

TOWN OF LAKEVILLE
Planning Board Meeting Minutes
April 7, 2016

On April 7, 2016 the Planning Board held a meeting at 7:30 PM at the Town Office Building in Lakeville. The meeting was called to order by Chairman Hoeg at 7:30 PM. Planning Board Members present were: Brian Hoeg, Sylvester Zienkiewicz, Janice Swanson, Peter Conroy and Pauline Ashley, Recording Secretary. LakeCam was recording.

142 Bedford Street Hearing Residential to Business

Brian Hoeg – notice as it appeared in the Middleboro Gazette on March 24, 2016 and March 31, 2016 was read by Brian. Janice Swanson – there is business in the area now. Brian Hoeg – does anyone question? Peter Conroy – I personally believe it is a good fit for business.

Upon a motion made by Janice Swanson and seconded by Peter Conroy, it was:

VOTED: To recommend to the Board of Selectmen that the following parcel 025-006-006 142 Bedford Street - .74 acres be changed from Residential to Business at the next annual town meeting. Vote was unanimous

Chairman Brian Hoeg –At this time I would entertain a motion to close the hearing.

Upon a motion made by Sylvester Zienkiewicz and seconded by Peter Conroy it was

VOTED: To close the hearing. Vote was unanimous.

Ledgewood Estates

Pauline Ashley – the 21 day appeal period has passed concerning this sub-division. Original plan was sent to the Clerk's Office on February 24, 2016. Covenant dated March 4, 2016 was received. Plan signed as submitted.

Bills

Brian Hoeg – I have a bill for services rendered in the amount of \$441.32.

Upon a motion made by Sylvester Zienkiewicz and seconded by Peter Conroy it was

VOTED: To approve the bill for services rendered in the amount of \$441.32. Vote was unanimous.

Nomination of Chairman

Upon a motion made by Sylvester Zienkiewicz and seconded by Peter Conroy it was

VOTED: To defer the nomination of chairman until a full Board was present. Vote was unanimous

Proposed Zoning By-Law Amendments for FY Annual Town Meeting Hearings

Brian Hoeg – notice as it appeared in the Middleboro Gazette on March 24, 2016 and March 31, 2016 was read by Brian. At this time I think it would be best to take each change individually

1.1

To see if the Town will vote to amend the Zoning By-Laws, Section 1.1 “Purpose of Zoning By-Law”, to delete certain language, shown in strikethrough, and to insert new language, shown underlined, as follows:

1.1 This By-Law, which ~~may~~shall be known and cited as the Lakeville, Massachusetts Zoning By-Law, is hereby adopted for the purpose of promoting health, safety, convenience, morals and/or welfare of the inhabitants of the Town of Lakeville, for lessening the dangers of congestion and fire, to conserve the value of the land and buildings, to encourage the most appropriate use of land and for other purposes stated in Chapter 40A of the General Laws of the Commonwealth of Massachusetts, as amended from time to time.

or take any other action relative thereto.

Upon a motion made by Peter Conroy and seconded by Janice Swanson it was

VOTED: To recommend approval of the same at the annual Town Meeting. Vote was unanimous

5.2.2

To see if the Town will vote to amend the Zoning By-Laws, Section 5.2 “Footnotes to Intensity Requirements”, subsection 5.2.2, to delete certain language, shown in strikethrough, and to insert new language, shown underlined, as follows:

5.2.2 Any portion of a lot which is less than fifty (50) feet in width or depth when measured ~~perpendicular to any property line~~from any point on a property sideline to any other point on an opposite sideline shall not be included in the determination of the required minimum area and/or frontage.

or take any other action relative thereto.

Upon a motion made by Peter Conroy and seconded by Sylvester Zienkiewicz it was

VOTED: To recommend approval of the same at the annual Town Meeting. Vote was unanimous.

