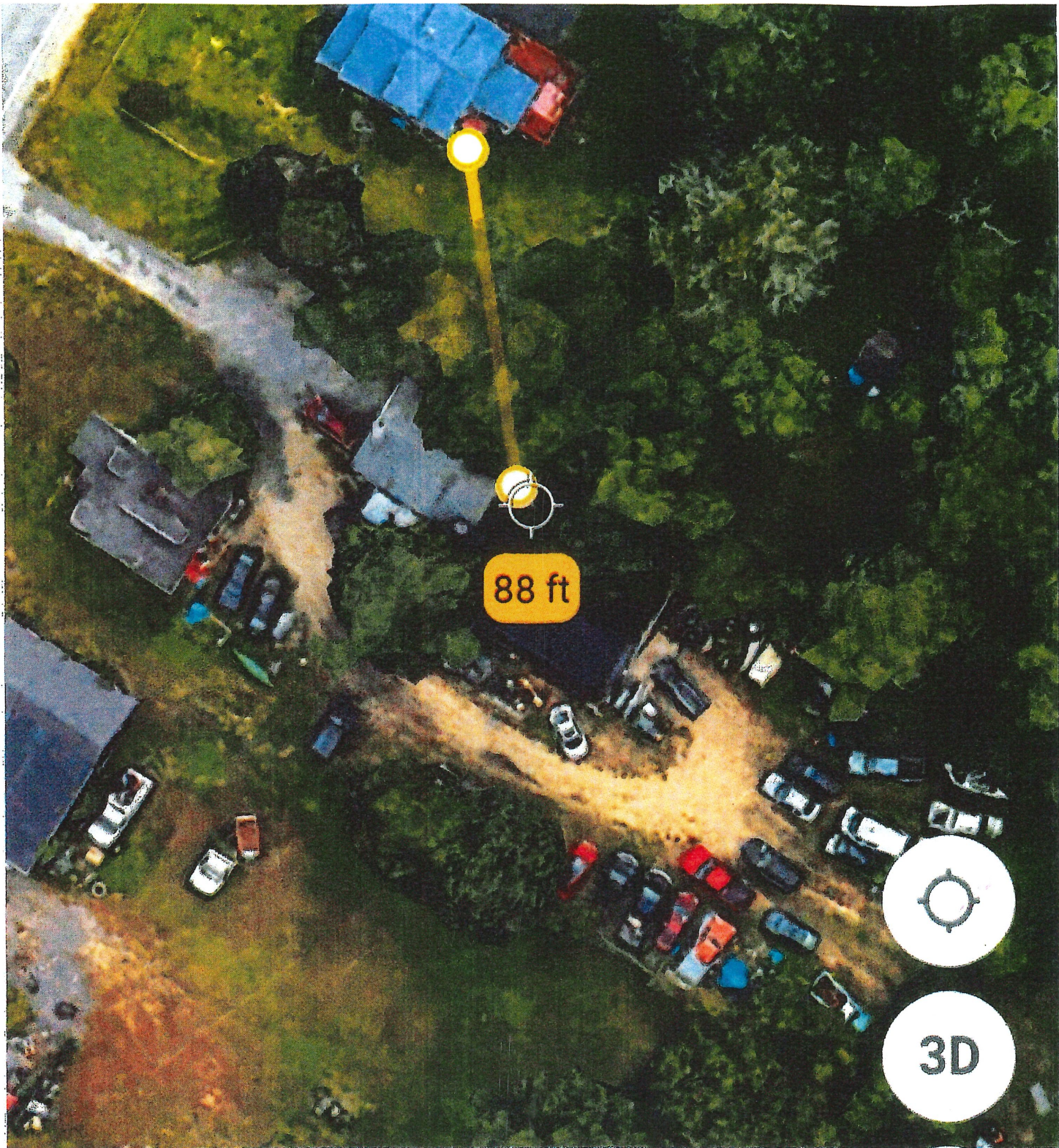
I hope you can truly understand the impact of not being able to enjoy your deck or yard without the random screeching of power tools, hammers banging, cars revving, or tow truck back up alarms and hydraulics. Many summer days we're stuck in the house with windows shut . Also note, we live here , we don't 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](mailto:jpsd1105@msn.com)





88 ft



3D

# Bedford Street Engine Services

5.0 ★★★★★ (9)

