

Petition to be  
filed with Town Clerk

TOWN OF LAKEVILLE  
MASSACHUSETTS

ZONING BOARD OF APPEALS  
PETITION FOR HEARING

EXHIBIT "A"  
**RECEIVED**  
JUN 2 2023  
**BOARD OF APPEALS**

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: 774-766-2241  
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.

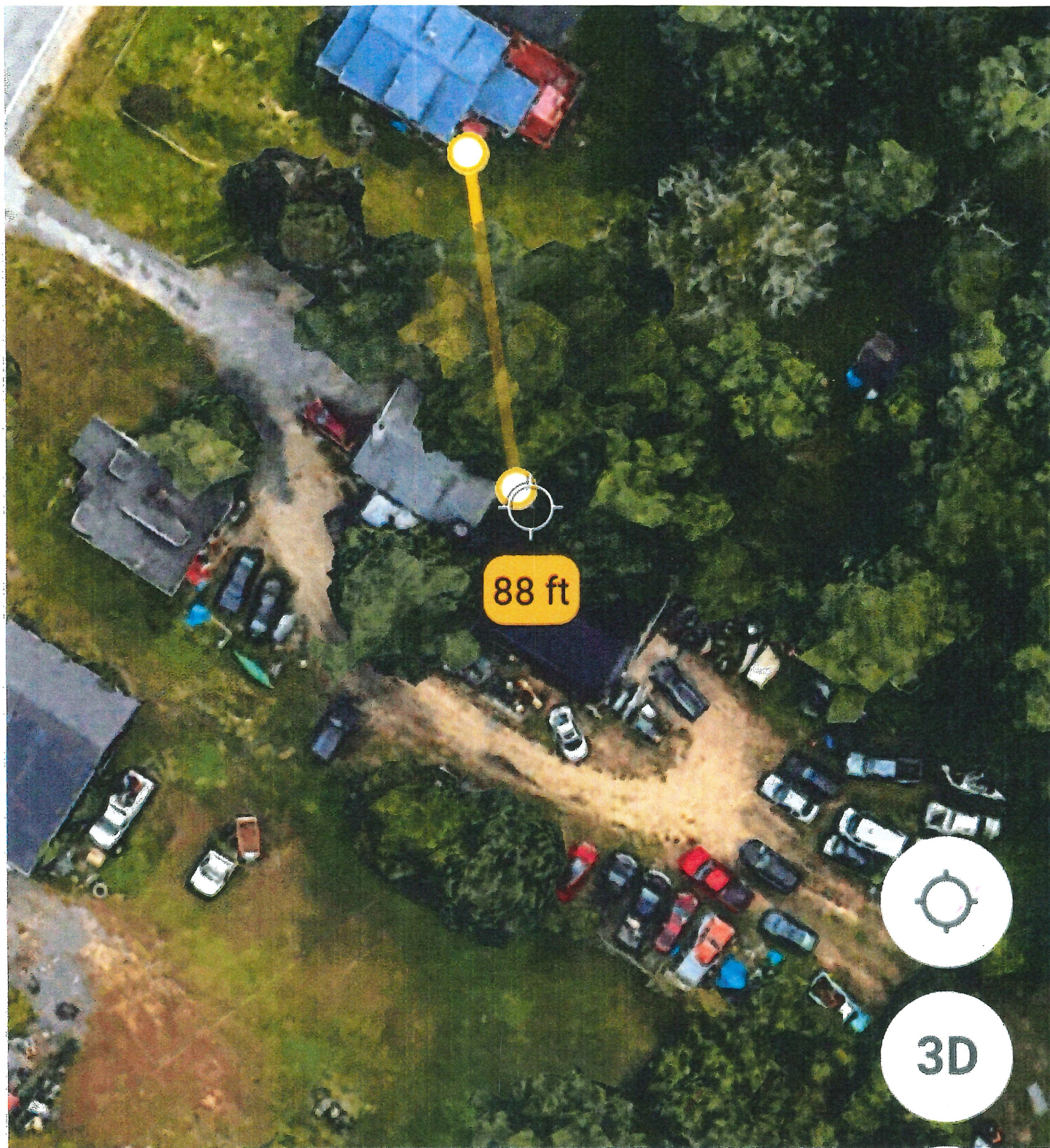
I expect that you will now do the right thing and protect my family against the noise and other truck issues associated with this illegal operation by any means at your disposal. My wife and I are retired after working for 50 years and ourselves and grandchildren (one autistic) need to be able to enjoy 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)









# Bedford Street Engine Services

5.0 ★★★★★ (9)