6.11

To see if the Town will vote to amend the Zoning By-Laws, Section 6.1 “Non-Conforming Uses, Structures, and Lots”, subsection 6.1.1, to delete certain language, shown in strikethrough, and to insert new language, shown underlined, as follows:

6.1.1 Abandonment/~~Non-Use~~-A non-conforming use, building or structure, other than single and two-family residential structures, which has been abandoned or ~~discontinued~~not used for a period of two (2) years, ~~shall not be re-established~~lose

its protected status and any future use shall conform with the By-Law, except in the case of land used for agriculture, horticulture, or floriculture, where such non-use shall have existed for a period of five (5) years; provided, however, that by the issuance of a Special Permit, the Zoning Board of Appeals may reestablish the protected nonconforming status of such use, building or structure.

A single or two-family residential structure, which has been abandoned for a period of two (2) years, shall lose its protected status and any future use shall conform with the By-Law; provided, however, that by the issuance of a Special Permit, the Zoning Board of Appeals may reestablish the protected non-conforming status of such use, building or structure.

or take any other action relative thereto.

Brian Hoeg – does anyone have any comments or concerns? Peter Conroy – it speaks to re-issuance of a permit. No new permits would be issued. Sylvester Zienkiewicz – the special permit authority is the ZBA. Janice Swanson – I personally find it is hard to read. Brian Hoeg – I think it is good. Janice Swanson – I think it is good but I find it hard to understand. Sylvester Zienkiewicz – you are not establishing something. Janice Swanson – it will be part of the conditions. Sylvester Zienkiewicz—a Special permit says that you do not have the right, It needs to be on the special list. Peter Conroy – what would you write? Sylvester Zienkiewicz -- It should have a limit. A special permit should be granted. Bill Markson – Donovan established a business that should not have been – he abandoned the business, if he came back he should have been denied. Janice – what is that you want? Sylvester Zienkiewicz – open end permits will make more trouble than it would solve.

Upon a motion made by Peter Conroy and seconded by Sylvester Zienkiewicz it was

VOTED : To: recommend approval of the same at the annual Town Meeting. Vote was unanimous.

6.1.2

To see if the Town will vote to amend the Zoning By-Laws, Section 6.1 “Non-Conforming Uses, Structures, and Lots”, subsection 6.1.2, to delete certain language, shown in strikethrough, and to insert new language, shown underlined, as follows:

6.1.2 Limitation on Restoration- A non-conforming structure which has been unintentionally destroyed by fire or other act of God may be reconstructed. The reconstructed structure shall either be placed no nearer to the street any property line than the structure which it replaces, or ~~the reconstructed structure~~ may be extended up to the limits of the Intensity Regulations of Section 5.0 of the current By-Law. Wherever possible, the reconstructed structure shall conform to the Intensity Regulations of Section 5.0 of the current By-Law.

or take any other action relative thereto.

Upon a motion made by Peter Conroy and seconded by Janice Swanson it was

VOTED : To recommend approval of the same at the annual Town Meeting. Vote was unanimous.

6.1.3

To see if the Town will vote to amend the Zoning By-Laws, Section 6.1 “Non-Conforming Uses, Structures, and Lots”, subsection 6.1.3, first paragraph, to delete certain language, shown in strikethrough, and to insert new language, shown underlined, as follows:

6.1.3 Extension- Pre-existing non-conforming structures or uses may be changed, extended or altered by Special Permit from the Board of Appeals, finding that such change, extension or alteration is not substantially more detrimental than the existing non-conforming structures or uses.

or take any other action relative thereto.

Upon a motion made by Peter Conroy and seconded by Janice Swanson it was

VOTED: To recommend approval of the same at the annual Town Meeting. Vote was unanimous.

7.41

To see if the Town will vote to amend the Zoning By-Laws, Section 7.4 “Special Permits”, subsection 7.4.1, to delete certain language, shown in strikethrough, and to insert new language, shown underlined, as follows:

7.4.1 Certain specific uses, buildings and structures identified in other sections of this By-Law shall be allowed to be located, relocated, altered or substantially expanded in specified districts only upon the issuance of a Special Permit by the Special Permit Granting Authority, as designated herein. Special Permits shall only be issued for uses, buildings and structures which are in harmony with the general purpose and intent of this By-Law and subject to its general or specific provisions and only if the Special Permit Granting Authority finds that the following conditions are met:

or take any other action relative thereto.