Auto repair shop in Lakeville, Massachusetts

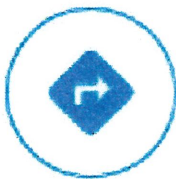


OVERVIEW

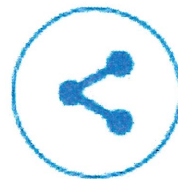
REVIEWS

PHOTOS

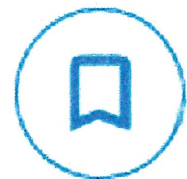
ABOUT



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 (Adopted 6/15/2009, approved by Attorney General 8/18/2009)	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 <u>other than allowed in 8.7.1 and 8.7.2</u> <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

	<b>R</b>	<b>B</b>	<b>I</b>	<b>I-B</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
<b>Funeral Home, Mortuary or Crematory</b> (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
<b>Auto or boat sales, rentals or service</b> (Underlined: Adopted STM 4/30/18; approved by AG June 8, 2018)	<b>N</b>	<b>SP</b>	<b>N</b>	N
Car Wash	N	SP	N	N
Filling Station 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	<b>N</b>	N
Storage of junk for commercial purposes	N	SP	SP	N

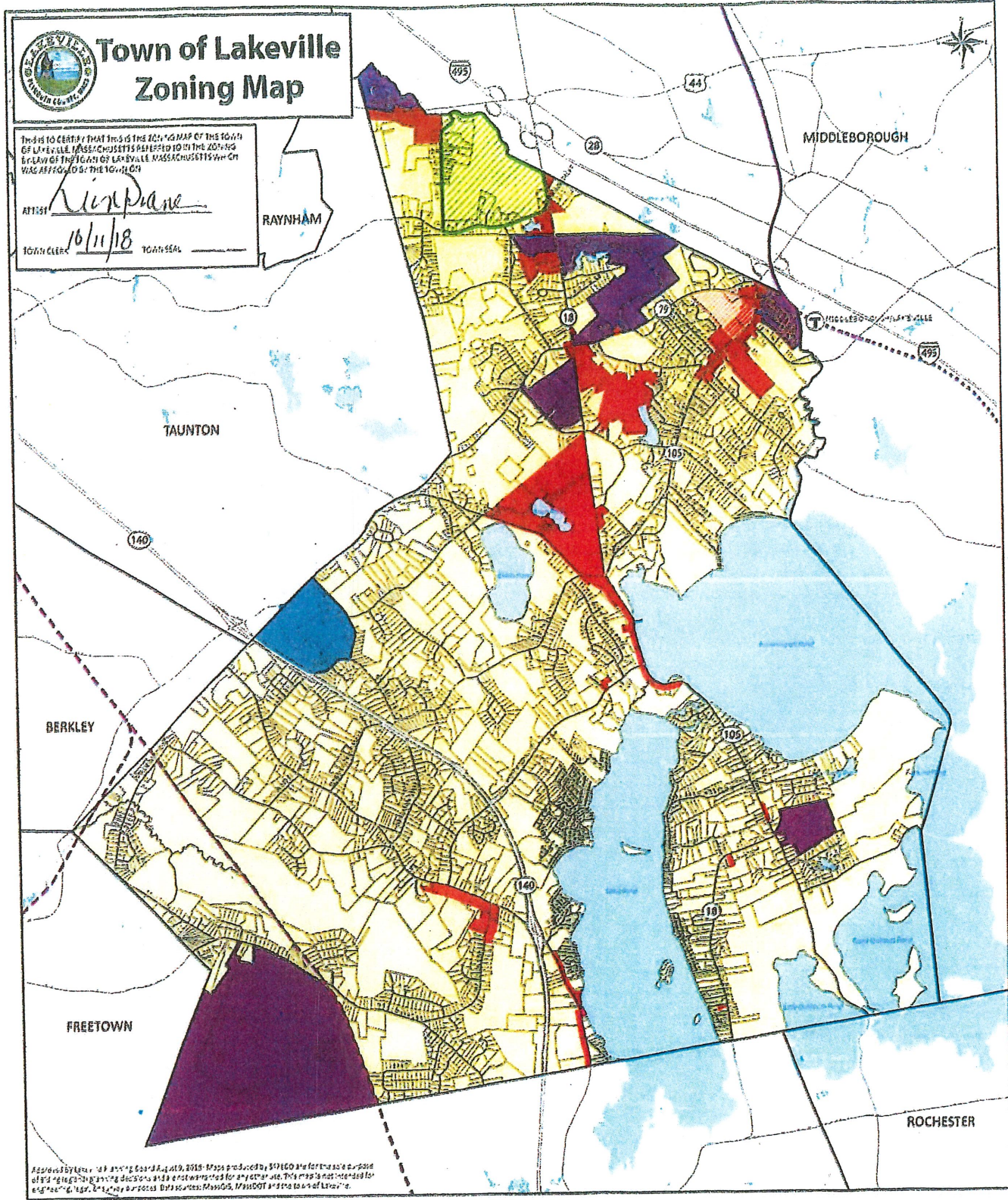




# Town of Lakeville Zoning Map

This is to certify that this is the ZONING MAP OF THE TOWN OF LAKEVILLE, MASSACHUSETTS PREPARED TO IS THE ZONING BY LAW OF THE TOWN OF LAKEVILLE, MASSACHUSETTS AND WAS APPROVED BY THE TOWN COUNCIL

ATTORNEY: *Kevin P. Kane*  
 TOWN CLERK: *10/11/18* TOWN SEAL: \_\_\_\_\_



Approved by Lakeville Planning Board August 19, 2015. Maps produced by SPT&CO are for the sole purpose of providing planning decisions and are not warranted for any other use. This map is not intended for engineering, legal, or survey purposes. 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 (CAOR)           | Arterials and Collectors | MBTA Proposed Commuter Rail     |
| Business       | Water  | Local Roads              |                                 |





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 4/26/09

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:

~~7/20/2022~~  
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) Car going every day, sometimes nights + weekend

Nature and details of violation(s): Auto repair business in residential zone

THIS VIOLATION IS EVIDENT 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](mailto: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  
BLDG 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:

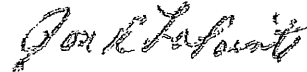
I am in receipt of your letter dated April 16, 1989 concerning the uses of the property at the above address.

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  
July 20, 2023**

On July 20, 2023, the Zoning Board held a meeting at the Lakeville Public Library. The meeting was called to order by Chairman Olivieri at 7:00 p.m. LakeCam was making a video recording.