Auto repair shop in Lakeville,  
Massachusetts

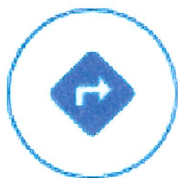


OVERVIEW

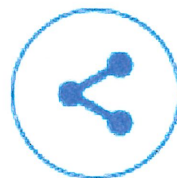
REVIEWS

PHOTOS

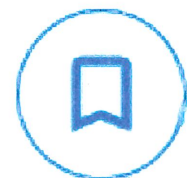
ABOUT



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**

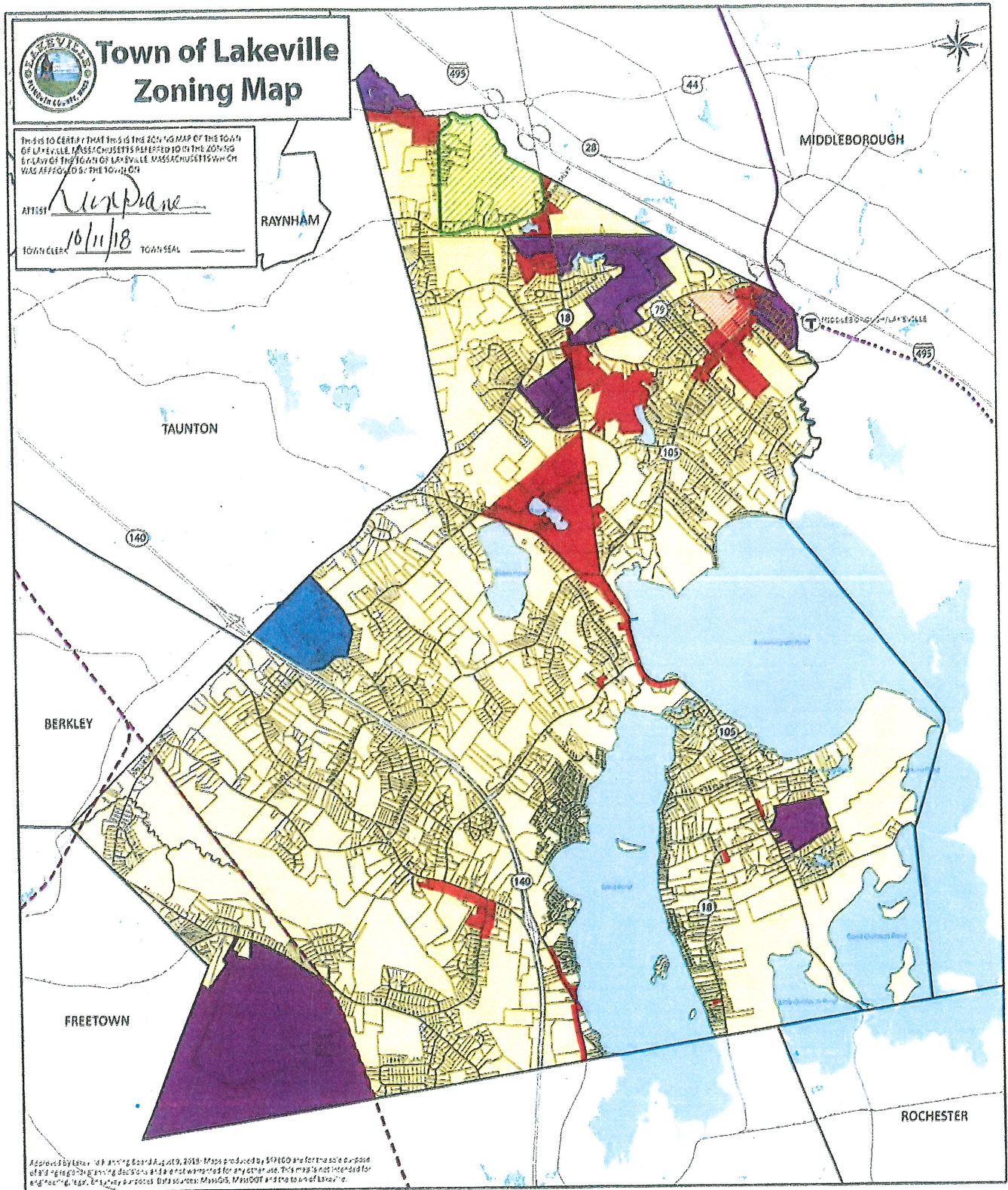
	<b>R</b>	<b>B</b>	<b>I</b>	<b>I-B</b>
Accessory Apartment (Adopted 6/15/2009, approved by Attorney General 8/18/2009)	Y	SP	N	SP
Single-family, detached dwellings	Y	SP	N	SP
Farm, garden, greenhouse or nursery, including the display and sale of natural products; when involving the raising and keeping of 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 <b>other than allowed in 8.7.1 and 8.7.2</b> *(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)	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

## 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 that I understand that if it is necessary for the Town of Lakeville to take action in the courts, I hereby agree to testify as a witness in Lakeville, Massachusetts.

JOHN BENATTI  
PRINT NAME (S)

John Benatti  
SIGNATURE (S)

ORIGINAL  
COMPLAINT FORM  
NEVER ANSWERED





# Town of Lakeville

## COMPLAINT FORM

Date:

~~NOV 8, 2022~~  
~~70/20/22~~  
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 #

774-766-2241

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 HASKELL

Property owner's mailing address:

434 BEDFORD ST. LAKEVILLE MA

Date(s) of alleged violation(s)

On - GOING EVERY DAY, SOMETIMES NIGHTS + WEEKS

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.

PRINT NAME (S)

JOHN BENATTI

SIGNATURE (S)

*John Benatti*

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