Upon a motion made by Peter Conroy and seconded by Janice Swanson it was

VOTED: To recommend approval of the same at the annual Town Meeting. Vote was unanimous.

Upon a motion made by Sylvester Zienkiewicz and seconded by Janice Swanson , it was:

VOTED: To close the hearing on the Zoning changes Vote was unanimous.

William Markson - Form A

Brian Hoeg – This is a Form A concerning the property on County Street. Does anyone have any questions or comments. We are cutting off the front and putting it all together. A check has been submitted in the amount of \$200.00

Upon a motion made by Sylvester Zienkiewicz and seconded by Peter Conroy it was

VOTED: To sign the Form A as submitted. Vote was unanimous.

Site Plan Lakeville Self Storage

Brian Hoeg – This is a plan on behalf of Lakeville Self Storage. Jason Youngquist is here on behalf of the petitioner. Jason Youngquist – this is for four additional buildings on the parcel that you just created. I have shown the wet line. The runoff is to 2 additional basins. There is a grass swale before the basin. There will be no additional flow to the septic. This is figured on a 100 year storm. We are using Geremo Thermo heating. Jeremy Peck had a few suggestions which we are willing to work on. Brian Hoeg – is this the definitive plan. Jason – yes. Brian Hoeg what do you have for lights. Jason Youngquist. We do not have a lighting plan right now but will get one to you. Janice Swanson – what about the landscaping in the front? Bill Markson – We removed all of the small trees but all of the large trees have been destroyed by the caterpillars. Jason Youngquist – we are not planning on any plantings. Janice Swanson – are you going back to conservation? Jason Youngquist -- The wet line has been approved and we are planning on going back next week or the week after. Brian Hoeg – what about snow? Jason Youngquist - yes. Peter Conroy – all roads are adequate for fire trucks all the way around. What about the garage. Bill Markson – the setback from the front line of the house. Brian Hoeg – are both basins the same depth. Jason Youngquist – roughly . Brian – the fee will be \$250.00 Peter Conroy – the lighting will be the same as it is presently.

Upon a motion made by Peter Conroy and seconded by Sylvester Zienkiewicz it was

VOTED: To sign the Site Plan as submitted. Vote was unanimous.

Maroney – Form A

Brian Hoeg – This Form A concerns Lot 11 on Robbins Lane. Jason Youngquist -- He would like to cut this parcel off. Brian Hoeg --Does anyone have any questions or comments. Mr. Farrell was the original owner. A check has been submitted in the amount of \$200.00

Upon a motion made by Peter Conroy and seconded by Sylvester Zienkiewicz it was

VOTED: To sign the Form A as submitted. Vote was unanimous.

Baldie's

Jason Youngquist – They have a tenant and they are looking at having an area 14 x 40 off the back basically for more storage. It will have no impact on drainage. Q P Construction (Mike

Chiuppi) – Mike wanted to make more storage. Peter Conroy -- no exterior door. Mike Chiuppi – I may move it for him. It can be moved very easily. He needs an entry coming off the back. That way they both will get the space they need. Brian Hoeg – has Nate made any comments on these changes. Mike Chiuppi – I am waiting to get your comments before going to him. Both of them need more space and it will be the perfect solution. That is the employee's bathroom . He has 3 bathrooms and a lot of sinks in there. We are going to take out the doors that are there and put in windows.

Upon a motion made by Peter Conroy and seconded by Janice Swanson it was

VOTED: To sign the revision to the plan as submitted. Vote was unanimous.

Cedar Pond

Pauline –Debbie has informed me that because of the delay in retuning the funds to Jacobi on Cedar Pond there is a small balance. She asked that we give her permission to return it to Jacobi. If it is agreeable with the Board I will give her a letter authorizing her to be able to do so.

Adjournment

Chairman Brian Hoeg –At this time I would entertain a motion to adjourn

Upon a motion made by Janice Swanson and seconded by Peter Conroy , it was:

VOTED: To adjourn the meeting at 10:45 PM.
Vote was unanimous.