**Members present:**

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

**Others present:**

Atty. Amy Kwesell, Town Counsel; Marc Resnick, Town Planner

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

Mr. Olivieri opened the Mazin/Bud's Goods hearing at 7:00. Atty. Phil Silverman was present for the applicant. He advised that what they were seeking to do was to amend the existing Special Permit and change Bud's Goods and Provisions with an affiliate entity called Bud's Goods and Services. This was largely for tax purposes and financial benefits. There is no change in the operations. He advised this Permit was originally granted in 2018 under the name of Alexander Mazin which was corrected to Alexander Mazin and Trichome Health Corp. Trichome Health Corp then underwent a name change to Bud's Goods and Provisions. That is how it exists now, and they want to transfer that to Bud's Goods and Services MA Corp. Atty. Silverman continued that the second part of the application is to expand the hours of operation from 6:00 a.m. to 10: p.m. They think they can run two shifts here, as there is a lot of interest in what this company provides.

Mr. Olivieri then read the June 12, 2023, memo from the Planning Board into the record. They had no comments regarding the petition. The Board of Health letter from June 8, 2023, indicated they had no objection to the change in the name. The Conservation Commission memo from June 8, 2023, indicated there were no wetland issues at this site. He also noted that the Select Board had approved the updated Host Community Agreement, (HCA) at their last meeting. Atty. Kwesell also had no comments regarding the name change.

Mr. Olivieri asked if Board members had any questions. There were none. He noted for the record that the original hours had been Monday through Friday 8:00 a.m. to 9:00 p.m.; Saturday 9:00 a.m. to 6:00 p.m.; and Sunday 10:00 a.m. to 6:00 p.m. As this was in the Industrial Park, he personally did not see any significant issue with the requested hours.

Mr. Youngquist made a motion, seconded by Mr. Noble, to approve the modification of the name change and the extended hours of operation from 6:00 a.m. to 10:00 p.m. The **vote** was **unanimous for**.

The hearing closed at 7:05.

**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 7:05. He advised the applicant had submitted an email requesting the hearing be continued for one month, which he then read the into the record. He noted the applicant had received fairly substantial comments from the Fire Chief and they were reevaluating the project.

Mr. Youngquist made a motion, seconded by Mr. Noble, to continue the NSA Property Holdings, LLC hearing until August 17, 2023. The time would be at 7:00 p.m. The **vote was unanimous for.**

The hearing closed at 7:06.

**Terra hearing – 8 Birch Street**

Mr. Olivieri opened the Terra hearing at 7:06 and read the legal ad into the record. Mr. Olivieri then read comments from the various Town Boards. The July 10, 2023, letter from the Board of Health advised that as long as the addition did not increase the number of bedrooms, the Board of Health had no objection. They requested the applicant supply a layout of the rooms to confirm that fact. The July 17, 2023, memo from the Planning Board had no comment on the petition.

Mr. Tom Terra was present. He advised they were trying to go ten extra feet towards the road. That would leave a 30-foot front setback. As far as the bedrooms, the plan is to only enlarge the ones that are existing. Mr. Olivieri asked if there were any questions. Mr. Youngquist noted that it looks like when the dwelling is expanded, it would not be 20 feet from the septic. He said that if the Board of Health did not have a problem with it, he would also be okay with it. Mr. Terra said that the 20 feet would only be if there was going to be a cellar. That portion of the house would only be a crawl space. There were no additional questions from the Board or audience.

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

1. A floor plan will be submitted to the Board of Health.

The vote was **unanimous for.**

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

The hearing closed at 7:11.

**Documents distributed for the hearing:**

Petition packet  
Legal ad  
Board of Health letter of July 10, 2023  
Planning Board memo of July 17, 2023

The hearing closed at 7:06.

**Chapin hearing – 24 Beechwood Avenue**

Mr. Olivieri opened the Chapin hearing at 7:11 and read the legal ad into the record. Mr. Olivieri then read comments from the Town Boards into the record. The July 10, 2023, letter from the Board of Health advised they had no objection to the proposed addition. The July 17, 2023, memo from the Planning Board had no comment on the petition.

Mr. Chapin was present. He advised that he had bought a small home with 560 square feet. He was looking to increase that to make the home more livable. This home does not have a cellar, so he is trying to create more storage, and increase the square footage to 760 square feet. That would be approximately 15% lot coverage. He would not be further encroaching on any of the setbacks. He also wanted to increase the pitch of the roof from three to six. This is not to increase the living space, but to provide a little more storage space. There were no additional questions from the Board or audience.

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

The hearing closed at 7:14.

**Documents distributed for the hearing:**

Petition packet  
Legal ad  
Board of Health letter of July 10, 2023  
Planning Board memo of July 17, 2023

**Garbitt/Pike hearing – 29 Staples Shore Road**

Mr. Olivieri opened the Garbitt/Pike hearing at 7:14 and read the legal ad into the record. Mr. Olivieri then read the comments from Town Boards. The July 10, 2023, letter from the Board of Health advised they had no objection to the proposed porch or two utility connections. The July 17, 2023, memo from the Planning Board had no comment on the petition.

Mr. Jamie Bissonnette from Zenith Consulting Engineers was present for the applicant. He advised that earlier this year, he was in front of the Board for this property. They had received a Special Permit to raze and construct a new dwelling on the site. During construction, there was an

issue where the house was constructed a couple of feet forward, but still met the setback, but the porch would be closer to the street, than previously thought. They have returned to the Board for a Special Permit or Variance for that. It was also noticed during construction that there were two meters on the house. There is a section in the Zoning By-law that only allows one service. These two meters were existing.

Mr. Olivieri asked if the second meter was for the accessory apartment. Mr. Bissonnette said he believed it was. Mr. Sheedy asked if there had been an accessory apartment prior to construction. Mr. Bissonnette replied there had been a kitchen in the back portion of the house, which led to the mistake of the building going forward. The wall had an internal jog, that had not been caught by the architect, so when the modular house was constructed and set in the front, there was that three-foot jog from the kitchen. Mr. Sheedy asked what the need was for two meters at this point. Mr. Bissonnette said there really isn't one except for the fact that the electricians have already wired the house that way.

Mr. Noble noted it appears that this would now be a multi-unit residence. Mr. Bissonnette said the people that live there have lived there for a long time. It is the mom in the in-law apartment. Mr. Olivieri asked Counsel if the Board conditioned this that it is only to be used by family, would it hold up if someone was to resell it down the road and rent it out? Atty. Kwesell responded the Special Permit will restrict it to family. Mr. Olivieri said the concern is if they have the two meters. Mr. Noble asked what the justification was for the second meter. Mr. Bissonnette said it is a hardship because the work is done. He believed the meter had been on the house before, and it had gone out to a barn in the back. The electricians had tied into it not knowing the Zoning Code.

Atty. Kwesell said it could be problematic by having that second meter because it is no longer accessory and incidental to the main house. Mr. Noble asked what the burden would be to redo the electric. Mr. Olivieri asked if there were any comments from the audience. No one spoke. Mr. Olivieri noted that it sounds like the Board would like to know a little more about what the burden would be. He asked if there were any comments in regard to the first part of the petition. Mr. Resnick asked if all the other utilities would be common. Mr. Bissonnette said they would be. He believed the apartment met all the other criteria for an accessory apartment.

Mr. Resnick asked if the apartment was no longer being used as an accessory apartment, if it could be re-incorporated into a single-family home. Mr. Bissonnette said that he thought they would have to take apart the kitchen, but it could be done. Mr. Olivieri asked if Mr. Bissonnette would like to find out what the burden would be or if he would like him to call for a vote. Atty. Kwesell said that you would need to know what the burden is, to know what the hardship is. Mr. Resnick asked why they couldn't redo the meter box with a single meter feed off both, or a sub-panel. This is a minor fix. Mr. Olivieri said based on Mr. Resnick's and Atty. Kwesell's comments, he would suggest a continuance so Mr. Bissonnette could bring back additional information to measure the hardship.

Mr. Noble made a motion, seconded by Mr. Youngquist, to continue the Garbitt/Pike hearing until August 17, 2023, at 7:00 p.m. The vote was **unanimous for**.

The hearing closed at 7:27.

**Documents distributed for the hearing:**

Petition packet  
Legal ad  
Board of Health letter of July 10, 2023  
Planning Board memo of July 17, 2023

### **Barbosa hearing – 20 Second Avenue**

Mr. Olivieri opened the Barbosa hearing at 7:27 and read the legal ad into the record. Mr. Olivieri then also read comments from the Town Boards into the record. The July 10, 2023, letter from the Board of Health stated they had no objection to razing and building a new two-bedroom home, provided there is a deed restriction limiting the dwelling to two-bedrooms and seasonal use until a year-round potable water supply is available. It noted there was area to install a tight tank. The July 17, 2023, memo from the Planning Board had no comment on the petition.

Mr. Jamie Bissonnette from Zenith Consulting Engineers was present for the applicant. He advised that there is an existing single-family dwelling that the owner would like to tear down and rebuild. In their packet, they should have a set of architectural plans, which show a huge improvement to the property compared to what is there. They are also going to take down a portion of the existing garage and reconstruct a garage in its place. Both structures will be new and code compliant. Mr. Bissonnette advised they have done a tight tank design which has been submitted to the Board of Health for their review and approval. They understood about the potable water supply and that they would need to have year-round water for this to be a non-seasonal dwelling.

Mr. Olivieri asked if there were any comments or questions from the Board. There were none. Mr. Resnick asked if the water supply was accessible in this area. Mr. Bissonnette replied he believed it was. He didn't know if they were able to tap into it yet. His client believes they will be able to tie into it and would intend to do so. They will bring in proof when they have attached to it. Ms. Dawn Collins of 7 Carrie Street asked if this was going to remain a seasonal home. Mr. Olivieri replied it will be only seasonal unless they have water hooked up. They cannot live in it year-round unless they have potable water.

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

The hearing closed at 7:32.

### **Documents distributed for the hearing:**

Petition packet  
Legal ad  
Board of Health letter of July 10, 2023  
Planning Board memo of July 17, 2023

### **LeBaron Residential, LLC – Notice of Project Change**

Mr. Youngquist left the meeting at this time. Mr. Olivieri advised the Board had received a letter regarding a Notice of Project Change. It asks the Board if they feel the change is substantial or

insubstantial. Atty. Mather was present and represented LeBaron Residential. He distributed some additional information for the record. He advised, as they knew, LeBaron was a 40B development that was entering into its 20<sup>th</sup> year of the project. He noted that after a Comprehensive Permit is granted, if there are any changes, a Notice of Project change must be sent to the Board. The Board then has 20 days to decide if the change is substantial or insubstantial. If the Board finds the change is substantial, it requires a Public Hearing. If the Board determines the change is insubstantial, then the request is granted. He advised what they were asking for is a change to Phase 3, which was the 77 single family homes. This phase is nearing completion, except for these three lots which are going to be closest to the next phase, Phase 6. He showed on the plan that there were three lots and a right of way. The developer was negotiating with the owners of the adjoining land, but he was not successful in purchasing it. Therefore, they are now proposing to eliminate the right of way and change the configuration of the three lots. The purpose of this is to provide some separation between Phase 3 and Phase 6. Parcel A will be added to Phase 6.

Atty. Mather noted that this does not change the number of buildings or lots in Phase 3. It will not change the number of units in Phase 6. It was just to provide separation. They respectfully request the Board make a determination that the modification is insubstantial and that a public hearing is not necessary. Mr. Sheedy asked what the plan was for Parcel A. Atty. Mather said there will be no building on it. It may be left as open space or used for parking. Mr. Olivieri asked Atty. Kwesell if she had any comments. She replied that she did not, and noted that the change is not a change that falls under the examples that are found in the regulations. In her opinion, it did not seem substantial, but that was a decision of the Board.

Mr. Resnick added that the right of way provides access to the land behind the house lots and wraps all the way around toward the Town land, and then to where the wetlands are which provides a buffer all through that area. There are a couple of other access points to that property, but given that there is going to be 100 +/- units in the next phase, there should be a plan to have some sort of access from that phase into this woodland. The other issue that has come up, as there are 300 units now with more anticipated, that the developer plan to provide some type of recreation area for the children that are now living there. Atty. Mather noted that there will be an additional access point to the open area at the end of LeBaron Circle.

Mr. Oleksandr Gandzyuk of 80 LeBaron Boulevard said that as a parent, they have been noticing a need of some space so their children are not playing in the streets. He was supportive of what Mr. Resnick had said as a resident and as a parent.

Mr. Noble made a motion, seconded by Mr. Campeau, to consider the change requested as insubstantial. The **vote** was **unanimous for**.

### **Benatti hearing – an appeal related to 434 Bedford Street**

Mr. Olivieri opened the Benatti hearing at 7:49 and read the legal ad into the record. Mr. Olivieri then read comments from the Town Boards. The July 10, 2023, letter from the Board of Health stated they had received a complaint regarding the noise. The Health Agent found that the noise level was not loud enough to warrant a violation. The July 17, 2023, memo from the Planning Board had no comment on the petition.

Atty. Kwesell noted that this is a 40A, Section 15 appeal and the vote would need to be four out of five. The applicant might want to know that there are now only four votes here. Mr. Olivieri said Mr. Benatti could continue the hearing until there was a full board, or he could start the hearing. However, there may be restrictions on who can then participate depending if the hearing is continued multiple times. After discussion and consideration with his daughter, Mr. Benatti said that he would like to continue.

Mr. Noble made a motion, seconded by Mr. Sheedy, to continue the Benatti hearing until August 17, 2023 at 7:00 p.m. The **vote** was **unanimous for**.

The hearing closed at 7:56.

**Documents distributed for the hearing:**

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

**Meeting minutes**

Mr. Sheedy made a motion, seconded by Mr. Noble, to approve the meeting minutes from the May 18, 2023, meeting. The **vote** was **unanimous for**.

Mr. Campeau made a motion, seconded by Mr. Sheedy, to approve the meeting minutes from the June 15, 2023, meeting.

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

**Review and approve local preference letter for 109 Bedford Street**

Mr. Olivieri advised this had been unanticipated and had been added to the agenda. He advised they had a letter asking that there be local preference for this project and read the three preferences into the record. They were for present residents of the Town, employees of the Town, and teachers employed by the School system. Mr. Resnick said Atty. O'Shaughnessy had requested the letter as justification to DHCD to incorporate a local preference. Atty. Kwesell noted that as local preference is in the Decision, Mr. Resnick could just sign it. They would only need the Board's endorsement if they were deviating from the condition, which they are not doing.

There was one more administrative item. The ZBA rules and regulations were distributed. Mr. Resnick said they would be updating these. He said that at a future meeting, they could discuss any comments and any modifications the Board might recommend.

**Next meeting**

The next meeting is scheduled for August 17, 2023, at 7:00 p.m. at the Lakeville Public Library.

## Adjourn

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

Meeting adjourned at 8:01.